The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. That is 7½ minutes remaining in opposition. The PRESIDING OFFICER. That is correct.

Mr. GREGG. There is story after story for everything in this country. The problem is, to start funding all the stories, we will run out of money and tax our kids so they cannot afford it and tax ourselves so we cannot afford it. The issue is setting priorities. The President has suggested a priority in the area of CDBGs. I suspect this Congress is not going to accept that priority, but it should function within the caps that have been set in order to decide whether it chooses that priority.

This is a reasonable approach, to set a cap and then say to the Appropriations Committee, you decide whether CDBGs make more sense than some other program that would compete for the same amount of money. I will not vote for either of these amendments, but if I had to vote for one or the other, I would be more inclined to vote for the one from the Senator from Minnesota because he does not impact caps and takes it out of something called 800 which is the general operation of the Government which means basically a cut to IRS and other operating accounts within the Government.

I don’t think that should be the way we should approach this. We should, rather, allow the Appropriations Committee to make decisions on this and we should not be arbitrarily in the Senate reallocating money from IRS over to the CDBG Program on the basis of anything, including stories.

I understood the Senator from Maryland wanted a couple of minutes. I yield the Senator 2 minutes.
the Senate. That point of order has been incorporated in budget resolutions for several years now. It was put in place to curb what was seen as an overuse of the emergency designation to escape the limitations of the caps on discretionary spending. It has served successfully to impose restraint on emergency designations.

But now, in this resolution, the distinguished chairman of the Budget Committee has included, in addition to that requirement, the further requirement that the President must also designate the appropriation as an emergency in order for it to escape being counted against the budget resolution caps for discretionary spending.

While it is true the Presidential designation was part of the process in the original Budget Enforcement Act of 1990, that legislation was a comprehensive measure with a number of budget enforcement provisions, and was before the three-fifths or 60-vote requirement had been imposed on the process. It seems to me we do not need both the 60-vote requirement and the new Presidential designation requirement.

Let me suggest a hypothetical situation. Let us say this provision were in place today takes up the President’s emergency supplemental request, which has been passed by the other body. Let us say that an amendment is offered on the floor to address an emergency situation not included in the President’s request. The emergency designation is challenged by a point of order here in the Senate, and, further, that an overwhelming majority of the Senate votes to approve the emergency designation. Despite the size of the vote in the Senate, so long as it is over 60, and even if the President signs the bill into law, if the President declines to specifically and expressly concur with the emergency designation, the appropriation will be counted against the discretionary cap by the Budget Committee scorekeepers. This is even though the President approves the appropriation.

My suggestion is by signing the bill the President approves the decision of the Congress that the funds are needed, and that they should be spent, and that they are needed to address an emergency.

So despite a substantial majority vote here in the Senate on a particular appropriation provision, despite congressional approval of an appropriations bill, including its emergency designation, and despite the President signing the bill, approving the bill with this provision in it, the President can effectively null the request, and its emergency designation is challenged by a point of order here in the Senate relative to the caps on spending set by Congress in its own budget resolution.

I believe the inclusion of this additional requirement on Presidential power should be struck. By its inclusion in this resolution, we should enforce our budget provisions with the 60-vote point of order as provided by our rules and under the law. Congressionally imposed caps on spending should be set and enforced by Congress, not by the President.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time in opposition?

Mr. GREGG. Madam President, I rise in opposition.

Mr. BYRD. Madam President, will the Senator yield?

Mr. GREGG. How much time would the Senator need?

Mr. BYRD. Two minutes.

Mr. GREGG. Madam President, I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator, the chairman of the committee, for his characteristic courtesy.

I rise, Madam President, to express my admiration for Senator COCHRAN as he assumes the duties of chairman of the Appropriations Committee. Today, I stand with Chairman COCHRAN in support of his amendment concerning the authority of Congress to designate funding as an emergency.

In the Constitution, there is no ambiguity about which branch of Government has the power of the purse. It is the congressional power of the purse which is the central pillar of the system of checks and balances under our Constitution. The budget resolution that is before the Senate includes a provision that authorizes the ability of the Congress to designate funding as an emergency subject to the approval of the President.

The measure that is before the Senate is a budget resolution. It is not a law. It will not be sent to the President for his approval. The Congress should not use a budget resolution to tie its own hands on spending decisions. The Congress should not tie its own hands in determining whether an expenditure for war, or an expenditure for victims of a flood, hurricane, or earthquake is an emergency. The Senate should not have to get on its knees and plead with any President for his permission to designate a provision as an emergency. The Congress is a coequal branch of Government under our Constitution, and it should jealously guard the prerogatives associated with the power of the purse, so wisely preserved for the legislative branch by our Founding Fathers.

If the Senate wants to provide emergency funding for agriculture disaster relief, or for responding to a recent flood or hurricane, or to provide additional funding to the Department of Defense for body armor, it must have that authority. That’s what the Cochran amendment makes clear Congress retains that authority.

I urge adoption of the amendment.

Again, I thank the chairman.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. GREGG. Madam President, a lot of folks around here talk about budget reform, and this is budget reform in that it returns us to the days when the President was treated essentially this way, back under President Clinton, under President Bush the first. I think it is important to know what the issue is.

The issue is not defense spending, because the proposed budget point of order and the Presidential involvement does not apply to defense spending. So with regard to the supplemental that is coming at us, the majority of which is for spending, I don’t foresee that. It is nondefense areas where basically emergency designations are used to avoid the cap.

The cap is the enforcement mechanism on the discretionary side. There are going to be instances where we are going to have to go through the cap because there are legitimate emergencies—hurricanes, the tsunami. But the simple fact is, there are also instances where we have used the emergency designation such as for oyster farming, where maybe they were not quite emergencies, and yet they allowed the cap to be avoided for that spending item.

This tries to put some balance back into the process of when we are going to have domestic emergencies and when we are not, and making sure the President is part of that process, which has traditionally been the way we did it around here. So I think it is reasonable to change.

I understand the chairman and the ranking member of the Appropriations Committee are concerned because it may well impact them, although I suspect with this President they will be able to work out an understanding that they will agree on. But I do think it is an enforcement mechanism that is appropriate at this time.

Madam President, do I have any time left?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. GREGG. I yield that back.

The PRESIDING OFFICER. Time is yielded back.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that following this debate which has just been completed, the following times be allocated specifically for Members to offer their amendments; provided further, that if the Senator is not here during the allocated time, the clock run against the time reserved for the amendment. I send a list of those allocations to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I inquire, I believe in the order of matters it is appropriate now to consider amendment No. 177, and there is a 15-minute time limit on it. Am I correct?

The PRESIDING OFFICER. There is a 15-minute time limit on the education amendment. Does the Senator call up the amendment?
Mr. KENNEDY. Yes, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

[The text of the amendment is not provided in the image.]
Finally, for every 100 ninth graders, 68 of those graduate from high school out of every 100; 40, when they graduate, will enroll in college. Only 27 will stay enrolled as sophomores, and only 18 graduate from college on time out of the last 20.

Money is not the only answer. Money in a number of instances isn’t the answer. But investing in resources is an indication of our national priority. It does seem to me that we can afford the $5.4 billion in tax reduction that would put with the close of tax loopholes which has been accepted by the Senate in a proposal that also includes $71 billion in tax reductions for individuals. That is what this whole proposal is about.

That is what this budget is about: the question of priorities. This is a $5.5 billion investment in our children, off-set—not increasing the deficit—with the closing of tax loopholes which has been accepted by the Senate in a proposal that is already providing $71 billion in tax reductions. It does seem to me that the closing of tax loopholes and the closing of tax loopholes that would put with the close of tax loopholes would provide a number of instances in the values of the American people. Five billion is a lot, but we know that investing in young people, investing in math and science, is key to our future. It seems to me to be something that the American people should and will support. I hope this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GINGRICH. Mr. President, the Senator from Massachusetts is correct. Money does not solve the problem of education. If it did, the city of Washington would have the finest schools and the best academic experience in the country instead of the worst. The students regrettably score at the bottom of the Nation year in and year out. Yet on a per capita basis, more money is spent per child here in Washington than anywhere else in America: $12,000 a year per child. I congratulate the President for trying to address the issue through creating choice within the school system. But that is a fact. Money does not necessarily solve education problems.

However, in the area of money, this Presidency has done a dramatically better job than the prior President in his commitment to increasing education dollars. Since coming into office, President Bush’s increase in education exceeds that of President Clinton by 52 percent. His increase in IDEA funding exceeds that of President Clinton by 75 percent. His increase in funding of No Child Left Behind exceeds President Clinton’s in approximately the same programs by 36 percent. In this budget proposal, the President has proposed adding another $500 million in IDEA, $600 million in title I, $1 billion in No Child Left Behind, and half a billion dollars into Pell grants.

In addition, this budget itself sets up the process for significant increases in funding in the Pell grant area so that we can get to a $14,150 grant next year. And if we follow the proposal of this budget, we will get to a $5,100 grant for people who use Pell grants and go to college for 4 years and complete their schooling.

In addition, we will put in $5.5 billion, approximately, in order to reauthorize the Higher Education Act. And yes, it is paid for in large part, but it is paid for by basically ratcheting down on lenders. I suspect the Senator from Massachusetts will be comfortable with this as Senator RICHARD KENNEDY ENZI comes up with in committee. So the education commitment of this administration has been extraordinarily strong, and this budget puts forth some very creative and unique ideas for going forward on that aggressive approach.

This amendment is not the way to proceed. The Senator from Massachusetts will never be a wilting violet on the concept of increasing taxes. This amendment will add $5.4 billion to the track record as it increases taxes by $10.9 billion. In fact, the entire other side of the aisle has not been much in the way of wilting violets on the issue of increasing taxes.

So far we have had approximately seven amendments that we have accounted for. I think there are a lot more floating around here that we have not yet accounted for that had they been passed or if they are passed—four of them, as the President mentioned—would have added $47 billion. That doesn’t count this $10 billion. So we are up to almost $60 billion of new taxes that has been proposed so far. I suspect that number is understated because I think we are missing five or six amendments that had been suggested in the last few hours late last evening.

So there is no question but there is a philosophy on the other side of the debate which is trying not to subscribe to, which is trying to address the issue through creating choice within the school system. But that is a fact. Money does not necessarily solve education problems.

What the President has suggested specifically is that the core educational initiatives of the Federal Government—No Child Left Behind, title I, special education, Pell grant, higher education—will be funded extremely aggressively. The Congress may not decide to choose to follow that course of action, but at least we should go forward with the concept that we are going to set the priorities within a budget that we can afford and not break that budget and raise taxes on the American people.

Therefore, I oppose this amendment. I yield back the balance of my time.

Ms. COLLINS. Mr. President, I am pleased to join Senator KENNEDY’s amendment to increase education funding in the budget by $5.4 billion. This amendment will provide additional budget authority for the purpose of addressing many important education needs, including ensuring continued funding for TRIO, GEAR UP, and Perkins vocational education. In addition, this amendment will include the raise in the Pell grant award to $4,500 this year, which is one of my top legislative priorities for this year.

Our system of higher education is in many ways the envy of the world, but the benefits have not been equally available. Unfortunately, it is still the case that one of the most determinative factors of whether students will pursue higher education is their family income. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less than $25,000.

To help remedy these inequities, the Federal Government has wisely invested in a need-based system of student financial aid designed to remove these economic barriers. Central to this effort for the past 30 years has been the Pell grant program. The Pell grant program is the single largest source of grant aid for postsecondary education funded by the Federal Government. It provides grants to students based on their level of financial need to support their studies at the institutions they have chosen to attend.

I have long supported efforts to raise the Pell grant maximum award. I am pleased by the efforts of the Budget Committee to provide a $100 increase in the Pell grant maximum award for this year. But I believe it is imperative that we succeed in providing a more substantial increase in the maximum grant this year.

That is why, as my first legislation of this year, I introduced Senate Resolution 8, calling on the Senate to increase the Pell grant to $4,500 this year. I am very pleased to have Senators FEINGOLD, COLEMAN, KENNEDY, and DURBIN joining me as cosponsors of this resolution. They are all leaders in the effort to expand access to higher education.

The amendment before us builds on the efforts of my resolution, by following up to ensure sufficient budget authority to meet this goal.

While I understand that we face many difficult decisions on the budget resolution before us, I believe that a $4,500 increase is an reasonable and achievable goal for this year—especially in light of the fact that the Pell maximum grant has gone essentially unchanged for 4 years. After receiving a modest increase of $50 in 2002, the maximum award has been stuck at the $4,050 level for 2003, 2004, and 2005.

In the meantime, the cost of attending college has continued to rise. The combination of these factors over the past 4 years has led to a significant erosion in the purchasing power of the Pell grant, and has forced students to rely increasingly on loans to finance their higher education.
In 1975, the maximum Pell grant covered approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers less than 40 percent of these costs, forcing students to make up the difference by taking on larger and larger amounts of debt. The value of grant aid and the growing reliance on loans have serious consequences for access to higher education for low-income students. The staggering amount of loans causes some students to abandon their plans to attend college altogether. According to the College Board, low-income families are significantly less willing, by almost 50 percent, to finance a college education through borrowed money than their wealthier counterparts.

That does not surprise me. Many working families in Maine are committed to living within their means. Understandably, they are extremely wary of the staggering amount of debt that is now required to finance a college education.

I also know this to be true from my experiences as a college administrator at Husson College in Maine. At Husson, 85-90 percent of students currently receive some sort of Federal financial aid, and, typically 60 percent of students receive Pell grants.

As Linda Conant, the financial aid director at Husson told me:

"You cannot imagine how difficult it is to sit with a family and to explain to them the amounts they are required to finance a post-secondary degree. It scares them. That is why Pell grant aid is so important for low-income families. For these families, loans don’t always work, but Pell does."

We also know that having a well-educated workforce is crucial to our economic future and competitiveness in the global economy. The Bureau of Labor Statistics has projected that over the next 10 years, there will be significant job openings requiring at least some post-secondary education. So increasingly, higher education is going to be necessary to ensure employability and to prepare Americans to participate in tomorrow’s economy.

That is why Pell grants are so important. Pell grants make the difference in whether students have access to higher education, and a chance to participate fully in the American dream.

Mr. President, Pell grants are targeted to the neediest of students—recipients have a median family income of only $15,200. An additional $450 in Pell grant aid may very well be the deciding factor on whether these students can pursue their college dreams.

The Pell grant program is the foundation of making good on the American promise of access to higher education. Now is the time for us to make a commitment to raising the Pell maximum award to $4,500 for the upcoming award year. I hope that my colleagues will join me in supporting this amendment.

Mr. REED. Mr. President, I am pleased to cosponsor Senator Kennedy’s amendment to the, fiscal year 2006 budget resolution. This amendment would ensure the necessary investment in education to secure our Nation’s continued prosperity.

This amendment would focus on three areas critical to boosting educational opportunity and our economy. First, it would make college more affordable and accessible. The amendment would raise the maximum Pell grant by $450, to $4,500, a long overdue and necessary increase for millions of students who are struggling to keep up with ever-rising college tuition. It would also restore a host of programs that give low-income Americans a lifetime to college. The President seeks to eliminate programs like TRIO, GEAR UP, and LEAP, which have opened doors for students who otherwise might never consider a college education, let alone be able to afford it.

Second, this amendment would make a crucial difference for high-need schools. We cannot remain global leaders in technology if we do not maintain a world-class standard of education in math and the sciences for all students. Yet we have a shortage of highly qualified teachers in these very areas. This amendment would use loan forgiveness as an incentive to attract and retain 57,000 teachers in math, science, and another woefully understaffed arena, special education.

Finally, this amendment would ensure the future competitiveness of the workforce by preserving investments in workforce development, adult literacy, and vocational education. In voting to reauthorize and improve the Carl D. Perkins Career and Technical Education Act, 99 Senators just last week recognized the indispensable nature of the act, despite the President’s efforts to eliminate it. With this amendment we can restore funding for Perkins programs as well as for job training and literacy programs that give adults the tools they need to be economically productive.

The investment in these common sense measures is one we cannot afford to forego. I urge my colleagues to join me in voting for this amendment.

**AMENDMENT NO. 234**

The PRESIDING OFFICER (Mr. EN-SIGN). There will now be 30 minutes of debate equally divided on the Baucus-Conrad amendment on agriculture.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

"The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 234."

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

**Purpose:** To ensure that legislation to make cuts in agriculture programs receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures.

On page 28, strike lines 14 through 20.

Mr. BAUCUS. Mr. President, this amendment is critical to my home State of Montana and to most States in the Nation. It is agriculture. Agriculture is the financial engine that drives, certainly, my State’s economy. It brings in $2 billion of annual revenue plus benefits to rural communities and to our State generally. One in five Montana workers is employed in agriculture or a related field.

But this amendment is important not just to Montana; it is important to the Nation. America’s agricultural producers provide us with the safest and highest quality food supply in the world. We all know that. It is worth remembering. Sometimes we take things for granted. Our agricultural producers in America provide us with the safest, highest quality food supply in the world. Americans are extremely fortunate to enjoy these benefits.

Agriculture is a small part of the Federal budget, but it is expected to shoulder huge cuts, very disproportionate cuts in this budget resolution.

The Senate budget resolution calls for a reduction in mandatory agricultural programs of $5.4 billion over 5 years. The budget resolution puts $2.3 billion of those savings on fast track through reconciliation.

I was one of the farm bill negotiators and supporters of that legislation, but I disagree with some of the provisions within the law. The 2002 farm bill represented a delicate balance between diverse interests. It was very tough to put that together. The 2002 farm bill was a 5-year bill, a multi-year bill, but a 6-year bill, and people had reason to expect it settled farm policy for 6 years. People have to plan, to have a sense of what is going on. It is not just farmers, but bankers, equipment suppliers, and farm implement dealers. Producers and bankers who made financial decisions to enter into contracts with the understanding that the farm bill would not be renegotiated until 2007, that was their understanding.

If Congress proceeds with the agriculture cuts in this budget resolution, we will be cutting nutrition, not just the six basic crops in the farm bill, but cutting nutrition, conservation, and forestry programs. These cuts are not directed solely at the commodity programs. In fact, they are directed at many other segments of the whole agriculture bill.

The Senate should put off the policy discussions that are behind these cuts until we begin debate on the new farm legislation. This is not the appropriate time to debate these policy discussions, not in the budget resolution to cut for the sake of cutting. The commitment
that Congress and the President made to farmers, to conservatives, and the neediest in our society should be maintained until a new farm bill is developed.

Proposed mandatory spending cuts will all but disappear during trade negotiations, especially our agricultural trade negotiators. The United States recently lost its appeal of the World Trade Organization dispute panel decision concerning domestic cotton. It is not widely known, but it should be well understood, the implications of that decision.

At the same time, we are negotiating a new global trade agreement with the WTO, of which agriculture is a critical part. That decision is going to put our agricultural producers and our agriculture program in jeopardy. We should, therefore, not commit to the substantial agriculture policy changes that this resolution would require while we are engaged in those trade talks. It is not unilateral disarmament. It makes no sense, and I cannot understand for the life of me why this budget resolution unilaterally disarms our farmers before we go into negotiations. Some argue the proposed cuts are necessary for our negotiators because they demonstrate to other countries that the United States is serious about agriculture reform.

I have learned through very hard, bitter experience that no country altruistically disarm agriculture just as the trade talks are underway to disarm. We should not unilaterally disarm. We should not unilaterally disarm our agriculture program, they have cut their supports, so we Europeans do not have to go quite so far. I tell you, it makes no sense, no sense whatsoever for this Congress to pass a budget resolution which cuts agriculture by such a dramatic amount.

In 2002, total EU domestic supports plus export subsidies totaled $37 billion. What was ours? What was the U.S. comparable figure? It is about $17 billion. Look at that: Europeans have twice the amount of agricultural support payments that we have, twice as much as the United States has—more than twice as much as the United States has. Yet we are talking before this body and saying we are going to cut agriculture even more, while the Europeans have close to three times the amount of subsidies we have. I do not think that makes much sense.

The fact is, agriculture has already contributed substantially to deficit reduction. We are facing competition on what the farm bill called for. We are $16 billion below what the farm bill anticipated. If the national media ever reported something incorrectly, they reported incorrectly the effect of the last farm bill on agriculture. You would have thought, reading the national press, that agriculture got an enormous increase, a 60-percent increase. Wrong. Agriculture did not get an increase. Agriculture got less than half. That is why it is wrong to say that the disaster bills we had been reporting and passing year after year. Here is the pattern of farm program spending, and this shows the spending went down. It did not go up. The national media just got it wrong.

We also lose bargaining power to push for changes to the European's agricultural policy. That policy transformed postwar Europe from the world's largest food importer to one of the world's largest net exporter of agricultural products. Let me state what happened. This pretty much demonstrates what happened in this country, why agricultural producers in the United States are in a tough shape. In the 1970s, the European Union was the world's largest net importer of agricultural products. They decided that was wrong; we have to do something about it. So they did. What did they do? They implemented massive support payments for their farmers so that in a 10-year time in the mid-1980s, Europe became the largest net exporter of agricultural products. It was a big shift from the world's largest importer to the world's largest exporter in 2 decades, and that is where they are today. That is what we face. That is why it is wrong to say that the budget resolution to further cut agricultural payments which are disproportionate right now.

Our farmers and our ranchers can compete with anybody in the world just as long as the playing field is level, but we should not put American farmers and ranchers at a disadvantage by cutting U.S. programs just as we are seeking changes in other countries' programs. We should not unilaterally disarm. We should not unilaterally disarm agriculture just as the trade talks reach a critical point. They are upcoming. To do so would not just be unwise, it would be reckless.

Agriculture is being asked to make a substantial and disproportionate contribution to spending reductions. This is unjustified. There are other cuts in this budget not nearly as great as the ones agriculture will face. I just think it is sensible to support this amendment so we do not cut agriculture the way proposed in this resolution. It makes no sense.

I see some of my colleagues on the floor who wish to speak on this amendment. I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank my colleague. Mr. President, the amendment before the Senate strikes the budget reconciliation instructions to the Senate Committee on Agriculture. The amendment delete the requirement that the Senate Agriculture Committee report legislation that reduces outlays by $2.8 billion. It does not change the other budgetary assumptions for agriculture contained in the resolution.

The fact is, agriculture has already contributed substantially to deficit reduction. We are facing competition on what the farm bill called for. We are $16 billion below what the farm bill anticipated. If the national media ever reported something incorrectly, they reported incorrectly the effect of the last farm bill on agriculture. You would have thought, reading the national press, that agriculture got an enormous increase, a 60-percent increase. Wrong. Agriculture did not get an increase. Agriculture got less than half. That is why it is wrong to say that the disaster bills we had been reporting and passing year after year. Here is the pattern of farm program spending, and this shows the spending went down. It did not go up. The national media just got it wrong.

This is in the midst of a circumstance in which our major competitors are providing far more funding to their producers than we are providing to ours. Our competitors are the Europeans. Here is what they are doing. They are providing $277 an acre of support each and every year for their producers. The comparable amount in the United States is $48. So they are outgunning us 87 to 1.

Right now we are entering negotiations with the WTO to try to level the playing field. Let me remind my colleagues, this is what Europe is doing for their farmers. These are not Kent CONRAD's numbers, these are the international scorekeepers' numbers, OECD: Europe, $277 an acre per year per producer. The United States support subsidy, Europe accounts for 87 percent of all the world's agricultural export subsidy; the United States is 1 percent. They are outgunning us 87 to 1.

We are just entering negotiations to try to level the playing field. Why would we ever unilaterally disarm in the midst of a trade dispute? We would never do that in a military confrontation. Why would we do it in a trade confrontation?

Unilaterally cutting in the midst of the farm bill, in the midst of international negotiations, is a profound mistake. If anybody doubts what is happening, Europe has gone from being the smallest net exporter of agricultural products in the world to the biggest exporting region, and they are now equivalent to us in world market share. Keep up with this strategy and America is going to become a second-class agricultural power.

This year, USDA forecasts we are going to import more agricultural production than we will export. That is a
The PRESIDING OFFICER. The Senator from Montana is recognized. 

Mr. BAUCUS. Mr. President, is there any of my time remaining? 

The PRESIDING OFFICER. The Senator’s time has expired. 

Mr. BAUCUS. Mr. President, I yield that to the Senator from Montana. 

The PRESIDING OFFICER. Mr. Conrad has the floor. 

Mr. CONRAD. This is about family farmers. The work of my colleague from Montana wants to abolish that instruction. 

Mr. DORGAN. I appreciate the work of the distinguished Senator from New Hampshire and my colleague from North Dakota. This is about family farmers. 

Mr. BAUCUS. I yield 2 minutes to the Senator from North Dakota. 

Mr. DORGAN. I appreciate this critical importance of the survival of family farmers that is just a bad instruction. 

Mr. BAUCUS. I yield that to the Senator from Montana. 

Mrs. LINCOLN. Mr. President, there is not enough time in the day for me to talk about agriculture because it is in my veins. I do come to the floor to support my colleague from Montana. A few weeks ago, I came to the floor to note my extreme disappointment in President Bush’s ag budget proposal, and really his entire budget proposal as it relates to rural America. I reiterate my support for our farmers and our rural communities by speaking in strong support of this amendment. 

Our agricultural producers and the folks who live in rural America are every bit a part of the fabric of this American family. There is no reason why they should be asked to carry a disproportionate share of the sacrifice in dealing with this historic debt. It join President Bush in wanting to deal with this historic debt. But there is no reason in this world why rural communities and agricultural producers—

The PRESIDING OFFICER. The Senator’s time has expired. 

Mr. BAUCUS. Mr. President, how much time is remaining on this side? 

The PRESIDING OFFICER. There is 40 seconds remaining. 

Mr. BAUCUS. Mr. President, I ask the distinguished Senator from North Dakota if he might have time he can allocate to other Senators, insomuch as the time remaining on this amendment has virtually expired. 

Mr. CONRAD. The short answer is I do not. Under the agreement that has been reached, all time has been allocated among these various amendments, so there is no time remaining to allocate. 

Mr. BAUCUS. I wonder if I can impose upon the very gracious generosity of the Senator from New Hampshire and ask if perhaps he could give a little time on this side. 

The PRESIDING OFFICER. The Senator’s time has expired. 

Mr. CONRAD. Mr. President, I do 5 minutes. I have been informed, that I can allocate. Let me give that 5 minutes that I have available. 

Mr. BAUCUS. I thank the Senator. I yield 2 minutes to the Senator from North Dakota. 

Mr. DORGAN. Mr. President, this is a critically important issue. I appreciate the work of my colleague from Montana and my colleague from North Dakota. This is about family farmers. 

The reconciliation instruction to take money from an account that is critically important for the survival of family farmers is just a bad instruction. 

Mr. BAUCUS. I thank the Senator. 

Mrs. LINCOLN. Mr. President, there is not enough time in the day for me to talk about agriculture because it is in my veins. I do come to the floor to support my colleague from Montana. A few weeks ago, I came to the floor to note my extreme disappointment in President Bush’s ag budget proposal, and really his entire budget proposal as it relates to rural America. I reiterate my support for our farmers and our rural communities by speaking in strong support of this amendment. 

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The PRESIDING OFFICER. The Senator’s time has expired. 

Mr. BAUCUS. Mr. President, is there any of my time remaining? 

The PRESIDING OFFICER. There are 45 seconds. 

Mr. BAUCUS. I yield that to the Senator from Montana. 

Mrs. LINCOLN. Thank you. I do want people in this country to know that the people in rural America, whether it is ag producers, who have absolutely no control over the things that contribute to what they have to do; they have no control over the weather, no substantial control over trade. Yet, they did have a role to play, as everybody in this body did, in the contract that came about in the farm bill. 

This is not the appropriate place to breach that contract. It is not the appropriate place to turn on the people of rural America that support this great Nation in the safest, most abundant and affordable food supply in the world. We have an opportunity to look at what we can do for rural America. 

I encourage my colleagues to support the Senator from Montana. 

The PRESIDING OFFICER. The Senator from Montana is recognized. 

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: HARKIN, STABENOW, DAYTON, PRYOR, LYNCH, SALAZAR, and CONRAD. 

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

The Senator from New Hampshire recognizes the Chair. 

Mr. BAUCUS. Mr. President, this is a question of the colloquy. 

Mr. BURNS. Mr. President, I thank my chairman, who has almost an impossible job on this bill, to focus it on the rise to discuss this resolution and its impact on agriculture. I ask the Senator, is my understanding correct that this budget resolution directs the Senate Agriculture Committee to contribute toward deficit reduction by reducing mandatory spending by $2.8 billion over the next 5 years? Is my understanding correct? 

Mr. GREGG. Mr. President, I appreciate the question of the Senator from Montana. Yes, the Senator’s understanding is correct. We took great care to assure that this budget resolution was constructed to provide the Agriculture Committee with the flexibility needed to achieve a reduction in the deficit while ensuring continued support for programs that provide a critical safety net for farmers and ranchers, promote conservation, and reduce hunger. 

Mr. BURNS. Mr. President, I thank the chairman. I understand the challenges of attempting to reduce the budget deficit by reducing spending. I believe we have to get a budget resolution passed, and I know that the Senator has to make some difficult choices. I also note that $2.8 billion is a lot of money in Montana, especially given skyrocketing energy prices and the likelihood that this will be another drought year in Montana. 

I ask the Senator, is it true that the House has asked their Agriculture Committee to reduce mandatory spending at a higher level that has been proposed by this budget resolution? 

Mr. GREGG. Yes, the Senator is correct. I believe the House budget resolution proposes reducing mandatory spending for agriculture by $5.3 billion over the next 5 years. I add that the President’s budget proposed to reduce mandatory program spending for agriculture by nearly $9 billion.
Mr. BURNS. I thank the Senator. In a perfect world, I would prefer no reduction in spending for agriculture at all. As you know, the 2002 farm bill has already contributed significantly to deficit reduction. Over the past 3 years, farm programs spending has been about $177 billion, which was projected. So a lot of my farmers in Montana feel like they already gave at the office.

However, we must face up to the reality of our budget situation and address this deficit. In doing so, however, reductions in spending must be proportionate. I urge the chairman, in the strongest manner possible, to keep the final budget resolution from asking for a higher level of mandatory program savings from agriculture than the $2.8 billion that we have included in this budget resolution.

Mr. GREGG. Mr. President, I will state that the Senator from Montana has been extremely persuasive. We started out with a budget number in this resolution essentially tracking the President’s number in agriculture. But as a result of listening to the Senator from Montana and the Senator from Georgia, chairman of the Agriculture Committee, we have backed that down to a number that tracks proportionately the original request of $9 billion by the President’s $2.8 billion. And we have, as the Senator from Montana noted, at the request of the Senator from Georgia, given maximum flexibility to the Agriculture Committee so that they could work together on that number. Remember, that is a 5-year number, not a 1-year number; the $2.8 billion is spent over 5 years. They can reach that number however it is deemed best in looking at it through the lens of the Agriculture Committee, where the real expertise resides.

I thank the Senator from Montana for his very constructive effort in this area. I assure the people of Montana he has certainly held their interests and put their interests first and aggressively pursued it.

Mr. BURNS. I thank the Chair. The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GREGG. I yield the balance of our time to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I want to start out today by acknowledging the cooperation and thanking the chairman of the Budget Committee for working with the other committees who have real concerns about agriculture and, particularly, relative to, obviously, the numbers that are contained in the President’s budget and the final number agreed upon between the Budget Committee, as well as the Agriculture Committee. I thank my friend, Senator BURNS from Montana, for his outstanding input into this and his persuasive arguments. It is because of things like that that we have been able to negotiate this number down to something that we think is now fair and reasonable.

Let me, first of all, say that I, too, like my Democratic colleagues on the other side alluded to earlier—came to the floor immediately after the President’s budget was sent to the Hill. He was extremely critical of that budget relative to the requested deficit savings in agriculture. I, too, was at the table when we negotiated the 2002 farm bill. On the House side, we felt like we had a good farm bill, and we got together with folks on the Senate side and crafted a bill that provides a real safety net for our farmers across America.

The fact is that that farm bill has worked exactly like those of us who crafted the farm bill wanted it to work—that is, philosophically. When prices and yields are good and prices are up, there are very few Government payments going to our farmers. In tough times, when prices are low and yields are low, whether it be from drought or other circumstances, in agriculture country the Federal Government does extend a helping hand not to guarantee any farmer a profit, but it allows them to get through to the next year when times might get better.

That having been said, I discussed not just on the floor of the Senate my displeasure with the administration relative to their budget proposals, but I went directly to the President. I told the President face to face that I was very disappointed in the numbers that had been sent down here and that, at the end of the day, I really did feel like America’s farmers and ranchers would be willing to pay their fair share for deficit reduction. Even if we simply were not going to pay a disproportionate amount when times are difficult in agriculture country, and when we have farmers who have depended on that 6-year farm bill and have made financial plans, whether it is the purchase or lease of land, purchase of farm equipment, or planning for the growing and harvesting of crops, as they have done, depending on that 6-year farm bill being in place.

Therefore, as chairman of the Senate Agriculture Committee, I made a commitment to our farmers and ranchers that we are going to do everything possible to make sure that the policy of that farm bill is not changed. We can do that.

The folks on the other side, frankly, have made my argument for me. That is this: They have said, correctly, that in 2002 when the farm bill was passed and signed into law, fiscal conservatives in the media really chastised those of us that crafted that farm bill for spending way too much of the American taxpayers’ money on agriculture programs. We knew that if the farm bill worked right, we would never spend what was projected. In actuality, it was projected that we would spend $52 billion on commodity programs in 2002, 2003, and 2004, and because we have had good yields and good prices in those years, we did not spend that. That is because we have had to just in one title of the farm bill. So we have achieved savings of $15 billion in 3 years.

We also have the food stamp title, where no projected savings have been talked about at this point. Maybe some can be achieved. When I came to Congress in 1995, USDA reported that the Food Stamp Program error rate was 10 percent. Last week, USDA testified before the House Appropriations Subcommittee on Agriculture and said that the error rate has now been reduced to 6 percent. That is because of the hard work of everybody in this body on both sides of the aisle and everybody in the House on both sides of the aisle. We have squeezed that program down to where the error rate is still at 6 percent. That is too much. But still it is coming way down.

We can probably achieve some additional savings there. Also, we have the conservation title, which has not been discussed. We are going to spend about $33 billion this year on the Food Stamp Program, about 2.5 on conservation, and $2.8 billion on agriculture.

Now, if we have saved $15 billion on the commodity title alone in 3 years, am I hearing this right, that folks on the other side are saying we cannot achieve $2.8 billion over the next 5 years. Not just on the commodity title, but from all three titles in the farm bill? I think that is kind of a ludicrous argument for us to say that when we are in tough times—times have changed since we passed this farm bill in 2002, where we were in surplus. Times have changed because we are now in a deficit situation and we must be fiscally responsible in this body, just as our colleagues on the House side must be fiscally responsible.

I cannot imagine anybody saying that we cannot be treated fairly when we are going to be cutting and asked to be finding savings in Medicaid, in transportation, in education, and in other mandatory programs, that farmers and ranchers would not be willing to participate when we have already saved an average of $5 billion per year, that we are now being asked to save $2.8 billion over 5 years, that our farmers and ranchers would not be willing to participate in their fair share, so long as, and I emphasize this, we do not change the policy in the farm bill.

We have entered into a colloquy with the distinguished chairman of the Budget Committee into conference he is going to do everything within his power to make sure we hold this $2.8 billion figure because we already know the House has come in with a number in excess of that. I would again say if the requested deficit savings on agriculture are disproportionate in any way, we need to look at it and we need to rethink where we are today. But when we look at the $2.8 billion and the fact that we have saved an average of $5 billion a year, I know and understand that the President would share in an amount that requires that the deficit reduction requested by the President be taken out on the backs of
farmers and ranchers. I would rather not have any, but being fiscally responsible is as important as writing a good farm bill.

I close by saying that as I have gone around the country—and I have over the last 3 weeks—I have been in the West. I have been in the Midwest, and I have been in the Southeast, talking to farmers and ranchers, and I am very pleased with the reaction that farmers and ranchers have given to me personally. I have explained to them how we are going to approach these deficit savings. What I have told them is we are going to be fair and equitable in each and every title, and that we are going to ask all of agriculture to share somewhat in the pain, but it is not going to be disproportionate, and we are going to keep the policy of the farm bill in place and we are going to find reductions in savings that will allow the greatest patriots in America—and that is farmers—to participate again in deficit reduction, and when we do this we want to assure, in all probability, that farmers and ranchers will have this $2.8 billion returned to them in interest savings alone, because we all know if we continue down the trail of deficit spending, interest rates are going to rise. If we act responsibly in this body and also on the House side relative to this issue of deficit spending, we can either hold interest rates in line or maybe see them reduced again, which will be of tremendous benefit to our farmers and ranchers.

I am proud to represent agriculture country. I come from the heart and soul of agriculture country in my State, and farmers and ranchers all across America are the salt-of-the-Earth people who make this country the great country it is. They have always been willing to do their fair share, and that is simply what we are asking for, nothing more. I yield the remainder of my time.

Mr. HARKIN. Mr. President, I support this amendment because it would prevent the damage this budget resolution seeks to inflict on Americans throughout our country in all walks of life who benefit from the whole range of programs within the jurisdiction of the Committee on Agriculture, Nutrition and Forestry, where I am proud to serve as ranking Democratic member.

It is said that the cuts to these programs required by this resolution are no cause for worry, no sweat. With respect, I must say the facts are otherwise. The 2002 farm bill has already suffered serious cuts in three annual appropriations. This budget resolution contains further and even deeper cuts—both in appropriations and through budget reconciliation instructions to our committee and the House Agriculture Committee. To be sure, the $2.8 billion reconciliation instruction in the Senate’s budget is less than the $5.3 billion reconciliation instruction in the House’s version of the budget.

et resolution. However, I would note that the Senate resolution does assume additional budget reductions of $2.7 billion, so the total assumed budget savings from the Committee on Agriculture, Nutrition and Forestry is $5.5 billion in this resolution.

The direct harm from these budget cuts would be serious enough, but in addition they can only upset carefully struck balances in the 2002 farm bill and reopen old arguments and old fault lines. We had bipartisan support for the 2002 farm bill, but this budget resolution threatens to tear that apart. This resolution would pit one group and its interests against others—one title of the farm bill against others. As a result, we would be looking to the next farm bill with a reduced budget baseline and a fractured farm bill coalition, which would surely make it all the harder and more contentious to write the next farm bill.

Less than 3 years ago we passed a farm bill to repair our Nation’s farm income protection system. It would be irresponsible to weaken that system now and create new uncertainty—especially when we need bargaining leverage in the midst of global agricultural trade negotiations in the WTO. Farm commodity programs are less than a half of a percent of the Federal budget. It is terribly misguided to propose that cutting farm income protection can significantly help solve Federal budget deficits.

Nor is there money to be spared in the farm bill’s conservation, rural economic development, research or renewable energy initiatives—some of the most innovative and forward-looking parts of the 2002 farm bill which have already suffered the most and seem to be at the greatest risk of further cuts. These initiatives constitute investments in the future of our Nation’s food security, our rural communities and our environment and natural resources. Believe me, we are not investing too much in these initiatives. We are investing far too little.

This resolution is especially threatening to Federal food assistance and nutrition programs if history is our guide. The last time there was budget reconciliation, recipients of Federal food assistance took the heaviest hit of anyone. Think about the fairness of that. Those cuts did not come from waste, fraud, and abuse, but instead were taken from across-the-board benefit reductions that affected nearly all recipient households, including families with children, the working poor, the elderly, and people with disabilities.

This year we are hearing the same claims about waste, fraud, and abuse in Federal nutrition programs. In reality, we have worked hard to improve the programs. We have invested some of our farm bill budget allocation to strengthen programs and adopt innovative new initiatives in conservation, agricultural trade, rural development, nutrition, agricultural research and renewable energy.

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S2908  

AMENDMENT NO. 239

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided on the amendment on COPPS. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance the ability of state and local law enforcement to prevent crime and terrorism by adding $1 billion to restore funding to the Office of Community Oriented Policing Services. This amendment is fully off-set by closing corporate loopholes and will generate $2 billion in revenue with $1 billion allocated to the COPS program and the remaining billion to reduce the deficit)

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $560,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $490,000,000.

On page 3, line 14, increase the amount by $300,000,000.

On page 3, line 19, increase the amount by $240,000,000.

On page 3, line 20, increase the amount by $500,000,000.

On page 4, line 1, increase the amount by $400,000,000.

On page 4, line 2, increase the amount by $300,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $120,000,000.

On page 4, line 17, increase the amount by $280,000,000.

On page 4, line 18, increase the amount by $250,000,000.

On page 4, line 19, increase the amount by $200,000,000.

On page 4, line 20, increase the amount by $150,000,000.

On page 4, line 21, increase the amount by $120,000,000.

On page 4, line 22, increase the amount by $80,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $200,000,000.

On page 5, line 3, increase the amount by $150,000,000.

On page 5, line 7, decrease the amount by $120,000,000.

On page 5, line 8, decrease the amount by $40,000,000.

On page 5, line 9, decrease the amount by $50,000,000.

On page 5, line 10, decrease the amount by $380,000,000.

On page 5, line 11, decrease the amount by $1,000,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $400,000,000.

On page 5, line 17, decrease the amount by $650,000,000.

On page 5, line 18, decrease the amount by $850,000,000.

On page 5, line 19, decrease the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $1,000,000,000.

On page 23, line 17, increase the amount by $320,000,000.

On page 23, line 21, increase the amount by $280,000,000.

On page 23, line 25, increase the amount by $250,000,000.

On page 24, line 4, increase the amount by $200,000,000.

On page 24, line 8, increase the amount by $150,000,000.

On page 30, line 16, decrease the amount by $240,000,000.

On page 30, line 17, decrease the amount by $2,000,000,000.

On page 48, line 6, increase the amount by $1,000,000,000.

On page 48, line 7, increase the amount by $120,000,000.

On page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the “COPS program”), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, “Since law enforcement agencies began partnering with citizens through community policing, we’ve seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.”;

(4) on February 26, 2002, the Attorney General stated, “The COPS program has been a miraculous sort of success. It’s one of those things that Congress hopes will happen when it sets up a program.

(5) the Federal Bureau of Investigation’s Assistant Director for the Office of Law Enforcement Coordination has stated, “The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.”;

(6) a 2003 study of the 41 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security threats have forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) in addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war on terrorism;

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs’ Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(i) the Police Executive Research Forum; and

(J) the Major Cities Chiefs

Congress appropriated $282,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and

(12) the President requested $177,781,000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004. It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice’s community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

Mr. BIDEN. Mr. President, I only have a few minutes. I consider this, as my colleagues might guess—in all my years working on this, I sound a little like a broken record, but this amendment restores money for local law enforcement.

I want to make a stark point. In the past, we had an opportunity to deal with actually affecting violent crime. The way we did that was we passed a COPS bill that did a simple thing. It put more cops on the street in the Nation’s cities and rural communities. It had a funny effect, a profound effect. Violent crime dropped on average 8 percent per year since the bill passed in 1994.

We began to struggle with this concept. To this notion even after the former Attorney General said the crime bill has worked miraculously, and then announced the administration was eliminating the funding for the COPS Program.

In that process, we went from spending over $400 million on hiring additional cops at the local level—not we, but local law enforcement, local mayors, local town councils, local State police hired more cops, and in the year we spent over $400 million on hiring new cops. That number is now down to zero in this budget.

All of my colleagues know, notwithstanding the fact they may subscribe to this notion of devolution of Government, meaning the Federal Government should not do anything the States can do, they have not only declimated the program that allows for hiring of law enforcement agencies locally but they have eliminated the big three, the COPS Program, the local law enforcement block grants, and the Byrne grants.

Total support for local law enforcement from the Federal Government has
gone down from $2.2 billion we were sending to local law enforcement in the year 2002 to $118 million this year. Will someone on this floor tell me how that possibly makes sense?

Local law enforcement is facing what I would describe as a perfect storm. There is a headwind and the FBI has been taken out of local law enforcement. The FBI accounted for somewhere between 2 and 10 percent of all the enforcement done at the local level, depending on the jurisdiction, for bank robberies, interstate auto theft, and all sorts of other issues. But, necessarily, the FBI has been taken out of that and put in counterterrorism. Violent crime task forces are gone. The Federal arm has been withdrawn.

Secondly, of the 46 or so major police agencies in the United States of America, 27 of them have had to cut the number of cops they have. In New York, it is 3,400 cops down; Cleveland, 250; Minneapolis, 140; New Orleans, 100. There are some 3,373 pending applications for additional cops from 3,373 jurisdictions in America, totaling over a request for more than 10,000 additional law enforcement officers.

What is the last part of this perfect storm? The last part in the perfect storm is that State and local budgets are cramped. Now, I realize I only have 7 minutes so I will conclude with this simple point; I hear my friends say that Homeland Security is going to fill in the gaps. This is not one of many ways in Homeland Security allowing for the hiring of an additional local law enforcement officer. No. 1, No. 2, if anybody is going to find a terrorist about to put sarin gas into the heating system or cooling system of the largest mall in Little Rock, AR, or in Savannah, GA, it is not going to be some guy wearing fatigues and night-vision goggles who is a special forces officer in the U.S. military. It is going to be a local cop on his way from a Dunkin' Donuts to have his rounds behind that shopping center.

So we are making a tragic mistake. I do not understand the President's rationale. My legislation calls for funding the COPS Program at over $1 billion to eliminate the current backlog in applications and to meet State and local needs. We do it by cutting corporate loopholes and we provide an additional $1 billion in deficit reduction as well.

The COPS office has met its goal of funding over 100,000 cops, but it is like cutting grass. Everybody says what a great job it did. Well, when one cuts their grass this summer, the first week it looks great. Two weeks later, when one does not cut it, it looks a little ragged. Six weeks later, it is a wheatfield. That is how crime is.

The idea with an expanding population that we can use fewer resources to fight crime is absolutely mindless, and that is exactly what we continue to do.

These law enforcement officers taking this money over the years are a victim of their own success. They made it work.

I will close with a quote from the president of the International Association of Chiefs of Police, IACP:

"But when I first read President Bush's budget request for the COPS Program a few weeks ago, I thought it looked great. Two weeks later, when I talked to my colleagues, the first week they said it was enough. It was a Federal responsibility beyond me. Where do my colleagues think the dope is coming from that is coming into their cities and towns? It is because of a failed Federal policy on interdiction at our borders. It is because of a failed Federal policy relating to all the poppy being grown in Afghanistan, a failed Federal policy of all the cocaine coming out of the Andes. It is a failure of Federal responsibility. To quote President Reagan—I do not know who he was quoting, but he is most associated with the comment—if it ain't, do not fix it.

This ain't broke. It is working. Do not try and cutting funding for local law enforcement from in 2002 over $2 billion to in this budget less than $118 million.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I yield the floor.

Mr. GREGG. To quote President Reagan: The only thing in this city that has eternal life is a Federal program.

COPS is the No. 1 poster child for that statement. Why is the COPS Program being wound down? Because when it was started, it was supposed to end after 3 years.

Mr. BIDEN. Not true.

Mr. GREGG. That was the agreement. When President Clinton offered this proposal, which I supported, which I funded—I happened to chair the subcommittee that funded this proposal—the understanding was it would be a 3-year program. The cities and towns would come in, they would get their police officers approved, and then after 3 years those police officers would be off the Federal payroll, on the local payroll, and when we got to 100,000 police officers, the program would end. In the year 2000, we had 150,000 police officers; in the year 2001, we got to 110,000 police officers—and the program goes on and on.

There was an agreement 2 years ago that we would only fund those officers who were sort of the end of the line—in rural communities, essentially—and then we would terminate the program the way it was supposed to be originally terminated. That has not happened, either.

Finally, the President, living up to the commitment of President Clinton, has said: Enough is enough. The program did what it was supposed to do, it put over 100,000 police officers on the street. As a result of doing that, it has succeeded. Let's declare victory relative to this program because it accomplished what it was supposed to accomplish—it added 110,000 or 120,000 officers, I guess, in the end—and let's take these funds which were being used here and move them to any account, specifically accounts which are going to be more focused on a targeted response—primarily to the threat of terrorism—versus a general response.

The police officers, obviously, have a terrorism role, but they have a lot broader portfolio when they walk on that street, from moving-vehicle crimes to, obviously, violent crimes to drug crimes. But the dollars that were being spent on the COPS Program have been moved over, essentially to homeland defense and other accounts, the purpose of which is to get the Federal role together in an area where we have a priority, which is fighting terrorism.

The officers who were put on the street by this program are theoretically still on the street because the communities that use this program to basically gear these officers up—I think we paid $57 percent the first year, 55 percent the second year, 25 percent the third year, and then it goes on the community's payroll, that officer's salary—those officers are still out there, one presumes.

It is just extremely ironic that there would be such an outcry to keep a program that the prior administration fully expected and put forward as a program that was going to be focused on getting 100,000 police officers on the street, and when it accomplished that it would terminate. It accomplished that and more, and it should be terminated.

So I hope maybe we could prove President Reagan wrong once. He has been right on just about everything he ever did as a President, but maybe we could just prove him wrong once—I'm sure he would make the side happy—by showing all programs are not eternal in this city and we can terminate one—the COPS Program.

I yield the remainder of my time on this amendment, then, and we will move on to the next amendment, which I guess is Senator Feinsteins'.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact a long term re-
authorization of the State Criminal Alien Assistance Program and appropriate $750,000,000 for the program in fiscal year 2006)

At the appropriate place, insert the follow-
ing:

SEC. __ SENSE OF THE SENATE REGARDING THE STATE CRIMINAL ALIEN ASSIST-
ANCE PROGRAM.

(a) FINDINGS.—The Senate finds the follow-
ing:

(1) Control of illegal immigration is a Fed-
eral responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as “SCAAP”) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $350,000,000 for SCAAP to reimburse State and local govern-
ments for these costs in fiscal year 2005.

(4) Congress appropriated $300,000,000 for SCAAP to reimburse State and local govern-
ments for these costs in fiscal year 2006.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concur-
rent resolution assume that—

(1) Congress will appropriate $750,000,000 for SCAAP in fiscal year 2006; and

(2) Congress will enact long-term reauthor-
ization of SCAAP to reimburse State and local governments for the financial burdens undocumented criminal aliens place on their local criminal justice systems.

Mrs. FEINSTEIN. Mr. President, this is a sense-of-the-Senate amendment sent to the floor by Senator Kyl, Senator Hutchison, Senator Bingaman, Senator Akaka, Senator Cornyn, Senator Schumer, Senator Feingold, and Senator Clinton. It is a sense-of-the-
Senate amendment to urge this Con-
gress to reauthorize the SCAAP Pro-
gram, the State Criminal Alien Assist-
ance Program.

On every desk there is a chart that shows how much each State received for this program. What does this pro-
gram do? What this program does is re-
imburse the State for the cost of the in-
carceration of an illegal alien. In other words, when someone comes to our country, commits a crime, is con-
victed of that crime, is in jail or is in State prison, the Federal Govern-
ment—it is their responsibility for all matters pertaining to immigration—has responsibility to that State. The program reimburses the State for less than 20 percent of the actual cost to the State.

The authorization is due to expire. We are asking in the sense of the Senate that it be considered for reauthoriza-
tion.

Before I speak further, my main au-
 thor, Senator Kyl, wanted to make a few comments and then Senator Corn-
yn, if I might.

I yield briefly to Senator Kyl.

Mr. KYL. Mr. President, I thank the Senator from California for helping, again, to lead this effort to get ade-
quate reimbursement to the States for the incarceration of illegal immi-
grants. In the past, the amount of re-
imbursement had been roughly one-
third of their costs. That is not enough, but at least it helped to defray the ex-
penses of the States in housing these people who were convicted of crimes and who we hold responsible by the Federal Government.

In the last couple of years, the amount of money has gone down to the point that, as the Senator said, last year it was about 17 cents on the dol-
lar. That is absolutely unacceptable. If the Federal Government cannot do what is necessary to control the border and prevent illegal immigration, at least it can help the States defray some part of their cost in incarcerating the people who come here and commit crimes. Surely we can authorize a pro-
gram that could reimburse the States again at the level of approximately one-third of their costs. That will be our goal.

That is why I am very proud to, again, work with Senator Feinstein to try to get adequate reimbursement to the States for this program. I fully sup-
port her effort. I compliment her for her leadership, and I hope my col-
leagues will join in accepting this sense-of-the-Senate resolution.

Mrs. FEINSTEIN. Mr. President, I yield my portion of the time to the Senator from Texas.

The PRESIDING OFFICER. The Sen-
ator from Texas.

Mr. CORNYN. Mr. President, I also want to express my gratitude to the Senator from California for taking the leadership on this issue again this year.

This is a common theme among those of us who represent border States, to ask the Federal Government to live up to its responsibilities. It is clear that the cost of housing illegal aliens who are com-
mitting crimes in our country is a Fed-
eral responsibility; year upon year upon year upon year they have thrust that burden on the States, and indeed on the counties at the local level.

In my State, about 8,700 criminal aliens have been detained at a cost of roughly three times what this provi-
sion would reimburse my State. This is about one-third of the money that is a Federal responsibility that would go back to my State and the States that bear that Federal expense.

I am all about the Federal Government living within its means, and I support this budget at the top-line number. I think part of budgeting is not only liv-
ing within your means but it is making sure you fund your priorities. It is ar-
guably a Federal priority to deal with the detention of illegal aliens who come into the country and commit crimes. It is a scandal that this sense of the Senate is even necessary again this year.

I want to express in closing again my gratitude to Senator Feinstein for tak-
ing the leadership on this, and I cer-
tainly commend this to our colleagues. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I very much thank the Senators from Texas and Arizona for their support on this matter.

I know Senator Kennedy has an ur-
gent matter he would like to be able to present. I will not yield my time, but I think what Senator Kennedy would give him time.

Mr. KENNEDY. Mr. President, I thank the Senator from California and others.

CONDEMNING VIOLENCE BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I ask unanimous consent that the resolution be put on the consent calendar and ordered to appear on the Calendar, whereupon the Senate shall proceed to the immediate consider-
ation of the resolution (
S. Res. 84).

Mr. GREGG. Mr. President, I ask unanimous consent to be added as a co-
sponsor of the resolution.

The PRESIDING OFFICER. The motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without interven-
ting action or debate.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by mem-
bers of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involve-
ment of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridgeen Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder in-
creased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those
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who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued a statement in which it said it "was willing to shoot the killers of Robert McCartney"; and

Whereas peace and violence cannot coexist in Northern Ireland:

Resolved, That—

(1) the Senate joins the people of the United States in deploiring and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is in the sense of the Senate that—

(A) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retribution by the Irish Republican Army; and

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland.

The theory is that they are going to be spent to relieve some of the burden that is put on those States relative to incarcerating illegal aliens who are captured in those States and are detained within those States in State prison facilities. That is a legitimate purpose. We should be assisting those States in that area because we are putting pressure on those States in a unique way. Other States don't have the same pressures. There is nothing to say the money has to be spent that way. It is literally a check which the Federal Government writes to the States of Texas, California, or Arizona. And if the Governors want to use it to build a road or use it to buy a new school or for some other activity, the Governors can do that.

I have always said let us put some language into this which makes it clear that this money is going to be spent to relieve some of the burden that is put on those States relative to incarcerating illegal aliens who are captured in those States and are detained within those States in State prison facilities. That is a legitimate purpose. We should be assisting those States in that area because we are putting pressure on those States in a unique way. Other States don't have the same pressures. There is nothing to say the money has to be spent that way. It is literally a check which the Federal Government writes to the States of Texas, California, or Arizona. And if the Governors want to use it to build a road or use it to buy a new school or for some other activity, the Governors can do that.

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offsets, so it will be budget neutral. The offsets will be in the nature of fuel fraud, to prevent fuel fraud, and close corporate or tax loopholes which we all agree should be closed.

I strongly urge Members to recognize we do need money. We all know that. We are finding ways in the Finance Committee to find more money. I do not know the exact amount, but it will not be a significant amount. It will help solve the problems that Senators have in meeting their legitimate concerns as we try to meet the formula to every State between 2005 and 2009 under the bill approved by the Environment and Public Works Committee yesterday distributes all the money that States will lose as a result of this retreat.

We know that the highway and transit needs in the States have not diminished one thin dime since that vote last year. Today I am asking my colleagues to vote again for a budget that will allow for a $318 billion highway bill.

Just yesterday, the Environment and Public Works Committee marked up a new highway bill. The bill marked up yesterday in committee provides far less funding than the bill passed last year, so that the bill’s total stay within the level of funding that President Bush has said he would accept, namely, $284 billion. That lower level of funding, $284 billion, is the level incorporated in the budget resolution that the Senate to once again pass a $318 billion highway bill. That is precisely the bill that the Senate approved last year by a vote of 76 to 21.

Now, my good friend, the chairman of the Budget Committee, Senator Gregg, was among the 21 Senators who voted against last year’s highway bill. I don’t have any expectations he will support the amendment. My plea is to the 73 Senators still serving in the Senate who voted for that highway bill last year. Republicans and Democrats alike. We must reverse the continuing deterioration of the highways and transit systems in our State. We know the right vote was cast in February of last year when we approved a $318 billion highway bill despite the veto threats of the President.

We know that the highway and transit needs in the States have not diminished one thin dime since that vote last year. Today I am asking my colleagues to vote again for a budget that will allow for a $318 billion highway bill.

There being no objection, the matter is ordered to be printed in the RECORD at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Montana for his overly charitable and very gracious comments concerning my efforts he undertook about 6 years ago. I am so impressed with the efforts he made.

Mr. President, I rise to offer an amendment to the Senate to once again pass a $318 billion highway bill. That is precisely the bill that the Senate approved last year by a vote of 76 to 21.

I urge Members to support the amendment that is offered by the senior Senator from West Virginia. Senator BYRD is in the Senate, and I highly compliment the Senator for his work. He has been a champion over the years. I am so impressed with the efforts he undertook about 6 years ago when they got TEA-21 up and passed. I thank the Senator.

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Mr. BYRD. I ask every Senator to take a close look at this table before voting on this amendment. Senators should know precisely the amount of investment and the number of jobs their State will be losing if they vote against this amendment. In my State of West Virginia, failure to adopt this amendment will mean a loss of almost $275 million and this amendment will mean a loss of almost $275 million and more than 13,000 desperately needed jobs.

For several larger States—such as Florida, Georgia, and Ohio—the loss over a 5-year-period to each State is more than $1 billion and more than 50,000 jobs.

Mr. President, before any Senator argues that my amendment just increases spending without ensuring it will be spent on highways and mass transit, let me point out that my amendment restores the special highway and transit budget categories. Every additional penny provided by this amendment will be required to be spent on our highways or mass transit programs.

The offset for my amendment is the very same type of financing mechanism that served to enhance the receipts to the highway trust fund and were included in last year’s highway bill with the bipartisan support of the Senate Finance Committee.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. BYRD. Mr. President, may I ask for an additional minute? The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I know that some Members are saying that it is foolhardy to try to pass a highway bill at $318 billion because the President has already vowed to veto a measure of that size. But I wish to remind my colleagues that our job—our job here—is to legislate based on our recognition of what is needed by our States and by the Nation. It is the President’s job to either sign that bill or veto it.

So I ask my colleagues, why do our constituents send us here if we do not look out for their needs? We have been sent here to vote our conscience and to stand for the needs of our constituents.

In offering this amendment today, I am saying to my colleagues, let’s do our job. Let’s adopt a budget that will enable us to pass a highway bill that we believe addresses the transportation and commerce needs of the Nation. The President will review that piece of legislation, and he will either sign or veto it. That is his job. That is his prerogative. But now is not the time to back away from the country’s transportation needs.

Where the roll is called on this amendment, Senators will be faced with a stark choice. They can either vote for the level of highway spending that they received in last year’s highway bill or they can resign their constituencies to ever worsening congestion.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. BYRD. I thank the Chair and implore my colleagues to vote for the amendment.

Mr. President, I send the amendment to the desk.

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

The amendment is as follows:

On page 3, line 10 increase the amount by $1,458,000,000.
On page 3, line 11 increase the amount by $3,596,000,000.
On page 3, line 12 increase the amount by $3,605,000,000.
On page 3, line 13 increase the amount by $2,922,000,000.
On page 3, line 14 increase the amount by $2,316,000,000.
On page 4, line 7 increase the amount by $8,920,000,000.
On page 4, line 8 increase the amount by $3,352,000,000.
On page 4, line 9 increase the amount by $8,352,000,000.
On page 4, line 10 increase the amount by $9,568,000,000.
On page 4, line 11 increase the amount by $1,458,000,000.
On page 4, line 12 increase the amount by $3,596,000,000.
On page 4, line 13 increase the amount by $3,605,000,000.
On page 4, line 14 increase the amount by $2,922,000,000.
On page 4, line 15 increase the amount by $2,316,000,000.
On page 4, line 16 increase the amount by $8,920,000,000.
On page 4, line 17 increase the amount by $1,458,000,000.
On page 4, line 18 increase the amount by $3,596,000,000.
On page 4, line 19 increase the amount by $3,605,000,000.
On page 4, line 20 increase the amount by $2,922,000,000.
On page 4, line 21 increase the amount by $2,316,000,000.
On page 4, line 22 increase the amount by $8,920,000,000.
On page 4, line 23 increase the amount by $1,458,000,000.
On page 4, line 24 increase the amount by $3,596,000,000.
On page 4, line 25 increase the amount by $3,605,000,000.
On page 5, line 2 increase the amount by $9,568,000,000.
On page 5, line 3 increase the amount by $3,596,000,000.
On page 5, line 4 increase the amount by $3,605,000,000.
On page 5, line 5 increase the amount by $2,922,000,000.
On page 5, line 6 increase the amount by $2,316,000,000.
On page 5, line 7 increase the amount by $8,920,000,000.
On page 5, line 8 increase the amount by $1,458,000,000.
On page 5, line 9 increase the amount by $3,596,000,000.
On page 5, line 10 increase the amount by $3,605,000,000.
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On page 5, line 16 increase the amount by $3,605,000,000.
On page 5, line 17 increase the amount by $2,922,000,000.
On page 5, line 18 increase the amount by $2,316,000,000.
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On page 5, line 21 increase the amount by $3,596,000,000.
On page 5, line 22 increase the amount by $3,605,000,000.
On page 5, line 23 increase the amount by $2,922,000,000.
On page 5, line 24 increase the amount by $2,316,000,000.
On page 5, line 25 increase the amount by $8,920,000,000.

The offset for my amendment is the amount of a budget if the only purpose is to simply increase taxes and increase spending.

On page 48, line 8, after “outlays for the discretionary category” add the following:

“outlays for the highway category and $7,099,000,000 for the transit category”.

Mr. KENNEDY. Mr. President, I urge all our colleagues to support Senator Byrd’s amendment, because our Nation’s interstates, roads, and subways are at the breaking point, and our future economic health is at stake.

This shouldn’t be a hard vote, because we did it before. Just last year, the Senate voted 76–21 to support the funding levels called for by the Byrd amendment.

Senators BOND, BAUCUS, INHOFE, JEFFORDS, SHELEY, and SARBANES have worked hard to construct a transportation bill under the constraints they have been placed, but the fact is they don’t have enough money.

The White House has issued an edict: $284 billion or nothing. Let’s do what we know is right for our States, for our economy, for our Nation’s future.

The U.S. DOT says that each $1 billion of transportation investment supports and sustains 47,000 jobs.

Let’s pass the Byrd amendment, and reaffirm our commitment to a strong U.S. economy and good-paying American jobs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Can I ask the Chair what the status of the time is, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 30 seconds at his disposal.

Mr. GREGG. Mr. President, this proposal increases spending over the bill by approximately $30 billion. That is a fairly significant amount of money. It also raises taxes by $14 billion, which is also a significant amount of money. We are now at a point where amendments offered from the other side of the aisle increase spending by approximately $100 billion and increase taxes by approximately $60 billion. At some point you must ask the question. What is the purpose of a budget if the only purpose is to simply increase taxes and increase spending?

From my viewpoint, the purpose of the budget is to actually try to put in fiscal discipline and have some controls over spending and, as a result, have some controls over the amount of money we are taking out of people’s pockets. Remember, it is their money, not our money, and spending it for them rather than allowing them to spend it themselves.

So I obviously oppose this amendment. As the Senator from West Virginia noted, I voted against the $318
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Mr. BUNNING. Mr. President, I ask my amendment be dispensed with.

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

Mr. BUNNING. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to reporting the amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk reads as follows:

The amendment is as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 241.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to repeal the 1993 tax increase on Social Security benefits)

On page 3, line 9, decrease the amount by $0.
On page 3, line 10, decrease the amount by $1,800,000,000.
On page 3, line 11, decrease the amount by $12,500,000,000.
On page 3, line 12, decrease the amount by $14,000,000,000.
On page 3, line 13, decrease the amount by $15,800,000,000.
On page 3, line 14, decrease the amount by $17,000,000,000.
On page 3, line 18, decrease the amount by $0.
On page 3, line 19, decrease the amount by $1,800,000,000.
On page 3, line 20, decrease the amount by $12,500,000,000.
On page 3, line 21, decrease the amount by $14,000,000,000.
On page 4, line 1, decrease the amount by $15,800,000,000.
On page 4, line 2, decrease the amount by $17,000,000,000.
On page 4, line 23, decrease the amount by $0.
On page 4, line 24, decrease the amount by $1,800,000,000.
On page 4, line 25, decrease the amount by $12,500,000,000.
On page 5, line 1, decrease the amount by $14,000,000,000.
On page 5, line 2, decrease the amount by $15,800,000,000.
On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.
On page 5, line 7, increase the amount by $4,100,000,000.
On page 5, line 8, increase the amount by $17,300,000,000.
On page 5, line 9, increase the amount by $31,300,000,000.
On page 5, line 10, increase the amount by $46,900,000,000.
On page 5, line 11, increase the amount by $63,900,000,000.
On page 5, line 14, increase the amount by $0.
On page 5, line 15, increase the amount by $4,800,000,000.
On page 5, line 16, increase the amount by $17,300,000,000.
On page 5, line 17, increase the amount by $31,300,000,000.
On page 5, line 18, increase the amount by $46,900,000,000.
On page 5, line 19, increase the amount by $63,900,000,000.
On page 5, line 20, increase the amount by $1,400,000,000.
On page 5, line 21, increase the amount by $1,400,000,000.
On page 5, line 22, increase the amount by $1,400,000,000.
On page 5, line 23, increase the amount by $1,400,000,000.
On page 5, line 24, increase the amount by $1,400,000,000.

On page 30, line 10, decrease the amount by $0.
On page 30, line 11, decrease the amount by $0.
On page 30, line 12, decrease the amount by $0.
On page 30, line 13, decrease the amount by $0.
On page 30, line 14, decrease the amount by $0.
On page 30, line 15, decrease the amount by $0.
On page 30, line 16, decrease the amount by $0.
On page 30, line 17, decrease the amount by $0.
On page 30, line 18, decrease the amount by $0.
On page 30, line 19, decrease the amount by $0.
On page 30, line 20, decrease the amount by $0.
On page 30, line 21, decrease the amount by $0.
On page 30, line 22, decrease the amount by $0.
On page 30, line 23, decrease the amount by $0.
On page 30, line 24, decrease the amount by $0.

Mr. BUNNING. Mr. President, today, I rise to offer a very important amendment dealing with taxes on Social Security benefits. For too many years, senior citizens have carried an unnecessary and unfair tax burden on their shoulders. Today we have an opportunity to remove it.

Historically, Social Security benefits were not taxed. However, in 1983, Congress changed the rules of the game. That year, Congress passed legislation to begin taxing up to 50 percent of a senior’s Social Security benefit if their income was over $25,000 for a single individual or $32,000 for a couple.

This move subjected many seniors across the country to an unanticipated tax increase and forced them to send a portion of their Social Security benefit back to the IRS.

Mr. BYRD. Mr. President, I oppose the taxation of Social Security benefits. Nevertheless, deficits continue to rise to alarming levels, and the tax cuts authorized by this budget resolution will worsen those deficits significantly. I urge the Finance Committee to pay for any tax cuts included in the reconciliation bill by authorized by this budget resolution.

In 1993, Congress was at it again, and that year the Clinton tax was passed. The Clinton tax allows 85 percent of a senior’s Social Security Benefit to be taxed if their income is above $34,000 for a single and $44,000 for a couple.

The additional money this tax raises doesn’t even go to help Social Security’s solvency—it goes to the Medicare program.

I was in Congress in 1993, and I fought with many of my colleagues against the Clinton tax. Unfortunately, we lost that fight and the tax went into place. People may argue that this is a tax only on so-called “rich” seniors, but that just isn’t the case. In fact, the income thresholds both for the 50 percent tax and the 85 percent tax haven’t changed since they were first enacted back in 1983 and 1993.

A lot has changed in the last two decades, and more and more seniors are being affected by these taxes. In fact, it
Mr. CONRAD. I ask unanimous consent to proceed without a quorum call and dispense with a quorum. I urge my colleagues to support this amendment and to end this unfair tax on seniors and their Social Security benefits.

Mr. CONRAD. I will use the time and talk about the Social Security benefits tax.
At the same time, we want to move these votes as expeditiously as possible. Thirty votes is just the beginning. Let us alert our colleagues one more time. In addition to the 30 votes, or thereabouts, already in the queue, we have dozens and dozens of amendments that have not been noticed. When the first vote starts, we will be asking the leadership—at least on our side, and the Senator can speak to his side—to go to Members who have noticed amendments and ask them to sharpen the number of amendments they intend to offer.

I thank the Chair.

Mr. GREGG. Mr. President, I will yield 1 minute off of my time, if the Senator from Kentucky needs it.

The PRESIDING OFFICER. There are 3 minutes left on Senator BUNNING’s time.

Mr. BUNNING. The only thing I want to say is that my amendment gives the Finance Committee the resources to do this. A sense of the Senate does not give the Finance Committee the resources to make the changes in the law that reduces the 35 percent tax on senior citizens.

I yield back my time.

Mr. REID. Mr. President, what is the next amendment in order?

The PRESIDING OFFICER. The Clinton amendment.

Mr. REID. It is my understanding that on this amendment there are 20 minutes equally divided.

The PRESIDING OFFICER. Fifteen minutes equally divided.

AMENDMENT NO. 234
(Purpose: To expand access to preventive health care services that reduce unintended pregnancy, reduce the number of abortions, and improve access to women’s health care.)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator CLINTON and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. CLINTON, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN, proposes an amendment numbered 234.

(The amendment is printed in today’s Record under “Text of Amendments.”)

Mr. REID, Mr. President, whether you are pro-life or pro-choice, Democrat or Republican, this amendment advances goals we should all share: reducing the number of unintended pregnancies, abortions, and improving access to women’s health care.

This amendment would allow us to increase funding for national family planning, title X, pass the measure Senator SNOWE and I have worked on, and improve awareness of emerging contraception and improved teen pregnancy prevention programs.

One-half of the unintended pregnancies in this country wind up with abortion. Why can’t we move forward with this amendment? It should be bipartisan. It is an amendment that would really help—$100 million to help these programs. These moneys come from closing tax loopholes for corporations that go overseas and, I believe, cheat Americans out of their rightful tax dollars. This money would stay in America.

There was a column in the paper yesterday that said this bill—now this amendment—has been greeted with the sound of one party clapping: the Demo- crats are unanimous from the majority party for this amendment? We continually talk about the issue of abortion. Here is a way to cut as many as 3 million abortions over a 2-year period of time. That seems like a worthy goal. That is what this amendment is all about. It is about fairness, about making progress in a problem that is creating problems in this country. We should hold our heads high in doing this.

I hope this does not become a pro-life, pro-choice issue. This is an American issue. It is good for the American people, and it is especially good for young girls, teenagers. We need to stop the scourge of teenage pregnancy. There are only a couple of nations in the world that we are behind in teenage pregnancies. I hope that this amendment will be adopted by an overwhelming vote. I have some doubts that it will be, because we seem to be in partisan mode here, and that is too bad.

I suggest the absence of a quorum and ask that the time run equally.

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

The clerk will call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I am going to use time off Senator CLINTON’s time on this amendment.

We have before us a budget resolution that purports to be fiscally responsible. This budget resolution before us is anything but that. The hard reality is that the budget before us increases the debt every year of its terms by over $600 billion.

When they say this is going to cut the deficit in half, their own document shows their projections of debt increase are over $600 billion a year, each and every year of this budget. That is not fiscally responsible.

I see that the Senator from New York has arrived in the Chamber. I advise her that she has about 3 minutes left of time available to her.

Mrs. CLINTON. Mr. President, I thank my friend, who knows more about the budget than I think anybody in Washington. He has, once again, done a tremendous job in trying to help educate all of us about the consequences.

I strongly endorse the amendment that Senator REID and I have offered, the Prevention First amendment. This is an area where Senator REID and I believe are well ahead of the majority party for this amendment. We continually talk about the issue of abortion. Here is a way to cut the rate of unintended pregnancies; therefore, the rate of abortions in our country.

The statistics are pretty stark that half of the pregnancies in the United States are unintended, and nearly half of those are terminated. Making contraception more accessible will help us reduce the number of unintended pregnancies and abortions.

The Prevention First amendment will ensure there is money in the budget that will provide more family planning services and that will change our health insurance law to give women equal rights of access to prescription contraception. It just boggles my mind that companies pay for Viagra and they will not pay for birth control. I do not understand that at all. That is just backward, in my mind.

It increases the title X services that are so important in providing that support, as well as ending insurance discrimination when it comes to contraceptive coverage.

It provides better public awareness for emergency contraception, which could prevent many thousands of abortions, as well as ending insurance. That is, if FDA approves over the counter, does not interrupt or disrupt an established pregnancy. According to the Journal of the American Medical Association, there is no risk associated with emergency contraception.

Finally, this amendment provides funding to programs dedicated to decreasing teen pregnancy. In my husband’s 1995 State of the Union Address, he made that a goal of his administration, and we accomplished a lot. But we still have a long way to go.

If you are pro-choice or pro-life, if you believe we should do more to find common ground on this often difficult and contentious issue, and if you want to spend some money to save money and decrease abortions and unintended pregnancies, then please support the Clinton-Reid amendment to the budget.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Parliamentary inquiry: In terms of the time, when we
are charging the time equally at this point, we are charging time equally off the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. Mr. President, will the Chair advise us when the time on the amendment has been eliminated and the time on the Lautenberg amendment commences?

The PRESIDING OFFICER. There is 1 minute 37 seconds left on the minority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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The PRESIDING OFFICER. There is 1 minute 37 seconds left on the majority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. So I think it is fair, in terms of advising our colleagues, very shortly we are going to start on a voting sequence that will include—Is it 25 amendments?

The PRESIDING OFFICER. Yes, 25.

Mr. CONRAD. So 25 amendments are in queue. We can generally do—correct me if I am wrong—we can roughly do three votes an hour.

The PRESIDING OFFICER. Maybe four.

Mr. CONRAD. I just say, I have never seen us accomplish four. We have tried.

The PRESIDING OFFICER. The Senator from South Carolina is in the chair; we will do four, but he is leaving in a few minutes.

Mr. CONRAD. With 25 votes stacked, we are talking about 8 hours of voting; would that not be correct?

The PRESIDING OFFICER. The math seems sound, yes.

Mr. CONRAD. I thank the Chair. We are awaiting Senator Lautenberg to take up the 10 minutes on his amendment, unless Senator Gregg wants the remaining time on the Clinton amendment.

The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The order for the quorum call be rescinded.

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The PRESIDING OFFICER. There is 1 minute 37 seconds left on the minority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. So our colleagues should be advised that the voting will begin at or about 1 o'clock. Can the Chair advise us of how many amendments are pending?

The PRESIDING OFFICER. There are 25 amendments pending, with the Lautenberg amendment. The Senator from North Dakota has 9 minutes of manager time still left which he can use at any time. The Senator from New Hampshire has 15 minutes remaining.

Mr. CONRAD. So I think it is fair, in terms of advising our colleagues, very shortly we are going to start on a voting sequence that will include—is it 25 amendments?

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The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. Mr. President, will the Chair advise us when the time on the Clinton amendment has been eliminated and the time on the Lautenberg amendment commences?

The PRESIDING OFFICER. There is 1 minute 37 seconds left on the majority side. All time has expired on the minority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The order for the quorum call be rescinded.

Mr. CONRAD. Mr. President, will the Chair advise us when the time on the amendment has been eliminated and the time on the Lautenberg amendment commences?

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The PRESIDING OFFICER. There is 1 minute 37 seconds left on the majority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The order for the quorum call be rescinded.
Mr. LAUTENBERG. Mr. President, is there a response time available on this?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I yield an additional minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator is yielded an additional minute.

Mr. LAUTENBERG. I thank the Senator from New Hampshire.

Mr. President, I say to the distinguished chairman of the Budget Committee, yes, we have to pay our bills. We cannot ignore our obligations. But when one borrows money, there is a contract that is signed and it is done with an open mind. Here we are being asked to take on more debt without having any discussion about what it is that would compel us to increase the national debt.

The national debt is going to drown us and we must have a chance to examine it in the light of day. That is what I would like to see us do. That is why we should take it from this budget resolution and discuss it in an open debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry: Having now reached the hour of 1, the order would provide that the votes start at 1; is that correct?

The PRESIDING OFFICER. Votes may begin at this time. Each manager has additional time that does not have to be utilized.

Mr. CONRAD. The chairman of the committee and I have agreed we will put in a quorum call at this moment, and we will remind colleagues that we will begin the voting very shortly. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARSHALL). The quorum call is in order. The quorum is not present.

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

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

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

Mr. GREGG. Mr. President, I ask unanimous consent that when we begin to vote the order of votes will be as follows, for the initial set of amendments.

We will begin with the majority leader's amendment relative to Medicaid, which is No. 229; followed by the Bingaman for Senator Smith amendment on Medicaid, No. 204; followed by the Carper amendment on full consideration of tax cuts, No. 267; followed by the Snowe-Wyden drug pricing amendment, No. 214; followed by the Harkin vocational education amendment, No. 172; followed by the Hutchison-Ensign Border Patrol amendment, No. 218; followed by the Landrieu National Guard amendment, No. 222; followed by the Salazar-Conrad rural education and health amendment, No. 215; followed by the Lautenberg debt limit amendment, No. 210; followed by the Lieberman-Collins first responder amendment, No. 220; followed by the Vitter border security amendment, No. 223; followed by the Vitter Corps of Engineers amendment, No. 224; followed by the Allen, as modified, NASA amendment, No. 197; followed by the Sarbanes CDBG amendment, No. 156; followed by the Collins CDBG amendment, No. 236; followed by the Cochran emergency retirement amendment, No. 208; followed by the Kennedy education amendment, No. 177; followed by the Baucus-Conrad amendment No. 234, agriculture; followed by the Biden COPS amendment, No. 239; followed by the Feinstein State Criminal Assistance Program, No. 188; followed by the Byrd highways amendment, No. 240; followed by the Talent highway amendment, No. 241; followed by the Lieberman sense of the Senate regarding Social Security tax, No. 243; followed by the Bunning repeal of Social Security tax, No. 241; followed by the Clinton-Reid prevention first amendment, No. 244; followed by the Lautenberg debt limit amendment, No. 187.

That is the first group of amendments which we will be taking up.

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

Mr. GREGG. Mr. President, we are going to move to the Frist amendment in a few minutes, and begin to vote.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the two managers of the bill, it is my personal feeling we shouldn't have the 1 minute on each side. It is an inordinate amount of time. It never amounts to 1 minute. I think we should just vote. When we take 1 minute when we have 25 or 30 votes, it will kill an inordinate amount of time to these amendments. I have not spoken to the majority leader, but it would be my feeling that the Members have had...
their say and we should run right through the votes. 

Mr. GREGG. I think the Democratic leader has made a very constructive suggestion for the process. I would be happy to accept that.

Mr. CONRAD. Mr. President, I personally think that would be a mistake. My experience here has been when we have so many votes occurring that if there is not some explanation, people literally may not know what they are voting on. If we want to reduce it to 30 seconds, I think you need at least a moment for people to have it brought to their attention what the vote pertains to.

I urge us to have at least a limited amount of time for those who are for and against to have some explanation before the vote.

Mr. REID. This can only be done by unanimous consent, obviously. One of the managers of the bill doesn’t agree. I should tell everyone this is going to add 15 or 20 minutes to the time. I will bet more than that. We have staff here. We have nice staff. If people do not know what the votes are, that is unfortunate. But, anyway, it takes unanimous consent, and I understand that.

Mr. CONRAD. Mr. President, if I could say this: Yes, people have staff. But the staff who are here are the staff of those of us who are managing this resolution. Many individuals don’t have staff in this Chamber. I have found that when we start having 25 or 30 votes in a row, Members can get the most disoriented about what they are voting on. I think it would be a mistake not to have a chance to say what it is.

Mr. REID. Does the Senator think that 30 seconds for each side would be better than the 1 minute? Could we accept that? I am indicating that if everything goes well, we will be finished with this stuff at 12 or 1 o’clock tonight.

Mr. CONRAD. I absolutely agree with the Senator on the need to compress the time. As the Senator knows, we have been working diligently to try to organize this in a way that reduces the time. I would accept going to 30 seconds on a side.

Mr. GREGG. I am happy to go to 30 seconds for each side.

Mr. REID. I have not checked with Senator Frist. I wouldn’t want to do anything without checking with him. I don’t think it would be appropriate. If he doesn’t agree to this, I would be happy to rescind the unanimous consent request. In the meantime, I ask unanimous consent the time between votes be 30 seconds per side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, recognizing that the Frist amendment to be considered is the Frist amendment, are the yeas and nays ordered?

The PRESIDING OFFICER. They are not.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that all amendments after this amendment be 10 minutes.

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

Mr. REID. Mr. President, before we start, I know the majority leader would agree. We have to keep a better tab on the time around here. It is possible to speed things up. I am sure this vote will take more than 10 minutes. After that I think we should enforce the 10-minute rule. If people can’t get here to vote because they have business to conduct, they may have to miss some votes.

I hope the majority would allow the 10-minute vote to be a 10-minute vote. I understand that if there is a vote which is close and people have to play around the votes a little bit, that stalls a little bit. The majority has the right to call votes to a close. I hope they would do it, recognizing that every minute they allow these votes to go beyond the 10 minutes is additional time people could be doing other things.

The PRESIDING OFFICER. There is now 30 seconds on each side.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise on behalf the majority leader, who is detained at another location. The majority leader’s amendment simply accomplishes the best of both worlds in the sense that he continues the reconciliation instruction so we will move forward with Medicaid reform.

This year, he also sets up a commission which makes it very clear that Medicaid reform will not impact services to children or people who are in need but would, rather, look at how we improve this process of delivering Medicaid services without undermining the process of Medicaid reform.

As I said before, if we do not move forward with reconciliation this year, we are not going to do it at all.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon.

Mr. SMITH. Mr. President, 200-plus groups who support the Smith-Bingaman amendment believe this would be a poison pill. I fear the same because it tries to put the Senate on record as requiring the Senate Finance Committee, under the Damocles sword of reconciliation, to report out an agreement that Secretary Leavitt may reach with any group of Governors, not even a majority, not even from the National Governors Association.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. If there is a sufficient second, the clerk will call the roll.

The result was announced—yeas 49, nays 51, as follows:
The amendment (No. 204) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader.

Mr. FRIST. Mr. President, I make another appeal to our colleagues. We are going to start strictly cutting off the votes. We are going to ask people to stay in the Chamber or right outside the Chamber. Again, we have a lot of votes. We have to get through them.

I will take 2 minutes to address an issue that I mentioned this morning in opening, and it has to do with a particular case in Florida, the Terri Schiavo case. Over the course of the day and, indeed, yesterday, we have been working together, both sides of the aisle, to bring resolution to an issue that has fallen to us which we, for the most part in this body, agree we need to address before leaving today.

I am going to propound two unanimous consent requests. We do not want to have this at this time, but let a debate or discussion on the issue, but it is important that we act now because in working with the House of Representatives, we do, at the end of the day, want to pass legislation. And because they will be going out shortly over the course of the day, we want to make it clear it is an issue we are all working toward and I believe we can solve today and, thus, I will propound will have these two unanimous consent requests. I will explain very briefly the first of the two unanimous consent requests. The House has a bill they have passed. It is a bill that, for the most part, on both sides of the aisle there has been some concern that we have not been able to get unanimous consent just in our discussions. That will be the first unanimous consent request.

The second unanimous consent request will be a private relief bill that is targeted to this particular case. It is a bill that both sides are discussing, and it is a bill on which I think over the next several hours we can come to some sort of mutual agreement.

What is important is that this body act. If we do not act, there is a possibility that a woman who is alive today—and everybody agrees she is alive today—while we are on recess will have termination of all feeding and water. She will be starved to death. Without going into a lot of details—a lot of people are discussing it—that is what we would do from a procedural standpoint.

The first unanimous consent request relates to a House bill that many people told me is unacceptable. The second unanimous consent request relates to a bill on which we worked together and is very targeted.

UNANIMOUS CONSENT REQUEST—H. R. 1332

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill introduced by the Majority Leader of the House-passed legislation relating to Theresa Marie Schiavo, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object, Mr. President. The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

UNANIMOUS CONSENT REQUEST—S. 653

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill introduced by Senator Martinez regarding Theresa Marie Schiavo, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Reserving the right to object, we are working with a number of Senators on this side of the aisle to see if we can work out something on this legislation. So I tell the majority leader that we need more time because there is a number of Senators who have concerns. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. Mr. President, I will be happy to yield to the floor manager.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise as a strong supporter of the bill of the Senator from Florida. I think it is absolutely imperative that we as a body take action to give a Federal court an opportunity to review this determination.

A woman's life is at stake, and it is absolutely imperative that we take action today. We are working diligently on both sides—I thank the majority leader and I thank the Senator from Pennsylvania, Mr. SANTORUM—and we are going to take action today. So we have to try to work through some issues to make certain we act on this opportunity. But I pledge as the manager of this bill that we will interrupt this bill at any time when we have a resolution so that we can take action to save this woman's life or to give a court an opportunity to review this case.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, there will be opportunities later when we address the bill for people who feel passionately about this. We are on the budget resolution. People know we are working in a bipartisan way to resolve this matter to save her life which, at the end of the day, is the goal.

I request people not say a lot right now so we can proceed. If we are on the budget resolution, people know we are working in a bipartisan way to resolve this matter to save her life which, at the end of the day, is the goal.

Mr. REID. I ask for the regular order.

Mr. FRIST. Regular order.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. Excuse me?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. May I make a point of parliamentary inquiry?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to know with whom this legislation has been shared? It certainly has not been shared with me, and I do not intend to just sit here while we change the nature of all of these things to put this in the political arena without a hearing.

AMENDMENT NO. 287

The PRESIDING OFFICER. There is 30 seconds on each side on the Carper amendment No. 287. Who yields time?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, this is a simple amendment.

This is a straightforward amendment. If my colleagues agree with me, a U.S. Senator who wants to reduce taxes in a way that decreases the budget deficit, it is OK to do that.

For this Senator or any Senator who wishes to reduce taxes, we can do that under this amendment, but if those taxes increase the budget deficit and the debt for this country, we need to muster 60 votes. The moneys for the offset can come from other taxes or
The amendment (No. 214) was rejected.

AMENDMENT NO. 172

The PRESIDING OFFICER. The next order of business is the amendment No. 172 by Senator HARKIN. There is 1 minute equally divided.

Mr. HARKIN. Mr. President, this amendment restores the Perkins Vocational Education Program and pays for it by eliminating two tax provisions that haven't even come into force yet. We are not raising anyone's taxes. We are not rolling back anything. There are two items in the 2001 tax bill called PEP and Pease. They start next year. They don't have to go into effect.

Who gets the benefits? Ninety-seven percent of the benefits go to people making more than $200,000 a year, and 5 percent go to people making over $1 million a year.

I am just saying, don't let that go into effect. That saves $146 billion over 10 years. This amendment would reduce the deficit with the money, and also put the money into restoring the Perkins Vocational Education Program.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment increases taxes by $24 billion and purports to give $7.5 billion to vocational education. The bill only controls the top discretionary number Government-wide. So the motion isn't enforceable and would likely be ignored by the committee of jurisdiction. The money could go over into some other account. There is no guarantee that the tax-and-spend amendment will result in one dollar of education.

The subcommittee chairman and the chairman for Education have looked at the budget, and there is money available for it. We know where to get it to make sure vocational education happens. That is why we put the Perkins through already.

I ask the Senate to reject it.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

Mr. HARKIN. Mr. President, this amendment restores the Perkins Vocational Education Program and pays for it by eliminating two tax provisions that haven't even come into force yet. We are not raising anyone's taxes. We are not rolling back anything. There are two items in the 2001 tax bill called PEP and Pease. They start next year. They don't have to go into effect.

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I ask the Senate to reject it.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

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The amendment (No. 214) was rejected.
The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on the amendment. The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

As printed in the Congressional Record:

[Rollcall Vote No. 63 Leg.]

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The amendment (No. 172) was rejected.

AMENDMENTS NOS. 218 AND 215, EN BLOC

The PRESIDING OFFICER. The next order of business is proposed by Senators ENSIGN and HUTCHISON, amendment No. 218.

Mr. GREGG. I ask unanimous consent we accept the Hutchison-Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask unanimous consent we accept the Salazar amendment No. 215.

The PRESIDING OFFICER. The question is on agreeing to the amendments on bloc numbered 218 and 215. The amendments (Nos. 218 and 215) were agreed to.

AMENDMENT NO. 219

The PRESIDING OFFICER (Mr. COLEMAN). The next amendment in order is No. 219 proposed by Senator LANDRIEU, with 1 minute equally divided.

Mr. GREGG. Mr. President, the time will run.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator LINDSEY GRAHAM be added as a cosponsor on Senator LANDRIEU’s amendment.

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

Mr. GREGG. Mr. President, has the minute run?

The PRESIDING OFFICER. The time has been used.

Mr. GREGG. I suggest we go to a vote.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. I ask for the yeas and nays.

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 63 Leg.]

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The amendment (No. 210) was rejected.

AMENDMENT NO. 229

The PRESIDING OFFICER (Mr. ISAKSON). The question is on agreeing to the Lieberman amendment (No. 229). The Senator from New Hampshire.

Mr. GREGG. Mr. President, at the request of a number of Senators who are sponsors of amendments, we have decided that we are going to restore the minute that was equally divided so Members can explain their amendments. But we are staying with the 5-minute vote for the next three amendments. However, we are skipping over Senator ALLEN’s amendment because we have to work that out. That would mean that Senator SARBANES’ amendment on CDBG would be the third 5-minute vote. But there will be a minute equally divided before the votes.

I believe we are now on the Lieberman amendment.

The PRESIDING OFFICER. Who yields time on the Lieberman amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, the amendment Senator LIEBERMAN and I have offered would restore homeland security grant funding to last year’s level for the first responder programs and for port security. It is a very modest amendment. Let us remember that when disaster strikes, our citizens do not dial the 202 Washington, DC, area code, they dial 911. It is our firefighters and police officers and our emergency medical personnel who are first on the scene. It is fully offset.

The PRESIDING OFFICER. Who yields time in opposition?

The time is yielded back.

The question is on agreeing to amendment No. 220.

Mr. CONRAD. Mr. President, I ask unanimous consent that amendment No. 224 be agreed to, regarding the Corps of Engineers.

The PRESIDING OFFICER. Is there an objection?

There is a sufficient second?

The clerk will call the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 64 Leg.]

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The amendment (No. 220) was adopted.

AMENDMENT NO. 222, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 222, agreed to earlier, be modified with the language at the desk. It has been cleared on both sides.

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

The amendment (No. 223), as modified, is as follows:

On page 63, line 24, after the second period sign, the following inserted: “In dealing with homeland security assistance grants that relate to port security, Congress should (1) allocate port security grants under a separate, dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security, (2) devise a method to enable the Secretary of Homeland Security to both distribute port security grants to the Nation’s port facilities more quickly and efficiently and give ports the financial resources needed to comply with congressional mandates, and (3) allocate sufficient funding for port security to enable port authorities to comply with mandated security improvements taking into consideration national, economic, and strategic defense concerns, ensure the protection of our Nation’s maritime transportation, commerce system, and cruise passengers, strive to achieve funds consistent with the needs estimated by the United States Coast Guard, and recognize the unique threats for which port authorities must prepare.”.

AMENDMENT NO. 224

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 224 be agreed to, regarding the Corps of Engineers.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The amendment (No. 224) was agreed to.

Mr. CONRAD. Mr. President, the previous Vitter amendment is vitiated be-
The amendment (No. 156) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

CHANGE OF VOTE

Mrs. HUTCHISON. Mr. President, on rollcall No. 65, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. GREGG. We have now done a 5-minute vote two times. Senator CONRAD and I were wondering what the reaction of the Chamber is. We thought we would ask for a show of hands.

How many want to keep going 5 minutes or go back to 10 minutes? All those in favor of 5 minutes raise your hand.

(Shouting of hands.)

Mr. GREGG. We are going to try 5 minutes some more. What a democracy. It is very impressive.

AMENDMENT NO. 230

The PRESIDING OFFICER. The question is on the Coleman amendment No. 230. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, my amendment is simple. It says no cuts in the Community Development Block Grant Program or other programs such as the Community Service Block Grant Program, the Brownfield Redevelopment Program, and the Rural Housing and Economic Development Program.

My amendment is fully offset by function 920.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. COLEMAN. Yes, I yield.

Mr. SARBANES. Mr. President, having lost the previous amendment, I support the amendment of the Senator from Minnesota. It is not my preference to do an across-the-board cut of other programs, but the CDBG Program is so important that we should adopt this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, of course, the committee of jurisdiction will have the decision on how these monies are spent and what decisions are made. But the practical effect—I think Members should know this—the practical effect of a 920 cut is an across-the-board cut. So, for example, a $2 billion item such as this means a billion dollars comes out of defense and a certain percentage comes out of education, a certain percentage comes out of health care, a certain percentage comes out of homeland security. That is the way this would work were the Appropriations Committee to follow these instructions.

The PRESIDING OFFICER. The question is agreeing to amendment No. 230.

Mr. SARBANES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. GREGG. I ask for the yeas and nays.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—68

Akaka  Domenici  Murray
Allen  Dorgan  Nelson (FL)
Baucus  Enzi  Nelson (NE)
Bayh  Feingold  Obama
Bingaman  Feinstein  Pelosi
Bond  Hutchison  Pryor
Boren  Inouye  Reid
Burns  Isakson  Rockefeller
Byrd  Jeffords  Salazar
Cantwell  Johnson  Santorum
Carper  Kennedy  Sarbanes
Chafee  Kohl  Schrader
Chambliss  Kohl  Smith
Clinton  Lautenberg  Snowe
Coleman  Lieberman  Specter
Collins  Leahy  Stabenow
Conrad  Lugar  Talent
Cochran  Lincoln  Thompson
Dayton  Lugar  Voinovich
DeWine  Martinez  Warner
Dodd  Mikulski  Wyden
Dole  Markowski

NAYs—31

Alexander  DeMint  Lott
Allard  Ensign  McCain
Bennett  Enzi  McConnell
Brownback  Frist  Roberts
Bunning  Grassley  Sessions
Burks  Graham  Shelby
Cochran  Hagel  Stevens
Cornyn  Hatch  suspends
Craig  Inouye
Crapo  Kyi

NOT VOTING—1

Lieberman

The Amendment (No. 230) was agreed to.

Mr. GREGG. Mr. President, please recognize Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, on rollcall vote No. 66, I was present and voted "aye." The official record has me listed as "absent." Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent on amendment No. 230 to change my vote. I voted "nay." I ask unanimous consent to change my vote to "yea." This change does not alter the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SARBANES. I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 208

The PRESIDING OFFICER. There is 1-minute debate on Cochran amendment No. 208.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment seeks to ensure that it is Congress who sets the discretionary caps and enforces them. It does not transfer to the President a new power of enforcement. If the President submits an urgent supplemental, as he has done now, and the House passes a supplemental bill and it comes to the Senate, if we add an emergency designation for an item, you can make a 60-vote point of order against that if it exceeds the caps, and we enforce that cap in that fashion.

This adds that the President has to enforce it by specifically agreeing that it is an emergency. That is not in the law now, and it should not be added on this resolution.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this returns us to a point of order that existed in prior years when the President participated in emergency designations relative to nondefense activity. It only applies to nondefense activity. It avoids issues such as placing in emergency bills items which are clearly not emergency issues unless the President agrees they are emergency issues also. I think it creates a much more balanced approach to how we address spending, and it protects the cap and does not allow the emergency bills to basically circumvent the cap.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 208.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.
Mr. McConnell. The following Senator was necessarily absent: the Senator from Pennsylvania. (Mr. Santorum.)

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—51

Akaka       Dodd       Mikulski
Baucus      Enzi       Roberts
Bennett     Frist      McNamara
Biden       Grassley   Sessions
Bingaman    Gregz      Sessions
Boxer       Hagel      Sessions
Bond        Harkin     Sessions
Borum       Hatch      Sessions
Brownback   Hatch      Sessions
Bunning     Inouye     Sessions
Burns       Isakson     Sessions
Burr        Johnson    Sessions
Byrd        Johnson    Sessions
Cantwell    Kennedy    Sessions
Carpenter   Kerry      Sessions
Chambliss   Kohl       Sessions
Clinton     Landrieu   Sessions
Coats       Lautenberg Sessions
Coleman     Leahy      Sessions
Collins     Levin      Sessions
Conrad      Lincoln    Sessions
Cronin      Lott       Sessions
Craig       Martinez   Sessions
Dayton      McCollin  Sessions

NAYS—49

Alexander   Domenici   Sessions
Bayh        Enzi       Sessions
Brown        Frist      Sessions
Baucus       Grassley   Sessions
Bennett      Gregz      Sessions
Biden        Hagel      Sessions
Brownback    Hagel      Sessions
Bunning     Harkin     Sessions
Burns        Hagel      Sessions
Brown        Harkin     Sessions
Borum       Johnson    Sessions
Burr         Johnson    Sessions
Chambliss   Johnson    Sessions
Cochran     Johnson    Sessions
Collins     Johnson    Sessions
Conrad      Johnson    Sessions
Cronin      Johnson    Sessions
Craig       Lieberman   Sessions
Dodd        Lieberman   Sessions

The PRESIDING OFFICER. The time has expired.

The Senator from Wisconsin. Mr. Enzi. Mr. President, I would agree that this amendment does increase taxes by $5.4 billion. I could not agree that it will actually wind up adding money for education. It gives the nonbinding suggestion that it be directed toward various higher education programs, but it does not guarantee it. The Budget Resolution controls the top-line discretionary number government-wide. No such suggestion is enforceable. There is no guarantee that this tax-and-spend amendment will result in one new dollar for education, let alone the programs suggested by the amendment. I ask that my colleagues vote no.

Mr. Kennedy. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 177, as modified. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—51

Akaka       Dodd       Mikulski
Baucus      Enzi       Roberts
Bennett     Frist      McNamara
Biden       Grassley   Sessions
Bingaman    Gregz      Sessions
Boxer       Harkin     Sessions
Bond        Harkin     Sessions
Borum       Johnson    Sessions
Brownback   Johnson    Sessions
Bunning     Johnson    Sessions
Burns       Johnson    Sessions
Burr        Johnson    Sessions
Byrd        Johnson    Sessions
Cantwell    Johnson    Sessions
Carpenter   Johnson    Sessions
Chafee      Johnson    Sessions
Collins     Johnson    Sessions
Conrad      Johnson    Sessions
Cronin      Johnson    Sessions
Craig       Lieberman   Sessions
Dayton      Lieberman   Sessions

NAYS—49

Alexander   Domenici   Sessions
Baucus      Enzi       Sessions
Bennett     Frist      McNamara
Biden       Grassley   Sessions
Bingaman    Gregz      Sessions
Boxer       Harkin     Sessions
Bond        Harkin     Sessions
Borum       Johnson    Sessions
Brownback   Johnson    Sessions
Bunning     Johnson    Sessions
Burns       Johnson    Sessions
Brown        Johnson    Sessions
Borum       Johnson    Sessions
Burr         Johnson    Sessions
Chambliss   Johnson    Sessions
Cochran     Johnson    Sessions
Collins     Johnson    Sessions
Conrad      Johnson    Sessions
Cronin      Johnson    Sessions
Craig       Lieberman   Sessions
Dodd        Lieberman   Sessions

Mr. Kennedy. I have cleared that both with the majority leader and minority leader.

Mr. President, my amendment as modified increases the education funding by $5.4 billion for the corporate tax loophole closure and now includes no additional deficit reduction. The amendment does three things. No. 1, it will make immediately available the Pell grant increase to $4,500. No. 2, it provides for the protection of the GEAR UP Program, the TRIO Programs, and vocational education. No. 3, it will ensure 60,000 math and science teachers every single year. That is effectively what this amendment does.

The amendment (No. 177), as modified, was agreed to.

Mr. Kennedy. Mr. President, I move to reconsider the vote.

Mr. Kerry. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 234

The PRESIDING OFFICER. There is 1 minute each on the next amendment. Senator Baucus is recognized.

Mr. Baucus. Mr. President, could we have order, please?
The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment strikes the cuts in the budget resolution with respect to agriculture. Two main points: Today, agricultural spending constitutes 1 percent of total Federal spending. These cuts here constitute 16 percent of the cuts in the budget resolution. It is just not right to single out agriculture 16 times more than other cuts in this resolution.

No. 2, the Europeans today spend $37 billion a year on agricultural price supports. We spend about $17 billion, half of what they spend. We should not unilaterally disarm now, before the Doha WTO talks.

Two points why the amendment should be agreed to. We should not make these cuts.

Mr. CHAMBLISS. Mr. President, the Senator from Montana is correct; that the cuts in agricultural spending now constitute 16 percent. That is another good reason why we should have supported Medicaid savings. We wouldn’t be in this position now.

What we committed to do relative to agriculture savings is, first of all, not to change the policy in the farm bill. We are not going to do that. We are simply not going to change policy.

Lastly, let me just say that over the last 3 years, farmers themselves have saved $5 billion per year from the projected farm bill expenditures in 2002. If we cannot find $3.8 billion over the next 5 years, then something is wrong. We are going to find it. We are going to treat every commodity fairly and equitably, and every title of the farm bill fairly and equitably in achieving these savings. I urge a “no” vote.

Mr. CONRAD. Mr. President, if we might have a moment to review for our colleagues where we stand, I think it is important to do so at this moment. I alert our colleagues that we have nine more amendments in this queue. We have three additional amendments noticed. That is 42 total. We are doing just over four amendments an hour. If we continue on this course, we are going to be here until 2 or 2:30 this morning.

There are a number of colleagues who have multiple amendments still noticed. I am asking colleagues to please notify leadership, please notify the whip, of what amendments you can wait on until another vehicle and another time.

At this point, I plead with colleagues. Let us not have a situation in which we are here until 3 o’clock this morning. This is our opportunity now during these votes for Members to notify which amendments they are willing to hold off on. Please do that.

Mr. REID. Mr. President, the manager of our bill, the Senator from North Dakota, is very busy, and his person to work with on these amendments is Senator DURBIN. If people would help Senator DURBIN and Senator CONRAD and help us move through amendments on our side.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my amendment restores $1 billion for local law enforcement, three big programs that have essentially been zeroed out, the COPS Program, the law enforcement block grants. Four years ago we spent $2.3 billion helping local law enforcement. It is down to $118 million.

My friend from New Hampshire said we are going to prove we can end the program. Let us pick one that is not working to end. This one works.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, the COPS Program was a program put in place by President Clinton. It was supposed to have expired 5 years ago. It was fully funded under President Clinton, and 100,000 police officers were put on the streets; in fact, 110,000. It continues to exist even though it has served its purpose, and there was a consensus that it would not go any longer. It is time to ask the program to be terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—45

Akaka Durbin
Baucus Feingold Mikulski
Bayh Feinstein Murray
Biden Harkin Nelson (FL)
Boxer Inouye Nelson (NE)
Byrd Jeffords Obama
Cantwell Kennedy Reed
Chambliss McCain
Cooper Smith
Craford Specter
Dayton Sununu
Durbin Stevens
Dorgan Vitter
FRIST Warner
NAYs—55

Alexander DeWine McConnell
Allard Dole Mankowski
Allen Domenici Murkowski
Bennett Rzni Santorum
Bond Brownback Sessions
Bunning Burns Shelby
Burris Burr Smith
Chafee Camburn Specter
Cooper Grassley Stevens
Craig Hatch Sununu
Collins Hatch
Corzine Inhofe Thomas
Dayton Levin Thomas
Dorgan Lieberman Thomas
FRIST McCain

The amendment (No. 239) was rejected.

The PRESIDING OFFICER. There is 1 minute equally divided on the Biden amendment.

Mr. CONRAD. Mr. President, if we might have a moment to review for our colleagues where we stand, I think it is important to do so at this moment. I alert our colleagues that we have nine more amendments in this queue. We have three additional amendments noticed. That is 42 total. We are doing just over four amendments an hour. If we continue on this course, we are going to be here until 2 or 2:30 this morning.

There are a number of colleagues who have multiple amendments still noticed. I am asking colleagues to please notify leadership, please notify the whip, of what amendments you can wait on until another vehicle and another time.

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The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my amendment restores $1 billion for local law enforcement, three big programs that have essentially been zeroed out, the COPS Program, the law enforcement block grants. Four years ago we spent $2.3 billion helping local law enforcement. It is down to $118 million.

My friend from New Hampshire said we are going to prove we can end the program. Let us pick one that is not working to end. This one works.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, the COPS Program was a program put in place by President Clinton. It was supposed to have expired 5 years ago. It was fully funded under President Clinton, and 100,000 police officers were put on the streets; in fact, 110,000. It continues to exist even though it has served its purpose, and there was a consensus that it would not go any longer. It is time to ask the program to be terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—45

Akaka Durbin Lincoln
Baucus Feingold Mikulski
Bayh Feinstein Murray
Biden Harkin Nelson (FL)
Boxer Inouye Nelson (NE)
Byrd Jeffords Obama
Burd Johnson Reid
Burr Kerrey Reid
Chafee Lieberman Rockefeller
Collins McCain
Craford McConnell Schumer
Dayton Leach Salazar
Dorgan Lieberman Sarbanes
FRIST Warner

NAYs—55

Alexander DeWine McConnell
Allard Dole Mankowski
Allen Domenici Murkowski
Bennett Rzni Santorum
Bond Brownback Sessions
Bunning Burns Shelby
Burris Burr Smith
Chafee Camburn Specter
Cooper Grassley Stevens
Craig Hatch Sununu
Collins Hatch
Corzine Inhofe Thomas
Dayton Levin Thomas
Dorgan Lieberman Thomas
FRIST McCain

The amendment (No. 239) was rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent the call for the quorum be rescinded.

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

FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, if we could have regular order, just a very brief explanation and we will proceed. We are going to interrupt the budget for a few minutes to discuss a bill we have been talking about over the course of the day. It has to do with a particular case in Florida. We will talk a little bit about the background for a very limited period of time. Then we will resume with the debate on the budget and the amendment process. This should take a total of about 15 or 16 minutes. It is important we do it now. The House is preparing to leave—if they have not left—and the immediacy of this bill centers on the life of
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a particular person. That is why we are interrupting the debate now.

With that, I turn to my colleague.

Mr. REID. Mr. President, I extend my appreciation to many Members of this caucus for their cooperation. This is a very difficult issue. It has been hard for everyone. I especially applaud my friend from Michigan, Senator LEVIN. I joke with him sometimes, but he is a Harvard-educated lawyer, and he really lives every minute of that. He understands the law, and he has helped the Senate get something that is appropriate for what we are trying to do. I appreciate that very much. A number of other Senators, including the distinguished Senator from Oregon, have worked with us, and I will not run through the entire list, but we have had Senator BAUCUS, Senator FEINSTEIN, Senator HARKIN, Senator MURRAY. We have had a lot of cooperation. I apologize because I have left some names out. It is very difficult.

We have been obligated to do something. Something is going to happen anyway. I think this will wind up being the best of what we could do.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 653, which is at the desk, that relates to Terri Marie Schiavo; that there be 15 minutes of debate on the bill equally divided between the two leaders or the designees; provided further no amendments be in order; following that debate the bill be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

Mr. REID. Reserving the right to object, the amendment that has been worked on the past few hours, is it at the desk?

Mr. MARTINEZ. The language is at the desk.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The bill is at the desk.

Mr. REID. Mr. President, I also ask consent that this be increased to 16 minutes because the Senator from Florida, Mr. NELSON, wishes to speak a couple minutes on it.

Mr. WYDEN. Mr. President, retaining the right to object, and I do not intend to object, but it is going to be 15 minutes on each side.

Mr. REID. No. Seven and a half minutes to you, a minute to the Senator from Florida, and that is the only request for time I have received.

Mr. WYDEN. I thank the Senator and with reservation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there has been a little confusion because there has been different versions seen this bill circulating. I want everybody to know the version of the bill we are working on, which the unanimous consent relates to, is a brandnew bill as of a few moments ago which contains the modifications that we have worked out. Mr. REID. That is true.

Mr. MARTINEZ. Yes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The debate is now terminated, and the bill is before the Senate for final passage.

The legislative clerk read as follows:

A bill (S. 653) for the relief of the parents of Theresa Marie Schiavo.

Mr. MARTINEZ. Mr. President, in 1990, at the age of 27, Theresa Marie Schiavo, a Florida resident, suffered a heart attack which resulted in brain damage from a lack of oxygen. As a result, she was taken to the hospital and a feeding tube was inserted at that time to provide nutrition and hydration to keep her alive.

Over the last 15 years, there has been a very difficult and long protracted legal struggle in Florida over whether the parents’ wishes should prevail, who wish for her to continue to receive food and hydration, or the husband’s wishes.

A court order has been entered. The effect of that court order is that tomorrow, on March 18 of this year, the food and hydration would be withdrawn from this woman.

The effect of our bill is very narrowly tailored to provide relief to this young woman so that a Federal judge in Florida will have the opportunity to do a de novo review of all that pertains to this case to ensure that her constitutional rights have been protected, to ensure that the due process has been exhausted, and to ensure, without precluding either outcome in the case, that the Federal review of this case could provide the same type of relief that we would provide to any other person in the State of Florida who might be put to death as a result of a court order, including those who might be doing so because of criminal conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, will the majority leader yield for just a brief statement?

Mr. FRIST. I will.

Mr. REID. Mr. President, I talked about everybody except one of the most important people, if not the most important person, this afternoon, and that is Senator NELSON from Florida. He has been here during the whole day, and I want to extend my appreciation to him.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will be very brief. This is an opportunity to talk to a number of my colleagues.

Most people know, this is coming to the floor very quickly. And the real, fundamental reason is, if we do not act, there is a good chance that a living human being would be starved to death in a matter of days. That is why the action now. That is why we are, not rushing things, but deliberating quickly, so we can get it to the House of Representatives.

She will be starved to death next Friday. I have had the opportunity to look at the video footage upon which the initial facts that were based. And from my standpoint as a physician, I would be very careful before I would come to the floor and say this,
that the facts upon which this case was based are inadequate. To be able to make a diagnosis of persistent vegetative state—which is not brain dead; it is not coma; it is a specific diagnosis and typically takes multiple examinations over a period of time because you are looking for responsiveness—I have looked at the video footage. Based on the footage provided to me, which was part of the facts of the case, she does respond.

Now, being the case, and also recognizing she has not had a complete neuropsychological exam by today’s standards—allegedly, she has not had a PET scan or MRI scan; not that those are definitive, but before you let somebody die, before you starve somebody to death, you want a complete exam and a good set of the facts of the case upon which to make that decision.

All we are saying today is, do not starve her to death now forever. I would not establish the right to die based on medical science today, and then make a determination in the future. That is what we will accomplish with passage of this bill.

The PRESIDING OFFICER. The Senator from Florida.

Mr. WYDEN. Mr. President, the Senate is now addressing probably the most gut-wrenching decision that an American family ever faces. Without even a single hearing, without any debate whatever, the Senate is tackling an extraordinarily sensitive concern that involves morals and ethics and religious principles, and this troubles me greatly.

The practice of medicine and the regulation of it throughout our history has been properly left by the Constitution to the States. Now, regardless of how a Senator might feel about this tragic case in Florida—and feelings certainly run very high—a Senator ought to reflect on the implications of Federal intrusion before we cast this vote.

I am particularly troubled at the prospect of setting a precedent that is going to have the Congress, in effect, playing “medical czar” in case after case because, colleagues, there will be thousands of cases just like this.

I would ask the Senators, will the steps of the Capitol be the new gathering place for America to wrestle with these situations that all concerned consider tragic? I think that is a mistake. That is why I am going to vote against this legislation.

Now, this legislation has particular repercussions for the people of my State. We have voted twice for assisted suicide. I will tell colleagues, I voted against both of those measures on assisted suicide. This bill simply gives a Federal court the ability to review the State court’s action. Just yesterday, in California, a man was sentenced to death for killing two people. He will have ample opportunity to have everything the California courts did reviewed by the Federal court under a habeas corpus appeal. He will have multiple appeals for Federal courts to look to see whether the State court in California properly behaved in providing him his due process rights under the 14th amendment—a multiple murder.

Terri Schiavo has done one thing wrong: she did not have a living will. But the Florida courts gave her a death sentence. They said that her feeding tube and hydration will be removed until she is dead. And no one but for this bill and the Federal courts will have any right to look to see if her due process rights were followed by the Florida courts.

This does not get us involved in a medical decision. This does not get us involved in making decisions of life and death. It simply protects the constitutional rights of someone whose only—only—mistake was not to have a living will. Should we not give someone who is in that situation, who has been sentenced to death by a court on a State level, the right for Federal court review to determine if her rights were protected by those courts? That is all we ask in this piece of legislation. It is narrow. It applies only to her, to no one else. It sets no precedent. We specified, thanks to Senator Wyden’s amendment, that it sets no precedent for any other action.

So I would encourage my colleagues, as we just have been through a horrific death penalty case in California, to understand that there is a proper role for Federal courts to look to make sure that due process was followed. That is all we are asking for here today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The minority has 1 minute 35 seconds. The majority has 1 minute 54 seconds.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Florida, and 42 seconds to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this bill we are considering is a good-faith bipartisan effort to allow a Federal court in my State to review this case. One of the improvements of this legislation was that it changed the original draft directing a Federal court how it should issue injunctive relief because constitutionally we cannot direct a Federal court, even in law.

I support this bill so that this case can be reviewed and decided in a timely manner. And, indeed, it underscores the importance for us to pass this bill so that a person’s wants and desires will be carried out when they are in an incapacitated condition.

Mr. HARKIN. Mr. President, I thank both Senators from Florida. Senator Martinez came to me with this last week. We are doing this personal bill because it is so time sensitive. But let’s not forget that there are hundreds and thousands of people with disabilities, both physical and mental, who face similar situations. That is why last week when this was brought to my attention, I said to my friend from Florida that we ought to do some kind of a habeas type of proceedings for those people that are at the end of the rope and yet there is no one speaking for them. So while we pass this today for a woman in Florida, I hope when we come back after the recess we can work together in a bipartisan fashion to fashion some kind of legislation that will give people with disabilities the ability to take one last look at their case before the plug is pulled.

I hope we can work on that so we don’t have cases after case after case coming in here, but we can deal with it in a broad, general context to protect the rights of people with disabilities.
Mr. MARTINEZ. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Florida for his outstanding leadership on this extraordinary remedy for a woman who, when I observed her on videotapes, clearly is conscious and has the ability to feel. I believe in the sanctity of human life. I think most of us feel in good conscience we can’t just sit by and allow this innocent woman to starve to death. Just because she has lost her ability to verbally communicate her feelings in no way means that she has lost her desire to live or her right to life. When in doubt, I think it is appropriate and, indeed, logical to presume that people want to live.

I am proud of the Senate and Senator Martinez for his leadership in helping to protect Terri Schiavo’s right to life.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. To close, I thank the leadership of the minority and majorities. I never anticipated that my first legal measure on the floor of the Senate would be something such as this. I am very pleased that we have had the cooperation we have had. I thank Senators Harkin and Conrad and so many others on our side of the aisle who have worked with me tirelessly to get to this point and the encouragement they provided me.

By voting for this bill, we will simply be allowing the Federal judge to give one last review, one last look in a case that has so many questions, that has so many anxieties, and that will provide us the kind of assurance before the ultimate fate of this woman is decided to know that we did all we could do and that every last measure of review was given her, just like it would have been given to a death row inmate convicted and sentenced to die.

I ask for a vote in support of the measure that we might keep Terry Schiavo alive and give her a chance to have a Federal review of her case.

The PRESIDING OFFICER. All time has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent to speak for 30 seconds.

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

Mr. LEVIN. Mr. President, I want to make it clear that although I believe it is a mistake for Congress to be moving into this area with this haste and speed, in the most difficult decision-making a family could ever face—I intend to vote no—the language in section 1 also makes it clear that a Federal court would have to find a violation of a constitutional right or a right under U.S. law in order to provide an order that she be maintained on life support.

It is very clear in here that there has to be a violation of the U.S. Constitution or Federal law for a Federal court to provide the continuation of life support.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (S. 653) was passed, as follows:

Yea 8, 653

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

SECTION 1. RELIEF OF THE PARENTS OF THE—

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relative to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was not seconded.

Mr. MARTINEZ. To close, I thank Chairwoman Feinstein. I thank the Chair. Mr. President, this is a sense-of-the-Senate resolution submitted by myself and Senators Kyl, Hutchinson, Cornyn, Schumer, and Clinton, having to do with the State Penal Alien Assistance Program.

As we all know, illegal immigration is the responsibility of the Federal Government. Since early 1990, the Department of Justice has run out. We have just passed it out of the Judiciary Committee this morning.

The PRESIDING OFFICER. The time of the Senator has expired.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. Mr. President, we have serious reservations about SCAAP which we discussed earlier when we debated this amendment. However, since this amendment is a sense of the Senate and since we are coming to a point where some of these sense of the Senate we think we can take, this one is clearly at the margin on that exercise, but rather than going through the exercise of a vote on it, we accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 188) was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

The PRESIDING OFFICER. There is now 1 minute of debate on Feinstein amendment No. 196. Who yields time?

Mr. BYRD. Mr. President, this amendment would boost the amount of funding in the budget to allow for a highway bill totaling $318 billion. That is the same size as the highway bill we passed last year. Every Senator should look at the table on their desk and see how much money and how many jobs her is foregoing by voting against this amendment. The offsets for the amendment are not new taxes. The offsets are precisely the same offsets that were used in the finance title of last year’s highway bill. I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is an agreement—and it is fairly well agreed to, not only within this body but on the House side and with the President—that the highway bill will be $284 billion. That is funded in this budget resolution. This would increase that funding by approximately $30 billion. In addition, it raises taxes by $14 billion. It is a classic tax-and-spend amendment. I hope it will be defeated.
The amendment (No. 240) was rejected. The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENTS NOS. 159; 160; 164; 194; 226; 209; AS MODIFIED; 153, AS MODIFIED, AND 182, EN BLOC.

Mr. GREGG. Mr. President, I wish to propose a series of unanimous consent requests. We have 11 amendments that have been cleared as a result of extensive work and in an effort to be cooperative by both sides of the aisle, which I appreciate.

I ask unanimous consent that these amendments be approved en bloc. First is amendment No. 159, by Senator OBAMA, regarding Avian Flu; No. 160, by Senator LEAHY, regarding UNICEF; No. 164, by Senators GRASSLEY and KENNEDY, regarding the Family Opportunity Act; No. 194, by Senators MCCAIN and SMITH, providing for the restoration of SCHIP funds.

I ask unanimous consent that a series of unanimous consent requests be approved en bloc. First is amendment No. 226, by Senators ALLEN, VOINOVICH, and BYRD, regarding HOPE credit; No. 198, by Senators ALLEN, VOINOVICH, and BYRD, regarding rural health care; No. 182, by Senator LOTT, on behalf of the Senators, and I ask unanimous consent that those amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc as follows:

AMENDMENT NO. 159
(Purpose: To prevent and, if necessary, respond to an international outbreak of the avian flu)
On page 9, line 15, increase the amount by $25,000,000.
On page 9, line 16, increase the amount by $6,000,000.
On page 9, line 20, increase the amount by $11,000,000.
On page 9, line 24, increase the amount by $5,000,000.
On page 10, line 3, increase the amount by $2,000,000.
On page 26, line 14, decrease the amount by $25,000,000.
On page 26, line 15, decrease the amount by $5,000,000.
On page 26, line 18, decrease the amount by $11,000,000.
On page 26, line 21, decrease the amount by $5,000,000.
On page 26, line 24, decrease the amount by $2,000,000.

AMENDMENT NO. 160
(Purpose: To restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2005 levels and offset this change by reductions in overall government travel expenses)
On page 18, line 16, increase the amount by $100,000,000.
On page 18, line 17, increase the amount by $100,000,000.

AMENDMENT NO. 198
(Purpose: To express the sense of the Senate regarding funding for the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research)
At the end of title V, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) FINDINGS.—The Senate makes the following findings:
(1) The economic and military security of the United States depends on the continued development of improved aeronautics technologies.
(2) Research and development on many emerging aerospace technologies are often too expensive or removed in terms of time from commercial application to garner the necessary level of support from the private sector.
(3) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled a long-standing positive balance of trade and superior technology on the battlefield for the United States in recent decades.
(4) The aeronautics industry has grown increasingly mature in recent years, with growth dependent on the availability of the research workforce and facilities provided by the National Aeronautics and Space Administration.

(5) Recent NASA studies have demonstrated the competitiveness, and scientific merit, and necessity of nearly all existing aeronautics wind tunnel and propulsion testing facilities.
(6) A minimum level of investment by NASA is necessary to maintain these facilities in operational condition and to prevent their financial collapse.

(b) SENSE OF SENATE.—It is the sense of the Senate that—
(1) the level of funding provided for the Aeronautics Mission Directorate budget within the National Aeronautics and Space Administration should be increased by $1,562,700,000 between fiscal year 2006 and fiscal year 2010, and
(2) the increases provided should be applied to the Vehicle Systems portion of the Aeronautics Mission Directorate budget for use in subsonic and hypersonic aeronautics research.
(Purpose: To express the sense of the Senate concerning the care and treatment of children with HIV/AIDS)

At the appropriate place, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE ACQUISITION OF THE NEXT GENERATION DESTROYER (DDX)

At the end, add the following:

(A) FINDINGS.—The Senate makes the following findings:

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy.

(2) the amounts identified in this resolution for the acquisition of the next generation destroyer (DDX) program:

(a) F INDINGS.—The Senate makes the following findings:

(1) the Quadrennial Defense Review to be conducted in 2005 has not been completed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) that—

(1) the Quadrennial Defense Review to be conducted in 2005 has not been completed.

(2) the national security of the United States is best served by a competitive industrial-based strategy consisting of at least two shipyards capable of constructing major surface combatants.

(p) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) that the amounts identified in this resolution assume that the Department of Defense will not acquire any destroyer under the next generation destroyer program through a winner-take-all strategy.

(c) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term “winner-take-all strategy” with respect to the acquisition of destroyers under the next generation destroyer program means the acquisition (including design and construction) of such destroyers through a single shipyard.

Ms. MIKULSKI. Mr. President, this amendment would increase the Hope credit to $4,000 and make it available for 4 years of college. The core of the American Dream is getting a college education and I want to make sure that every student has access to that dream. I want to help families who are trying to send their children to college and adults who are going back to school for their first degree or their third.

Our middle-class families are stressed and stretched. Families in my state of Maryland are worried—they’re worried about their jobs and they’re terrified of losing their healthcare when costs keep balloonning. Many are holding down more than one job to make ends meet. They’re racing from carpools to work and back again. But most of all, they don’t know how they can afford to send their kids to college. And it’s why they want to know that the United States Senate are doing it to help them.

That’s why I want to give every family sending a child to college a $4,000 tuition tax credit. This amendment would give help to those who practice self-help—the families who are working and saving to send their child to college or update their own skills.

College tuition is on the rise across America. Tuition at the University of Maryland has increased by almost 50 percent since 2002. Tuition for Baltimore Community College rose by $300 in one year. The average total cost of going to a 4-year public college is $10,635 per year, including tuition, fees, room and board. Maryland will cost more than $15,000 for a full-time undergraduate student who lives on campus.

Financial Aid isn’t keeping up with these rising costs. Pell Grants cover over 40 percent of the cost of tuition at 4-year public colleges. Twenty years ago, Pell Grants covered 80 percent of average costs. Our students are graduating with so much debt it’s like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American Dream; it shouldn’t be part of the American financial nightmare.

Families are looking for help. I’m sad to say, the President doesn’t offer them much hope. The Republican budget has all the wrong priorities. President Bush proposed increasing the maximum Pell Grant by just $100 to $4,150. I want to double Pell Grants. Instead of easing the burden on middle-class families, the President’s budget helps out big business cronies with lavish tax breaks while eating into Social Security and creating deficits as far as the eye can see.

We need to do more to help middle-class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren’t eligible for Pell Grants but still can’t afford college.

A $4,000 tax credit for tuition will go a long way. It will give middle class families some relief by helping the first-time student at our 4-year institutions like the University of Maryland and the midcareer student at our terrific community colleges. A $4,000 tax credit would be 60 percent of the tuition at Maryland and enough to cover the cost of tuition at most community colleges. My amendment would add to our community colleges’ tuition tax credit to make college affordable for everyone.

College education is more important than ever: 40 percent of new jobs in the
next 10 years will require post-secondary education. College is important to families and it’s important to our economy. To compete in the global economy, we need to make sure all our children have 21st century skills for 21st century jobs. And the benefits of education help not just the individual but society as a whole.

To have a safer America and a stronger economy, we need to have a smarter America. We need to invest in our human capital to create a world class workforce. That means making a college education affordable.

Mr. GREGG. Mr. President, there is a genuine effort going forward to reduce the number of amendments pending before the body. We still have an incredible number of amendments out there—somewhere in the vicinity of 30, at the minimum. At the rate we are going, that is about 8 to 9 hours of voting. It would be helpful if folks would sit down with the leadership on both sides, if they have amendments, and try to determine ways to deal with those and determine if it is necessary to go forward with them, or maybe we can do them in a more expeditious way than to formally vote on them. I hope we can get a sort of assistance.

Mr. CONRAD. Mr. President, just to report to the colleagues, we have five more amendments in this queue. We have five amendments that we are working to try to get approved. We have 23 amendments beyond that.

I made an appeal. There are a number of Senators with multiple amendments. We have 8 Senators that, among them, have 20 amendments. I appeal to those Senators, please work with leadership to try to reduce those amendments. We are working diligently to get, as we have just seen described by the chairman, a series of amendments approved. Let’s work and make modifications where necessary, where we can get others handled in that way. If we don’t do this, we are going to be here at 3:30 tomorrow morning. So please, let’s get these amendments worked out. These are 5-minute votes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 225

Mr. TALENT. Mr. President, I call up my amendment No. 225.

The PRESIDING OFFICER. The clerks will report.

The legislative clerk reads as follows:

The Senator from Missouri, [Mr. TALENT], for himself, Mr. THUNE, Ms. STABENOW, and Mr. WYDEN, proposes an amendment numbered 225.

The amendment is as follows:

(Purpose: To provide the flexibility to consider all available transportation funding options)

On page 39, lines 8 and 9 strike “net new user-fee receipts related to the purposes of” and insert “receipts to”.

Mr. TALENT. Mr. President, I will just take 30 seconds.

This amendment is endorsed by all the major transportation groups. The budget resolution restricts the transporation funding available to the Finance Committee. Our amendment changes the language to be consistent with past conference reports and budget resolutions. It ensures that transportation funding options are on the table when we consider the highway bill. It doesn’t affect the budget neutrality.

Mr. GREGG. Mr. President, this takes the fund, the purpose of which is to allow the Senate to spend more than the $294 billion but requires that that be genuinely paid for, and turns it into a reserve fund. The pay-fors will become not necessarily illusory but close to that. I don’t think it is good policy to do that. I would rather we had a strong statement that if we are going to go over the $294 billion, it is really going to be paid for.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—81

Akaka          Dole
Baucus         Doles
Bayh           Dorgan
Bennett        Durbin
Biden          Feingold
Bingaman       Feinstein
Bond           Graalney
Boxer          Harkin
Brownback      Hatch
Bunning        Hutchison
Burns          Inhofe
Byrd           Inouye
Cantwell       Isakson
Carper         Jeffords
Chafee         Johnson
Chambliss      Kennedy
Clinton        Kerry
Cochran        Kohl
Coleman        Landrieu
Collins        Launtenberg
Coons          Leakyy
Cornyn         Levin
Cornize        Lieberman
Craig          Lincoln
Crapo          Lott
Dayton         Martinez

NAYS—19

Alexander      Enzi
Allard         Frist
Burr           Graham
Coburn         Greg
DeMint         Hagel
Domenici       Kyi
Ensign         Lugar

The amendment (No. 225) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 243

The PRESIDING OFFICER. The question is on the Conrad amendment No. 243. There is 1 minute equally divided.

The Senator from North Dakota, Mr. CONRAD. Mr. President, this amendment says simply that we ought to repeal the tax that applies to Social Security benefits; that we should do it in a way that does not cut Medicare funding and that does not further increase deficits and debt.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. BUNNING. Mr. President, this is a sense-of-the-Senate amendment. It has no meaning at all, and it is not paid for by any method, so it means nothing. The senior citizen is still stuck with the additional 35-percent tax on their benefits on Social Security.

I urge a “no” vote.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. CONRAD. Mr. President, 30 seconds off my leader time. This amendment is fully paid for, and it has exactly the same force and effect of law, as does the amendment of the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 243.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—94

Akaka          Dole
Allard         Domenici
Allen          Dorgan
Baucus         Doles
Bayh           Dorgan
Bennett        Durbin
Biden          Feingold
Bingaman       Feinstein
Bond           Graalney
Boxer          Harkin
Brownback      Hatch
Bunning        Hutchison
Burns          Inhofe
Byrd           Inouye
Cantwell       Isakson
Carper         Jeffords
Chafee         Johnson
Chambliss      Kennedy
Clinton        Kerry
Cochran        Kohl
Coleman        Landrieu
Collins        Launtenberg
Coons          Leakyy
Cornyn         Levin
Cornize        Lieberman
Craig          Lincoln
Crapo          Lott
Dayton         Martinez

NAYS—6

Allard         Hagel
Bunning        Kyi

The amendment (No. 243) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.
Mr. GREGG. Mr. President, can we get order so we can discuss where we are? We still have a lot of amendments pending and we are going to be here well into tomorrow morning at this rate. It would be very helpful if Members would come forward and agree to either adjust their amendment so they didn’t have to have it heard tonight or reach an agreement where we did not have to vote on it. Otherwise, we are heading for the wee hours of tomorrow morning. I know Senator CONRAD had some thoughts on how we might address this.

Mr. CONRAD. Mr. President, there has been excellent cooperation. I thank our colleagues. We have removed at least 80 amendments. But here is where we stand at the moment. We still have 24 or 25 amendments. We need to take a break because we need to have the desk crew take a break. They have worked nonstop. We are going to need to take about a 30-minute break. But to be able to do that and not wind up right back at 3 a.m., because we have made some progress now, we are headed for about 1:45 right now if all the amendments are voted on that are in queue, we have to ask colleagues to please let us know if you can accept a vote on your amendment on a later vehicle. That is the only way we are going to avoid it.

You can do the math yourself: 25 votes, 4 an hour, 6 more hours—that is right back at 2 o’clock in the morning. So there are nearly two votes, those who have amendments that do not have to be on this vehicle, come to us and let’s see if we cannot work something out.

Senator CLINTON is next up.

The amendment (No. 241) was agreed to.

The PRESIDING OFFICER. The question now is on amendment No. 241. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be clear. The Bunning amendment doubles the tax cut, undermines funding for Medicare, and provides absolutely no assurance that the additional tax cut will be used to eliminate the tax on Social Security benefits.

So let’s be clear. It doubles the tax cut. It undermines funding for Medicare. It provides no assurance that the money would be used to reduce the tax on Social Security benefits.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I ask for the yeas and nays.

Mr. CONRAD. The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. There is a sufficient second.

The question is on agreeing to amendment No. 241. The clerk will call the roll. The legislative clerk called the roll. The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]
medical inflation into account, funding for the program under such title X declined by 59 percent between 1980 and 2004.

(10) Although employer-sponsored health plans provide coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 29 States without contraceptive coverage policies. These women may still find the most effective contraceptive therapies beyond their financial reach due to a lack of coverage.

(11) Including contraceptive coverage in private employer health plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(12) By the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraception does not increase sexual risk-taking or sexually transmitted infections.

(13) In 2000, 51,000 abortions were prevented by the use of contraceptive coverage. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(14) Thirteen percent of all births give birth before age 20. Eighty-eight percent of births to teens age 17 or younger were unintended. Twenty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2004).

(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.

(16) Research shows that a range of initiatives, including sex education, youth development and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal dollars allocated to these programs with research-based evidence of success.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1) $100,000,000 of the amount provided for under paragraph (1) for the category “550 (health) for fiscal year 2006 may be used for any or all of the following—

(A) to fund increases in amounts appropriated to carry out title X of the Public Health Service Act (42 U.S.C. 300 et seq.) above amounts appropriated for fiscal year 2005;

(B) to fund legislation that would require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans;

(C) to fund legislation that would create a public education program administered through the Centers for Disease Control and Prevention concerning the use, safety, efficacy, and availability of emergency contraception that is—

(i) approved by the Food and Drug administration to prevent pregnancy; and

(ii) post-coitally;

(D) to fund legislation that would permit the Secretary of Health and Human Services to award, on a competitive basis, grants to public and private entities to establish or expand teenage pregnancy prevention programs or to disseminate information to edu-
cators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only educational programs);

(2) the prevention programs described in paragraph (1) are cost effective and will achieve savings by—

(A) reducing the number of unintended pregnancies;

(B) reducing the rate of sexually transmitted infections;

(C) reducing the costs to the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) providing for the early detection of HIV and early detection of breast and cervical cancer;

and

(3) the increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

Mrs. CLINTON. Mr. President, this is the Clinton-Reid prevention first amendment. What it does is to try to put us on record and provide funding for the important goal of preventing unintended pregnancies and abortions.

What this amendment does is to increase public health funding for the National Family Planning Program and enact the EPIC bill which says to insurance companies, if you are going to provide insurance coverage for Viagra you should provide insurance coverage for contraception. It increases funding to improve awareness and education about emergency contraception, which is a prevention program, not termination, and finally funds a new teen prevention program.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

The President said he doesn't think it is right to avoid facing up to tough issues that our children will have to deal with in the future. Let us face up to our responsibilities.

Mr. GREGG. Mr. President, for the edification of our colleagues, after this vote is completed, we will take a half hour recess to give the staff a rest for a little bit. Then we will be back and voting. I presume, sometime around quarter of 8.

The use of reconciliation on the debt ceiling is a very common procedure. Our colleagues across the aisle, when they were in the majority, used it a number of times. It is an option that should be made available. We have to pay our debt and, therefore, we have to raise that debt ceiling. This is a very typical and appropriate way to handle the debt ceiling should the Finance Committee choose to pursue it. We are just giving them this tool and this option.

The PRESIDING OFFICER. The yeas and nays have been ordered on this amendment.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 75 Leg.]  

**YEAS—47**

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[s] The amendment (No. 24) as modified, was rejected.

**AMENDMENT NO. 187**

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe my amendment is next in order. I would like to be able to confirm that.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey is at the desk.

Mr. LAUTENBERG. Mr. President, in the last 4 years we have raised the Nation’s debt limit three times, from less than $6 trillion to more than $8 trillion. Now we are being asked to add $446 billion of new debt, $1,500 for every man, woman, and child, without debate. My amendment says we ought to have a debate and answer the question after we have discussed it. The issue ought to be debated. Nothing poses a greater threat to our future security. The President said he doesn’t think it is right to avoid facing up to tough issues that our children will have to deal with in the future. Let us face up to our responsibilities.

Mr. GREGG. Mr. President, for the yeas and nays were ordered.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.
Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows: [Rollcall Vote No. 76 Leg.]

YEAS—45

Akaka  Durbin  Lincoln
Baucus  Feingold  McCain
Bayh  Feinstein  Mikulski
Bilnder  Harkin  Murray
Bingaman  Inouye  Nelson (FL)
Boxer  Johnson  Obama
Byrd  Johnson  Pryor
Cantwell  Kennedy  Reid
Carper  Kerry  Reid
Clinton  Kohl  Rockefeller
Conrad  Landrieu  Salazar
Cochrane  Lautenberg  Sarbanes
Dayton  Leahy  Schumer
Dodd  Levin  Stabenow
Dorgan  Lieberman  Wyden

NAYS—54

Alexander  DeWine  McConnell
Allard  Dole  Murkowski
Allen  Domenici  Nelson (NE)
Bennett  Ensign  Roberts
Bond  East  Santorum
Brownback  Frist  Sessions
Bunning  Graham  Shelby
Burns  Grassley  Smith
Burr  Gregg  Snowe
Chafee  Hagel  Specter
Collins  Hatch  Stevens
Cochrane  Hatchcock  Sununu
Coleman  Inhofe  Talent
Collins  Isakson  Thomas
Cornyn  Kyl  Thune
Craig  Lott  Vitter
Crapo  Lugar  Voinovich
DeMint  Martinez  Warner

NOT VOTING—1
Chambliss

The amendment (No. 187) was rejected.

RECESS

Mr. GREGG. Mr. President, it is now our plan to recess until 7:45, at which time we will vote on the Boxer amendment. That is what we will vote on at 7:45. It will be a 10-minute vote and we will hold that 10-minute vote. In other words, there will not be any effort to go past 10 minutes. We will close it out after 10 minutes.

I ask unanimous consent that we recess until 7:45 and at 7:45 we shall vote on the Boxer amendment which has been submitted to both sides.

There being no objection, the Senate, at 7:15 p.m., recessed until 7:45 p.m., and reassembled when called to order by the Presiding Officer (Mr. BURR).

AMENDMENT NO. 257

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The amendment (No. 257) was rejected.

AMENDMENT NO. 259

Mr. GREGG. Mr. President, I yield a minute to the Senator from California to make a comment on her amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator Gregg, Conrad, Stevens, and Sununu, which has been approved by both sides, is simply saying we need to enact a comprehensive, coordinated, integrated national ocean policy that will ensure the long-term economic and ecological health of the U.S. oceans, coasts, and lakes.

I think it is wonderful that we can come together on this and on the Commerce Committee we will be working to make sure this happens.

I thank the Senator.

Mr. GREGG. I thank the Senator.

Mrs. BOXER. I ask that this amendment be adopted.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 259) was agreed to, as follows: [Rollcall Vote No. 77 Leg.]

YEAS—44

Akaka  Feingold  Mikulski
Baucus  Feinberg  Murray
Burns  Harkin  Nelson (FL)
Biden  Inouye  Obama
Bingaman  Jeffords  Johnson
Boxer  Johnson  Pryor
Byrd  Johnson  Reed
Capito  Kohl  Rockefeller
Carper  Kohl  Rockefeller
Conrad  Landrieu  Salazar
Corzine  Lautenberg  Sarbanes
Durbin  Murray  Sununu
Dodd  Levin  Stabenow
Dorgan  Lieberman  Wyden

NAYS—54

Alexander  DeWine  McCain
Allard  Dole  Murkowski
Allen  Domenici  Murkowski
Bennett  Ensign  Roberts
Bond  East  Santorum
Brownback  Frist  Sessions
Bunning  Graham  Shelby
Burns  Grassley  Smith
Chafee  Hagel  Specter
Coburn  Hatchcock  Sununu
Cochrane  Hatchcock  Sununu
Coleman  Inhofe  Talent
Collins  Isakson  Thomas
Cornyn  Kyl  Thune
Craig  Lott  Vitter
Crapo  Lugar  Voinovich
DeMint  Martinez  Warner

NOT VOTING—2
Burns  Clinton

The amendment (No. 257) was rejected.

The result was announced—yeas 44, nays 54, as follows: [Rollcall Vote No. 77 Leg.]

YEAS—44

Akaka  Feingold  Mikulski
Baucus  Feinberg  Murray
Burns  Harkin  Nelson (FL)
Biden  Inouye  Obama
Bingaman  Jeffords  Johnson
Boxer  Johnson  Pryor
Byrd  Johnson  Reed
Capito  Kohl  Rockefeller
Carper  Kohl  Rockefeller
Conrad  Landrieu  Salazar
Corzine  Lautenberg  Sarbanes
Durbin  Murray  Sununu
Dodd  Levin  Stabenow
Dorgan  Lieberman  Wyden

NAYS—54

Alexander  DeWine  McCain
Allard  Dole  Murkowski
Allen  Domenici  Murkowski
Bennett  Ensign  Roberts
Bond  East  Santorum
Brownback  Frist  Sessions
Bunning  Graham  Shelby
Burns  Grassley  Smith
Chafee  Hagel  Specter
Coburn  Hatchcock  Sununu
Cochrane  Hatchcock  Sununu
Coleman  Inhofe  Talent
Collins  Isakson  Thomas
Cornyn  Kyl  Thune
Craig  Lott  Vitter
Crapo  Lugar  Voinovich
DeMint  Martinez  Warner

NOT VOTING—2
Burns  Clinton
SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Congress should—

(1) expeditiously consider the recommendations of the United States Commission on Ocean Policy during the 109th Congress; and

(2) enact a comprehensive, coordinated, and integrated national ocean policy that will ensure the long-term economic and ecological health of the United States oceans, coasts, and Great Lakes.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. GREGG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we just had a good example, one amendment cleared and one dropped. We need to do more of that. We have 20 amendments left here, 7 on the other side; that is 27. We have a lot of work to do. We need Senators to be willing to give up some of these amendments. They can offer them at a later time. I ask my colleagues to consider that.

I thank the Senator from California.

AMENDMENT NO. 211

Mr. DORGAN. Mr. President, the next item will be a 5-minute vote, with 1 minute to speak about it. It is Senator DORGAN’s amendment.

Mr. DORGAN. Mr. President, this is an amendment No. 211. This amendment adds back $1 billion to the Indian accounts. We all know we have a bona fide crisis in health care, housing, and education on Indian reservations in this country. Many of those appropriations have been cut. This amendment restores some of that cut. It is $1 billion, which would be paid for by closing a tax loophole.

Mr. GREGG. Mr. President, this amendment would raise taxes by $3.25 billion. It is a tax-and-spend amendment. There is absolutely no assurance that any of these funds would go as represented on the amendment. That would be a decision made by the proper authorizing or appropriating committee.

Mr. DORGAN. Mr. President, I send the amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from North Dakota [Mr. DORGAN], for himself, Ms. CANTWELL, and Mrs. MURRAY, proposes an amendment numbered 211.

The amendment is as follows:

(Purpose: To restore funding for tribal programs and provide necessary additional funding based on recommendations from Indian country and to reduce the deficit.)

On page 3 line 11, increase the amount by $500,000,000.

On page 3 line 12, increase the amount by $700,000,000.

On page 3 line 13, increase the amount by $700,000,000.

On page 3 line 14, increase the amount by $700,000,000.

On page 3 line 19, increase the amount by $500,000,000.

On page 3 line 20, increase the amount by $600,000,000.

On page 3 line 21, increase the amount by $700,000,000.

On page 4 line 1, increase the amount by $700,000,000.

On page 5 line 12, increase the amount by $700,000,000.

On page 5 line 13, increase the amount by $1,000,000,000.

On page 5 line 16, increase the amount by $589,000,000.

On page 5 line 17, increase the amount by $135,000,000.

On page 6 line 14, increase the amount by $87,000,000.

On page 6 line 19, increase the amount by $66,000,000.

On page 6 line 20, increase the amount by $38,000,000.

On page 6 line 24, decrease the amount by $89,000,000.

On page 7 line 25, increase the amount by $405,000,000.

On page 7 line 1, increase the amount by $613,000,000.

On page 7 line 2, increase the amount by $634,000,000.

On page 7 line 3, increase the amount by $662,000,000.

On page 7 line 7, increase the amount by $89,000,000.

On page 7 line 8, decrease the amount by $316,000,000.

On page 7 line 9, decrease the amount by $292,000,000.

On page 7 line 10, decrease the amount by $1,563,000,000.

On page 7 line 11, decrease the amount by $2,225,000,000.

On page 7 line 15, increase the amount by $89,000,000.

On page 7 line 16, decrease the amount by $316,000,000.

On page 7 line 17, decrease the amount by $929,000,000.

On page 7 line 18, decrease the amount by $1,563,000,000.

On page 7 line 19, decrease the amount by $2,225,000,000.

On page 7 line 21, increase the amount by $135,000,000.

On page 7 line 22, increase the amount by $7,000,000.

On page 7 line 24, decrease the amount by $20,000,000.

On page 7 line 25, increase the amount by $41,000,000.

On page 7 line 3, increase the amount by $41,000,000.

On page 7 line 7, decrease the amount by $20,000,000.

On page 7 line 15, increase the amount by $330,000,000.

On page 7 line 16, increase the amount by $222,000,000.

On page 7 line 20, increase the amount by $80,000,000.

On page 7 line 24, increase the amount by $14,000,000.

On page 7 line 3, increase the amount by $41,000,000.

On page 7 line 7, increase the amount by $1,000,000,000.

On page 7 line 16, increase the amount by $80,000,000.

On page 7 line 21, increase the amount by $34,000,000.

On page 7 line 25, increase the amount by $6,000,000.

On page 8 line 4, increase the amount by $2,000,000.

On page 8 line 16, increase the amount by $300,000,000.

On page 8 line 17, increase the amount by $270,000,000.

On page 8 line 21, increase the amount by $27,000,000.

On page 8 line 25, increase the amount by $3,000,000.

On page 9 line 16, increase the amount by $130,000,000.

On page 9 line 20, increase the amount by $6,000,000.

On page 9 line 21, increase the amount by $26,000,000.

On page 9 line 25, increase the amount by $130,000.

On page 9 line 24, increase the amount by $15,000,000.

On page 10 line 8, increase the amount by $14,000,000.

On page 10 line 16, increase the amount by $25,000,000.

On page 11 line 17, increase the amount by $6,000,000.

On page 11 line 21, increase the amount by $8,000,000.

On page 11 line 25, increase the amount by $5,000,000.

On page 11 line 4, increase the amount by $4,000,000.

On page 12 line 8, increase the amount by $3,000,000.

On page 12 line 16, decrease the amount by $500,000,000.

On page 12 line 17, decrease the amount by $3,200,000,000.

On page 12 line 21, increase the amount by $4,000,000.

On page 12 line 6, increase the amount by $35,000,000.

On page 12 line 7, increase the amount by $35,000,000.

Mr. CONRAD. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corrine
Dorgan
Dodd
Dorgan
Durbin
Bingaman
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corrine
Dorgan
Dodd
Dorgan
Peñafiel
Feinstein
Barkin
Barkin
Inouye
Jeffords
Byrd
Johnson
Kennedy
Kerry
Kohn
Kohl
Kyl
Leahy
Leiberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Schumer
Stabenow
Wyden
March 17, 2005
Alexander  DeWine  McConnell
Allard  Dole  Mushkowski
Allen  Domenici  Roberts
Bennett  Ensign  Santorum
Bond  Enzi  Sessions
Bunning  Graham  Smith
Burns  Grassley  Snowe
Burr  Gregg  Specter
Chafee  Hagel  Stevens
Chambliss  Hatch  Snowe
Colburn  Hatchison  Sununu
Cochran  Inhofe  Talent
Coleman  Isakson  Thomas
Collins  Kyl  Thune
Curnyn  Lott  Vitter
Craig  Logan  Voinovich
Crapo  Altman  Warner
DeMint  McCain  Voinovich

The amendment (No. 211) was rejected.

Mr. FEINGOLD. I call up amendment No. 258.

Mr. FEINGOLD. I suggest a voice vote on this amendment.

Mr. GREGG. I suggest a voice vote on this amendment.

The amendment (No. 258) was rejected.

Mr. GREGG. Mr. President, the next amendment will be a substitute amendment from Senator from New Hampshire.

The amendment is as follows:

(Purpose: To ensure that savings associated with legislation that reduces overpayments to Medicare Advantage plans is reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.)

On page 40, after line 8, insert the following:

SEC. 3. RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The amendment is as follows:

The Amendment clerk read as follows:

The amendment will be from the Senator from Wisconsin for 30 seconds.

Mr. FEINGOLD. I call up amendment No. 258.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. GREGG. Mr. President, the next amendment is an amendment from the Senator from Vermont.

Mr. FEINGOLD. Mr. President, in reference to the request of our two floor sponsors, I will not ask for a roll-call vote, but I do hope my colleagues will voice their support for this amendment.

This is real deficit reduction. The other side keeps asking us to cut spending. This amendment does just that. This amendment cuts over $20 billion from the Medicare Program and unnecessary overpayments to private Medicare plans.

We have a simple choice: subsidize private health insurance companies or reduce the deficit. The private Medicare plans are successful in bringing costs down and if the senior supposedly wants to choose private plans, then why should American taxpayers pay private companies more than traditional Medicare?

We heard a lot of talk from the other side about the need to cut spending. This amendment is a fiscally responsible effort to bring down the deficit. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Idaho.

Mr. GRASSLEY. Mr. President, it is amazing to me that this is the second time tonight that we have had people who are standing around wanting to change the Medicare Modernization Act, and it does not even go into effect until the 2006. We do not even know that all this money my colleague wants to say is spent in the first place, and if it is spent, it is to bring the plans to rural Wisconsin so that his folks in rural Wisconsin can have the same benefits as people in Florida or Los Angeles. It was a major compromise. We ought to preserve that compromise because it is for rural America.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. GREGG. I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin already suggested a voice vote. The question is on agreeing to amendment No. 258.

The amendment (No. 258) was rejected.

Mr. GREGG. Mr. President, the next amendment is an amendment from the Senator from Vermont.

Mr. FEINGOLD. Mr. President, in reference to the request of our two floor sponsors, I will not ask for a roll-call vote, but I do hope my colleagues will voice their support for this amendment.

This is real deficit reduction. The other side keeps asking us to cut spending. This amendment does just that. This amendment cuts over $20 billion from the Medicare Program and unnecessary overpayments to private Medicare plans.

I suggest a voice vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DURBIN, Mr. BIDEN, and Mr. OBAMA, proposes an amendment numbered 203.

The amendment is as follows:

(Purpose: To express the sense of the Senate in support of full funding and availability of the Crime Victims Fund)

At the end of title V, insert the following:

SEC. 103. SENATE ON THE CRIME VICTIMS FUND.

(a) FINDINGS.—The Senate finds the following:

(1) The Victims of Crime Act of 1984 (‘‘VOCA’’) was enacted to provide Federal financial support for services to victims of all types of crime, primarily through grants to state crime victim compensation and victim assistance programs.

(2) VOCA created the Crime Victims Fund (‘‘the Fund’’) as a separate account into which are deposited collections from persons convicted of Federal criminal offenses, including criminal fines, forfeitures and special assessments. There are no general taxpayer generated revenues deposited into the Fund.

(3) Each fiscal year, the Fund is used to support:

(A) Children’s Justice Act grants to States to improve the investigation and prosecution of child abuse cases;

(B) victim witness coordinators in United States Attorney’s Offices;

(C) victim assistance specialists in Federal Bureau of Investigation field offices;

(D) the discretionary fund for Victims of Crime to provide training and technical assistance and services to victims of Federal crimes;

(E) formula grants to States to supplement State crime victim compensation programs, which reimburse more than 150,000 violent crime victims annually for out-of-pocket expenses, including medical expenses, mental health counseling, lost wages, loss of support and funeral costs;

(F) formula grants to States for financial assistance to upwards of 4,000 programs providing direct victim assistance services to nearly 4,000,000 victims of all types of crimes annually, with priority serving victims of domestic violence, sexual assault and child abuse, and previously underserved victims of violent crime; and

(G) the Antiterrorism Emergency Reserve, to assist victims of domestic and international terrorism.

(4) Just 4 months ago, a strong bipartisan, bicameral majority in Congress affirmed its support for the Crime Victims Fund and increased its commitment to crime victims in the Justice for All Act of 2004 (Public Law 108–277), which establishes Federal crime victims rights and authorized 2 new VOCA-funded victim programs.

(5) Before fiscal year 2000, all amounts deposited into the Crime Victims Fund in each fiscal year were made available for authorized programs in the subsequent fiscal year.

(6) Beginning in fiscal year 2000, Congress responded to large fluctuations of deposits into the Fund by delaying obligations from the Fund above certain amount, as follows:

(A) For fiscal year 2000, $500,000,000.

(B) For fiscal year 2001, $47,500,000.

(C) For fiscal year 2002, $550,000,000.

(D) For fiscal year 2003, $600,000,000.

(E) For fiscal year 2004, $625,000,000.

(F) For fiscal year 2005, $650,000,000.

(7) In the conference report on an omnibus spending bill for fiscal year 2000 (Public Law
I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join the Senator from Pennsylvania in a bipartisan effort to attack the deadliest epidemic in modern times. I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LEIBERMAN, Mrs. MURRAY, and Ms. STABENOW proposes an amendment numbered 169.

The amendment is as follows:

(Purpose: Reaffirming that the United States maintain a one-to-two ratio for contributions to the Global Fund, that the United States not exceed contributing more than 33 percent of the Global Fund's revenue, and that the United States contribute an additional $500,000,000 to the Global Fund for fiscal year 2006, for a total of not less than $3,700,000,000 for all international HIV/AIDS, tuberculosis, and malaria programs)

On page 9, line 15, increase the amount by $500,000,000.

On page 9, line 16, increase the amount by $500,000,000.

On page 26, line 14, decrease the amount by $500,000,000.

On page 26, line 15, decrease the amount by $500,000,000.

At the appropriate place, insert the following:

SEC. 1. UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA

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

(1) The HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40,000,000 people were infected with HIV or living with AIDS. HIV/AIDS is estimated to kill 3,000,000 men, women and children each year. Each year, there are estimated to be 5,000,000 new HIV infections.

(2) The United States was the first, and remains the largest, contributor to the Global Fund.

(3) The Presidential Administration of George W. Bush (referred to in this section as the “Administration”) has supported language in the Global HIV/AIDS authorization bill that links U.S. contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a one-to-two basis.

(4) Congress has provided one-third of all donations to the Global Fund every year of the Fund’s existence.

(5) For fiscal year 2006, the Global Fund estimates it will renew $2,400,000,000 worth of effective programs that are already operating on the ground, and the Administration and Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund is an important component of United States efforts to combat AIDS, tuberculosis and malaria, and supports approximately 300 projects in 130 countries.

(7) For fiscal year 2006, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) Through the review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year-end, are at the appropriate one-to-two ratio.

(9) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed one-third of the Global Fund's revenues.

(10) In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the United States will need to contribute an additional $500,000,000 above the President's request for the Global Fund for fiscal year 2006 to keep good programs funded at a level of $3,700,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of the offsets needed to provide $500,000,000 for the Global Fund will come from international humanitarian assistance programs.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 169.

The amendment (No. 169) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. GREGG. That amendment was agreed to by unanimous consent, as modified, in a tranche of amendments we did earlier this evening. We will get this clarified, Mr. President.

Mr. CONRAD. Mr. President, I ask that we recognize Senator Lincoln for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 192

Mrs. LINCOLN. Mr. President, I would imagine that everyone in this body has heard equally as much from their local sheriffs as I have about the problem of methamphetamine across this country, particularly in rural America.

What this amendment does is that it takes and restores the funding from the COPS initiative to methamphetamine enforcement and cleanup. We have seen tremendous increases across this great Nation in this destructive drug and what it is doing to rural America.

I am mindful of some of my colleagues on the other side—Senator Coleman and Senator Talent—who have done a lot of work on this issue. We have good cosponsors on this side.
We pay for this initiative by some of the tax loopholes that did not seem to get closed in the FSC/ETI package. We are glad to work with our colleagues in any way possible to get this funding out to our States, out to our local law enforcement officers. They are having a devil of a time trying to address this issue, and I hope my colleagues will take a look at the amendment.

The PRESIDING OFFICIAL. The Senator from New Hampshire.

Mr. GREGG. I yield myself a minute off the managers’ time. I was under the impression that the Senator’s amendment took the funds from 920. Are you saying the Senator’s amendment pays for this with an increase in taxes?

Mrs. LINCOLN. We will be more than willing to work with the other side on how we pay for it. It does need to be paid for.

Mr. GREGG. Mr. President, I reserve my time.

Mrs. LINCOLN. We can modify the amendment if the Senator would like.

Mr. GREGG. Why don’t we reserve action on the Senator’s amendment until we have a couple seconds to talk about it?

Mr. President, I would like to clarify that the Allen amendment has been adopted.

The PRESIDING OFFICIAL. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to modify my amendment that I have just offered and adopted.

Mr. GREGG. I suggest we have a meeting time trying to address this issue, and I hope my colleagues will take a look at the amendment.

The PRESIDING OFFICIAL. Does the Senator from Arkansas call up her amendment?

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 192.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Allen amendment be withdrawn.

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

The amendment is as follows:

(Purpose: To restore funding to the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels and to close corporate tax loopholes)

On page 4, line 8, increase the amount by $32,000,000.
On page 4, line 9, increase the amount by $32,000,000.
On page 4, line 10, increase the amount by $20,000,000.
On page 4, line 11, increase the amount by $32,000,000.
On page 4, line 16, increase the amount by $4,000,000.
On page 4, line 17, increase the amount by $13,000,000.
On page 4, line 18, increase the amount by $21,000,000.
On page 4, line 19, increase the amount by $27,000,000.
On page 4, line 20, increase the amount by $32,000,000.
On page 23, line 16, increase the amount by $27,000,000.
On page 23, line 17, increase the amount by $13,000,000.
On page 23, line 18, increase the amount by $21,000,000.
On page 23, line 3, increase the amount by $32,000,000.
On page 23, line 4, increase the amount by $27,000,000.
On page 23, line 5, increase the amount by $32,000,000.
On page 23, line 6, increase the amount by $32,000,000.
On page 23, line 7, increase the amount by $32,000,000.
On page 23, line 8, increase the amount by $32,000,000.
On page 23, line 9, increase the amount by $32,000,000.
On page 23, line 10, increase the amount by $32,000,000.
On page 23, line 11, increase the amount by $32,000,000.
On page 23, line 12, increase the amount by $32,000,000.
On page 23, line 13, increase the amount by $32,000,000.
On page 23, line 14, increase the amount by $32,000,000.
On page 23, line 15, increase the amount by $32,000,000.
On page 23, line 16, increase the amount by $32,000,000.
On page 23, line 17, increase the amount by $32,000,000.
On page 23, line 18, increase the amount by $32,000,000.
On page 23, line 19, increase the amount by $32,000,000.
On page 23, line 20, increase the amount by $32,000,000.
On page 23, line 21, increase the amount by $32,000,000.
On page 23, line 22, increase the amount by $32,000,000.
On page 23, line 23, increase the amount by $32,000,000.
On page 23, line 24, increase the amount by $32,000,000.
On page 23, line 25, increase the amount by $32,000,000.
On page 23, line 26, increase the amount by $32,000,000.
On page 23, line 27, increase the amount by $32,000,000.
On page 23, line 28, increase the amount by $32,000,000.
On page 23, line 29, increase the amount by $32,000,000.
On page 23, line 30, increase the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. 3. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

Mr. GREGG. I suggest we have a voice vote on this amendment.

The PRESIDING OFFICIAL. The question is on agreeing to amendment No. 192, as modified.

The amendment (No. 192), as modified, was agreed to.

The PRESIDING OFFICIAL. The Senator from Virginia.

AMENDMENT NO. 197 WITHDRAWN

Mr. ALLEN. Mr. President, in the two matters that were listed, so we have this all straight, my amendment No. 197, which has not been acted on— we passed my amendment 198, which was a sense of the Senate insofar as aeronautics funding which has been adopted—I ask unanimous consent that amendment No. 197 be withdrawn.

The PRESIDING OFFICIAL. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICIAL. The Senator from North Dakota.

AMENDMENT NO. 253

Mr. CONRAD. Mr. President, I ask that we consider the Baucus amendment that is pending. Senator BAUCUS
can give us 30 seconds on his amendment and then perhaps we could get it accepted.

The PRESIDING OFFICER. The clerk will report.

The bill clerk reads as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. LEAR, Mr. BINGAMAN, Mrs. MURRAY, and Mr. TAULT, proposes an amendment numbered 253.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To support full funding for HIDTAs)

On page 65, after line 25, insert the following:

SEC. 253. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.

(a) FINDINGS.—The Senate finds the following:

(1) The High Intensity Drug Trafficking Area (HIDTA) program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 federal personnel, and 8,459 state and local personnel.

(2) The purposes of the HIDTA program are to reduce drug trafficking and drug production in designated areas in the United States by—

(A) facilitating cooperation among federal, state, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among federal, state, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of drugs in HIDTA designated areas.

(3) In 2004, HIDTA efforts resulted in disrupting or dismantling over 500 international, 711 multi-state, and 1,110 local drug trafficking organizations.

(4) In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

(5) The HIDTAs are the only drug enforcement agencies that include equal partnerships between federal, state, and local law enforcement leaders executing a regional approach to achieving regional goals while pursuing a national mission.

(6) The proposed budget of $100,000,000 for the HIDTA program is inadequate to effectively maintain all of the operations currently being supported.

(7) The proposed budget of $100,000,000 for the HIDTA program would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the spending level of budget function 750 (Administration of Justice) is assumed to include $227,000,000 for the High Intensity Drug Trafficking Areas; and

(2) unless new legislation is enacted, it is assumed that the HIDTA program will remain with the Office of National Drug Control Policy, where Congress last authorized it to reside.

Mr. BAUCUS. Mr. President, this is very simple. It is to restore a cut in the HIDTA funding. HIDTA is called the High Intensity Drug Trafficking Administration. This is the major law enforcement mechanism. It covers lots of different law enforcement agencies, in the west, particularly rural areas, to fight methamphetamine. We need the resources to fight methamphetamine. Methamphetamine is probably the largest scourge in many rural parts of America. This is designed to enable us to have the resources to fight methamphetamine in our country.

The PRESIDING OFFICER. All time has expired.

Mr. GREGG. Mr. President, I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, on our side, we want to signal strong support for this amendment, and we can voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 253.

The amendment (No. 253) was agreed to.

Mr. TAULT. I suggest the absence of a quorum.

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

The Senator from North Dakota.

AMENDMENT No. 202

Mr. CONRAD. Mr. President, I ask that we recognize Senator DAYTON for the purpose of offering an amendment and that Senator DAYTON have 1 minute to describe his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. DAYTON. Mr. President, I call up amendment No. 202 and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I recognize that there is a lot going on right now and I apologize for a touch of confusion, but if Senator DAYTON has been yielded 1 minute as a result of a unanimous consent, we ask unanimous consent for 1 minute on our side in opposition.

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

The clerk will report the amendment.

The bill clerk reads as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. AKAKA, Mr. LEVIN, Mr. LIEBERMAN, and Ms. MIKULSKI, proposes an amendment numbered 202.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide full funding for the Individuals with Disabilities Education Act, IDEA, part B grants over five years. This amendment is fully offset by restoring the uppermost marginal income tax rate for millionaires only, and by closing corporate tax loopholes. The amendment will also provide for $2.5 billion in deficit reduction over the five-year period.)

On page 3, line 10, increase the amount by $12,100,000,000.

On page 3, line 11, increase the amount by $13,000,000,000.

On page 3, line 12, increase the amount by $13,600,000,000.

On page 3, line 13, increase the amount by $17,100,000,000.

On page 3, line 14, increase the amount by $17,966,000,000.

On page 3, line 19, increase the amount by $12,100,000,000.

On page 3, line 20, increase the amount by $13,000,000,000.

On page 3, line 21, increase the amount by $13,600,000,000.

On page 4, line 1, increase the amount by $17,100,000,000.

On page 4, line 2, increase the amount by $17,966,000,000.

On page 4, line 7, increase the amount by $12,977,000,000.

On page 4, line 8, increase the amount by $13,556,000,000.

On page 4, line 9, increase the amount by $14,236,000,000.

On page 4, line 10, increase the amount by $14,922,000,000.

On page 4, line 11, increase the amount by $15,600,000,000.

On page 4, line 16, increase the amount by $260,000,000,000.

On page 4, line 17, increase the amount by $8,836,000,000.

On page 4, line 18, increase the amount by $12,256,000,000.

On page 4, line 19, increase the amount by $14,021,000,000.

On page 4, line 20, increase the amount by $14,705,000,000.

On page 4, line 24, increase the amount by $11,840,000,000.

On page 4, line 25, increase the amount by $13,181,000,000.

On page 5, line 1, increase the amount by $475,000,000.

On page 5, line 2, increase the amount by $3,079,000,000.

On page 5, line 3, increase the amount by $3,263,000,000.

On page 5, line 7, decrease the amount by $11,840,000,000.

On page 5, line 8, decrease the amount by $16,044,000,000.

On page 5, line 9, decrease the amount by $16,789,000,000.

On page 5, line 10, decrease the amount by $19,558,000,000.

On page 5, line 11, decrease the amount by $22,821,000,000.

On page 5, line 15, decrease the amount by $11,840,000,000.

On page 5, line 16, decrease the amount by $16,044,000,000.

On page 5, line 17, decrease the amount by $16,479,000,000.

On page 5, line 18, decrease the amount by $18,775,000,000.

On page 5, line 19, decrease the amount by $19,558,000,000.

On page 5, line 20, decrease the amount by $3,156,000,000.

On page 5, line 21, decrease the amount by $8,836,000,000.
On page 17, line 24, increase the amount by $14,236,000,000.
On page 17, line 25, increase the amount by $13,125,000,000.
On page 18, line 3, increase the amount by $14,922,000,000.
On page 18, line 4, increase the amount by $14,020,000,000.
On page 18, line 7, increase the amount by $15,600,000,000.
On page 18, line 8, increase the amount by $14,700,000,000.
On page 16, line 16, decrease the amount by $12,100,000,000.
On page 16, line 17, decrease the amount by $73,780,000,000.

At the end of Section 309, insert the following:

SEC. 310. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $12,977,000,000 in new budget authority and $70,944,000,000 in outlays for fiscal year 2006, and $71,292,000,000 in new budget authority and $50,944,000,000 in outlays for the total of fiscal years 2006 through 2010, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

Mr. DAYTON. Mr. President, I thank my cosponsors, Senators DURBIN, MIKULSKI, LIEBERMAN, STABENOW, and AKAKA. My amendment would increase the Federal share of funding for special education to the level of 40 percent of the cost that was promised when IDEA was established almost 30 years ago. Despite the increases that President Bush has proposed and that this Congress has enacted in the last 4 years, that Federal share is still less than half of what was promised back then. My colleagues have before them as a part of the letter that I submitted what the difference is for their respective States. For Minnesota, it is about $250 million. That money would be badly needed and best used by our local school districts.

As a result of the shortfall in Minnesota, and I suspect other States, funds that are supposed to go to regular education get shifted over to cover the shortfall for special education, meaning the quality of education for all of our students goes down.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. CONRAD. So for the information of our colleagues, if they will continue to work with us we can reach conclusion at a reasonable time. We have made enormous progress in the last hour, I say to my colleagues. Again, we are about 10 amendments left. We have a number that we can work out.

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

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

Amendments Nos. 120, 125, as modified, 137, as modified, 152, 167, and 152, as modified, En Bloc

Mr. GREGG. Mr. President, I list the following amendments which have been agreed to. We will ask they be accepted en bloc by unanimous consent: the Gregg-Clinton-Kennedy flu reserve amendment, No. 155; the Snowe-Kerry SBA, as modified, No. 216; the Bayh sense of the Senate on a GAO study of debt, No. 157; the Santorum amendment, No. 163, a sense of the Senate on charitable activity; the Chafee clean water, Baucus-Grassley SSA—Social Security Administration—No. 167; the Clinton comparative effectiveness sense of the Senate, No. 154.

I ask unanimous consent those amendments be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 155

(Purpose: To establish a deficit neutral reserve fund for influenza vaccine shortage prevention)

At the appropriate place, insert the following:

SEC. 2. DEFICIT NEUTRAL RESERVE FUND FOR INFLUENZA VACCINE SHORTAGE PREVENTION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the participation of manufacturers in the production of influenza vaccine, increases research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts, the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, regardless of whether the committee is within in its 302(a) allocations, and such legislation shall be exempt from sections 302, 303, 311, and 25 of the Congressional Budget Act, and from section 505 of the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 51), if that measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.
(Purpose: To increase funding for the SBA’s programs such as Microloans, Small Business Development Centers, Women’s Business Centers, the HUBZone program and other small business programs and to offset the cost through a reduction in funds under function 150 for foreign microloans and other programs)

On page 9, line 15, decrease the amount by $78,000,000.
On page 9, line 16, decrease the amount by $60,000,000.
On page 9, line 20, decrease the amount by $13,000,000.
On page 9, line 24, decrease the amount by $28,000,000.
On page 10, line 3, decrease the amount by $1,000,000.
On page 14, line 15, increase the amount by $78,000,000.
On page 14, line 16, increase the amount by $60,000,000.
On page 14, line 20, increase the amount by $13,000,000.
On page 14, line 24, increase the amount by $28,000,000.
On page 15, line 3, increase the amount by $1,000,000.

AMENDMENT NO. 157, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the amount of United States debt that is foreign-owned)

On page 65, after line 25, insert the following:

SEC. 5. SENSE OF THE SENATE REGARDING FOREIGN-OWNED DEBT.
It is the sense of the Senate that the Secretary of the Treasury and the Comptroller General should conduct a study to examine the economic impact of United States publicly-held debt that is held by foreign governments, institutions and corporations.

The study should provide an analysis of the following:

(1) The amount of foreign-owned debt dating back to 1990, broken down by foreign governments, foreign institutions, and foreign private investors, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year.

(2) The economic impact that the increased foreign ownership of United States publicly-held debt has had on the ability of the United States to maintain a stable dollar policy.

(3) The impact that foreign ownership of United States publicly-held debt has had, or could have, on United States trade policy.

AMENDMENT NO. 161

(Purpose: To express the sense of the Senate regarding tax relief to encourage charitable giving incentives)

At the end of title V, insert the following:

SEC. 7. SENSE OF THE SENATE REGARDING TAX RELIEF TO ENCOURAGE CHARITABLE GIVING.

(a) FINDINGS.—The Senate finds that—

(1) the CARE Act, which represents a part of the President’s faith-based initiative, will spur charitable giving and assist faith-based and community organizations that serve the needy;

(2) more than 1,600 small and large organizations from around the Nation have endorsed the Vale bill, and in the 108th Congress the CARE Act had bipartisan support and was sponsored by 23 Senators;

(3) although the CARE Act passed the Senate on April 9, 2003, by a vote of 99 to 3, and the House of Representatives passed companion legislation on September 17, 2003, by a vote of 408 to 13, a conference committee on the CARE Act was never formed and a final version was not passed in the 108th Congress; and

(4) charities around the Nation continue to struggle, and the passage of the incentives for charitable giving contained in the CARE Act would provide significant dollars in private and public sector assistance to those in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) to provide the $6,000,000,000 who do not itemize the deduction and opportunity to deduct charitable contributions;

(2) to provide incentives for those to give tax free contributions from individual retirement accounts for charitable purposes;

(3) to provide incentives for those to give an estimated $2,000,000,000 in food donations from farmers, restaurants, and corporations to help the needy, an equivalent of 892,000,000 meals for hungry Americans over 10 years;

(4) to provide at least 300,000 low-income, working Americans the opportunity to build assets through individual development accounts or IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business; and

(5) to provide incentives for corporate charitable contributions.

AMENDMENT NO. 167

(Purpose: To express the sense of the Senate that the full amount of the President’s request for the administrative costs of the Social Security Administration for fiscal year 2006 should be funded)

At the appropriate place insert the following:

SEC. 6. SENSE OF THE SENATE REGARDING FUNDING OF ADMINISTRATIVE COSTS OF SOCIAL SECURITY ADMINISTRATION.

It is the sense of the Senate that Congress should approve the full amount of the President’s request for the administrative costs of the Social Security Administration for fiscal year 2006, including funds for the implementation of the low-income prescription drug subsidy under part D of title XVIII of the Social Security Act (as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

AMENDMENT NO. 143, AS MODIFIED

(Purpose: To express the sense of the Senate concerning comparative effectiveness studies)

At the appropriate place in title III, insert the following:

SEC. 4. SENSE OF THE SENATE CONCERNING COMPARATIVE EFFECTIVENESS STUDIES.

It is the sense of the Senate that—

(1) the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2006 and new outlays that flow from this budget authority in fiscal year 2006 and subsequent years, to fund research and ongoing systematic reviews, consistent with efforts currently undertaken by the Agency for Health Care Research and Quality designed to improve scientific evidence on the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings from such research to health care practitioners, consumers, and health care purchasers; and

(2) knowledge gaps identified through such efforts be addressed in accordance with the authorizing legislation, with oversight from the committees of subject matter jurisdiction.

Mr. SARBANES. Mr. President, will the chairman, the manager of the bill, yield for a question?

Mr. GREGG. Yes.

Mr. SARBANES. I understand in the list you just read was a sense of the Senate by Senator CHAFEE on clean water, is that correct?

Mr. GREGG. That is correct.

Mr. SARBANES. I inform the managers that I have an amendment involving clean water, but I will not offer it.

Mr. GREGG. I thank the Senator. That is very helpful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 217, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment by Senator KONIANN dealing with juvenile accountability block grants, No. 217, be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217) as modified, was agreed to, as follows:

(Purpose: To restore $1 billion to juvenile justice and local law enforcement programs funded by the Department of Justice, including the Juvenile Accountability Block Grant Program, the Byrne Justice Assistance Grant Program, the COPS Program, and the High Intensity Drug Trafficking Area (HIDTA) Program)

On page 23 line 16, increase the amount by $500,000,000.
On page 23 line 17, increase the amount by $60,000,000.
On page 23 line 21, increase the amount by $140,000,000.
On page 23 line 25, increase the amount by $125,000,000.
On page 24 line 4, increase the amount by $100,000,000.
On page 24 line 6, increase the amount by $75,000,000.
On page 26 line 14, decrease the amount by $100,000,000.
On page 26 line 15, decrease the amount by $60,000,000.
On page 26 line 18, decrease the amount by $140,000,000.
On page 26 line 21, decrease the amount by $125,000,000.
On page 26 line 24, decrease the amount by $100,000,000.
On page 27 line 2, decrease the amount by $75,000,000.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENTS NOS. 155, AS MODIFIED, AND 157, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the previously-agreed-to Bayh and Gregg amendments be modified with the modifications which are at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.
Mr. GREGG. I ask that it also apply to the Clinton amendment No. 154. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask that we now turn our attention to the Pryor LIHEAP amendment and that we recognize Senator Pryor for 30 seconds to present that amendment. The PRESIDING OFFICER. The Senator from Arkansas. Mr. PRYOR. Mr. President, I call up amendment No. 213. The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Arkansas [Mr. Pryor] proposes an amendment numbered 213. Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assistance Program and reduce the national debt by closing corporate tax loopholes.)

On page 3, line 10, increase the amount by $1,200,000,000.

On page 3, line 19, increase the amount by $1,200,000,000.

On page 4, line 7, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $1,200,000,000.

On page 20, line 17, increase the amount by $1,200,000,000.

On page 30, line 16, decrease the amount by $1,200,000,000.

On page 30, line 17, decrease the amount by $1,200,000,000.

On page 48, line 6, increase the amount by $1,200,000,000.

On page 48, line 7, increase the amount by $1,200,000,000.

Mr. PRYOR. Mr. President, I offer an amendment to increase the funding for LIHEAP from $1.8 billion to $3 billion. This amendment is fully offset. LIHEAP has received level funding for more than 20 years, but energy prices have not remained level. They have not remained stable. In fact, they are at all-time highs. We all have stories such as this from our States. Recently, a mother of two from Arkansas turned on her electric oven in order to heat the house, burned the house down, and killed her two daughters. We all have similar stories such as that from around the Nation.

This is an amendment that will help the people who need it most in all of our States.

Mr. GREGG. Mr. President, this amendment actually increases spending on the program by $1.2 billion. It is a bit excessive, and, therefore, I will oppose this amendment and ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 213) was rejected.

Mr. CONRAD. Mr. President, I want to say for the information of Senators that we are now very close. We have six or seven amendments left to do. We are working hard to try to clear some of these. None of them no doubt will still require votes. We ask for our colleagues’ patience. We have, I think, made enormous progress. You will remember when we started this, we were headed for being here until 3 o’clock in the morning. Very substantial progress has been made because of the cooperation of Members on both sides. If we can be patient a few more minutes, we can clear additional amendments and then be prepared to push to the end.

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

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assistance Program and reduce the national debt by closing corporate tax loopholes.)

On page 20, line 17, increase the amount by $150,000,000.

On page 24, line 16, increase the amount by $150,000,000.

On page 24, line 17, increase the amount by $150,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The amendment (No. 254), as modified, creates a reserve fund for extension of combat pay for purposes of the earned-income tax credit and the child tax credit. This actually is something the Senate signed off on last year, but it was knocked out in conference. I certainly would appreciate positive consideration for this amendment.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment, (No. 254), as modified, was agreed to.

Mr. GREGG. As the Senator from North Dakota has mentioned, we are moving rather close to completion. There are a couple of amendments still pending on which votes may be required. Hopefully, we can proceed promptly to those and wrap this up also promptly.

Amendment No. 238, as modified

Mr. GREGG. Mr. President, I suggest the Senator from Michigan has an amendment.

Mr. LEVIN. Mr. President, I send modified amendment numbered 288 to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment is as follows:

(Purpose: To create a reserve fund for extension of the treatment of combat pay as earned income for purposes of the earned income tax credit and the child tax credit)
(Purpose: To promote innovation and U.S. competitiveness by expressing the sense of the Senate urging the Senate Appropriations Committee to make efforts to fund the Advanced Technology Program, which supports industry-led research and development of cutting-edge technologies with broad commercial potential and societal benefits.)

In the appropriate place, insert the following:

SEC. 5. SENSE OF THE SENATE REGARDING THE ADVANCED TECHNOLOGY PROGRAM.

(a) Sense of the Senate.—It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

Mr. LEVIN. Mr. President, this amendment is on behalf of Senator DEWEY, myself, Senator LIEBERMAN, and others. We have lost 2.8 million manufacturing jobs in this country in the last 4 years. We have a very modest program called the Advanced Technology Program, which, according to the Department of Commerce, in their publication, which I would be happy to share with those who can come to take a look at it, according to the Department of Commerce, this program has had a result eight times more in technologies developed than the amount of money we have put into the program. It is an eight-time return—multiple—in advanced technologies which is achieved when the Department of Commerce partners with industry.

Mr. GREGG. Mr. President, this amendment would suggest we continue a program which has certainly outlived its day. It is essentially walking around money for the technology industries, picking winners and losers in the area of commercial products that the Government has no role in doing. It is money that could be better spent on basic research—for example, at the NIH.

I strongly oppose this amendment and hope we will defeat it. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered. The yeas and nays were ordered.

Mr. LEVIN. This is now a sense of the Senate. The PRESIDING OFFICER. The question is on agreeing to the amendment number 238. The yeas and nays have been ordered.

The clerk will call the roll. The assistant bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

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| Curnin  | Landrieu  | Rockefeller |
| Dayton  | Lautenberg  | Salazar |
| Dodd  | Levin  | Sarbanes |
| Dorgan  | Lieberman  | Schumer |
| Durbin  | Lincoln  | Shelby |
| Feinstein  | Mikulski  | Snowe |
| Hatch  | Mollohan  | Specter |
| Harkin  | Murphy  | Stabenow |
| Hatchison  | Nelson (FL)  | Voinovich |
| Inouye  | Nelson (NE)  | Warner |
| Jfeifords  | Obama  | Wyden |

The amendment (No. 238), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think the RECORD should show that Senator SANTORUM, through no fault of his own, missed the last vote. And I regret that we cannot, through unanimous consent, correct that.

Mr. GREGG. I think that is a very appropriate statement by the Senator from North Dakota, which we all can agree with.

Mr. President, I yield to the Senator from Vermont for an amendment.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 237, AS MODIFIED

Mr. LEAHY. Mr. President, I have an amendment on the desk regarding Boys and Girls Clubs.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. LEAHY. I ask to send a modification of the amendment to the desk. If they cannot find the amendment at the desk, I ask that it be in order to have the modification be the amendment to be considered. It is amendment No. 237.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 237, as modified.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for Boys and Girls Clubs)

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| $3,000,000. | Mr. LEAHY. Mr. President, this is an amendment to restore funding for the Boys & Girls Clubs of America to their current fiscal year level. From my days as a prosecutor, throughout my career in the Senate, I have seen the great value of Boys and Girls Clubs. This is not a Democratic or Republican issue. We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what top-notch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan of the clubs that he asked me to help fund a Boys and Girls Club in his district rather than helping him add a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 63 years ago. Now we have 20 club sites operating throughout the State in Addison, Chittenden, Orange, Rutland, Washington, Windham and Windsor Counties. There are also four new Boys and Girls Clubs in the works in Winookski, Brattleboro, Barre and Vergennes. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased Federal support for Boys and Girls Clubs from $20 million to $85 million in this fiscal year. Due in large part to this increase in funding, there now exist 3,500 Boys and Girls Clubs in all 50 States serving more than 4 million young people.

Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $25 million for fiscal year 2006. That request will leave thousands of children behind and their Clubs behind. We cannot allow such a thing to happen.

Last year, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys and Girls Clubs.
Mr. President, I urge adoption of the amendment. The PRESIDING OFFICER. The Senator from New Hampshire. Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted. The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 237), as modified, was agreed to.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 262
Mr. GREGG. Mr. President, I send to the desk, on behalf of Senators GRASSLEY, BAUCUS, ENZI, and KENNEDY, an amendment in committee of the whole, to strike out the amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from New Hampshire [Mr. GREGG], for Mr. GRASSLEY, proposes an amendment numbered 262.

Mr. GREGG. Mr. President, I ask unanimous consent that the motion to reconsider the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to pension reform)

At the end of title V, insert the following:

SEC. 501. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans and for determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times.

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the "PBGC") demand enactment of pension legislation this year.

(3) Thirty-four million active and retired workers are relying on their defined benefit pension plans to provide retirement security, and a failure by Congress to reform the defined benefit pension system will place at risk the pensions of millions of workers.

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conference committee shall insist on the Senate position expressed in this resolution with respect to PBGC premiums.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 262), as modified, was agreed to.

Mr. CONRAD. Mr. President, we now have the DeWine amendment before us. Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 161), as modified, was agreed to.

FUNDING: TO INCREASE FUNDING FOR CHILD SURVIVAL AND MATERNAL HEALTH PROGRAMS
Mr. DOMENICI. Mr. President, I begin by complimenting my friend from New Hampshire and the Chairman of the Senate Budget Committee on a job well done. As the new Chairman, he has skillfully navigated a difficult job well done. As the new Chairman, he has skillfully navigated a difficult course to produce the budget resolution before us today. Congratulations.

I also want to tell him that even though this is his first year as the Budget Committee chairman, he has handled the job like a seasoned veteran.

I would like to raise the issue of mental health parity as the Senate debates the FY 2006 Senate Budget Resolution. It is my understanding the resolution before us assumes the revenue impact of enacting a mental health parity law as a cost of $1.5 billion over 5 years. However, I want to make sure that this is indeed the case because the assumption I just mentioned is not specifically referenced in S. Con. Res. 18.
Rather, the overall revenue number is such that it assumes Congress will pass mental health parity legislation.

Mr. GREGG. I understand the concern of the distinguished senior Senator from New Mexico regarding mental health parity legislation and I would concur with my colleague’s assessment. S. Con. Res. 18 does assume the revenue impact of enacting mental health parity legislation.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and explanation of this important matter.

ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. INHOFE. Mr. President, I would like to bring to the Budget Committee’s attention a great program that saves the Federal Government both money and energy—it is called Energy Savings Performance Contracting or ESPC. Under this public-private initiative, the private sector upgrades our aging federal facilities and military bases with new energy efficient equipment, at no upfront cost to the government. The private sector is then paid back over time with the savings from the government’s utility bills. The beauty of this program is that under the law, the energy savings must cover the project costs and also guarantee that there will be additional savings to the government, as codified per the Energy Policy Act of 1992:

ENERGY POLICY ACT OF 1992

H.R. 776

Energy Policy Act of 1992 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 155. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) In General—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) by striking “The head” and inserting the following:

“(a) In General.—(1) The head”; and

(2) by inserting at the end the following:

“(2)(A) Contracts under this title shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Such performance guarantee shall provide that the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

“(B) Aggregate annual payments by an agency to both utilities and energy savings performance contractors, under an energy savings performance contract, may not exceed the amount that the agency would have paid for utilities without an energy savings performance contract (as estimated through the procedures developed pursuant to this section) during contract years.

The contract shall provide for a guarantee of savings to the agency, and shall establish payment schedules reflecting such guarantee, taking into account any capital costs under the contract.

“(C) Federal agencies may incur obligations pursuant to such contracts in finance energy conservation measures provided guaranteed savings exceed the debt service requirements.

It’s a win-win program for the government and taxpayers.

The problem is that under the current CBO budget scoring methodology, the entire contract cost is scored up front and there is no accounting for the guaranteed savings which are required by law. Since these guaranteed savings are not recognized, this program is scored as costing the government money. In reality this is not the case. The Office of Management and Budget views the program as budget neutral, and the program has strong support from the Administration.

This current scoring dilemma for the ESPC program has been problematic in the reauthorization of this valuable program. I respectfully ask that the Budget Committee work with the Congressional Budget Office to resolve this scoring problem for the ESPC program.

Mr. BINGAMAN. I want to thank the Senator from Oklahoma for raising this issue, and I will ask the Budget Committee staff to look into the scoring of the ESPC program with an eye towards accounting for the mandatory savings and addressing the matter.

MR. BINGAMAN. I respectfully ask that the Budget views the program as budget neutral.

AMENDMENT NO. 204

Mr. BYRD. Mr. President, I voted in support of Senator SMITH’s amendment to strike $14 billion in Medicaid cuts from the budget resolution and instead create a bipartisan Medicaid commission to study how to best reform the program.

Sound policy—not arbitrary budget cuts—should be the driving force for strengthening and improving the Medicaid program. A Medicaid commission could help foster civil dialogue about how to take prudent steps to make this critical safety net stronger and sustainable in the long term.

More than 40 million Americans, including 300,000 West Virginians, rely on Medicaid. In West Virginia, the health care safety net—comprised of hospitals, nursing homes, home health agencies, physician offices, and community health centers—relies heavily on Federal Medicaid funding to care for the poor, disabled, and elderly.

If Medicaid funding is capped at an arbitrary funding level, states, such as West Virginia, will be left to shoulder the burden of increasing health care costs on their own. The health care needs of low-income people do not magically disappear just because there are fewer federal funds made available.

It is my hope that a bipartisan consensus of policies can be reached to best address the challenges confronting the Medicaid program. The passage of the Smith Amendment to establish a Medicaid commission is a constructive first step toward that goal.
AMENDMENT NO. 216

Mr. KERRY. Mr. President, on January 20, 2005, President Bush said in his Inaugural speech, “We will widen the ownership of homes and businesses. . . .” Two weeks later he turned around and submitted a budget that cut funding for the only agency dedicated to cultivating small business ownership in this country, the Small Business Administration. How much did he cut? 20 percent. This is nothing new. It’s in his track record, even worse. Since President Bush took office in 2001, he has reduced small business resources available through the SBA by 36 percent, the most of any government agency. You may not think the SBA is important, but, last year alone, through the SBA, more than 86,000 small businesses in this country got loans and venture capital totaling more than $21 billion. A lot more than that, 1.5 million, turned to the SBA and its partners last year for management advice so they could start a business, keep their doors open, or expand their business. Think of the SBA next time you get ice cream from Ben & Jerry’s, see a mother with a “boppy” baby pillow, take a road trip and drive a Toyota, or swing a Callaway golf club. All these companies were helped by the SBA. Where would these companies have been when they were shut out from financing if the SBA had not existed? Imagine the void in our economy without the taxes they generate and all the people without jobs if those companies didn’t exist. SBA more than pays for itself.

The SBA is a good return on the investment for our country. As my colleague from Maine, Senator SNOWE, pointed out at our recent hearing on the SBA’s fiscal year 2006 budget, the SBA’s budget represents less than 3/100th of 1 percent of all Federal spending. And a lot of that funding for the SBA supports emergency loans that help families and businesses when disaster strikes. We are all for fiscal responsibility, but cutting this resource that is so important to our economy is not responsible. Instead of weakening this resource, we should be maximizing it to leverage more businesses and creating more jobs.

Evidently my colleagues agree because they had the courage to adopt a bi-partisan amendment to restore $78 million to the SBA’s budget for fiscal year 2006. Senator SNOWE and I both had our own amendments, but in the end we joined together so that we could get a win for small business. I thank the Chair for her cooperation and leadership.

My amendment would have restored $139 million to the SBA, including $42 million in fee relief for borrowers and lenders in the 7(a) Loan Guarantee program; $20 million for microloans and $20 million for microloan technical assistance; $5 million for PRIME; $24 million to restore funding New Markets Venture Capital that was unfairly and unwisely rescinded; $3.6 million for 7(j) contract assistance to disadvantage small businesses; $2 million for Native American Outreach; $109 million for Small Business Development Centers; a combined $4 million for SBIR, FAST, and Rural Outreach; $7 million for SCORE; $5 million for the U.S. Export Assistance Centers; $2 million for Veterans Business Outreach; $16.5 million for Women’s Business Centers; and $16.5 million for the Gore-Chertoff National Economic Expansion Fund. This amendment would have raised SBA’s funding to $732 million, still far less than the $900 million provided to the SBA 5 years ago. It was a responsible and reasonable increase.

Nevertheless, to get things done, we must reach across the aisle and work together. So, as I said earlier, I joined my colleague of the Small Business and Entrepreneurship Committee, Chair SNOWE, to pass Senate amendment No. 216. It did not go as far as I would have liked, but it is still a big step in the right direction. As part of the compromise, Senator SNOWE agreed to include $5 million for PRIME micro businesses. The Snowe-Kerry compromise includes: $15 million for Microloan Technical Assistance, which the President recommended terminating; $1.9 million to fund $20 million in microloans, which the President recommended terminating; $5 million for the Program for Investment in Microentrepreneurs, PRIME, which the President recommended terminating, $3 million for the Small Business Innovation Research, SBIR, FAST Program, which the President recommended terminating; $1 million for the SBIR Rural Outreach Program, which the President recommended terminating; $21 million for Small Business Development Centers, increasing funding to $109 million overall; $10 million to fund procurement center representatives, PCRs, in order to hire 100 new representatives; $7.7 million for the HUBZone set aside program, increasing funding to $10 million; $4.5 million for the Women’s Business Centers Program, increasing funding to $16.5 million; $3.5 million for U.S. Export Assistance Centers, increasing funding to $5 million; $2 million for the SCORE program, increasing funding to $7 million; $750,000 for Veterans Outreach, increasing funding to $1.5 million; and $500,000 for the 7(j) contract assistance program, increasing funding to $2.5 million.

These amounts are important to include in the Record so that the public knows our intentions. I thank my colleagues, Senators SNOWE, CONRAD, and GREGG, for their help and also their staffs. I am asking my colleagues on the appropriations committee to match our requests.

AMENDMENT NO. 169

Mr. SANTORUM. Mr. President, the HIV/AIDS pandemic has reached staggering proportions. By the end of 2004, an estimated 40 million people were living with HIV/AIDS. Each year, 5 million more people become infected. The United States has demonstrated important leadership fighting the AIDS epidemic. And this leadership is yielding results. At the end of 2004, an estimated 700,000 people in the developing world were receiving antiretroviral therapy. Many of these individuals were receiving treatment thanks to U.S.-supported bilateral and multilateral programs.

The President’s budget request for fiscal year 2006 includes $2.9 billion for bilateral programs for AIDS, tuberculosis, and malaria. This amendment would maintain full funding for this component of the President’s request.

The Global Fund to Fight AIDS, tuberculosis, and malaria is an important component of U.S. efforts, and supports approximately 300 projects in 130 countries. The United States was the first and remains the largest contributor to the Global Fund.

To balance the U.S. share and encourage contributions from other donor countries, the administration supported language in the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 that links U.S. contributions to the Fund to the contributions of other donors.

Together with Senator DURBIN, I believe Congress should fulfill the commitment implied in the act by matching, on a one-to-two basis, the contributions of other donors. Through a mid-year review process, Congress and the administration should anticipate contributions to the Global Fund and ensure that U.S. contributions, at year-end, are at the appropriate one-to-two ratio, and that the U.S. does not exceed 33 percent of total contributions to the fund.

For fiscal year 2005, the Global Fund estimates it will renew $2.4 billion worth of effective programs that are already operating on the ground. The administration and the Global Fund Board have said that renewing existing grants should receive funding priority. In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the U.S. will need to contribute an additional $500 million above the President’s request to keep well-functioning programs funded at a level of $800 million.

Senator DURBIN and I consider this number to be the necessary level of funding that could cut off life-saving treatments in proven programs.

Senator DURBIN and I firmly believe that funding the global fight against AIDS is a top priority. If adopted by the Senate, this amendment will ensure a level of $3.7 billion for international AIDS, tuberculosis, and malaria assistance, including $800 million for the Global Fund.

AMENDMENT NO. 218

Mr. LEVY. Mr. President, for the second year in a row the President proposes to completely eliminate the Advanced Technology Program, ATP. Last year, Congress wisely chose to
fund the ATP program at $142.3 million. The bottom line is that the ATP promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

I hope Congress will continue to fund this important program in fiscal year 2006. Doing so will help strengthen the technical and economic leadership of America’s high technology manufacturing companies that is necessary for them to remain competitive in today’s global marketplace. It will also help ensure that the most cutting-edge companies can continue to innovate, expand and create jobs.

My amendment expresses the sense of the Senate calling on the Senate Committee on Appropriations to make every effort to restore funding for the Advanced Technology Program in fiscal year 2006.

Continued ATP funding would encourage public-private cooperation and investment in economically important technologies. Through a shared program, the ATP provides grants to support research and development of high-tech, cutting-edge technologies with commercial potential and societal benefits. The ATP focuses on improving the competitiveness of American companies and funds many research and development projects that have the potential to create broad-based U.S. economic benefits and that otherwise may not get developed or that would be developed too slowly to take advantage of market opportunities.

According to one study, the manufacturing sector, more than any other, helps to generate increased economic activity in other industries with every dollar of goods produced generating an additional $1.43 in economic activity in other industries or sectors.

According to the U.S. Department of Commerce, for the American people on the ATP, as measured from 41 of the 736 projects—just 6 percent of the portfolio—have exceeded $17 billion in economic benefits, more than eight times the amount invested in ATP.

Manufacturers’ investment in innovation account for almost two-thirds of all private-sector research and development. This investment in turn leads to advances in other manufacturing sectors and into nonmanufacturing activities in the United States.

ATP involvement accelerates the development and commercialization of new technologies. Time to market was reduced by 1 year in 10 percent of projects, by 2 years in 22 percent of projects, and by 3 years in 26 percent of projects.

The ATP program supports small business. Over 65 percent of ATP projects have been led by small businesses. This is exceptional given that small businesses lead in the creation of job growth and new technology advancement in our country.

ATP has received applications from 50 States and made awards to high technology businesses in 40 States plus the District of Columbia.

The Biotechnology Industry Organization, BIO, the Industrial Research Institute, the Science and Technology Research in America, and the American Chemical Society have expressed support for ATP.

Unfortunately, current funding levels do not meet the demand for ATP. Over 2,000 proposals submitted in 2002 alone yielded enough high quality projects to absorb the total funding available for both fiscal year 2002 and fiscal year 2003. Fiscal year 2004 saw the second highest number of applications for funding in ATP history. $70, but funding was available for only 59 awards.

The ATP is one of the few federal programs available to help American manufacturers remain competitive in the global economy. This high octane economic engine should be supported by Democrats and Republicans alike. If we want NIST to continue making these important job-creating ATP awards, we have to fund it.

According to the Bureau of Labor Statistics, we have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. Supporting the ATP program is one way to do this.

**AMENDMENT NO. 233**

Mr. BAUCUS. Mr. President, I rise today to speak to an amendment with my good friend and colleague, Senator GRASSLEY, expressing the sense of the Senate on the High Intensity Drug Trafficking area, or HIDTA, program. My amendment assumes that the HIDTA program will be fully funded at $122 million in 2004 and that the HIDTA program will remain with the Office National Drug Control Policy, ONDCP, where it was last authorized by Congress to be. Additional co-sponsors are Senators LEAHY, BINGGELI, MURRAY and TALENT. I would also like to add Senators GORDON SMITH and DeWINE as co-sponsors to this amendment. I thank my colleagues for their strong support.

I am proud to offer this much-needed amendment. The proposed budget would cut the HIDTA program by 56 percent, assuming only $100 million for HIDTA. The President’s Budget also proposes to shift the program from ONDCP to the Organized Crime Drug Enforcement Task Force program within the Department of Justice. Both of these proposals could derail the highly successful HIDTA program.

As many of my colleagues know, methamphetamine is a powerful and highly addictive central nervous system stimulant that is associated with violence and crime. It can cause paranoia, aggression, and mood swings. The byproducts of making meth are highly toxic and flammable and require costly clean ups. They also endanger many children who are exposed when their parents cook meth within the home. Since its inception in 1990, HIDTA has become one of the most effective and comprehensive programs we have to fight meth.

Specifically, a HIDTA designation provides states like Montana with increased resources, information and intelligence to fight methamphetamine use and trafficking. Funded through the Bureau of Justice Assistance and increased cooperation among Federal, State and local law enforcement frees up state resources that allow, for example, the Montana Department of Justice to better support enforcement in rural Montana and would set the clock back years in our efforts to fight the rapid spread of meth in our state.

Yesterday, I was proud to cosponsor and support Senator STABENOW’s amendment to fully fund our first responder programs, Byrne and COPS. Sadly, that amendment failed. I also proudly supported Senator BIDEN’s amendment to fully fund the COPS program. That amendment unfortunately also failed. We must do everything we can to make sure these programs survive and so far Congress is not holding up their end of the bargain.

Although my amendment specifically focuses on the HIDTA, I want to point out that the President’s fiscal year 2006 budget is:

1. Montana will lose its multi-jurisdictional drug enforcement capacity, including seven multijurisdictional drug task forces. This means that already stretched local law enforcement agencies will have to do what they can to address drug enforcement at the local level, without broader support from the drug task forces.

2. Montana will lose 33 drug enforcement offices throughout the State.

3. Montana will experience a significant decrease in drug availability, manufacturing and trafficking and drug-related crime.

4. Montana would experience an increase in clandestine labs that manufacture methamphetamine.

5. Montana would experience a reduction in the amounts of illegal drugs and guns removed from our communities.
6. Montana would experience the elimination of funds for rural law enforcement agencies’ manpower, equipment and training.

Again, the above scenario is only the tip of the iceberg. The manufacturing, trafficking, addiction, and crime related to drugs will have a ripple effect throughout the State in our public health and correction systems and the courts, negatively affecting public safety and the quality of life in Montana and across the United States.

As the findings in the Baucus-Grassley amendment explain, the HIDTA program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel. In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations. In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

The HIDTAs are successful drug enforcement coalitions that include equal partnership among Federal, State, and local law enforcement leaders. This is what Congress intended the HIDTA’s to do—to provide coordination of drug enforcement efforts in critical regions of the country. That’s why full funding for the HIDTA’s is so important, and that’s what the first part of the Baucus-Grassley amendment does—assuming that Congress will fully fund the HIDTA program at fiscal year 2005 levels.

The second part of the Baucus-Grassley Sense of the Senate on HIDTA would address the administration’s decision to shift the HIDTA program from ONDCP to the Organized Crime Drug Enforcement Task Force, OCDETF, program within the Department of Justice. Moving the program from ONDCP to OCDETF is a mistake. The OCDETF program has a different mission and purpose than ONDCP and the HIDTA’s. The HIDTA program has worked well at ONDCP and is a complement to the OCDETF mission. I do not understand why the Administration would want to shift it from its Congressionally authorized home within ONDCP.

Montana law enforcement tell me that moving the HIDTA program to OCDETF is nothing to OCDETF or HIDTA. Montana’s law enforcement capabilities and will undermine the unique partnerships and innovation that the HIDTA program has helped to create nationwide and that have been so successful in curbing the spread of meth in Montana. HIDTA’s are about coordination and collaboration. OCDETF is more centrally managed, with an assumed Federal lead, and with a focus on investigation and prosecution—an important ticking, but not the administration’s approach. Additionally, according to the National Narcotics Officers Association, the vast majority of OCDETF’s cases originate within HIDTA funded operational task forces. The current organization works; why change it?

I urge my colleagues to support this important amendment. I also hope that we can adopt one of the many amendments that would actually increase funding for all Justice assistance programs, like Byrne and COPS, but this amendment is an important step in the right direction.

AMENDMENT NO. 193

Mr. DODD. The amendment I intend to offer would have increased funding for all assistance programs, like Byrne and COPS, but this amendment is an important step in the right direction.

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payments to the States, and increased function 500 by $85 million in BA in FY 06 to fund election reform disability access payments to the States. The amendment was fully offset by adjusting the reconciliation savings assigned to the Finance Committee, allowing for the closing of corporate tax loopholes and provided additional deficit reduction in an equivalent amount in the amount of $822 million.

The absence of these funds will at best impair, or at worst stop, statewide election reforms for the 2006 Congressional elections, the 2008 Presidential elections, and beyond. According to a letter issued by the LCCR/ NASS Coalition in support of my amendment, State and local governments cannot enact the requirement reforms on time without full Federal funding. The coalition letter states, in pertinent part: “Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford the implementation of important HAVA mandates.”

Similarly, the National Association of Counties, NACO, in a letter dated March 17, 2005, noted that a recent NACO report “demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient.” The letter goes on to conclude that HAVA has “only become an unfunded mandate on the states and counties.”

Some have expressed concerns that States do not need additional Federal funding, nor should Congress appropriate additional funding, because States still have millions in unspent HAVA funding. This argument is contrary to both the law and the facts. As a matter of law, HAVA does not require States to spend Federal funding by a date-certain within any fiscal year. To the contrary, HAVA merely requires States to comply with specific Federal requirements by certain effective date deadlines, depending upon the timing of the first Federal election in that State. Since the time, place and manner of Federal elections may differ from State to State, HAVA accommodates the diversity of state circumstances by ensuring that States could retain Federal funding without threats of a Federal recoupment of such funds.

Moreover, the most important requirements in the Act do not have to be implemented by the States until the first Federal elections on or after January 1, 2006. The delay in the issuance of the voluntary voting system standards by the Election Assistance Commission, some States have delayed purchases of voting systems and technology until that guidance is issued. Clearly, such States have unexpended funds.

However, that does not lessen the critical need for full funding in fiscal year 2006. Although the FY 06 funds will not be available to the States until October 1, 2005, just 3 months before some States must have these requirements in place, States will be able to issue contracts, obligate funds for programs, and otherwise fully implement real election reforms Congress signaled its intent to provide these necessary funds.

After the concerns raised by the November 2000 general election, Congress made a commitment to the States, and to the American people, that we would be a full partner in the conduct of Federal elections. While Congress accomplished much with the passage of HAVA, 4 years later in the November 2004 general election, voters faced many of the same barriers in different forms and new barriers to voting that HAVA promised to remove. After the 2000 November elections, Americans recognized that real election reform changes must be made to ensure the integrity and security of our elections. We can do better and we must do better. Full Federal funding is critical to ensuring that America will do better.

HAVA began a new era in law—on many fronts. The Federal Government is a supporting partner to help State and local governments, in conjunction with civil rights, voting rights and disability rights organizations, to conduct fair, free and transparent elections in our Nation. HAVA is our collective promise to the American people to fix the problems in our Federal elections.

If we fail to honor our commitment now and provide the States with only partial funding, we jeopardize the opportunity of the States to implement the most historic and comprehensive election reforms in American history and may ensure that the public’s confidence was misplaced in Congress. Full Federal funding is critical to ensuring the integrity and security of Federal elections and the confidence of the American people in the final results of those elections.

It is time to fulfill that promise and we must do so this year. I ask unanimous consent that a letter issued by the coalition of organizations spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State dated March 8, 2005 and a letter issued by the National Association of Counties, dated March 17, 2005, be printed in the RECORD. The letter being no objection, the material was ordered to be printed in the RECORD, as follows:

**MAKE ELECTION REFORM A REALITY; FULLY FUND THE “HELP AMERICA VOTE ACT”**

Senate Majority Whip Durbin, along with a coalition of organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include $822 million in the upcoming FY06 Senate Budget Resolution. This figure represents the authorized HAVA funds that remain unappropriated.

HAVA, which passed with overwhelming bipartisan support, includes an important list of reforms that states must implement for federal elections. States and local governments have been working on such reforms as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter verification database, training poll workers and educating voters on new procedures and new equipment.

As state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. To date, Congress has generously appropriated $3 billion between FY03 and FY04. Unfortunately, while HAVA authorized funding for states for FY05, none was appropriated. The states and localities need the remaining authorized funds to implement the requirements of HAVA, and the federal EAC needs to be fully funded to carry out its responsibilities as well.

States and localities are laboring to implement the requirements of HAVA based on a federal commitment that HAVA would not be an unfunded mandate. State officials have incorporated the federal amounts Congress promised when developing their HAVA implementation budgets and plans. Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for the HAVA will result in many states scaling back on their voter and poll worker education initiatives and on voting equipment purchase plans, both of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission in FY05. States, counties, and localities and civic organizations look forward to the work products from the EAC that will aid in the implementation of HAVA, e.g., voting systems, statewide database guidance, and studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624- 3272, or Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6658, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Election Officials
Council of State Governments.
March 17, 2005

CONGRESSIONAL RECORD — SENATE

S2951

United Auto Workers, United States Student Association. U.S. Public Interest Research Group.

NATIONAL ASSOCIATION OF COUNTIES,
Hon. MITCH McCONNELL,
U.S. Senate, Washington, DC.
Hon. BOB NEY,
House of Representatives, Washington, DC.
Hon. STENY HOYER,
House of Representatives, Washington, DC.

DEAR SENATORS McCONNELL AND DODD AND REPRESENTATIVES NEY AND HOYER: On behalf of county officials across the nation, I would like to reiterate our appreciation for your efforts on behalf of counties in the development of the Help America Vote Act of 2001. As you remember, NACo and other organizations representing state and local government officials supported the Help America Vote Act based on an assumption that the federal government would meet numerous deadlines set forth in the legislation and would provide the full authorized level of funding. Thanks to your leadership, sufficient funding was provided in fiscal years 2003 and 2004. However, no funds were provided for FY 2005 and total funding for the Help America Vote Act remains more than $800 million short of the authorized amount. Attached is an excerpt from a recent report of the National Association of Counties that demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient. This excerpt, from a recent snapshot survey conducted by the National Association of Counties on the costs that counties have identified for compliance with unfunded mandates, shows that the Help America Vote Act has clearly become an unfunded mandate on the nation’s counties.

This funding shortfall is a particular burden for counties because the federal government did not live up to its commitment to issue federal voting systems standards by January 1, 2004. These standards are not expected until later this year; the delay is creating uncertainty surrounding compliance with HAVA and is driving up costs for many counties. We look forward to working with you and your staff to secure additional funding and assist counties in meeting the deadlines in the Help America Vote Act.

Sincerely,

LARRY NAAKE, Executive Director.

EXCERPT FROM UNFUNDED MANDATES: A SNAPSHOT SURVEY

A report issued in March 2005 by the National Association of Counties based on a snapshot survey conducted during a two-week period from January 26 through February 11, 2005. The full report provides a snapshot of the counties’ unfunded mandates burden facing counties on the tenth anniversary of the Unfunded Mandates Reform Act.

HELP AMERICA VOTE ACT

The Help America Vote Act requires most counties in the nation to purchase new voting equipment that permits all voters to cast a secret ballot regardless of disability. The accelerated timetable nationwide and lack of federal standards are driving up the cost for counties to purchase equipment. In addition, counties are working in cooperation with the states to merge existing voter registration databases into a statewide list and to implement new voting procedures, such as provisional ballots.

Thirty six provided information on their costs related to the Help America Vote Act. The counties who responded represent a broad mix of states that have moved forward with reform, those that are nearing compliance and those that have not yet budgeted for or issued contracts on voting equipment. Some of the figures reported by the counties provided below do not include the full cost of purchasing voting equipment:
2005 for costs associated with the new voting machines.

The following explanations from individual counties are likely typical of county costs reported in the survey:

Scott County, Iowa has explained that their data includes $3,500 is a rough estimate of the time used in the planning process that has not been reimbursed by state or federal funds. The $200,000 figure for FY 2005 is an estimate of the county share of the cost of new machinery and software net of federal and state funds.

Polk County, Iowa has indicated that their figure for FY 2004 is associated with administrative repositioning. The $125,000 for FY 2005 represents the county cost, less federal and state reimbursements, for the purchase of accessible voting equipment. Clermont County, Ohio, has indicated that none of their reported costs are for the actual purchase of equipment. The entire figure is for administrative labor and travel associated with review of proposed equipment except for $300 for printing and processing of provisional ballots.

Mr. GRASSLEY. Mr. President, I am pleased to rise today and join Senator BAUCUS and our colleagues in offering this Sense of the Senate resolution calling for full funding of the High Intensity Drug Trafficking Areas program.

In all areas the President proposes and Congress disposes, and the budget is no different. While I support the President’s efforts to control Federal spending to address the budget deficit, I have concerns about how some of his proposals would affect law enforcement efforts to identify, arrest, and prosecute drug trafficking organizations selling their poison to our kids and grand kids. I think it is critically important that we not hinder their ability to protect citizens especially from the dangers of drugs.

In particular, the proposal to transfer to the Department of Justice and reduce the funding for the High Intensity Drug Trafficking Areas program—also known as the HIDTA program—would have a major impact on drug enforcement efforts. With the continued growth of meth in Iowa and throughout the Midwest, we cannot afford to reduce programs designed to increase cooperation and coordination. Just as modern technology allows our businesses and our citizens to move around the country, the criminal element within the United States can take advantages of these same opportunities. That is why it is essential that they be able to work together, across jurisdictions, so that our laws against drug trafficking can be effectively enforced.

Congress provided the Office of National Drug Control Policy with the responsibility for the management—and effectiveness—of the High Intensity Drug Trafficking Areas program. For a relatively modest investment, Federal, State, and local law enforcement have tremendously benefited from the increased sharing of information and the improved coordination that HIDTAs create.

The task forces created through the HIDTA program can serve as models for initiatives against terrorism, money laundering, and other modern threats to civil society.

This amendment is consistent with the views expressed by the Budget Committee. It is consistent with the President’s budget proposal introduced last year to reauthorize the Office of National Drug Control Policy.

I hope that all of our colleagues will join us in supporting this amendment.

Mr. DEWINE. Mr. President, I rise today to join Senator ALLEN in urging the Senate to adopt budget language reinforcing our Nation’s commitment to vital aeronautics research. For decades, the National Aeronautics and Space Administration has conducted a wide array of aeronautics research programs that have helped ensure our economic and military security and revolutionized the way we travel. NASA’s work in aeronautics has captured the spirit of the Wright Brothers, spawning generations of progress.

The amendment before us, which I am cosponsoring, will help make certain that progress continues for many years to come.

Members of this body, including me, will fly the states late today or tomorrow when we have completed the budget, and when we do, we will benefit from countless innovations developed in NASA aeronautics programs over the years—efficient jet engines, safer air traffic control networks, advanced de-icing technologies, and so on.

The impact of NASA’s work is indeed widespread. The U.S. aviation industry supports over 11 million jobs and contributes $1 trillion in economic activity. Our airlines carry 750 million passengers per year, with that number expected to grow to a billion within 15 years. We ship 52 percent of our exports by air, and in fact, the aviation industry currently saves the U.S. balance of trade than any other domestic manufacturing industry.

Today we are at grave risk of losing the staff, facilities, and expertise necessary to continue the long history of NASA’s aeronautics research programs. We are at risk of essentially allowing the first “A” in NASA—the one that stands for aeronautics—to die over the next several years. What a tragedy that would be for the traveling public, for our aviation industries, for our military, and really for our entire economy.

The budget we have before us does not contain specific references to aeronautics funding. Nonetheless, we know of NASA’s plans for aeronautics from its fiscal year 2006 budget request. We know that the agency intends to reduce overall aeronautics funding by over 17 percent from fiscal year 2004, dropping another 12 percent by 2009. That is nearly one-third in just 5 years.

The cuts are even more severe within the “vehicle systems” account—the portion of NASA’s aeronautics program that focuses on making aircraft safer, faster, quieter, more fuel efficient, and dynamic. NASA has announced its intention to cut over 28 percent of its budget in this area relative to fiscal year 2004, with plans to eventually cut even deeper in the out years. What will be the practical consequences of these cuts be?

For starters, the cuts mean that all subsonic and hypersonic research will be terminated. This is the research that focuses on developing airframes and better turbulence—technologies that with just a little work can be taken from the lab and applied directly to functional aircraft, whether commercial or military. As a result, domestic aircraft and engine producers will lack the ability to draw on a body of solid pre-competitive research, while competitors abroad benefit from well financed efforts, such as the European Union’s “Vision 2020” initiative.

Ultimately, the consequence may be the loss of our longstanding global leadership in civil aviation and all the economic benefits that flow from that leadership. Second, many of the technologies necessary to design and test new aeronautics technologies will likely be closed as a result of budget shortfalls. Wind tunnels and propulsion test facilities are used by government, academia, and industry—often on a pay-for-use basis—and require minimal funding to maintain. A recent RAND National Defense Research Institute determined that over 84 percent of these NASA facilities serve strategic national needs, and concluded that, “loss of the U.S. aerospace industry ‘relies on our workforce and test facility infrastructure . . . and will continue to need to predict airflow behavior over a range of designs.’” If we allow wind tunnels and propulsion labs to close, there will, in fact, be no way to serve these needs.

So these proposed aeronautics cuts are a double threat to the U.S. aviation industry: On the one hand, they get NASA out of the business of subsonic research, and on the other, they may well lead to the closure of the very facilities and academic institutions that needed to replace that research. There would, of course, be consequences for cross-cutting technologies used by the military and for the scores of Americans employed in these areas. On balance, the overall long-term impact would be devastating.

Instead of focusing on these subsonic and hypersonic aeronautics research program areas, NASA intends to focus on “barrier breaking” flight demonstrations. These are exciting projects that involve UAVs and aircraft capable of quietly crossing the sound barrier, and on technologies that may pay down the road. By then, however, it could be too late for our aviation industry. The language offered by Senator ALLEN today addresses that fact head-on by restoring balance in NASA’s aeronautics programs.

We need to step back and re-evaluate where we are with aeronautics research, where we want to be in 5, 10, 15
years, and make a commitment to do what it takes to get us there. A study specifically requested by Congress in the fiscal year 2004 omnibus appropriations bill mapping this course will be unveiled later this month by the National Institute of Aerospace. Just 2 years ago, the Senate Science Committee held an important hearing on the direction of aeronautics research.

There is movement on these issues, and we will have opportunities to define our goals as the year progresses. What Senator ALLEN is proposing to do is to say that we must keep all of our options open and our areas of expertise healthy until we are able to come to a conclusion between Congress, the administration, industry, academia, and really our Nation on what our direction will be. Senator ALLEN’s language, in essence, ensures that our debate on how to approach aeronautics will not be over before it begins.

AMENDMENT NO. 220

Ms. COLLINS. Mr. President, the Lieberman-Collins amendment No. 220 provides $855 million to restore cuts to vital first responder programs in the Department of Homeland Security and the Department of Justice, and port security grants. The amendment provides an additional $565 million for programs that support our first responders, including State homeland security formula grants, Urban Area Security Initiative grants, FIRE Act grants, SAFER grants, Emergency Management Planning Grants, and the Metropolitan Medical Response System. It would restore $140 million for community policing and local law enforcement efforts under the COPS and Byrne Grant programs. It would also provide $150 million for port security grants, ensuring at least the same amount of funding for the Nation’s ports as last year.

AMENDMENT NO. 217

Mr. KOHL. Mr. President, I submitted an amendment to the budget resolution with Senator HATCH, Senator SPECTER, Senator DeWINE, Senator LEAHY, and Senator BAUCUS to restore funding for juvenile justice and local law enforcement programs closer to last year’s levels. Our amendment will increase funding for these programs funded by the Department of Justice by $500 million. Specifically, this money will add $173 million to the Juvenile Justice and Delinquency Prevention, OJJDP, budget; $200 million for the Byrne Justice Assistance Grant Program and the COPS program, and $127 million to the High Intensity Drug Trafficking Area, HIDTA, program. The amendment accomplishes this by raising the functional total for the justice allocation by $500 million offset in function 920, which gives the Appropriations Committee the flexibility to design the exact offsets.

Let me briefly illustrate why we must put money back into these programs. Following the administration’s lead, the Senate Budget Committee allocated $197 million to the OJJDP budget, which is about $173 million less than what we appropriated last year. I am particularly disturbed that the Senate budget resolution assumes complete elimination of the Juvenile Accountability, Block Grant program. JABG, which received $335 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law.

The budget process seems to feel that the JABG program is ineffective. An example from my home State of Wisconsin proves otherwise. Using Federal dollars from the JABG program, the Southern Oaks Girls School, a juvenile detention center outside of Racine, WI, built a new mental health wing to provide much-needed counseling services for the girl inmates. The administrator of this school cites a 50 drop in violent behavior since the new mental services have been offered. This is just one example of JABG’s many successes, a record that supports keeping JABG alive and well-funded.

The same is true of title V Local Delinquency Prevention Program, the only Federal program solely dedicated to juvenile prevention. The Senate budget assumes a $50 million cut to title V, penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by title V?

Following the President’s lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $500 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant program. The budget before us assumes no funding for this program at all. Byrne grants pay for State and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

Talk to any police chief or sheriff back home and they will tell you that the Byrne program is the backbone of Federal aid for local law enforcement. Do we really want to walk away from a program with more than 30 years of success supporting our local police chiefs, sheriffs, and district attorneys?

The COPS program is another victim of this budget. The budget assumes $138 million for the COPS program. That is down from $388 million last year. What is worse is that, within the COPS program, COPS grants, like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should restore this money because COPS programs have demonstrated their value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the Byrne crime prevention programs supported by title V. The COPS budget assumes a $50 million cut to title V.

Finally, The Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA program from $227 top $100 million. The HIDTA program is a vital collaboration between Federal, State and local law enforcement to combat drug trafficking through national intelligence-based cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee, a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing budget trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infects our cities, communities, and neighborhoods.

The budget assumes more than $1.2 billion will be cut from what it would take to fully fund OJJDP, the Byrne Grant Program, COPS, and HIDTA at last year’s level adjusted for inflation. We restore $500 million of that, not enough to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe. Though some of us would prefer an even higher increase, my amendment represents a step in the right direction. I urge my colleagues to support this amendment.

AMENDMENT NO. 214

Mr. KOHL. Mr. President, I rise today in strong support of the Snow-Wyden amendment. I am proud to co-sponsor this amendment to allow the Secretary of Health and Human Services to negotiate for the lowest prescription drug prices in Medicare.

Americans pay among the highest drug prices in the world. Americans pay, on average, two-thirds more than the Canadians, 80 percent more than the Germans, and 60 percent more than the
British. While drug companies argue that they need high prices in America in order to fund research and development for new drugs, drug companies spend more on marketing, advertising, and administration than they spend on research.

Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal Government from negotiating with drug companies for lower prices. This is a missed opportunity and a waste of taxpayers' dollars.

In light of the growing concerns over the rising cost of this benefit—$57 billion more than originally expected—every effort should be made to save our seniors and taxpayers dollars.

This amendment requires the Secretary of Health and Human Services to use the tremendous purchasing power of Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would go to pay for deficit reduction.

I urge my colleagues to support this commonsense effort to lower prescription drug prices and reduce the deficit.

AMENDMENT NO. 172

Mr. KOHL. Mr. President, I rise today in strong support of the Harkin amendment. I am proud to be a cosponsor of this important amendment to ensure that students in Wisconsin and elsewhere continue to benefit from Perkins to compete in the 21st century economy.

Mr. SARBANES. Mr. President, I am pleased to join my colleague Senator CHAFÉE in sponsoring a sense of the Senate resolution which sought to restore the Clean Water State Revolving Funds to the fiscal year 2004 enacted level of $1.35 billion.

For the past 2 years, Senators CRAPO, JEFFORDS, and I, along with other Members of this body, have offered successful amendments to the budget resolution on the Senate floor seeking to boost funding for this program from $1.35 billion to $3.2 billion. Unfortunately, these amendments were not accepted by the conference committee for fiscal year 2004, and there was no budget resolution in fiscal year 2005.

There is a tremendous need for increased funding for wastewater treatment infrastructure improvements throughout the country. As we underscore in the recent 2005 budget, the Congressional Budget Office estimated a spending gap for clean water needs between $132 billion and $388 billion over 20 years. This year we are proposing a very modest amendment simply to hold the line.

All States will be affected by the President's proposed cut in spending, a cut of 33 percent from the fiscal year 2005 enacted funding and a cut of 46 percent from the 2004 enacted level.

This amendment would have paid for by closing corporate tax loopholes. If I were present I would have voted yea.

AMTRAK is important to Arkansas. By shifting the AMTRAK funding burden to States we are doing a real disservice to those people in rural America who rely on rail service. And without adequate assistance, I fear we will witness a rapid decrease in Amtrak's performance and infrastructure, and the end of rail service for my State.

I think it should be a goal of AMTRAK to achieve economic viability and I am open to discussions on how best to achieve that goal. But in this budget we should not ignore their funding needs or the needs of our rail passengers and State and local governments. I commend Senator ROBERT BYRD for this amendment and I regret having inadvertently missed this vote.

Mr. LIEBERMAN. Mr. President, had I been present for vote number 66, amendment No. 230 sponsored by Senator COLEMAN, to restore funding for Community Development Block Grants and other programs, I would have voted in favor of the amendment.

Due to the rapid scheduling of amendments at this time, I was unable to be here for that vote. However, my
position with respect to CDBG funding is crystal clear. In fact, I was a cosponsor of the Sarbanes amendment to restore CDBG funding, which unfortunately failed on a 50-50 vote.

Although I preferred the offset in the Sarbanes amendment, I vehemently would have voted for the Coleman amendment as well. CDBG provides critical funds to many communities in my State. It is one of the Federal Government’s most effective neighborhood privatization programs. I am please that the Coleman amendment passed this body today, and I will continue to work in the Senate to ensure that the President’s proposed cuts are not enacted into law.

Mr. BUNNING. Mr. President, I rise today to express my support for the Budget resolution before us.

Let’s start with the revenue reconciliation instructions. We have already seen many amendments to raise taxes and I am sure we will see more. But raising taxes is not the horizon. I am referring to the tax increase our constituents will feel in their pocketbooks and wallets if we fail to extend current tax law.

The so-called “tax cuts” the other side talks about is really nothing more than just keeping current tax law. There are over 40 provisions that American families and employers have come to rely on that will expire at the end of this year if we do nothing.

The revenue reconciliation that this resolution calls for is needed to prevent a massive tax increase. This is about provisions in current law that are important to our constituents and to our economy. We cannot afford to allow them to expire and therefore be raised.

Let’s take a look at the items that the Finance Committee, which I serve on, will examine this year. There is the R&D tax credit. This is an important provision in the Tax Code that spurs innovation and new technologies and one that I and most others here support.

In fact, the bill introduced in the Senate in the last Congress to make this provision permanent had 40 cosponsors, including 22 Democrats. It will cost $7 billion to extend this provision alone for the 5 years of this budget.

Then there is the deduction for tuition. If we fail to extend this one that will cost $1 billion to extend for 5 years. And we need to address the ability of taxpayers to deduct their State sales taxes from their Federal taxes. This will cost $2 billion for just 1 year.

We have a temporary, 1-year fix for the alternative minimum tax that will cost $30 billion.

Other items that expire this year include: the work opportunity and welfare-to-work tax credits, mental health parity, a provision regarding military pay and the earned income tax credit, a deduction for teachers who buy classroom supplies, the wind energy tax credit, oil and gas tax provisions, tax credit bonds for school renovations. I could go on and on.

Again, over 40 provisions in total will expire this year. Let me be clear, these are not new tax proposals. This is simply current law. If we do not extend these provisions, we will cause a substantial increase in the bills of American families and businesses.

Our Finance Committee needs every cent of the $70 billion in the reconciliation instruction to make that happen. And then they turn their attention to the dividends and capital gains tax provisions that have been important to our economy. I will push hard to extend these through the end of the budget window.

The amendments we have seen the last few days also deal with “closing tax loopholes” to get so-called “corporate cheats”. I serve on the Senate Finance Committee and I can tell my colleagues that no one is more committed to closing tax loopholes than Chairman GRASSLEY.

In fact, the last tax bill we passed, the Jobs bill, had tens of billions of dollars in tax loophole closers. If any doubts that CHUCK GRASSLEY will take every opportunity to shut down tax cheats, please go talk to him and look at the record on this issue.

And for the record, it has been a Republican Congress and President that has gone after these loopholes and tax cheats in the Finance Committee.

In addition to the over 40 tax extenders I referred to, we also have other priorities, such as the tax title of the Energy bill and charitable provisions in the Care Act. Charities do such important work in America and offer incredible compassion. They touch lives in ways the Government never can.

And if we want to be energy independent and less dependent on foreign sources, then we need to encourage the private sector. I am a staunch advocate for cleaner burning of fuels, such as clean coal technologies.

So I hope we can avoid getting caught in the rhetoric that calls the reconciliation instruction “unnecessary.” It is absolutely necessary if we are to prevent a massive tax increase. And it is especially vital when our economy is showing real signs of continuing solid growth.

I also want to address some of the complaints one has heard about the horrible so-called “cuts” in Medicaid spending that the President asked for and we assumed in this budget.

Medicaid spending is projected to grow $1.112 trillion in the next 5 years. The President’s plan would call for a spending increase of $1.098 trillion over 5 years.

Notice that I said a spending increase of more than $1 trillion. That works out to an annual growth rate of 7.2 percent. On what planet is an increase of 7.2 percent a year a cut? Let’s get honest about the complaints we are hearing.

What we are hearing are complaints that an increase of 40 percent in 5 years is just too little. Think about that: 40 percent.

All we are asking of the Medicaid program, as we hand them a more than $1 trillion funding increase, is to cut $14 billion in abuse and waste. I don’t understand how anyone can say with a straight face that it is impossible to save less than 2 percent of the budget of any program over a 5-year period. It absolutely can be done. We just need to have the will to do it.

We absolutely must get a handle on entitlement and mandatory spending because the numbers are alarming. By 2030 Medicare, Medicaid and Social Security spending alone will be 13 percent of GDP. Unless we reform entitlement spending, we simply cannot continue on our current path.

This budget is a first step, a very small first step, toward beginning to address the entitlement spending that threatens to overburden our economy.

I support this budget before us. It recognizes the realities of our world with the need to limit spending and extend current tax law to create jobs and keep America on the road to economic recovery. I congratulate Chairman GREGG on crafting a strong budget and I urge my colleagues to support it.

Mr. HATCH. Mr. President, I rise to express my support for the concurrent budget resolution presently before the Senate.

I want to start by congratulating Senator JUDD GREGG, the new chairman of the Budget Committee, along with the other members of that committee, for accomplishing the difficult task of putting together and reporting to the Senate a budget resolution that begins to address our spending and deficit challenges in a modest yet significant way.

As with many of my fellow Utahns, I am very concerned about the large and persistent deficits with which our Federal Government still struggles. I continue to hear from constituents who seem discouraged that the Government has not been able to find more success in bringing the budget into balance, particularly after the several years of surplus we enjoyed in the latter part of the last decade.

Many Utahns have written to me to express their concerns that this generation is leaving a huge and growing burden on our children and grandchildren. One that perhaps will be too onerous for them to bear. As a long-time advocate of fiscal responsibility in families and in Government, I understand and agree with these concerns.

The deficit and the mountain of public debt owed by the Federal Government do matter, and will make life harder for Americans in the future.

And so, those of us from Utah share a collective frustration that this budget does not make more progress toward cutting the deficit. As I examine the budget resolution, however, I am struck by the fact that we, as a nation, are still facing turbulent conditions that seem to defy our
best efforts to control our fiscal destiny. As we get farther and farther from the monumental events of the early part of this decade that have shaped our current landscape in so many ways, perhaps it is becoming easier to think that things are slowly returning to normal in our country.

But we need to remember that this Nation is still at war, and we still face tremendous challenges in protecting our homeland from further terrorist attacks. These needs are paramount and eclipse the importance of balancing the budget. This budget resolution reflects these facts and provides for increases, although a relatively modest 4.1 percent growth in defense and homeland security spending.

At the same time, the budget places a virtual freeze on the growth of the remainder of discretionary spending accounts. This is in stark contrast to recent years, where such spending has grown at a relatively high rate. I believe that a virtual freeze on the growth of discretionary spending is a very important feature of this budget. Even though this restraint is rather modest, it is being met with a great deal of concern from many who had hoped to see more growth in those programs that fall under this category.

The budget also makes some small progress in bringing mandatory spending under control. Over the 5-year budget period provided by this resolution, this type of spending growth is cut by $32 billion. Although this is just a fraction of the growth in entitlement spending projected over this period, it is significant that this budget represents the first attempt to cut mandatory spending growth since 1997.

The results of these changes on the deficit are not dramatic, but they are noteworthy. The President set a goal last year to cut the deficit for fiscal year 2004, which was $521 billion, or 4.5 percent of GDP, down by half within 5 years. The budget resolution before us projects this goal being met in fiscal year 2008 with a deficit of $258 billion, or 2 percent of GDP, in half within 5 years. For the current fiscal year, 2005, revenues are projected to jump by an impressive 9.4 percent. Moreover, revenues are expected to increase by an average of 6.4 percent each year for the next 4 years.

This demonstrates to me the wisdom of our earlier decisions to cut taxes to get the economy growing again. Allowing tax rates to increase might seem to some to be a smart way to prevent the following tax cuts from expiring. However, I believe that the following revenue trends illustrate that such a move would be counterproductive and exactly the wrong thing to do. Therefore, it is very important that this budget include the reconciliation instructions that provide the opportunity for the Finance Committee to reflect these facts and provide

To meet these goals, the resolution provides some pretty tough discretionary spending caps for the next three fiscal years, and retains the pay-as-you-go rule from the fiscal year 2004 budget resolution.

Some of my colleagues are questioning the need for the budget to balance for approximately $70 billion in tax relief over the next 5 years. We need this money set aside to prevent tax increases that would be damaging to our growing economy.

Specifically, the tax provisions that have the potential to be very important to increasing Federal revenue growth and helping the economy to recover are set to expire at the end of 2008. These are the reduced tax rates for dividend income and capital gain income that were enacted as part of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

If Congress allows these lower tax rates and capital gains tax rates to expire, it will be placing a significant tax increase on the economy. Capital gains rates would increase from a maximum of 15 percent to 20 percent, and the tax rate on dividends would leap from 15 percent to as high as 35 percent.

There is a good chance that these tax rate reductions, combined with the other tax cuts we passed in 2001, 2002, and 2003, have contributed to the recovery of the economy. After declining for 3 years, 2001-2003, Federal collections began increasing again in 2004, rising by 5.5 percent that year. For the current fiscal year, 2005, revenues are projected to jump by an impressive 9.4 percent. Moreover, revenues are expected to increase by an average of 6.4 percent each year for the next 4 years. This demonstrates to me the wisdom of our earlier decisions to cut taxes to get the economy growing again.

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I look forward to working my colleagues on the Finance Committee in crafting a bill to extend both the dividend and capital gains tax rate reductions, as well as extending other important tax provisions that expire later this year.

While this budget resolution perhaps does not go as far as I would like to see in reducing the deficit and addressing spending growth, it is probably as strong as we can make it. I also recognize that this resolution has to garner a majority of votes in both the Senate and the House for it to take effect. Each one of my colleagues also has his or her own ideas of what would be the best combination of spending priorities for this coming fiscal year. In the end, what counts is what we can get a majority of us to agree upon the lowest common denominator.

Given the circumstances, the balances achieved in the budget resolution may well be the best we can do. It is not perfect, but it is a start, and it deserves our support.

Mr. BROWNBACK. Mr. President, for the past few years I have been advancing a concept that embodies fiscal responsibility, a concept that—if enacted—would be a sure sign to hard-working Americans that the Federal Government is serious about fiscal discipline.

Federal spending is at an all time high, now topping $2,000,000 per househoold, and that does not include spending from state and local taxes. This is the highest level of federal spending since World War II.

The Federal Government is now spending $2,292,000,000 per year on discretionary and mandatory spending, including Social Security.

Mr. President, $2,292 trillion is a lot of money. My Kansas constituents often say: "I don't mind paying my taxes, but make sure my hard-earned money gets spent wisely."

Does Federal spending need to be so high? We would all agree that the Federal Government has an essential role to play in various capacities, but are taxpayers getting the most out of every dollar sent to Washington? Again, I ask, does the Federal Government really need $20,000 per American household in order to operate?

And what real safeguards do we have in place to ensure that these $2,292 trillion are being spent wisely?

I am proud to have been elected to serve my constituents on a platform of reducing wasteful Federal spending and returning Government to the people. After 10 years though, I can testify that it takes a great deal of effort to keep a positive attitude. Balancing the budget, reducing Federal spending and returning taxpayer dollars to the families that earned them is hard work.

The reason for the difficulty in achieving success, in what would seem to be an obvious thing to do—reducing government waste and prioritizing spending—is that the specific interests trump the general interest on Capitol Hill.

For instance, there is a general interest to discourage smoking, and we spend many taxpayer dollars both to do this and on the treatment of lung cancer; however, taxpayer dollars are also still spent to subsidize tobacco because there is such specific interest pressure to keep tobacco subsidies alive.

The budget we are debating cuts the deficit in half in 5 years. I think we should balance the budget in seven years, but to be effective, we must work within the parameters of the system.

Systems matter, and to get solid reform accomplished you must have an approach that recognizes this reality. The problem with our current system—with the specific interest crowding out the general—is that it makes reform so difficult. Former Senator Phil Gramm taught me this truth in the Senate.

I believe that we need a new systematic approach to spending in Congress. This whole week, amendment after amendment has been offered on the Senate floor; generally speaking, each one of these amendments has the voice of a particular specific interest behind it. After all of the specific interest issues are raised, I will be happy if we can just cut the deficit in half in five years.

We need to create another mechanism, which will allow for the general
interest to overcome the specific. Therefore, I put forward a new systematic approach.

Over the last few years, I have developed the Commission on the Accountability and Review of Federal Agencies, CARFA Act, which is a systematic approach.

Last year, we had a bipartisan hearing on the measure, in which all witnesses supported this new concept. In this version of the bill, we are incorporating some of the suggestions made at that hearing.

CARFA would take all of the Federal Government agencies and programs and put them under the review of a bipartisan commission—the members of which are appointed by both Congress and the White House.

The commission would review Federal agencies and programs, and present draft legislation to the Congress to realign or eliminate duplicative, wasteful, outdated, and failed agencies and programs.

Each house of Congress would get one vote on the bill—up or down—without amendment.

For example, if the commission finds 563 programs that are duplicative, wasteful, or already have accomplished their purpose and recommends their realignment or termination, then the Congress would vote—up or down—without amendment to realign or eliminate all of them or keep all of them. And you get only one vote—one vote in the House and one vote in the Senate—to send it forward to the President.

It is a systematic approach to address the specific interests dominating the debate in Washington.

"The CARFA approach tries to get at the issue and create a systematic approach by giving the general interest a voice in the system. So now you have these 563 or 284 programs, and people come up to me and say: "Well, what if you've got an agriculture program that has some benefits to Kansas, that you want to help and keep?"

Then, I look at the program and see that it does help Kansas, but I only get one vote and there are all of these other programs that I really do think need to be eliminated. And it makes the overall goal of balancing the Federal budget more achievable.

I am pleased that, once again this year, the chairman of the Budget Committee has seen the need for this measure and recognized how vitally important it is, as he has included a sense of the Senate calling for a commission along the lines of CARFA.

It is my hope that we will be able to work with the leadership this year and see the new CARFA systematic approach become a reality.

Mr. STEVENS. The amendment to strip development in ANWR from the budget yesterday ignores the outlook for the global consumption of oil. I am pleased that the Senate took a proactive approach to our current energy crisis, and voted to keep ANWR in the budget.

After listening at length to the statements of those opposed to responsible development on Alaska's North Slope, I was struck by the lack of concern over the national security implications of our dependence on foreign oil.

The global outlook for oil consumption is sobering, and it validates our decision yesterday to increase our domestic production by opening ANWR.

One of the most serious areas of concern is the projected increase in China's oil consumption, which is set to grow at staggering rates.

China's economy is doubling every 8 to 10 years. This level of growth is expected to continue for at least 23 years.

"To do this, China will need access to an increasing supply of oil. Milton Copulos explained the consequences of this increase in Chinese consumption. He said:

"In 2004, Chinese demand expanded nearly 16 percent to 6.83 million barrels per day . . . [but] Domestic crude output in China has grown only very slowly over the past five years . . . Imports now account for 40 percent of Chinese oil demand.

"To put this in perspective, Chinese oil consumption was responsible for 40 percent of the growth in global oil demand over the past four years. This exponential growth of China's consumption is projected to rise from 5.56 million barrels per day in 2003 to 12.8 million barrels in 2025.

"Mr. Logan told the subcommittee that eventually China's "import dependency" will reach 75 percent stress levels . . . Imports now account for 40 percent of Chinese oil demand.

Milton Copulos explained the consequences of this increase in Chinese consumption. He said:

"Under the best circumstances, the competition for oil generated by the explosive economic growth in Asia will serve to put a tremendous upward pressure on prices, driving them well above the current $50 plus per barrel average. OPEC officials have said oil prices could rise to as much as $80 a barrel and they may well be correct.

"Under the worst circumstances . . . the competition for oil could lead to armed conflict—particularly with China.

I remember well the days of the 1970's oil embargo, and I agree with Mr. Copulos that, "America is heading head-long into a disaster. Today our situation is as bad as in 1972."

I also agree with his assessment that:

The simple truth is that America's energy endowment is more than sufficient to provide for all of our needs, both today and in the future. The only real shortfall that we have is a shortfall of the political will to find innovative ways to fully utilize the resources we are blessed with.

Mr. Copulos discussed several areas where having the political will to take action could help turn our situation around. As an Alaskan, I am proud that our state can play a key role in the solutions he proposed.

The reality that some people do not want to face is the world is changing. China's economy is growing at a staggering pace, and without new domestic production, our country will face unimaginable competition for oil. ANWR is part of the solution to this looming crisis, and I am pleased Congress has finally had the political will to face this challenge and take proactive steps to prevent it.

Mr. LEVIN. Mr. President, this budget, like the President's budget, reflects the wrong priorities. This budget shortchanges public services such as education and health care for all Americans in order to further cut taxes mainly for the wealthiest Americans. This budget resolution is starkly out of touch with the working families in Michigan and across the United States. The American people deserve better.

To create the impression that the budget cuts the deficit in half over the next 5 years, it simply leaves out several major expenses. These omissions include the cost of the wars in Iraq and Afghanistan, the cost of the personnel added to the Army and Marines and the cost of reforming the alternative minimum tax. Leaving these costs out of the budget paints an incomplete picture of the deepening Federal deficit and the damage being done to the Nation's fiscal outlook.

If the deficit continues to expand at its current rate, by the end of 2010, America's share of the debt will be at least $30,000. The bigger the deficit grows, the more likely it is that we will face rising long-term interest rates and slower economic growth. This will make it more expensive to buy a house, pay for college or pay off credit card debt. This is an unfair burden to pass on to our children and grandchildren.

The President's tax cuts are a major cause of our Nation's swing from a record budget surplus into an increasing deficit. This year's version of the budget resolution seeks $71 billion in additional tax breaks most of which are for the wealthiest Americans. The cornerstone of these proposed tax cuts is the extension of the capital gains and dividend tax cuts. These tax cuts would overingly benefit the wealthiest among us.

Largely as a result of its reckless tax cuts, this budget would actually increase, rather than decrease, the deficit. But this budget resolution, such as the President's efforts to conceal the damage it is doing to the Nation's fiscal outlook by using 5-year projections instead of the customary
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decade and to eliminate it entirely as child poverty by 50 percent within a night. Poverty is a moral issue, and we fifth of all children go to bed hungry at in poverty in the United States. It is verge of hunger today than in the year budget does not adequately protect for America. I cannot support it.

"Being unsupervised after school doubles the risk that 8th graders will smoke, drink alcohol or use drugs." They also report a study in Hawaii which noted an 84-per cent drop in criminal convictions among school-aged males involved in quality afterschool programs funded by the 21st Century Community Learning Centers Program.

Afterschool programs can provide a critical link to positive growth for the youth of our country. Many professionals representing all 50 states, "Being unsupervised after school doubles the risk that 8th graders will smoke, drink alcohol or use drugs." These programs can provide that bit of help to enable children to succeed, in academics, and in life. This is why we are talking of what this is just what this program provides.

The President’s own evaluation system, the PART analysis, says that this program gets “high scores for purpose, planning and management.” This program gets “high scores for purpose, planning and management.” This program gets “high scores for purpose, planning and management.” This program gets “high scores for purpose, planning and management.”

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they would be if we did nothing at all? How can they brag that the budget tackles the difficult issue of entitlement reform, when nowhere is there mention of Social Security and Medicare, our two largest entitlement programs?

How can they refer to this as a blueprint for Congressional action, when it leaves out major spending and tax initiatives that we know the leadership wants to pursue: funding for the Iraq war beyond 2006; the cost of fixing the alternative minimum tax; the multi-trillion dollar cost of the President’s plan to privatize Social Security?

No one can defend this budget as a reasonable or complete response to the serious fiscal challenges this country faces. No one can defend this budget as accurately reflecting the priorities of our nation—for on those grounds, it is indefensible.

The President—along with Alan Greenspan and countless other wise pundits—have focused our attention on the severe budgetary consequences of the coming retirement of the baby boomers. Entitlements are growing at an unsustainable rate—and the time to address their growth is now.

Congress has acted to strengthen Social Security now, rather than wait for the moment of crisis. Social Security can pay full benefits for another 40 or 50 years. After that—even if nothing is done—Social Security could still pay 70 to 80 percent of promised benefits. But if we act sooner rather than later, Social Security’s long-term financial imbalance can be fixed through relatively modest adjustments. At the same time, we need to recognize that growing budget deficits will strain our ability to sustain not just Social Security, but other important programs like Medicare and Medicaid. We need to look at the entire Federal budget and act to bring these deficits under control so we can preserve programs that will put a strain on our budget in coming years.

How—given the President’s crusade to “save” Social Security with private accounts, given the coming retirement of the Baby Boom—can this budget ignore Social Security and Medicare? Not a dollar assumed saved from either. Not a penny paid back to the Social Security trust fund. Not even an acknowledgement of the huge cost of the transition to diverting Social Security payroll taxes into private accounts. Either this budget is incomplete or it is insincere.

I suppose we should be relieved not to see any provision made in the budget for the President’s proposed private accounts. The President has chosen to make Social Security his top domestic priority, but so far he has only proposed the idea of private accounts, which he admits would do absolutely nothing to improve Social Security’s financial situation. The transition cost would add up to $5 trillion to the national debt. And because the President has taken all other options off the table, the private accounts would require massive benefit cuts to achieve solvency.

Obviously, Social Security reform—or entitlement reform in general—is not a priority to those who support this budget. And of course, continued tax cuts financed with reductions in important government programs and with debt are. The budget puts on the fast track $70 billion in tax cuts—and not one penny of offsets. In fact, the only reductions in Medicare’s discretionary spending in this amendment, which I supported, that would have prohibited using debt to finance this sort of raid on the Treasury.

Instead, the Senate chose to expedite tax cuts that would disproportionately affect the wealthy. The budget facilitates the extension through 2010 of tax cuts on capital gains and dividend income. Nearly half of this will benefit households with incomes in excess of $1 million; in contrast, only 12 percent of the cuts will benefit families with incomes under $25,000. And obviously, continued tax cuts financed with reductions in important government programs and with debt are. The budget puts on the fast track $70 billion in tax cuts—and not one penny of offsets. In fact, the only reductions in Medicare’s discretionary spending in this amendment, which I supported, that would have prohibited using debt to finance this sort of raid on the Treasury.

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And while the budget leaves plenty of room to reward the tonaires with billion dollar tax cuts, it nickels and dimes the government programs the average American family relies on. American seniors pay the highest drug prices in the world. Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal government from negotiating with drug companies for lower drug prices. The time to restore the free market opportunity and a waste of taxpayers’ dollars. Now, in light of the growing concerns over the rising cost of this benefit—more than $57 billion than originally expected—every effort should be made to save our seniors and taxpayers dollars. We missed a golden opportunity in the Budget today to accept an amendment that I was proud to cosponsor and require the Secretary of Health and Human Services to use the tremendous buying power of the 41 million Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would have gone to pay for deficit reduction. Unfortunately, this commonsense effort to lower prescription drug prices and reduce the deficit was rejected.

I do applaud my colleagues on both sides of the aisle for having the courage to stop the proposed $15 billion cut to Medicaid. Stopping these drastic cuts will ensure that thousands of poor families, disabled Americans and the elderly get the proper medical care they need. The proposed $15 billion Medicaid cut would have translated to a loss of $300 million for Wisconsin. It would be extremely difficult for Wisconsin and other states to absorb a cut of this magnitude while continuing to provide the level of services to 33 million Americans. We should be a thorough discussion about how Medicaid can work better to serve low-income Americans. But we should never force arbitrary cuts in Medicaid without first taking the time to consider the future efficiency and operation of the Medicaid program. Medicaid is an essential source of health care for millions of our Nation’s most vulnerable citizens, and any changes to the program should be driven by informed, reasoned policy and not by arbitrary budget targets. I am pleased to have cosponsored the amendment that passed the Senate to protect Medicaid from these drastic cuts.

We have a continuing responsibility to meet the health care needs of our children, families, and elderly. But— even with the improvement in the Medicaid policy, the cuts proposed in this budget do not match those needs. Older Americans Act programs are level funded even as our population ages and we face increased health care costs. Funding for health professions training has been reduced by 64 percent at a time when we need more health care providers to care for our aging population. And funding for rural health programs has been slashed by 80 percent when rural areas are in desperate need of adequate health resources.

Perhaps the worst failure of this budget—it falls our nation’s children. This budget proposes the first cut in education spending in a decade. Yet again, this budget fails to fully fund No Child Left Behind, leaving the Act underfunded by $39 billion since enactment. The program was enacted on a glide path to full funding—it is slated to be nearly $4 billion short of what was authorized four months ago. This budget should reflect our values and needs in education. It clearly does not.

This budget still fails to fulfill our commitment to our veterans. The American people made a promise to our men and women in uniform that when they had completed their service, the Veterans Administration would be there to help them meet their health care needs. When we made that commitment, it was not conditional, and it did not involve high fees. Today we seem to be slowly changing the terms of service. We now say to our veterans that they will have to wait months for an appointment, and some veterans are of such low priority to the system that they may never receive care at all. I supported an amendment that would have bridged the funding gap between what the President has proposed and the funding level that the veterans’ groups believe is necessary. Unfortunately, Senator AKAKA’s amendment was not agreed to.
With that “no” vote, the Senate made a decision that some veterans did not deserve the benefits they had been promised. I am also disappointed over the funding levels for transportation in this bill. The Senate’s decision to increase the budget for Amtrak, while reducing discretionary funding for every other program, is a disturbing budget trend with ugly long-term consequences.

Finally, the Senate budget assumes a decision that many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by Title V?

Following the President’s lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $700 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant Program. The Budget before us as- signed only $388 million for this program at all. Byrne grants pay for state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

The COPS program is another victim of this budget. The Budget assumes $118 million for the COPS program—that is down from $388 million last year. What’s worse is that, within the COPS program, popular initiatives like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should remember that just three years ago, the overall COPS program received $1 billion in dollars. Of that amount, $330,000,000 was for the hiring program and roughly $154,000,000 for the COPS technology program that helped fund critical communications upgrades in cities—like Milwaukee and Madison—and many other towns—like Ashland and Onalaska—across Wisconsin and the nation.

Finally, the Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA, program from $227 million to $100 million. The HIDTA program is a vital collaboration between federal, state and local law enforcement to combat drug trafficking through intelligence-gathering and cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee—a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and Title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infests our cities, communities, and neighborhoods.

That is why I offered an amendment with Senators HATCH and BIDEN to restore this dramatic loss of juvenile justice and local law enforcement funding. Cuts to these programs total more than $1.2 billion. Our amendment restores $2 billion of funding to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe.

For rural America, this budget leaves too much to be desired that it’s hard to know where to begin. If you assume the President’s vision on discretionary spending is carried out, as this budget proposes, basic agricultural research will be slashed beyond recognition. Rural housing, rural education, and conservation will suffer. Nutrition for kids and food stamps for the working poor will be on the chopping block. And the fundamental fabric of rural America will be put at risk.

A budget is a statement of who we are as a nation. I do not believe we are a country that takes from the poor and sick to make the rich richer. I do not believe we are a country that steals from our children’s future to indulge ourselves today. I do not believe we are a country that ignores threats to our prosperity and stability. I do not believe we are who this budget says we are, and I will vote against it.

Let me make one final point. Often, we hear that it would be irresponsible for Congress to reject a budget. Not this year. If we reject this budget,—if we do nothing at all—deficits will be $130 billion less than we acted. A vote against the budget is a vote for deficit reduction. It is also a vote for responsible accounting, for honoring our commitments to our seniors and our children, for compassion towards those who are hungry, those who are hungry, sick, or just plain struggling to raise a family in an uncertain world. For that reason, I will vote against this budget, and I urge my colleagues to do the same.

Mr. BIDEN. Mr. President, to govern is to choose. Nowhere are our priorities and our values made clearer than in the budgets we write here every year.

In these times, we face many tough choices. This budget ducks them all. It chooses the powerful over those with- out a voice. It chooses to reward those who are hungry, sick, or just plain struggling to raise a family in an uncertain world. For that reason, I will vote against this budget, and I urge my colleagues to do the same.

March 17, 2005
look forward to a decade of budget surpluses, totaling $5.6 trillion.

We were paying down the national debt, and with every dollar accumulating in surplus, we were making our future stronger. Social Security funds were not being spent, as they are today, to fund other functions of Government. Interest payments on the debt were shrinking, not growing.

With the impending retirement of the Baby Boom generation, with the need to retool a workforce to take on the world of the 21st Century, we were doing the right thing—saving for challenges we could see coming.

But instead of seeing those surpluses as an opportunity to get our house in order, instead of increasing our national savings by paying down the debt, the incoming administration insisted on a course that has resulted in the most dramatic reversal in our Nation’s finances in our history.

The record at that time is full of warnings about the long-term damage of massive tax cuts without regard for our future obligations.

But those tax cuts were passed. And more tax cuts followed every year, in time of economic boom, in time of recession, in peacetime, in wartime, when our budget was in surplus, and increasingly, as our budget deficits grew. Regrettably, the situation, regardless of the facts, more tax cuts.

In the face of all the challenges we face, we are now running our Government on a level of revenue not seen since the 1960s. A 21st Century superpower, on a 1950s budget.

By the time they expire, the tax cuts we have put into law over the last 4 years will cost almost $2 trillion.

But we will be asked to extend those cuts past their expiration. Not to do so, we would run into a tax cut deficit that we could not afford or pay down.

But those expiration dates were chosen to make the tax cuts look smaller. Extending those cuts will raise the total cost to over $5 trillion through 2015.

That should cause serious people to stop and think. We are now engaged in an open-ended global war on terror, in a shooting war and reconstruction in Iraq. Security challenges from domestic threats to nuclear proliferation will continue to demand additional resources.

Medicare and Medicaid are facing real crises, driven by an aging population and rising health care costs. Social Security has a long term funding problem that will have to be confronted, the sooner the better.

As the global economy brings billions of new workers and customers into its scope, our country is in a real fight to protect and create good-paying jobs.

That means strengthening our schools and universities, investing in innovative research and innovation, investing in 21st Century infrastructure. All of that takes money.

This budget chooses to ignore those priorities. In fact, it cuts the resources we need to meet those challenges.

But it does not touch a dime of the $5 trillion the tax cuts will cost if they are all extended. Not a moment’s pause, not a penny reconsidered. Not a moment’s pause, not a penny reconsidered. The President constantly reminds us that the world has changed profoundly in the past four years. That is true. He tells us that we face unprecedented challenges. That is also true.

But his budget, the budget before us today, ignores those truths. It continues the most reckless budget policies I have seen in my 30 years in the Senate. Those policies have taken us from the strongest fiscal position we have known to the brink of the abyss.

There is no way under these policies that we will ever get out of debt again.

We are now debating the most basic priorities of our Government. The budget document we will vote on today will be the statement of this Senate on what we value, and what we do not value.

I am sorry to say that the most basic premise of this budget, is wrong. This budget protects tax cuts for those who need them least, and cuts the health care, housing, and education of those who need them most.

It protects the largest tax cuts in our history, in the face of the largest deficits we have ever seen.

The priorities in this budget are wrong. I do not think they are the priorities of the people in this country.

I know that they are not my priorities.

Time and again during the week of debate, we have tried to provide funding for some priorities, and to reduce the money going to others.

During this debate, I offered an amendment to restore money for the COPS program that has put 100,000 policemen on the streets of our country. To cover those costs, I proposed closing loopholes used by corporations who move overseas to avoid paying taxes. But that amendment was voted down.

Cops versus corporate tax breaks. Cops lose.

I voted to provide money for our veterans’ health care, sorely needed in these times. To pay for that, I was ready to close tax those tax loopholes. That amendment was voted down.

Veterans versus corporate tax breaks. Veterans lose.

I voted to increase funding for first responders, our first line of defense against terrorism here at home. It was paid for by closing those loopholes. That amendment was rejected. Figh-
I have a long standing commitment to rural America and our Nation's farmers and I understand the challenges they face to maintain and strengthen their way of life. That is why I am so disappointed that this President has decided, through his budget, that farmers and rural communities are no longer a priority for him and his Administration.

I would like to take a few moments to focus on five areas where I believe the President's budget is flawed. The first area that the President's budget has come up short is with respect to rural law enforcement.

The President's budget cuts close to $1.9 billion in funding for local and state law enforcement and first responders. These cuts will be particularly crippling to rural law enforcement and inhibit a wide range of services including their ability to combat Arkansas' growing methamphetamine problem.

The President's budget includes a 27 percent cut, totaling approximately $455 million, in first responders funding. These cuts would hinder critical state and local efforts to protect our communities by making less funding available for preparedness, first responders and citizens, public health, infrastructure security and other public safety activities. I am particularly concerned with how these cuts would affect the amount of federal Homeland Security funds and equipment for small and rural states such as Arkansas.

The President's budget includes a $215 million cut which would force rural fire departments to cut back on equipment purchase, safety training, fire prevention programs, and the purchase of new vehicles. These grants are especially important to Arkansas' rural and volunteer fire departments. Since 2001, the FIRE Act grant program has provided vital resources to many of Arkansas' 900 fire departments, 85 percent of which are voluntary. Since last Spring, more than 180 awards have been granted to Arkansas fire departments, totaling over $12 million.

Also, the President's budget proposes eliminating the Edward Byrne Memorial Justice Assistance Grant Program, which was budgeted at $535.5 million last year. I am deeply concerned with the elimination of this important program which would significantly impact the ability of Arkansas law enforcement to combat the state's growing meth problem. The existence of 19 Drug Task Forces, funded by the Byrne Grants, are especially crucial in a state like Arkansas, which was recently ranked third in the nation, per capita, in terms of the number of meth labs seized and has recently seen the number of labs seized per year exceed 1,200.

The President's budget includes an 80 percent cut, totaling approximately $480 million in COPS funding. Since Congress created this successful initiative with my support in 1994, the COPS Programs has assisted Arkansas law enforcement agencies in reducing violent crime across the state. In doing so, it has helped counties throughout Arkansas hire additional officers for community policing and homeland security activities by helping provide for their salaries and benefits. Since 1998, the COPS Drug Enforcement Administration has used COPS funds for the training and certification of 379 state and local law enforcement officers as of June, 2004.

I want to make a special note of the fact that this budget cuts the COPS Methamphetamine Enforcement and Clean-Up by $32.5 million. These cuts would be greatly felt in Arkansas, where the use of methamphetamine is growing and has become the #1 priority for my state's drug law enforcement. COPS funding provided for the clean up and disposal of hazardous wastes found at 810 meth lab sites seized by Arkansas state and local law enforcement in 2003, and funded the cost which totaled more than $1.39 million.

The President's budget includes a 49 percent cut, totaling approximately $186 million, in Juvenile Justice Programs. These cuts would dramatically weaken the Juvenile Justice System, whose funds support state and local efforts to reduce the frequency of arrests and address juvenile crime. The President also seeks the elimination of the Juvenile Accountability Block Grants, JABG, which was funded by Congress in FY 2005 at $55 million. All of these cuts would significantly hamper rural law enforcement.

The second area where this President's budget short changes rural America is in healthcare. At a time when 45 million Americans are uninsured, the President's budget eliminates 28 important health programs, which total $1.369 billion. Two of the most important programs for rural health are Medicaid and the Area Health Education Centers or AHECs. Many rural areas like Arkansas will lose more than $560 million in Medicaid dollars over the next 10 years under the President's cuts. In 2010, Arkansas will lose more than $55 million. Mr. President, these cuts would cause more than 5,700 Arkansas seniors and 2200 children to lose their healthcare coverage.

One of the most devastating cuts affects Arkansas' Area Health Education Centers. Arkansas has six such centers. The President's budget would eliminate these vital centers for health and health education.

The third area where this budget fails rural America is in regard to education. The President has proposed cutting education funding by $530 million nationwide. Such a funding cut would hurt rural school districts in Arkansas that rely on federal dollars such as Title I, which provides services to low income students. The President's cuts to Title I could affect more than 28,000 Arkansas students.

Arkansas school districts are already struggling to meet the demands of the new No Child Left Behind law, which the President has never fully funded, so now is not the time to cut such vital funding. I note with special interest that the President's budget proposes extending the No Child Left Behind law to high schools at the expense of eliminating 48 programs, including all the drug education programs, education technology state grants, GEAR UP, Safe and Drug-Free Schools initiatives and the Communities State Grants, TRIO Talent Search and Upward Bound programs.

The President's budget also proposes to consolidate Arkansas' program at $128 million, nearly $90 million less than what the No Child Left Behind Law calls for. This budget proposes funding Arkansas' After School program at $12 million below what No Child Left Behind mandates. This could affect more than 15,000 Arkansas children. On top of that the President's budget cuts IDEA funding by more than $37 million.

The fourth area where this budget fails rural America is in relation to economic development. The President's budget would drastically cut economic initiatives relied on by Arkansas' rural communities. The economic development initiatives specifically benefit communities in Arkansas of 3,000 or fewer residents.

The President's budget restructures how Community Development Block Grant (CDBG) Program grants are allocated. Last year, CDBG alone was funded at 810 million dollars. The President proposes to consolidate CDBG with 17 other local assistance programs and fund the entire group at $3.71 billion. This would make it more difficult for Arkansas' Department of Economic Development to compete for this type of funding. These cuts could severely impair the state's ability to provide grants to Arkansas' rural communities. In addition, this move would directly impact the 14 entitlement cities in Arkansas that receive CDBG monies. Those cities include: Bentonville, Conway, Fort Smith, Jonesboro, Rogers, Texarkana, Fayetteville, Hot Springs, Jacksonville, Little Rock, North Little Rock, Pine Bluff, Springdale, and West Memphis. CDBG funds have been used for a variety of projects in Arkansas, including senior citizen centers, public health facilities, childcare facilities, affordable housing rehabilitation and construction projects, and rural fire stations.

The fifth area where this budget fails rural America is with respect to agriculture. The fine print of the President's budget includes drastic cuts in farm and commodity programs that are vital to Arkansas' farmers. The President's proposed cuts would break a firm promise the Federal government has made to American farmers and ranchers. Furthermore, the President's proposed cuts in Food Stamps will severely impact rural Arkansas.

The President did not have to propose cuts in these programs. The entire farm bill is one-half percent of the Federal budget. Yet, he chose these cuts
that endanger entire communities in rural America. He chose to protect tax cuts for the ultra wealthy above our working farm families who are the backbone of rural America.

This should be a wake up call to the heartland of this country—many of whom supported President Bush’s re-election. These programs have huge impacts on the quality of life in our rural communities. From his recent proposal to privatize Social Security, to these devastating cuts in his budget—the President has made it abundantly clear that he’s going after working families in rural America.

Unfortunately, the FY 2006 Senate budget resolution we are debating today is only marginally better than the President’s request. In my opinion, this resolution doesn’t reflect the values and priorities of my state or the nation. The proposal before us ignores critical needs in my state and in rural communities across our nation. Specifically, the resolution, like the President’s, would cut funds for Veterans, for education and training, for local law enforcement, for transportation and for agriculture and nutrition programs.

I am pleased we have made some improvements in the budget presented by the President during consideration in the Senate, but unfortunately I believe the burden imposed by this budget still falls disproportionately on the backs of working families, especially those in rural communities throughout Arkansas and the nation.

Even though I am compelled to oppose the budget before the Senate today, I will continue to stand up for the priorities that are critical to the citizens of my state during the appropriations process ahead.

Mr. LEAHY. Mr. President, the President is setting a course that touts sound stewardship of fiscal policy but would cut the programs that protect and support low-income families and communities. This budget would dramatically reduce benefits and services to veterans.

I recently received a letter from a charitable organization that I believe does great work, Catholic Charities USA, describing their views on the proposed budget. I think it will surprise many members what this budget would do. This budget would eliminate education programs by the dozen and severely underfund No Child Left Behind programs and funding for low-income schools. Perhaps most disturbingly, as we see more and more young troops coming back from Iraq and Afghanistan in need of long term medical and psychological care, this budget would dramatically reduce benefits and services to veterans.

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

MARCH 8, 2005.

HON. PATRICK J. LEAHY, U.S. Senator from Vermont. Mr. President, I urge you to support budget priorities for FY2006 that will strengthen the capacity of states, localities, and private agencies to protect and assist the poorest and most vulnerable members of our society.

Although our economy has recovered somewhat from the economic recession that began in late 2000, increasing numbers of Americans are facing significant hardship. Unemployment remains high, as over 9 percent of the working population is either unemployed or underemployed, according to the Bureau of Labor Statistics. Poverty rates are rising sharply, and 35 million people—including 12 million children—are now living under the federal poverty line.

But the truth is, this budget before the Senate today is neither compassionate nor conservative. On the one hand it slashes, freezes, or totally eliminates funding for programs that help the poorest and the most vulnerable Americans, and on the other it uses smoke and mirrors to conceal the creation of a deficit larger than any other in our Nation’s history.

This is a difficult time for many Americans, and this budget will only make things worse. Fifteen million American households cannot find affordable housing, yet this budget would force housing costs onto state and local governments.

Forty-four million Americans do not have health insurance, yet the budget that was brought to the floor would force the costs of Medicaid right back onto our cash-strapped State and local governments. I am pleased that we were able to soften this crushing blow to our states’ programs—now—with a successful amendment. But there will be determined efforts to undo that vote at every step of the legislative process that lies ahead.

At a time when American companies are forced to hire from abroad because the students here lag behind in math and science skills, this budget would eliminate education programs by the dozen and severely underfund No Child Left Behind programs and funding for low-income schools. Perhaps most disturbingly, as we see more and more young troops coming back from Iraq and Afghanistan in need of long term medical and psychological care, this budget would dramatically reduce benefits and services to veterans.

Iraq’s needs fare well in the President’s spending priorities, but America’s needs deserve to fare better. In record time, the administration’s policies already have converted record surpluses into record deficits, and if these new policies are enacted, the worst is yet to come, facing significant tax cuts for the wealthy, more borrowing, more deficits, and fewer investments in the priorities that really count in the everyday lives of America’s families and communities.

We hear a lot in this town about “compassionate conservatism.” We hear about declining family values and the breakdown of the traditional family. And we hear about streamlining Government and making it run more like a business based on cost-benefit analysis.

But the truth is, this budget before the Senate today is neither compassionate nor conservative. On the one hand it slashes, freezes, or totally eliminates funding for programs that help the poorest and the most vulnerable Americans, and on the other it uses smoke and mirrors to conceal the creation of a deficit larger than any other in our Nation’s history.

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For millions of families, the difficulties presented by the weak economy have been exacerbated by other challenges. Fifteen million American households cannot find affordable housing, while forty-four million American children are on the edge of hunger. High housing costs, unexpected health costs, chronic illnesses aggravated by inconsistent health care—these and other factors contribute to the economic instability experienced by many families.

We at Catholic Charities USA are witness to the human toll of the failure to address these problems adequately. For instance, our agencies, which provide food, shelter, and other forms of emergency assistance to 4.5 million people annually, have seen a six percent increase in requests for emergency assistance, especially among families with children. According to the U.S. Conference of Mayors, our experience is not unique. Their 2004 survey of 27 cities revealed that requests for emergency food and shelter increased 14 and 6 percent, respectively.

We therefore urge you to produce a budget that will protect funding for critical services and supports to help the millions of families struggling to achieve sufficiency. Every decision of economic policy, including the setting of national budget priorities, must be judged in light of its impact on those who do not share in the abundance of the American economy. At a time when the United States is spending more on defense and homeland security, a question arises about who will pay for it. It should not be our nation’s poorest citizens. We therefore ask you to support the following budget priorities:

Place a priority on investments in federal programs that protect and support low-income families and other vulnerable populations. Funding for many poverty programs was already cut or frozen in 2005. Others, such as Temporary Assistance for Needy Families (TANF), the Child Care and Development Block Grant (CCDBG), and the Social Services Block Grant (SSBG) have been frozen since 1996. Congress should address the budget deficit in a fair and balanced way maintaining investments in our children, protecting programs assisting seniors and persons with disabilities, and enhancing our national security.

Oppose the inclusion of Medicaid cuts in fiscal year 2006 budget reconciliation: Medicaid provides essential health coverage to over 50 million of our most vulnerable low-income children, working families, seniors, and people with disabilities. Neatly every state has already enacted painful cuts to its Medicaid program, including eligibility levels, services, and provider payments, and many states are facing deep Medicaid cuts again this year. Federal funding reductions would force states to implement even deeper cuts further restricting eligibility, eliminating services, reducing provider benefits, and cutting or freezing provider reimbursement rates. As a result, state Medicaid funding cuts could add millions more people to the ranks of the uninsured who would go without care, endangering their own health and public health.

The budget resolution should not place arbitrary caps on discretionary spending. The Administration has proposed statutory rules to cap discretionary spending over the next five years at its present levels. Such caps would require cuts of $200 billion in spending for domestic programs over...
the next five years, including funding for education, veterans’ health care, rental assistance, utility assistance, and childcare. Such cuts would have a devastating impact on our most vulnerable families and will leave communities of low-income families with critical assistance, and would likely fail to achieve significant deficit reductions. We recognize that Congress is faced with many difficult choices, and we ask that you weigh the priorities with the real needs of the American people and discard these politically motivated budget cuts.

I may be seen in this town as a proponent of government, but I have a conservative message for my colleagues today. We cannot continue to down this reckless path of financial irresponsibility that we have been led down for the past four years. We need to get our fiscal house in order. Foreign investors are growing weary of our record debt. Our sons and daughters in uniform—including those in our National Guard and Reserves—are in harm’s way overseas and need to be properly equipped and to have the health care insurance they deserve. And essential programs for disadvantaged people across the country are being slashed to squeeze out more money for tax cuts to the wealthiest among us. This is not the American way. We are not going to make our country more competitive than this budget resolution assumes we are.

The American people deserve better than fiscal and budget policies such as these, and I will vote against this budget resolution.

Mr. GREGG. Mr. President, much to my amazement, and I suspect that of the Senator from North Dakota, we are at the end of this exercise.

I will yield to the Senator from North Dakota for a closing comment. Before I do that, I want to thank the staffs on both sides, the majority staff and the Democratic staff. They have done exceptional work under extremely intense, very difficult conditions. They have worked so hard over the last few weeks on this, and now in the last few days they have been going 24 hours a day.

I also want to thank the members of the staff of the Senate for their extreme courtesy and extraordinary professionalism. Amendments have been thrown at them in an aggressive way, and they have handled it well. We thank them for their professionalism.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly, I thank Senator GREGG for the tone he set not only in committee, but on the floor. I thank his staff for their professionalism and cooperation. We have gotten to know them and have worked closely with them and have enjoyed the experience.

I thank Members of the Senate who worked cooperatively. Just hours ago, we could have been facing with being here until 3 o’clock in the morning. We did not go 24 hours, but we did work as hard as we possibly could to work cooperatively to allow us to complete business at this hour.

With all of that said, I urge Members to oppose this budget resolution. As I read it, this budget would increase the deficit by over $200 billion over and above what would happen if we just put this entire Government on autopilot. In addition, as I read this budget, it increases the debt each and every year by over $600 billion.

Mr. President, this is at a time when we already have record deficits and soaring debt and are increasingly vulnerable to the decisions of foreign central banks, as we have increased our borrowing from them by nearly 100 percent in just 3 years.

Finally, I don’t think this budget has the right priorities for America. This has a dramatic cut in the COPS program, virtually eliminating it. It has cuts in things like firefighters grants and, at the same time, substantial tax cuts for the very wealthiest among us, a tax cut of more than $35,000 for millionaires in 2006.

Mr. President, this is at a time when we are reducing funding for a whole series of national priorities, including veterans and education beyond what we have already authorized.

Again, let me conclude by thanking colleagues on both sides for the professionalism with which this debate has been conducted.

I yield the floor.

Mr. GREGG. Mr. President, let me add a note of appreciation to the majority leader and the assistant leader on our side and the Democratic leader and his assistant leader. They have done an exceptional job of helping us out.

Let me especially thank the Senator from North Dakota for the expeditious and fair way this bill was handled. It
was, in part, due to his extraordinary effort. I thank him for that. I thank his staff, led by Mary Naylor, and I thank Scott Gudes of my staff and the extraordinary team I have for the great work they have done.

Mr. BYRD. Mr. President, I ask unanimous consent that, upon the conclusion of the vote, the RECORD may be reopened to make some statements for the RECORD.

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

The question is on agreeing to the concurrent resolution, as amended. Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

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

The question is on agreeing to the concurrent resolution, as amended. Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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The legislative clerk called the roll.

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This budget is irresponsible and takes the country in the wrong direction. It adds to our Nation’s debt, continues to slash taxes for those in our Nation who least need tax breaks, and would enact massive cuts in critical domestic priorities. And it is for these reasons that I was unable to support this budget resolution.

The budget of the United States is a declaration of our Nation’s moral priorities. It is a statement of where our Nation is now, and where we aim to be, years down the line. On all of these counts, this budget fails to reflect this Nation’s values.

I know that Members of this body have strong differences on our budget priorities, but I think that we can all agree on the following two items. First, that our Nation is currently experiencing record-high deficits. Second, that these deficits are impeding our ability to meet our needs in education, transportation, communication, health care, national security, and homeland security. There are strong views on both sides on how we got here. I believe that our change from record surpluses to record deficits was not an accident, nor was it a product of unforeseen events, but was a direct result of the fiscal policies pursued by the current administration. This result was unforeseen, but will have long-lasting and harmful consequences for our Nation’s fiscal health. This budget is irresponsible and takes America on a dangerous course when we continue to mislead the American people.

Unfortunately, the budget that just passed does not in good faith address our record deficits. In fact, it worsens our Nation’s fiscal health. This budget is a continuation of the reckless and unfair policies that have been pushed forward by this administration since its first days in office, and by its supporters in Congress. The majority’s budget resolution would make deficits and debt worse, not better as they have claimed. Over the next 5 years, this budget proposal would increase deficits by $130 billion over what they would be under current law. And while the majority claims to be cutting the deficit in half with this budget resolution, I am afraid that that this assertion is false. This budget resolution actually leaves out large and significant costs, and in so doing masks the true size of the deficit.

The reality of the fact is that when omitted costs are factored in, such as the 10-year cost of AMT reform, $770 billion, and ongoing war costs, $380 billion, the operating deficits will remain above $500 billion and climb to $569 billion in 2010. These figures do not include President’s Social Security privatization plan, which would likely add an additional $4.4 trillion over 20 years to the national debt.

To make matters worse, by failing to provide estimates of the effects of its proposals beyond 2010, this budget resolution, obscures the fact that its tax cuts would increase the deficit by a much larger amount in the second 5 years—2011 through 2015—than in the first 5 years. As I said at the beginning, according to the Congressional Budget Office, the tax cuts proposed in the budget would increase the deficit by another $1.4 trillion from 2011 through 2015.

The majority continues to skyrocket under this budget resolution. In 2001, when President Bush took office we were actually having serious conversations about paying off the national debt by 2008. Under this budget resolution, including the costs of AMT reform and ongoing war costs, we will see the publicly held debt go from its current level of $4.3 trillion to at least $5.9 trillion by 2008. In 2001, this would have seemed inconceivable. This budget resolution also includes a reconciliation instruction on the debt increase which means that a debt increase could happen in an expedited manner without affording the Senate full and proper consideration. While there was an amendment to remove the reconciliation instruction on the debt increase, it unfortunately did not pass.

Over the past few years, the administration has told us that figures like the deficit and the national debt are merely numbers that have little impact on Americans’ lives. This is yet another reflection of an administration out of touch with reality.

What will be the ultimate result of our record budget and trade deficits? Higher interest rates on small business loans, families’ mortgages, and education loans. These amount to a tax hike on working families and small businesses.

Americans may wonder, how does their government finance these deficits? President Bush’s budget resolution tells us that constitutes only 0.2 percent of all Americans may wonder, how does their government finance these deficits? President Bush’s budget resolution tells us that constitutes only 0.2 percent of all Americans’ lifetime of opportunity. This is yet another example of the President’s theory that chronically high deficits are “good” on the long run. This budget finds room to include tax cuts for millionaires, but does not have enough for the needs of middle-class families.

Despite record deficits and debt, and despite our efforts to address this, the budget before us provides for another $70 billion in tax cuts over 5 years using the “reconciliation” process which is a fast-track process that ensures that what is good for the few turns around to the advantage of the many. This budget turns a $446 billion increase which means that a debt increase did not pass. Over the past few years, the administration has told us that figures like the deficit and the national debt are merely numbers that have little impact on Americans’ lives. This is yet another reflection of an administration out of touch with reality.

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One in every three programs slated for elimination in the President’s budget are education programs. Aside from the eliminations, No Child Left Behind is underfunded by $12 billion, special education is underfunded by $3.6 billion, and afterschool programs are underfunded by $1.25 billion. How does the administration expect schools to raise the level of achievement for students without the resources needed to do it?

In today’s global economy, we can ill afford to let children any less than the best education available. As I have said many times before, education may be expensive but ignorance costs even more.

I was also appalled when I saw how little this budget provides for concrete investments in scientific progress.

In real terms, the total Federal R&D portfolio would decline for the first time since 1996. Total Federal support of research and development—would fall 0.6 percent to $54.8 billion. The proposed Federal Research and Development portfolio in fiscal year 2006 is $132.3 billion, 0.6 percent or $733 million above this year’s funding level, far short of the $2.2 billion on Congress need to keep pace with inflation.

In many respects, I feel as if those who wrote this budget have forgotten the lessons of history. If we look at the groundbreaking scientific innovations over the past two centuries, we learn that an overwhelming number of them have been inextricably linked to real investments this Nation has made in research and development.

What will we see in the next great scientific achievement? Will it be here in the United States? Or will it be in China? Or England? Or Japan? Or Italy? The answer to that question lies in our willingness to make the right choices. Unfortunately, this budget does just the opposite.

While the budget contains an overall shortfall in R&D funding, I am pleased, however, that an amendment that was introduced by Senator GEORGE ALLEN and myself was accepted and included in the budget resolution. The budget had proposed to cut over $700 million out of NASA’s Aeronautics budget over the next five years. Our amendment increases subsonic and hypersonic aeronautics research and development funding by $1.58 billion over 5 years, with an offset.

Aerospace and aviation are important assets for America and my home state of West Virginia. In addition to its obvious national security benefits, the aeronautics industry makes a critical contribution to our Nation’s economic growth and standard of living. We cannot continue to just give the aeronautics industry research and development if we want to be able to effectively compete in aeronautics and in the world economy. Acceptance of this amendment is a step forward in demonstrating that the United States is committed to aviation and aeronautics industry and innovation.

If I listed every area in which this budget fails our Nation, I would be here much longer than my allotted time. But I would like to quickly outline just a few more of the critical priorities that this budget has shortchanged in order to provide tax cuts for millionaires:

Veterans funding would be cut by $14.5 billion. This administration constantly preaches the rhetoric of supporting our troops, yet it has consistently come up short when it comes to meeting the needs of those who have made great sacrifices for our freedoms.

Just as this budget fails those who have protected our freedoms abroad, it endangers those who keep us safe here at home. It cuts firefighter assistance grants—grants that have helped fire departments buy new trucks, safety equipment, radios, hazmat suits—by 31 percent. It cuts funding for the COPS program—which supports police officers throughout our nation—by 96 percent.

We have known since the first roads of the Roman Empire that the fate of civilizations hinges in many respects on their ability to move people, goods, and services as efficiently as possible. Yet this budget cuts $15.9 billion in transportation funding.

Reductions in natural resource and environmental programs would total $29 billion over five years. This budget also fails to protect the Arctic refuge from drilling.

The budget also cuts child care assistance for struggling parents at the same time that the President proposes that more low-income parents work longer hours. It is not just absurd, it is irresponsible. If you want welfare reform, you simply must have child care, as well.

This budget would terminate the Community Services Block Grant, leaving working poor families affected by the President’s tax cuts with nowhere to turn for assistance.

I know that we can do better than this budget. Actually, we must do better, so that we can truly move our country forward, and do what is best for families everywhere.

HORIZON MINERS

Mr. BYRD. Mr. President, Smithers, WV, is a town of 904 residents on the banks of the Kanawha River, just outside of the state capital of Charleston. Last October some 1,500 active coal miners and retirees, along with their wives, their children, their families, sat inside a hot and crowded gymnasium trying to cope with how, in a few short weeks, their lives had been turned upside down.

Two months earlier, a bankruptcy judge whom they had never met, and who resides in another state, vitiated their collective bargaining agreement. This judge cost 270 active miners their jobs, and, along with 1,270 retirees and their dependents, rescinded their health benefits. These folks gathered in that gymnasium trying to understand what had happened and what could be done.

They are the Horizon miners. They are good, strong people. They devote themselves to their labors, and take pride in their work. They are committed, hardworking individuals who contribute much and ask for nothing more than simple fairness. And so imagine how they are made to feel, the anguish, frustration, and betrayal they are made to feel, when they learn the hard news that the job security they I toiled for, has been taken away.

One can hardly blame these workers for feeling as though the world has ganged up on them. Their former employer, Horizon Natural Resources, for which they loyally worked for many years, had lobbied intensely in bankruptcy court to eliminate the health benefits of its own employees. In a U.S. court, where every honest man should expect a fair shake from an impartial judge, these workers were betrayed by the judicial system.

The judge, with the rap of a gavel, violated the 1992 Coal Industry Retiree Health Benefit Act, legislation passed by Congress and signed by the President, to provide qualified coal miners with guaranteed health benefits, a promise dating back to President Harry S. Truman’s pledge to John L. Lewis in 1946. One judge overturned a 50-year-old promise that had been codified by the Congress and endorsed by three Presidents. It was a disgraceful, shameful act.

These Horizon coal miners, betrayed by their employer, beguiled by the courts, now turn to their elected representatives in the Congress for help. And, thanks in large part to the efforts of Congressman NICK RAHALL and Senators ROCKEFELLER and SPECTER, the Senate is in a position to get something done.

Building on Senator ROCKEFELLER’s efforts, Senator SPECTER has introduced legislation to help the Horizon miners. I urge the Judiciary Committee to take a careful look at that legislation. I urge the committee to hold hearings, and to listen to the plight of those coal miners and their families affected by Horizon’s bankruptcy. This is an issue that affects not just the Horizon coal miners, but workers across the Nation who have seen their pension and health benefits taken from them.

It is happening across West Virginia. It is happening across the Appalachian region. It is happening in Indiana, Kentucky, and Illinois. In West Virginia, it is affecting elderly workers who are near retirement. What security they had is gone. What they had been promised, they have no time to get back. In such circumstances, it is incumbent upon the Congress to take action.

I urge the Finance Committee, as well as the Judiciary Committee, to consider these issues. I urge both committees to hold hearings and solicit
testimony from those workers affected. The chairman of the Finance Committee has said that his committee ought to look at the issues raised by Senators Specter and Rockefeller in the context of a comprehensive review and a comprehensive solution. That makes sense, and I am encouraged by his statement.

Abraham Lincoln reminds us that “Inasmuch as most good things are produced by labor, it follows that [all] such things of right belong to those whose labor has produced them.”

The Horizon miners labored for their health benefits, and they ought by right have them. Let us organize our efforts. Let us build momentum, and let us, at last long, take a stand in defense of the men and women who epitomize America’s time-honored work ethic.

LIONS AND LAMBS

Mr. BYRD. Mr. President, this Sunday is special for two reasons. It is the first day of spring and it is also Palm Sunday, the beginning of the Christian Holy Week. Both events mark triumphant arrivals, of Jesus into Jerusalem and the start of the season of rebirth, of lengthening days, warm earth, and growing things.

At this time of year, many people quote an adage to the effect that “March comes in like a lion, and goes out like a lamb.” An unknown poet said it better:

The March wind roars
Like a lion in the sky,
And makes us shiver
Like a lion in the sky.
The March wind roars
And makes us shiver
Like a lion in the sky,
And makes us shiver
Like a lion in the sky.

The exact origins of the March saying are the spheres of heaven and earth, mistaken for us, can we rejoice in his great promise of rebirth, even as we are surrounded by the earth’s rebirth.

The celebration of birth and growth persists even in the most commercialized aspects of today’s Easter celebration. Like the March winds adage, the origins of the Easter egg have been lost to time, but for untold centuries, eggs have symbolized fertility, resurrection and new life. The ancient Greeks, Persians, and Chinese exchanged eggs during their spring festivals. Some pagans thought that Heaven and Earth were formed from two halves of an egg.

Christian traditions have adapted this ancient symbol to the Easter ritual, wedding the ideas of earthly rebirth and spiritual resurrection. Once forbidden during Lent in the Middle Ages, eggs reappeared on Easter Sunday on the dinner table as well as being given as gifts. In Greece, eggs are dyed red to represent the blood of Christ. In Greece and Austria, green eggs are exchanged on Maundy, or Holy, Thursday. Many cultures have developed elaborate decorations for blown or hardboiled eggs, from the graphic Russian ‘pysanky’ eggs to those with religious symbols and scenes carefully painted on them.

Whatever the tradition, Easter eggs remain a springtime delight. The fun of making them is overcome only by the fun of hiding them and watching small hands tightly clutching decorated baskets loaded with their brightly colored bounty. Of course, today’s Easter baskets are filled with chocolate eggs, jelly beans, and marshmallow treats—some 90 million chocolate Easter bunnies, 700 million marshmallow Peeps, and 16 billion jellybeans each year, according to some reports. Older Easter traditions, such as the hot cross buns once given to the poor by monks, and pretzels, with crossed arms resembling a person at prayer, have fallen from favor before this onslaught of sugar.

As Erma and I watch our children, our children’s children, and now, our great-grandchildren, continue this happy custom, we can rejoice in his great promise of rebirth, even as we are surrounded by the earth’s rebirth.

The vernal equinox marks the first day of spring, the perfect balance of light and darkness. As the days lengthen, so do our memories of the darkness that we have weathered, and our hope for the new life that comes with the spring. The vernal equinox is a time of hope, of renewal, and of new beginnings. It is a time to reflect on the past and to look forward to the future. As we celebrate the beginning of spring, let us remember the sacrifices of those who came before us, and let us be grateful for the opportunities that we have been given.

I close with a short poem by Louise Seymour Jones, called “Who Loves a Garden.” In just a few lines, she marries the spheres of heaven and earth.
the greening of the land, the rebirth of the flowers as well as the spirit, and work that is a labor of love.

Who LOVES A GARDEN

Who loves a garden

Finds within his soul

Life’s whole;

He hears the anthem of the soil

While ingrates toil;

And sees beyond his little sphere

He waving fronds of heaven, clear.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BYRD. Can the Chair inform the Senator as to how many days speeches will be received for printing in the RECORD before the recess formally begins?

The PRESIDING OFFICER. The Chair is not in a position at this point to share with the Senator what that may be, but it is our hope that it will be available soon.

Mr. BYRD. Very well. I am informed, Mr. President, that the Senate will be in this coming Monday for a brief period for acceptance of speeches only. Yes. All right. I thank the Chair. That answers my question sufficiently.

Mr. President, I thank all Senators. I thank the staff, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TERRI SCHIAVO

Mr. SANTORUM. Thank you, Mr. President.

Today we had an opportunity to discuss and pass a very important piece of legislation. Most people would think I am referring to the budget, which we spent the better part of the day on, but we spent 15 precious minutes talking about an issue that many Americans are thinking about tonight; that is, the case of Terri Schiavo in the State of Florida. I wanted to congratulate my colleague from Florida, Senator Martinez, for his effort in drafting the piece of legislation that could get, frankly, the impossible done—to get in the midst of an at times rancorous budget debate—a very unique consensus in this place, unique in this respect: 100 Senators had to agree to pass this bill. It is difficult enough to get 100 people, much less 100 Senators, to agree on an issue, particularly during an often difficult process that we have been going through, but not only did we get 100 Senators to agree to allow this bill to be passed, but we did so when some Members on the other side of the aisle were not supporting the bill. That is somewhat remarkable. I give a lot of credit to the Senator from Florida, Senator Martinez, the two leaders, the ranking member of the Budget Committee, Senator Conrad, Senator Harkin, and others who worked to bring this issue to the Senate floor and to deal with it in a way that accomplished something vitally important; that is, giving the family of Terri Schiavo hope that the end will not begin tomorrow.

I will talk more specifically about it. I will yield to my colleague, Senator Martinez, and Senator Brownback. Both have been obviously incredibly active and helpful in this process.

We are still working this process. The House has passed one bill, and we have passed a different one. I have been, as well as many here in this Chamber, back and forth between the Chamber and the House. The last vote because of meetings I was having over in the House. I never like to miss a vote, but I guess if we miss a vote, this is probably as good a reason to miss one.

We are still working very hard to see if we can find some common ground so we can address this issue that is so vitally important—not allowing a death sentence to be handed down to a young woman, without a trial, without a fair hearing. I think that has a lot of merit.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BROWNBACK. Can the Chair inform the Senator as to how many days speeches will be received for printing in the RECORD before the recess formally begins?

The PRESIDING OFFICER. The Chair is not in a position at this point to share with the Senator what that may be, but it is our hope that it will be available soon.

Mr. BROWNBACK. Very well. I am informed, Mr. President, that the Senate will be in this coming Monday for a brief period for acceptance of speeches only. Yes. All right. I thank the Chair. That answers my question sufficiently.

Mr. President, I thank all Senators. I thank the staff, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my colleague from Pennsylvania for the incredible work he has been doing on behalf of this woman in Florida. His guidance and leadership have been a great sign to me of how effective a Senate can be and how compassionate a Senate can be, and I echo his comments in terms of the cooperation in the Senate.

I believe today Members of both parties came together to pass a bill that is designed to ensure this woman has an opportunity to have a review of her case by a Federal judge in the hopes that maybe her parents may prevail, but whatever the outcome may be, so she may have and we may be assured that every last measure of justice has been given to her.

I also am very pleased the House of Representatives acted swiftly outside normal procedure in order to make this happen. I am very grateful for their work. I am grateful for what they did. It is unfortunate we came at it because of the rush of business over the last several days, the very shortened period of time we had available to end up with two versions of this bill that differ. Their approach, which is a removal of constraints, is not specific to any one individual. I know the House, for very good reasons, for historical reasons of good faith and for very good reasons, has had a reticence to do a private or individual bill. I understand that concern. I also know how difficult it was for some Members on the other side of the aisle particularly to go along with that measure because it was interpreted by some to maybe be too broad.

We are acting in good faith, and their concerns were, again, reasonable, while maybe I would disagree with them. Unfortuantely, the only vehicle we could find in this very short timeframe was to utilize the bill we had in the Senate...
which found favor enough for there to be unanimous consent to proceed.

A number of inquiries have been made whether this is over. It is not. We continue to work diligently. We continue to work toward a solution, toward bringing the two bodies together, so we can pass a bill to the President. I am encouraged the President today has made it clear he will sign a bill if we get it to him. We must continue to work in this spirit of cooperation, not only among both sides of the aisle, majority and minority in the Senate, but also across this building, one end to the other, House and Senate, all intent on a result that will give this final review by a Federal court the opportunity for this woman to have that final measure of compassion, and at the end I am hopeful we will reach a solution.

As my colleague from Pennsylvania stated, we will be in session on Monday, and we will continue to work and negotiate over the weekend, tomorrow, and I am very hopeful we will find a solution. I am an optimist, and I am of the belief that we will be able to prevail in this matter. I am very grateful for the help and cooperation from our leaders, who have been working very diligently, who did the research medically, who became convinced about this case. I have had Members from both sides of the aisle say all day there is something about this case, that it seems like it ought to have one more review. That is the spirit in which we say this.

I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I join my colleagues from Pennsylvania and Florida to talk about Terri Schiavo’s case, and to the names of the people around the world who are praying for Terri Schiavo, a lady they have never known but have seen pictures on television, but something is just striking at them, saying, this woman deserves to live. She deserves to have another review. The covenant with death needs to be broken, and will be. This body has spoken tonight in a bipartisan, unanimous fashion to work on this. There are a lot of opinions on the factual and legal issues surrounding it, but we came together unanimously to give her that right to have one more review by a Federal court.

I thank Senator REID from Nevada, who was very helpful in working this, Senator WYDEN, who worked on things for his State, and Senator LEVIN. A number of people helped to make this move forward, and Senator MCDERMOTT carried the freight with Senator SANTORUM.

This is a fine moment for this body, but it should not end here. I plead with those people involved directly, the courts directly involved in this, let this process move forward. Don’t pull the tubes out tomorrow. We passed one bill in the House and one bill in the Senate. That should be extraordinary enough that they say this deserves one more look. Why wouldn’t we give one more look? This is a purely innocent life we are talking about. The lengths we will go to for people who are convicted of a crime—we give much further review by a court of law. Here is a purely innocent life. Tomorrow, this could all end. But it shouldn’t. It must not end that way.

We have some differences between the House and Senate version. Frankly, for me, the House version is good. We could not move that through. We will keep meeting here. I met with the House leadership and chairman in the House with concerns, feeling theirs is a better approach. That is accurate. That is the way to go.

We are at a point in time where we should no longer have debate. We have to try to come together and plead with the court to hold this off so we can get moving. And more than that, a moral code in America right now is being discussed and is being acted upon through one person’s life. It is so critical this be done right and be done thoughtfully and every chance for final review be given for an innocent life. A purely innocent life is at stake.

I am confident we can come forward with that. We must come forward with that for the sake of Terri Schiavo and for the sake of this country and for its message around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

STATUTE OF U.S. AND EUROPEAN UNION AIRCRAFT FINANCING NEGOTIATIONS

Ms. CANTWELL. Mr. President, today the President of the United States nominated former Representative Rob Portman to serve as our next U.S. ambassador and trade ambassador. I am hopeful that my colleagues on the Senate Finance Committee will move expeditiously to hold a hearing and approve his nomination as soon as possible.

In January of this year, the current U.S. trade representative and a team of European Union negotiators agreed to sit down to try to negotiate a new agreement for how aerospace markets will work in the future. We are 90-days into this, and they set for their own discussions. Even though our current trade representative, Ambassador Zoellick, has been confirmed as Deputy Secretary of State, he is going to continue negotiating on behalf of the U.S. Government. I know these negotiations are in very capable hands, and I applaud the aggressive stance being taken by the Administration on these trade talks.

These trade talks were entered into by both sides knowing full well that World Trade Organization sanctions were a real possibility if the playing field in aerospace does not become fairer. Both sides demonstrated a willingness to get rid of unfair subsidies and a good faith stance on both sides to negotiate. That is why I come to the Senate floor now to make sure the European Union knows we in the United States remain very committed to these discussions. We are also very concerned that we are in good faith, if in fact the clock is ticking away and we are not making progress towards the goal of eliminating unfair subsidized financing of aircraft manufacturing. The 90-day clock is indeed ticking, and if a settlement is going to be reached on this matter without WTO intervention, it needs to happen immediately. There are fewer than 30 days left in the agreed time frame.

From the news reports, these discussions seem to be at a standstill. Obviously, these discussions need to be re-energized and, hopefully, achieve a successful end result. Otherwise, as I have mentioned, the parties will be forced to WTO battle. The Administration will consider other tools that are at our disposal, as the administration continues to seek swift and firm action in this case.

To date, the Bush administration and the EU negotiators have shown solid leadership and strong resolve, first in bringing this case to the WTO last fall. Second, it approached subsequent negotiations with the EU in a serious commitment to reach an end resolution. I would like to say, the administration, it seemed that the Europeans were equally interested in a settlement because Commissioner Mandelson, the European Union’s chief negotiator, signaled in a public comment, ‘‘We need to make progress, and I intend to do so.’’ This was reported by the Bloomberg News Service. He also said: ‘‘The objectives of the negotiations are primarily to establish fair market-based competition between Boeing and Airbus.’’

Given the public comments, EU negotiator actions and subsequent rhetoric suggest something different than ending unfair subsidized financing. Instead of a genuine commitment to end subsidies, the Europeans have walked away from their commitment to this goal.

Now, it seems that the discussions may be dragged out over a much longer period of time, maybe avoiding resolution or delaying a path to actually eliminating these subsidies. It is very important that the EU maintain its commitment to end these negotiations on time.

When these parties reached an initial accord in 1992, a number of important issues were unresolved. We do not want to make the same mistake this time by leaving too much on the table, only to see the WTO come in, in a process that we know will be more of a winner-take-all process.

In particular, EU negotiators must remain intent on staying at the table to discuss the issue of launch aid, the single most troublesome issue that I think we need to discuss. The United
States cannot stand by while the EU stalls these discussions about launch aid.

Today, we all know the aerospace industry remains very important to the United States. The aerospace sector generates a significant percent of the nation’s gross domestic product. However, I think the real issue for us is that the United States builds and finances planes through Wall Street and the private marketplace. Our domestic companies should not have to compete against the backing of European governments, against the deep pockets of governments that distort the global marketplace.

If, in fact, the EU drags its feet, how will these issues be resolved? Will they continue to argue that these launch aid subsidies are not the issue? Launch aid has provided Airbus with over $15 billion in subsidization, really unfairly propping up Airbus at the expense of the U.S. aerospace market and its workers. The domestic aerospace industry has lost about 700,000 jobs.

Essentially, launch aid becomes a risk-free, low-cost government bank for the development of new lines of aircraft. It only needs one successful launch to get back the loans if the new product succeeds. Nowhere in our private sector does anybody, any company, get such a deal that they only have to pay the banker back if, in fact, the product succeeds.

So the important issue is:

Obviously, launch aid puts our domestic manufacturers at an unfair competitive disadvantage. Airbus remains unfettered by the realities of the marketplace when launching new jetliners, while American companies must assume substantial market risk every time they unveil a new product. If Airbus bets on the wrong plane, no problem, no harm, no foul, the loans are forgiven. This means Airbus can proceed with the design and production of a new plane without ever turning a profit on an existing product line. It also means that Airbus can undercut the price and pursue more aggressive financing practices than the U.S. can. Obviously, you can see the end result is that Airbus can offer a cheaper plane in the marketplace by unfairly subsidizing the financing of their planes.

Well, nevertheless, Airbus has continued, even though it has grown into a mature company, to receive 33 percent of the funding for its product development from European governments since 1992, translating into billions in launch aid loans at below market rates. At the same time, it has avoided an additional $35 billion in current debt due to this very important advantage.

This launch aid distorts the global marketplace.

What we want to see in aerospace is competition that drives opportunities for the consumers. I believe that is why the United States has taken its aggressive position in saying that it will go to the WTO if necessary. I think it is time now to make sure that these negotiations between the United States and the European Union, which originally were announced in January, are completed as soon as possible. But maybe it is not surprising that they are lagging at this moment.

I say that because Airbus has moved ahead with a plan to submit $1.7 billion in an application for new launch aid for a new airplane, the A-350, which is designed to compete head-to-head with the Boeing 787. While negotiations to end launch aid are ongoing, there is simultaneously a new application to the European Union to support launch aid for a new plane. I believe that is probably why the Airbus CEO stated, about the new plane, the A-350: “...is easily financeable [sic] by Airbus without launch aid, but as long as there is re-fundable launch aid available, we will apply for it.” This means, as long as they can get refunds later on launch aid, they will apply for it.

So while the European Union is supposedly at the table negotiating with the United States to get rid of launch aid subsidies, it is continuing to discuss deals about launch aid for new planes.

It is clear that this does not paint a pretty picture. The European Union cannot pretend to be serious about negotiations with the United States to end launch aid subsidies and all the while sending a wink to Airbus about launch aid for the A-350.

The European Union remains unfettered by the realities of the global marketplace in whether it is serious about ending unfair subsidized financing of their aircraft.

Specifically, I think Commissioner Mandelson and the EU should consider the following actions: first, EU negotiators should declare their opposition to the launch aid for the A-350 and summarily reject the pending application that Airbus has prepared. Second, the EU should deny all launch aid for future aircraft models.

We need to address these unfair subsidized financing issues and put an end to launch aid so that aircraft financing is on a level playing field. Failure to follow these processes will lead to swift action by our administration and the U.S. Government. Today, the U.S. stands ready to reach a resolution on this issue, but we must have a willing partner. The White House has expressed the administration’s commitment to finding an agreement, and the President has the backing of this Senator, and I believe many in Congress, to seek a resolution to this issue. I am sure my colleagues will join me in considering all options at our disposal to help find a resolution to this issue.

Last week, I was invited to the Smithsonian for a commemorative celebration of Space Ship One, a successful marvel, sponsored by Paul Allen and many others. The celebration marked the successful launch of the first commercial, manned spaceflight-something from which individual consumers will benefit in the future. The Smithsonian National Air and Space Museum gave that award, and the flight signaled a new chapter in aviation history. There’s something about the spirit of competition, about a group of people who came together to compete towards an exciting new chapter of aviation, and a level playing field of competition that delivered a great result.

Which is exactly what we have to get from the Europeans—a level playing field, to deliver a better result for the U.S. aerospace industry, for consumers, and for purchasers of aerospace and commercial aviation equipment by guaranteeing that we are going to have a level playing field.

I hope that these negotiations will continue in earnest and I am confident that Ambassador Zoellick and the new nominee, Mr. Portman, will continue to be aggressive in resolving this issue. I believe we in the United States have fostered an environment for true competition for the private sector; to drive this industry to the next level. However, we need fair and balanced trade to make that successful.

I hope the Europeans will not stall these discussions, but that they will embrace the idea of fair competition as the end result.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 95

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate receives H. Con. Res. 95 from the House, the Senate proceed to its consideration.

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

Mr. FRIST. Further, that all after the resolving clause be stricken and the text of S. Con. Res. 18 as agreed to be inserted in lieu thereof; further, that the resolution then be agreed to as amended and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferences for the PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.
TARGETED ENERGY INCENTIVES TO ACHIEVE A NATIONAL ENERGY STRATEGY

Mr. BYRD. Mr. President, on March 9, 2005, President Bush went to Columbus, OH for one of his many town hall meetings. Beside attempting to sell his Social Security plan, he also spoke about a national energy policy. Not surprisingly, he raised the specter of high gas prices, increasing natural gas rates, and electricity blackouts as a justification to pass his energy plan. However, this issue needs more than just rhetoric. It needs real solutions.

The American people need look no further than the President’s budget request to question that commitment to a serious energy policy. The President has cut funding for a number of important energy programs in his budget. For example, he has said that he supports clean coal technologies. He started professing his support on the campaign trail in October 2000, but he promised to commit $2 billion over 10 years for the Clean Coal Technology demonstration program. This is the very program that I started back in 1985. Yet, each of his five budgets has failed that goal. This year he has only requested $50 million, instead of the promised $200 million. In effect, he has promised those in the coal fields one dollar but has only anted up two bits. Furthermore, he touts the need for the FutureGen project but cannot say where the funding for this facility is going to come from down the road. His only option right now is to raid other clean coal programs, and I will not stand by and let him rob Peter to pay Paul.

The White House has proposed and the Majority has adopted just $4.56 billion in energy tax incentives over five years in this Fiscal Year 2006 budget. How much did the President include for clean energy tax incentives in this 2005 budget request, or in previous years’ budget requests? Nothing! We cannot demonstrate and deploy the next generation of clean coal technologies based on what this administration is actually willing to put on the table. The administration’s co-called support for the clean coal technology programs is indicative of its support for so many important energy programs. This administration’s much narrower package of energy tax incentives is inadequate to achieve our national energy policy goals.

I have long believed that the U.S. needs a comprehensive and balanced national energy policy. The looming concerns of electricity blackouts, energy prices, and increased dependence on foreign energy sources represent ominous clouds on the horizon. Sadly, our energy problems, like so many other challenges, are being addressed with ever shrinking funds and band-aid solutions. The Bush administration generates new initiatives, fails to fully fund them, and then simultaneously cuts other important programs. At the same time, we have witnessed attempts to put a moratorium on federal gas taxes, to tap the Strategic Petroleum Reserve, and to make secretive deals with Saudi Arabia to boost oil. We have endeavored to treat the symptoms, rather than the core problem, for far too long. This President may talk a good game, but how are we going to fix our energy ills with this President’s prescription?

The United States needs affordable, reliable, and clean energy resources and technologies to support a growing economy and a healthy environment. We need a comprehensive, balanced, and diversified national energy policy that will promote a strong energy efficiency program and bolster our Nation’s coal, natural gas, oil, renewable, nuclear, and other clean domestic energy technologies. A strong energy policy must help to maintain and upgrade these our critical energy infrastructure and support the energy-related manufacturing and other service jobs that are an underpinning of our economy. A bipartisan energy strategy should encourage increased use of the most advanced energy supply and energy efficiency technologies and must support increased investments in an array of energy research and development programs.

Our Nation needs to begin defining alternative pathways and new approaches that go beyond the extremist debates and simplistic solutions that define our very demanding energy security and environmental challenges. It is time to move along that path. I urge my colleagues in the Senate to support an appropriate, equitable, and diversified mixture of at least $15.5 billion in targeted energy tax incentives over the next ten years, and I urge the Finance Committee to find offsets so that this can be done in a fiscally sound way.

In the 108th Congress, the Senate supported a similar level for energy incentives. The Senate’s Fiscal Year 2004 Budget Resolution, the last budget that Congress passed, provided for $15.5 billion in energy tax incentives over ten years. In 2003, the Senate Finance Committee adopted and the Senate passed a balanced and bipartisan package of energy tax incentives in the amount of $19.8 billion over ten years as a part of the Senate Energy Policy Act of which was offset. I supported that energy tax package as it provided an array of targeted energy incentives, including approximately $2 billion to deploy advanced clean coal technologies.

Such an energy tax incentives package would help strengthen the economy, enhance our Nation’s energy resources, promote an array of advanced energy technologies, increase jobs, and provide for a healthy environment. Is there a Member in this Chamber who is opposed to energy tax incentives? If there are going to be tax cuts in this budget, then we must increase funding for a range of energy tax incentives. Supporting at least $15.5 billion in energy tax incentives will send a strong message that these incentives are necessary to develop a national energy policy, and I urge my colleagues to stand with me in this request. Unless we can increase the pie for all of these energy technologies, it will not be enough to achieve our energy goals in any serious way.

HONORING OUR ARMED FORCES

STAFF SERGENT MELVIN L. BLAZER

Mr. INHOFE. Mr. President, I wish to honor one of America’s fallen heroes. Sergeant Blazer was no stranger to the hazards of duty. He survived an improvised explosive device attack that struck his convoy last November and was awarded a Purple Heart.

Sergeant Blazer was a great Marine. He joined soon after graduating from Moore High School in 1984. As he rose through the ranks, he developed a reputation of dependability. He was serving as a platoon leader with the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force when his unit was deployed to Iraq.

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LANCE CORPORAL JORDAN D. WINKLER

Mr. President, I wish to honor one of Oklahoma’s fallen sons, Marine LCpl Jordan Winkler. From an early age he founded to defend our country and the freedom it stands for. For his life of service and his final sacrifice, we are eternally indebted to him.

Corporal Winkler admired the military even before he was old enough to join. His parents still have a letter from Marine Corps Recruiting when he was fifteen. While in Union High School in Tulsa, he was active in sports and respected by his peers.
Corporal Winkler is remembered for his determination, honesty and integrity. As his teacher Paul Todd said, "You knew where he stood. He lived by his principles and he was a good role model for everyone that knew him."

After training, he was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, 1st Marine Expeditionary Force, normally stationed at Camp Pendleton, California. This unit was deployed to Iraq to contribute to the ongoing US effort to rid the country of tyranny and the influence of terrorism. On November 28, 2004, in Camp Fallujah, Corporal Winkler died in a non-combat incident. He was buried at Tulsa's Memorial Park Cemetery with military honors. Corporal Winkler made a deep impact on those who knew him, but those who most deeply loved him look forward with hope. As his family said in a statement, "Jordan was a dedicated Marine who was proud to be in Iraq serving his country and doing his job as a Marine. We will miss him more than words can say. However, we know we will see him again. Jordan Winkler was a Christian and knew that no matter what happened in his life, God was always in control."

Lance Corporal Jordan Winkler was worthy of deep respect and embodies all the qualities that make our Armed Forces and our country great. He was a soldier and a man of integrity, and he will be deeply missed.

Mr. President, today I stand in proud memory of an American hero. Army Sgt Carl W. Lee was a native of Oklahoma City, OK. He graduated from Crooked Oak High School in 2000 and enlisted in the Army. Although Sergeant Lee initially expected to stay only for the 3-year commitment, he soon chose to make a career of military service. He was assigned to the United States Army's 1st Battalion, 503rd Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division.

Sergeant Lee is remembered as an example of service and motivation. As Rusty McMurtry, Lee's 21-year-old brother, emotionally recalled, "He was the reason I graduated school and got as far as I did. Since I can remember, Carl was the only one who'd been there for me." Rusty credited his older brother with saving him from a life of gangs and vice. The two planned on starting an automotive business together. When he had any free time, Sergeant Lee would volunteer with a local Special Olympics. It was his heart that his friends and family remember most.

Sergeant Lee's unit, usually stationed at Camp Howze, South Korea, was deployed to Iraq. He served there as part of the effort to free the Iraqi people from the chains of tyranny and terrorism. On November 28, 2004, his unit was conducting a foot patrol in Ar Ramadi when it came under enemy small arms fire. Sergeant Lee was hit twice and died from the wounds he sustained.

Mr. President, it is difficult to express the pain of those he left behind. Sgt Carl Lee meant so much to so many and he will forever be remembered as a hero. By putting himself in harm's way he showed bravery and self-sacrifice that few of us will ever know. He gave the ultimate measure, and we are in his eternal debt. I honor Oklahoma's son and America's warrior, Sgt Carl W. Lee.

STAFF SERGEANT MELVIN L. BLAZER

Mr. President, I wish to honor a brave Oklahoma soldier who gave the last full measure to protect our freedom. Staff Sergeant Melvin Blazer of the United States Marine Corps embodied the spirit and values that make this country what it is. Sergeant Blazer was a great Marine. He joined soon after graduating from Moore High School in 1984. As he rose through the ranks, he developed a reputation for putting the needs of others above his own. As his teacher Paul Todd said, "You knew where he stood. He lived by his principles and he was a good role model for everyone that knew him."

During his senior year he was able to pursue his dream and joined the Marines through a delayed entry program. Those who knew him say he wore the uniform with pride.

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Corporal Winkler made a deep impact on those who knew him, but those who most deeply loved him look forward with hope. As his family said in a statement, "Jordan was a dedicated Marine who was proud to be in Iraq serving his country and doing his job as a Marine. We will miss him more than words can say. However, we know we will see him again. Jordan Winkler was a Christian and knew that no matter what happened in his life, God was always in control."

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CORPORAL STEPHEN M. MCGOWAN

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Stephen McGowan. Steve epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country and to his family, and an example of what this country stands for, Staff Sergeant Blazer deserves our honor and remembrance.

LANCE CORPORAL JORDAN D. WINKLER

Mr. President, I wish to honor one of Oklahoma's fallen sons, Marine Lance Corporal Jordan Winkler. From an early age he felt called to defend our country and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country and to his family, and an example of what this country stands for, Staff Sergeant Blazer deserves our honor and remembrance.

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mental challenge that went with a military career—the challenge to try harder, get stronger, and push the limits. That was true in all aspects of his life. He played soccer until he graduated from high school, but when that grew too tame for him, he switched to rugby.

Steve enlisted on September 17, 2002, and was selected for combat medic training, which he pursued with distinction at the U.S. Army Medical School at Fort Sam Houston, Texas.

Before being deployed to Iraq, Stephen earned a parachutist badge at the U.S. Army Airborne School and served for approximately 15 months with the 2nd Infantry Division near the DMZ in Korea. Steve volunteered to join his unit’s 2nd Brigade Combat Team to spare medics with spouses and children and arrived with the unit in Kuwait in early August 2004. Within a few weeks, he deployed to Ramadi, about 45 miles west of Baghdad, where his unit supported the 2nd Infantry Division and was responsible for VIP escort, area security and other “highly operated missions.” He died when an improvised explosive device detonated near his military vehicle in Ramadi, Iraq, on July 29, 2005. He was 27 years old. Steve had become entranced by the sight of Christmas presents.

Students donated so many dolls that she had to send them to her son in small lots because he did not have room to store them all. His mother, Bobbie, takes comfort in the fact that her son had not only saved lives in Iraq as a medic but that he had also brought joy to others by giving away toys to children. This was a true testament to the kind of soldier—the kind of man—Steve was.

He was a soccer, biking, and outdoor enthusiast and will be remembered especially for his rugby adventures with the University of Delaware, the Wilmington Men’s League and the 2nd Infantry Division Rugby Club. In 2001, Steve took a trip to New Zealand while accompanying his rugby mate who was exploring professional rugby opportunities. Steve’s favorite team was the All Blacks. Traveling in New Zealand gave him the opportunity to do what he loved—experience new cultures and have a new adventure.

This tragedy strikes particularly close to home. Stephen’s mother, Bobbie, is a highly regarded member of the faculty at the Charter School of Wilmington, where our sons attend high school. Steve’s death is a terrible blow to his family. I rise today to commemorate Steve, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

Mr. ROBERTS. Mr. President, pursuant to rule XVIII, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD changes to the Rules of Procedure for the Select Committee on Intelligence, as follows:

CHANGES TO RULES OF PROCEDURE—SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, pursuant to rule XXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD changes to the Rules of Procedure for the Select Committee on Intelligence. I am submitting these changes to reflect the amendments adopted by the committee.

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

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE


RULE 1. CONVENCING OF MEETINGS

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

1.2 The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate 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.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in the case of any meeting held outside Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the Committee have made request in writing as required by the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the request is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

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 in his absence, the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman, the 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, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization: (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pending thereon. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call votes on any measure or matter, the report 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 deal with issues delegated to them by the Committee and shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

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.
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 A confirmation hearing shall be held sooner than seven days after receipt 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 an investigation. Authorized investigations conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the testimony of witnesses or for the production of memoranda, 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 subpoenas. Each subpoena when served shall have attached thereto a copy of the background and financial disclosure statement by the Committee.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

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

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

8.3 Investigation.—Committee investigation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, the Vice Chairman, or any member.

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 for the Committee, the Committee shall provide counsel to such witness and may, at the conclusion of the witness' testimony, approve such counsel to the extent of not less than $150 per hour.

8.5 Counsel may be present or represented in the Committee, but in no case shall counsel for a witness be present at the time such witness appears in the Committee except as provided in Rule 2.1.

8.6 Counsel for the Committee.—(a) The Committee shall be entitled to the services of counsel at such time as the Committee may determine or as provided in the Rules of the Senate. The Committee may include in such counsel an attorney at law, an expert, or other person or persons, if any, whom the Committee may appoint.

8.7 Testimony.—(a) No testimony shall be taken except in open session which are subsequently quoted or to any other member of the Committee in any way not in accord with the provisions of this rule.

8.8 Contempt Procedure.—(a) The Committee shall have the power to issue a subpoena for the attendance of witnesses or the production of evidence or the calling of other witnesses, and may, at the conclusion of his testimony, request to appear before the Committee any witness or other evidence or the calling of other witnesses. The Committee may make such requests to any witness and may, at the conclusion of his client's testimony, request the presentation of other evidence or the calling of other witnesses. The Committee may make such requests to any witness and may, at the conclusion of his client's testimony, request the presentation of other evidence or the calling of other witnesses.

8.9 Contempt Procedure.—(b) The Committee may make such representations to the Committee in any way not in accord with the provisions of this rule.

8.10 Release of Name of Witness.—(a) Unless authorized by the Chairman, the name of any witness whose disclosure has been made shall be released prior to, or any comment made by a majority of the members present, subject to such disciplinary action which may be taken in accordance with procedures that have been approved by the Committee pursuant to these Rules.

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 materials shall be segregated in a secure storage area. They may not be made available 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 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.

9.4 When any person or any organization, including the Office of Intelligence makes classified material available to any other Committee of the Senate or to any Member of the Senate not a member of this Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to Section 8 of S. Res. 490 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the parties receiving such information and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, to the Staff Director and Minority Staff Director.

9.6 No member of the Committee of the Committee shall disclose, in whole or in part, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any classified material received in executive session including the name of any witness who appeared or was called to
appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise authorized 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's membership, shall be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in confidence to persons with appropriate security clearances who have a need-to-know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director acting on their behalf.

9.7 Failure to abide by Rule 9.6 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 6 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 6 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.8 Before the Committee makes any decision, the Committee staff, in any meetings by a member of the Committee staff, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.9 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee offices at the conclusion of such meetings, and may be made available to the department, agency, office, Committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or on the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time staff to perform all such services. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearance.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman may delegate authority to Committee staff to make expenditures from the Committee's allotment to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular information by the Committee unless such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3 No member of the Committee shall have or retain any interest in any building, vehicle or equipment provided by the Committee. The duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and information, are administrated under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. 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 maintained by the Committee.

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

10.5 The members of the Committee staff shall not discuss either the substance or procedures of the work of the Committee with 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 staff 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.

10.6 No member of the Committee staff shall be employed by any of the Committees under the direction of the Committee except as authorized by the Senate. Pursuant to Section 6 of S. Res. 400 of the 94th Congress, any 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, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a 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 his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her 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 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 as may be determined by the Senate.

10.8 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.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be safe and secure, free of obstruction, from unlawful, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for disciplinary measures to be determined by the Committee. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such member staff and may constitute grounds for termination of employment with the Committee.

10.11 In accordance with Title III of the Civil Rights Act of 1991 (P.L. 102-166), all persons authorized to serve on 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 prior to any Committee meeting to assist the Committee in preparation for such meetings.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee. 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 committee proceedings, legislation, or 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 and the status of such measures; 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 referred, 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.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the travel and the final report to be presented to the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of 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 staff shall travel within this country on Committee business unless specifically authorized 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.

RESOLUTION

To establish a Standing Committee of the Senate on Intelligence, and for other purposes.

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 recommendations on 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 intelligence 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 in conformity with the Constitution and laws of the United States.

Sec. 2. (a) 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; and

(E) not to exceed seven members to be appointed at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the majority members and the minority leader and shall not be counted for purposes of determining a quorum.

(3) (A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee and shall not have a 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 already a member 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.

(4) At the beginning of each Congress, the Majority Leader of the Senate shall select a majority leader of the select committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman or in the absence of the chairman or the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other Committee referred to in paragraph (4)(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and the Vice Chairman of the select Committee, respectively.

SIC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Department of Defense, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government who are selected by the Chairman and the Majority Leader shall select a vice chairman who are selected by the Chairman and the Majority Leader, respectively.

(b) At the beginning of each Congress, the Majority Leader shall appoint the

SIC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Department of Defense, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government who are selected by the Chairman and the Majority Leader shall select a vice chairman who are selected by the Chairman and the Majority Leader, respectively.

SIC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Department of Defense, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government who are selected by the Chairman and the Majority Leader shall select a vice chairman who are selected by the Chairman and the Majority Leader, respectively.
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, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to examine and to compel testimony, and (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 223(1) of the Legislative Reorganization Act of 1970, 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 chairman, and may be served by any person designated by the chairman or any member thereof, or by any officer designated by the subserviceman.

SIRC. 6. No employee of the select committee or any person engaged by contract or otherwise for or on behalf of such committee after a determination by such committee after a determination by the Senate, or the close of the fifth day following the date on which such matter was reported to the Senate.
(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or documents which, in the opinion of the head of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to each matter within such committee’s jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive order, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use by, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of policies with respect to gather, use, security, and dissemination of intelligence:

(1) The quality of the analytical capabilities of the intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) The extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) The organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the professional standing of the personnel of the foreign intelligence agencies;

(4) The conduct of covert and clandestine activities and the procedures which Congress may provide to extend the activities;

(5) The desirability of changing any law, Senate rule or procedure, or any Executive order, through the creation of a standing committee of the Senate on intelligence activities;

(6) 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 of Congress; the implementation of procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the various intelligence agencies and coordinate their policies with respect to the safeguarding or sensitive intelligence information;

(7) 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 of Congress; the implementation of procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the various intelligence agencies and coordinate their 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 uniform definitions for terms to be used in policies or guidelines which may be adopted by the executive branch of the Government, to govern, 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 to Study Governmental Operations with respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) 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 actions it determines, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

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 subunit, political organization, or 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) The conduct of 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 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) The activities of the Defense Intelligence Agency.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(7) The desirability of establishing a standing committee of the Senate on intelligence activities;

(8) 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 of Congress; the implementation of procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the various intelligence agencies and coordinate their policies with respect to the safeguarding or sensitive intelligence information;

(9) The development of uniform definitions for terms to be used in policies or guidelines which may be adopted by the executive branch of the Government, to govern, 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 to Study Governmental Operations with respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) 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 actions it determines, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 15. (a) In addition to other committees staffed by the select Committee, the select Committee shall hire or appoint one or more civilian employees to serve as select committee staff personnel to serve as a member’s designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget to be determined by the Committee on Rules and Administration, to allow for the hire of each 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 select Committee’s spaces. Designated personal representatives shall have the same access to information, records, and databases as select Committee staff personnel, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(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.

SEC. 16. Nothing in this resolution shall be construed as constraining the Chairman or the select Committee, or a member of the select Committee, to hire additional personnel when the needs of the Committee or a member of the select Committee have been determined by the Committee on Rules and Administration.

SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of any persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

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

APPENDIX B

94th Congress, 1st Session

S. RES. 9

RESOLUTION

Amending the rules of the Senate relating to open committee meetings

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, or any subcommittee thereof, including meetings to which the public is invited, 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 matters be discussed or the testimony to be taken at such portion or portions of the meeting shall be:

(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 committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or to reveal trade secrets or other confidential information;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation of any person or to 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;
"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—
(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or
(B) the information has been obtained by the Government in a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such persons.

Whenever any hearing conducted by any such committee 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.

Sect. 2. Section 133(a) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

APPENDIX C

108th Congress 21 Session

S. RES. 445
October 9, 2004—Considered, amended, and agreed to

RESOLUTION

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Resolved, that—

SECT. 100. PURPOSE. It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence 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 GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the Committee jurisdictional legislation, messages, petitions, memorials, and other matters relating to the following subjects:
(1) Department of Homeland Security, except as provided by subsections (c) and (d) of this section;
(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;
(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Customs Enforcement or the Directorate of Border and Transportation Security; and
(ii) the immigration 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 Bureau of Immigration and Customs 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 Immigration 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 in this paragraph shall supersede the jurisdiction of any other committee 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 Office of Management and Budget.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Censuses and collection of statistics, including the classification of technometrics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Intelligence Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefore.

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


(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and retirement 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 to 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 executive and legislative branches of the Government; and
(4) studying the intergovernmental relations 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)(3) of this section, the committee provided for in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the administrative functions with which are—
(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 appropriate levels of budget authority, outlays, programs, grants, tax expenditures, or surpluses, and public debt—including subfunctions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timeframes for consideration of concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;
(4) the limiting of backdoor spending devices;
(5) the timetables for Presidential submission of appropriations and authorization requests;
(6) the definitions of what constitutes impropriety—such as “recissions” and “deferrals”;
(7) the process and determination by which impoundments must be reported to and considered by Congress;
(8) the mechanisms to ensure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and
(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(ec) OMB NOMINEES.—The committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of individuals nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to reject such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.
(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as “S. Res. 400”) is amended by—
(1) inserting “(A)” after “(3);” and
(2) inserting at the end the following:
“(B) The Chairman and the member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee, but shall not be considered a member of the Committee and shall not be counted for purposes of determining a quorum.”.
(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—
(1) in paragraph (1), by inserting “not to exceed” before “fifteen members”;
(2) in paragraph (1)(E), by inserting “not to exceed” before “seven members”;
(3) in paragraph (2), by striking the second sentence and inserting “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.”.
(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).
(d) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(b) of S. Res. 400, as redesignated by subsection (b), is amended by adding at the end the following:
“(2) the select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.”.
(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:
“(2) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.”.
(f) REPORTS.—Section (a)(3) of S. Res. 400 is amended by inserting “not to exceed” after “quarterly”;
(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:
“SEC. 15. In addition to other committees, the select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.”.

March 17, 2005
Mr. ROCKEFELLER. Mr. President, on March 14 the National Congress of the People’s Republic of China passed a bill termed the “Anti-Secession” law that preemptively positions China to take military action should it judge Taiwan’s actions to be move toward formal independence. While the threat of force from Beijing is not new, legislation that refers to “non-peaceful means,” even described as a “last resort” can only be seen as counterproductive. At a minimum, it is not conducive to building confidence between Taiwan and China nor facilitating dialogue, which are key to future stability in the straits and to peace and prosperity for both sides. This is not an issue that can be successfully resolved through military means. All would lose.

The timing of this law is equally unfortunate. Since the beginning of this year, Chinese and Taiwanese officials have taken concrete, pragmatic steps to better relations, including direct flights, shipping links, and increased trade. There have also been gestures of personal respect and there has been a lowering of the rhetorical temperature, on both sides. These are heartening developments. I encourage both parties to seek to expand upon them. I am convinced that this is the right road for China and Taiwan, to focus on mutually beneficial programs and to continue to create opportunities for more personal contact. In contrast, the Anti-Secession law is awkward and unhelpful. While I recognize that it also does stress the chance for peaceful settlement of the Taiwan issue, its thrust, coupled with an ongoing Chinese military build-up, will be viewed by Taiwan as inimical. I urge the Chinese government to move beyond this legislation, and this moment, and to demonstrate its good faith intent to work toward renewed discussions and better relations. If Beijing does so, certainly I hope that Taipei will respond in kind.

IN HONOR OF WOMEN’S HISTORY MONTH

Mrs. FEINSTEIN. Mr. President, I rise today in honor of Women’s History Month to recognize the advancements that women have made this year and to reflect on the challenges and opportunities for the years ahead.

We have set aside this month to formally pay tribute to the contributions of women in the United States and around the world.

I would like to start by paying tribute to the women in Iraq and Afghanistan who are working to build their countries and to make a better life for themselves and their families. These women have been freed from oppressive regimes and as their nations rebuild, they must secure their rights for all time.

Women throughout the Arab World are making their way into public life.
In some countries, they are being elected to office, named to cabinet-level posts and appointed to leading positions in powerful civil society organizations—these are the thought-leaders and the pioneers. But there is another, parallel path that has also begun: the quiet leadership of ordinary women who are doing extraordinary things.

On January 30, scores of Iraqi women poured into polling stations in cities and rural communities. Braving bullets, missiles and a substantial personal threat, they joined their fellow countrymen to vote in the nation's first free election, an act that warrants our deepest respect.

What an act of faith and courage on their part. I realize that in the United States we have no point of reference to understand what they must have felt on that Monday in January. Though the women in our Nation have fought and continue to fight for justice and equal opportunity, the threat to our homes to the voting booth has never involved a life or death decision. The fact that 8 million people, 60 percent of whom were women according to some estimates, chose to risk the lives they vote is, quite frankly, astounding to me.

These women have grasped at democracy and they now clothe it with tight-fisted fists. I think we can learn something from this. I would like to call attention to their sacrifices and to highlight the lessons that their courage can teach women in the United States and around the world.

It is easy to take for granted today, but women in America also had to fight for the right to vote. After a decades-long struggle, women finally secured the right to vote in 1920 and since that time women have made incredible advancements.

Women have risen to the top of Fortune 500 companies and fill the domes and the halls of universities—today approximately 56 percent of college students are female, compared to 44 percent in 1973. The wage gap, however, is still alarming. Women who earned about 79.5 cents on the dollar paid compared to their male counterparts in 2003.

Women are a true political force and continue to contribute every day all across this country. In the years that I have been in politics, women have changed the face of American politics.

Issues that were once relegated to the back burner—education, health care, children, and seniors—are now at the top of America’s political agenda.

Since I was first elected to the Senate in 1992, we have made remarkable progress for women by:

- Increasing breast cancer research funding by 800 percent;
- Tripling funding for domestic abuse shelters;
- Raising lending to women through the Small Business Administration;
- Passing the Family and Medical Leave Act and the Violence against Women Act;
- Covering mammogram screening for Medicare and Medicaid beneficiaries;
- Extending maternity hospitalization to 48 hours; and
- Requiring health care companies to fund breast reconstruction after mastectomies.

We have come a long way, but we still have a long way to go.

That is why I am cosponsoring the Equal Rights Amendment to the Constitution. This amendment is essential to guarantee that the rights and freedoms granted to our Pounding Pathers apply equally to men and women.

In addition, women’s reproductive rights are under attack in Congress. I fight to ensure a woman’s right to choose, guaranteed by Roe v. Wade. I also believe that it is extremely important that we reduce the number of unintended pregnancies and abortions.

I have spoken on this issue before and it is something that I feel very strongly about. Recently, we have seen considerable setbacks in the battle for reproductive rights and I fear that the advances we have fought so hard for are now threatened.

I am part of a generation of women who remember a time when a woman did not have the right to decide when and if she would give birth. I will not stand by and let us return to that time.

The decline of our rights under this administration has been slow but steady. Subtle encroachments occur either through the high-profile path of judicial appointments or through the silent passageways of regulations, obfuscation and amendments tacked on to large bills, or grant limitations.

The current administration has systematically chipped away at the rights of women, and they have done so shielded from public scrutiny by employing these quiet forms of repression and intimidation. I am here to say: we have noticed, we are paying attention and we will fight.

These are issues that affect every woman in the United States. They have not become complacent. Let us take inspiration from the women in Iraq who risked their lives to exercise their rights as we continue the struggle to defend our own. The time for basking in the glory of past achievements has passed: this is a battle that must be fought by the everyday women warriors. It is time to roll up our sleeves and get back to work.

Because of the women who have come before us, we are fortunate to participate in the discourse of justice. We cannot take that opportunity and responsibility for granted.

THE PRENATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. BROWNBACK. Mr. President, I recently introduced S. 609, the Prenatally-Diagnosed Conditions Awareness Act, with my colleague, the senior Senator from Massachusetts. This bill will accomplish the following:

One, ensure that pregnant women facing a positive prenatal test result will be more likely to receive up-to-date, scientific information about the life expectancy, clinical course, intellectual and functional development, and prenatal and postnatal treatment options for their child;

Two, provide that women refer to support services such as hotlines, Web sites, information clearinghouses, registries of families willing to adopt babies with disabilities, and parent-to-parent programs where people who have children with disabilities meet with the newly diagnosed family to provide support and real-world information;

Three, improve epidemiologic understanding of prenatally-diagnosed conditions, within a strictly set of confidentiality protections;

Four, support health care providers who perform prenatal tests and deliver results; and

Five, authorize a study of the effectiveness of existing health care and family support services for children with disabilities and their families.

The need for this legislation and the public dialogue I think could not be more urgent. Medical science has provided the opportunity to obtain a massive amount of information about our own bodies and health and that of our children. But I am concerned that our ethical dialogue has not kept pace with new ethical challenges. We have been able to screen for certain conditions in the womb for quite some time now, but I am concerned that we don’t have a great track record for handling that information very well. For some conditions that can be detected in the womb, such as Down Syndrome, we are aborting 80 percent or more of the babies who test positive. The effect of this sort of eugenics, a form of systematic, disability-based discrimination.

Worse, trends suggest that this atrocity doesn’t just end in the womb. Two potential policies have caught our attention that make it acceptable for doctors to end the lives of terminally ill children up to age 12, resulting in about 100 cases of pediatrician-induced homicides of children with severe handicaps each year. Belgium is considering similar policies. Unfortunately, these policies are starting to trickle into our own country. In Texas, a court recently upheld a hospital’s decision to remove life support from a 6-month-old handicapped baby, against his mother’s wishes.

It sounds too crazy to be true, but it is not just fringe thinking—leading so-called ethics experts have supported the killing of children with disabilities, such as Princeton Professor Peter Singer, who wrote in 1993 in his book Practical Ethics, “killing a defective infant is not morally equivalent to killing a person . . . sometimes it is not wrong at all.” These ideas echo back to Nazi Germany, and unfortunately, there is a tragic history, even in our own country, of abuse of institutionalized people with disabilities, only
a few decades ago. Once one goes down the path of valuing some lives more than others, of saying that people with disabilities don’t have the same dignity and right to live as others, there are very few means that don’t justify the so-called ‘worthy end’ of a disability-free society.

When I see beautiful children with Down Syndrome, spina bifida and other differences, I can’t imagine why our society would ever condone this sort of unnatural selection. We don’t want a world where parents feel driven to justify their children’s existence. In addition to the many abilities that people with disabilities have which are equivalent to others, these individuals so often have a perspective the rest of us don’t have. We learn compassion, humility, courage and self-sacrifice from these special individuals, and their gift to us is to inspire us, by their example, to achieve these virtues ourselves.

Published surveys suggest that our legislation is desperately needed. A survey of 499 primary care physicians delivering a prenatal diagnosis of Down Syndrome to expectant parents found that 10 percent actively ‘urged’ parents to abort the pregnancy and 13 percent indicated that they ‘emphasized the negative aspects of Down Syndrome so that parents would favor a termination.’

This bill offers support to ensure that prenatal testing need not be a negative experience for those whose children are diagnosed with a condition like Down Syndrome. For instance, some pregnant women might choose to carry their child to term if they knew there were waiting lists of families willing to adopt children with Down Syndrome. Some parents might be reassured about keeping their children if they were able to spend some time talking with a family that has a special needs child about their experience. Some parents would be helped by hearing a positive message about the potential and joy of living with children with disabilities, while also being presented with a realistic assessment of the challenges.

There are many people to thank for helping prepare this bill for introduction, and I hope they will continue to help us as we move this bill towards the President’s desk. In particular, I am honored to have my friend the senator from Massachusetts as a lead Democrat on this bill, Senator KENNEDY is an incredible champion for people with disabilities. As we have worked together, he has educated me about some of the challenges faced by families with children with disabilities. In particular, I want to thank Connie Garner on Senator KENNEDY’s staff, whose tireless advocacy for the dignity and rights of people with disabilities has been an inspiration to me and my staff.

Many thanks to our partners in the House of Representatives, who I hope will speedily pass the companion version of this bill, especially lead sponsor Chairman SENSENBRENNER. Key House support has also come from my friend Congressman PETE SESSIONS and Congressman JOHN HOSTETTLER.

I urge my colleagues to co-sponsor this legislation and I look forward to working with Wyoming, the Chairman of the Committee on Health, Education, Labor and Pensions, and the majority leader, to speed Senate passage of this important legislation.

FRATERNAL BENEFIT SOCIETIES

Mr. SANTORUM. Mr. President, on January 27, the staff of the Joint Committee on Taxation released a report requested by Senate Finance Chairman GASSLEY and the ranking member, Senator MAX BAUCUS, entitled “Options To Improve Tax Compliance and Reform Tax Expenditures.” While I fully expect that many of the recommendations will be the subject of extended debate in the Senate over the coming year, I want to highlight one recommendation that should be rejected immediately: the joint committee staff’s proposal to revoke the tax-exempt status of fraternal benefit societies.

Beginning with the Tariff Act of 1894, every Federal tax law has contained a specific exemption for fraternal benefit societies, and with good reason. These organizations—there are 1,000 of them which have existed since the Civil War, are a major force for good in America today. Last year, for example, these organizations incurred almost $360 million in direct fraternal and charitable expenditures, while their individual members devoted more than 80 million volunteer hours—valued at $1.4 billion—in community and social services. Fraternal benefit societies support their communities in every possible way, including helping families with critically ill children, supporting homeless shelters and homes for the aged, raising funds and supporting local food banks, repairing playgrounds and other community facilities, and helping underprivileged youth stay away from drugs. Fraternal benefit societies are among our Nation’s most important first responders; they acted quickly to provide almost $17 million in financial relief to families affected by 9/11, and have raised upwards of $8 million in tsunami relief and reconstruction.

What makes this extraordinary effort possible is the requirement under the Internal Revenue Code that fraternal societies also make available to their members insurance against death, disease, and disability, a tradition of mutual aid that goes back to the earliest days of fraternality. I am troubled, Mr. President, by the fact that the Joint Committee staff has dredged up an old idea that has been rejected once and for all. In 1984, the Treasury Department recommended that fraternal benefit societies’ tax-exempt status be revoked. In 1985, the Joint Committee staff’s recommendation that should be rejected immediately: the joint committee staff’s proposal to revoke the tax-exempt status of fraternal benefit societies.

If anything, the rationale for encouraging fraternal benefit societies is greater today than it has been at any other time in our history. Fraternal societies have shown us that the private sector can and will step in to make a difference. As our special needs child societies has grown, so too has their devotion to our communities. Fraternal and charitable expenditures were approximately $242 million in 1985, and the number of volunteer hours on behalf of charitable activities has gone up 26 million. Last year fraternal and charitable expenditures were almost $365 million and the number of volunteer hours had grown to 83 million. At the same time, the commercial insurance market represented by fraternals during this time period has remained steady at around 1.5 percent. In other words, the good that these organizations do has gone way up; they are no more a threat to commercial businesses today than they were 20 years ago. Moreover, I can tell you from personal experience that the 10 million Americans who join fraternal societies are more devoted today to the cause than they were 20 years ago. Moreover, I can tell you from personal experience that the 10 million Americans who join fraternal societies are more devoted today to the cause that they brought to this world—whether religious, patriotic, or a shared heritage—than ever before. Pennsylvania is fortunate to be home to many of these organizations and dedicated citizens.

The Joint Committee staff has concluded that revoking the tax-exempt status of fraternal benefit societies would raise $500 million over 10 years. This pales by comparison to the $4 billion that fraternal societies are likely to put back into their communities over the same time frame in direct fraternal and charitable expenditures, and the annual $1.4 billion that their members devote in volunteer time throughout the year.

Recognizing the importance of fostering this type of private sector support for our communities, it is interesting to note that the platform of the Republican National Committee in 2004, 2000, and 1996 contained the following statement: “The Republican Party believes that the vital role of religious and fraternal benevolent societies in fostering charity and patriotism, they should not be subject to taxation.”

Mr. President, it often has been said that the power to tax is the power to destroy. This is the time to encourage, not destroy, organizations that devote themselves to social good, organizations from which this Nation has benefited immeasurably for more than 150 years. As Congress concluded its work in 1985, let us again make sure that this joint committee recommendation is taken off the table.
TAXATION OF FEMA DISASTER MITIGATION GRANTS

Mr. BOND. Mr. President, last week I introduced a bill, S. 586, as an alternative to my previous bill, S. 290, regarding the taxation of FEMA disaster mitigation grants. Both bills are designed to prevent the IRS from taxing these grants.

With the help of Senators Vitter, Talent, Voinovich, Nelson, Feinstein, and Landrieu, I introduced this new legislation as a companion to Congressmen Mark Foley’s bill, H.R. 1134, in House of Representatives. I commend Mr. Foley for his hard work and dedication to this proposal. Also, I commend the Department of Treasury for recognizing the serious nature of this issue and committing to work with Congress to resolve it.

This new legislation adds additional language to ensure that FEMA disaster mitigation grant recipients do not abuse the tax-free nature of the grant by capitalizing on the increased value of their properties. In addition, the new language provides for a prospective effective date.

It is important to note, however, that the President’s budget proposal gives the Treasury Department the administrative authority to apply the policies of S. 586 and H.R. 1134 to cases involving mitigation payments where the statute of limitations has not expired. It is my understanding that the Department of Treasury has agreed to issue a letter. This letter clearly indicates that, in accordance with the policies of S. 586 and H.R. 1134, those taxpayers who are in receipt of these mitigation grants prior to the enactment of this legislation will not be subject to extra tax liabilities.

This legislation came about as a result of a direct threat by the IRS to tax these disaster mitigation grants. As I have said before, I am absolutely stunned at this latest antic by the IRS. The Treasury Department and the IRS are working to prevent potential destruction from floods, tornadoes, and hurricanes need is for Government-grant funding to be subject to tax. My bill ensures that the IRS’s disaster tax does not see the light of day.

I ask unanimous consent that two letters from the Department of Treasury be printed in the RECORD. These letters are written to the chairman of both the Senate Finance Committee and the House Ways and Means Committee expressing support for S. 586 and H.R. 1134 and committing to prevent retroactive taxation at the request of Congress.

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

DEPARTMENT OF THE TREASURY,

Hon. WILLIAM THOMAS,
Chairman, Committee on Finance, U.S. Senate,
Washington, DC.

DEAR CHAIRMAN GRASSLEY: I am writing to express the Administration’s support for legislation to provide tax relief to property owners who participate in Federal Emergency Management Agency (FEMA) hazard mitigation projects, specifically H.R. 1134 and S. 586 sponsored by Representative Mark Foley and Senator Bond respectively.

FEMA provides grants through State and local governments to mitigate potential damage from future natural hazards. Examples of mitigation projects include demolition, retrofitting, and elevation of buildings. As a result, these grant projects are distinguishable from other grant programs in that their goal is to avoid the larger costs of damage that would be compensated in the future out of the taxpayer funded Disaster Relief Fund, National Flood Insurance Program, other Federal assistance programs, and private sources. Through hazard mitigation programs, FEMA has funded community mitigation projects affecting individual properties for over fifteen years. In particular, FEMA makes grants under the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Pre-Disaster Mitigation program.

Under current law, gross income generally includes all income from whatever source derived. Generally, the mitigation grants from FEMA (or construction services paid by grants) represent income to the recipients. Under specific statutory and administrative exceptions to the general rule, certain government payments made to individuals in response to need resulting from particular disasters, however, grants under the FEMA mitigation programs described above are made in anticipation of future disasters and other natural hazards and are not need based. Consequently, the mitigation grants generally do not qualify for these specific exceptions. Similarly, if a property owner participates in a FEMA-assisted acquisition of his or her property, the property owner is required to include in income any gain from the sale of the property (subject to the $250,000/$500,000 exclusion from income of gain from the sale of a principal residence).

By explicitly excluding FEMA mitigation grants from income, the Foley/Bond legislation provides tax relief to home and property owners that receive the grants. Because participation by property owners in FEMA projects is voluntary, there is concern that owners of at-risk properties may decline to participate because of the potential tax obligation under current law, thus adding to long term taxpayer funded recovery costs. This presents a potential downside to the policy Congress initially sought to implement through these grant programs.

Finally, it is also my understanding that the effective dates of the Foley/Bond legislation are prospective and that the tax exemption for these FEMA mitigation grants will be recognized upon date of enactment of the bill. Because the issue of retroactivity is also one of fairness, it is our hope that Congress, consistent with the Administration’s budget proposal, will encourage the Treasury Department to provide retroactive relief to those individuals who have utilized FEMA mitigation grants in the past.

I commend the House for acting quickly to address this issue and urge the Congress to send this legislation to the President for his signature.

Sincerely,

JOHN W. SNOW,

DEPARTMENT OF THE TREASURY,

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance, U.S. Senate,
Washington, DC.

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JOHN W. SNOW.

CONDEMNING VIOLENCE AND CRIMINALITY IN NORTHERN IRELAND

Mr. DODD. Mr. President, I rise today to join my colleagues, Senators
KENNEDY, MCCAIN and others in condemning ongoing violence and criminality by the Irish Republican Army.

Our actions are prompted in part by our meeting yesterday with the sisters and fiancé of Robert McCartney, a Catholic of Belfast brutally murdered on January 30, by individuals who are members of the IRA. These six young women, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, Donna Mary McCartney, and Bridgeen Kerr, have publicly called on the IRA to stop covering up Robert’s murder, and to begin immediately to cooperate directly with the Northern Ireland Policing Service in order to bring to justice those responsible for this heinous crime.

In response to their appeal we believe that it is important that the United States Senate express itself on their behalf. That is why we have asked the Senate to act on the pending resolution. I call on President Bush to meet personally with these brave women at the White House earlier today—to highlight the importance of justice being done.

Our actions on this resolution and the President’s meeting earlier today put the world on notice that we condemn such acts. In addition, with this resolution we call on the leadership of Sinn Fein to insist that everyone responsible for this murder be brought to justice and that anyone with knowledge about the crime cooperate fully and directly with the Police Service of Northern Ireland in making that possible.

As an Irish American, I look forward to the annual celebration of Saint Patrick’s Day. Earlier today we participated in the Annual Speaker’s lunch with visiting Prime Minister of Ireland, Bertie Ahern to commemorate this day.

We must tell you that we did so with less reverence than in past years when there was frankly more to be joyous about.

Ten years ago on this day, there was excitement and promise at our Saint Patrick’s Day celebration—the 1994 IRA cease-fire, which had been in place for more than 6 months and there existed a positive climate conducive to finding a political resolution to a quarter century of sectarian violence.

Seven years ago, in 1997, there was even more concrete evidence that sectarian violence was over as we were literally days away from the parties signing the Good Friday Accords which they did on April 9 of that year. That document was crafted by the political parties under the able leadership of former Majority Leader George Mitchell with the active involvement of President Bill Clinton, and Prime Minister Tony Blair and Bertie Ahern. It spilled out in black and white an agenda and institutions for delivering justice and equality to both traditions within a framework of inclusive self-government.

Our annual Saint Patrick’s Day celebrations since 1998 have been an opportunity to take stock of the progress toward full implementation of the Good Friday Accords. I for one have approached this day each year with the hope that we might finally declare that the Accords were fully functioning, and that violence and terror were no longer a part of the fabric of Northern Ireland’s society.

Sadly, this Saint Patrick’s day we struggle to fill the glass half full with respect to progress on the Accords. The Northern Ireland Assembly is in suspension, the assembly’s Executive is vacant. The parties are deadlocked over what must be done to restart the process. Collectively, Northern Ireland’s political leaders must accept responsibility for the political impasse that now exists. But Sinn Fein and the IRA carry a heavier burden than others for restarting the process. Sinn Fein, as an organization, must commit itself fully and unequivocally to political means to advance its agenda of equality and inclusion. There is no place in a democracy for a political organization to have its own private paramilitary organization. Sinn Fein cannot call itself a democratic organization if it does not sever all ties with the IRA, an organization which espouses, condones, and covers up unlawful acts such as murder and robbery. And, if the IRA is in fact committed to the full implementation of the Peace Accords as it has publicly stated, then it must fully and verifiably demobilize its weapons and go out business entirely.

In my opinion, nothing short of these actions is going to repair the damage done to the peace process by the recent heinous crime of Sinn Fein and the IRA. Public demonstrations by the Catholic community in Belfast in support of the McCartney sisters’ quest for justice made it patently obvious that what ever support might have existed for the IRA in that community exists no longer. It is very clear that the people of Northern Ireland want to live in peace—they want an end to vigilantism and intimidation—they want transparency and the rule of law. They want a future for themselves and their children.

Today, Northern Ireland is a struggling democracy—at a crossroad. Elections have occurred. Election representatives have been chosen. The mechanisms of self-government are clearly spelled out in the Good Friday Accords. Everyone knows what needs to be done to move the process forward. I hope and pray that those with the power to make a difference will have the courage to do the right thing. The people of Northern Ireland deserve and expect nothing less.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senators Kennedy and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last week, a 15-year-old high school student was charged with assault after attacking a fellow student. According to police, the attacker yelled disparaging remarks about the victim’s sexual orientation before the fight broke out. The victim was taken to the doctor with bruised ribs after he was repeatedly kicked.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OPPOSING THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. KYL. Mr. President, it has come to my attention that persons outside of the Senate have told Senators that I do not oppose S. 147, the latest incarnation of a bill that would create a tribal government for Native Hawaiians. This is untrue; it is probably being said because I agreed that the issue could be brought to the Senate floor for a vote. I continue to believe that this bill is profoundly unconstitutional and poses serious moral and political problems. I oppose this bill, and urge my colleagues to do so.

I ask unanimous consent that the following three news columns by Bruce Fein, constitutional scholar and former Reagan administration Justice Department official, be printed in the RECORD:

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

[From the Washington Times, Mar. 11, 2005]

THE PINEAPPLE TIME BOMB

(By Bruce Fein)

It is not because Native Hawaiians should be subjected less but that equality under the law should be loved more that the Akaka Bill to create a race-based government should be opposed. The Senate Committee on Indian Affairs blithely approved the legislation Wednesday without seriously examining its constitutionality. The bill previously
passed the House in 2000 as a “noncontroversial,” like treating South Carolina’s firing on Fort Sumter as a July Fourth celebration.

The proposed legislation would ordain a Native Hawaiian Governing Entity cobbled together by Native Hawaiians meeting a threshold of Native Hawaiian blood. The Entity would be a race-based state within a state: a government of Native Hawaiians, by Native Hawaiians, for Native Hawaiians. It does not deserve birth.

The United States has been a history of escape from ugly racial, ethnic or class distinctions. The nation celebrates equality of opportunity and merit rather than birth as the touchstone of destiny. American citizenship is defined by common ideals and aspirations不受制于 hierarchy; no divisions between partsicians or clergy, nobles and commoners. Indeed, the Constitution forbids titles of nobility.

Accordingly, Supreme Court Justice Antonin Scalia and University of Arizona Law Professors v. Pena (1995): “To pursue the concept of racial entitlement—even for the most admirable and benign of purposes—is to reinforce the future misuse of the way of thinking that produced race slavery, race privilege and race hatred. In the eyes of government, we are but one race here. It is Amerindian.”


Racism is defeated by its renunciation, not its practice. The latter pits citizen against citizen and invites strife and jealousies that weaken rather than strengthen.

An exclusive Native Hawaiian government is no exception. Justice Anthony Kennedy persuasively discredited the argument that the Akaka Bill will bring reconciliation between Native Hawaiians and their co-citizens in Rice v. Caytano (2000). In voiding a race-based restriction on the franchise for trustees of the Office of Hawaiian Affairs, Justice Kennedy sermonized: “One of the principal reasons why a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. . . . The use of racial classifications is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become an instrument for generating or prejudicing the liberty all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions.”

The Akaka Bill would create an unprecedented race-based government in Hawaii. Prior to the 1893 dethronement of Queen Lili‘uokalani, the monarchy treated Native Hawaiians and immigrants alike. Each enjoyed equal rights under the law. Ditto under the successor government and territorial authority after Hawaii’s annexation by the United States in 1898. In other words, the race-based legislation would not restore the 1893 constitution but encode another political distinction amongst Hawaii’s inhabitants that never before existed.

A Native Hawaiian enjoys the same freedoms and rights as any other citizen. Native Hawaiians may celebrate a distinctive culture under the protection of the Constitution, like the Amish. Racial discrimination against a Native Hawaiian is illegal. And the civil and political rights of Native Hawaiians dwarf what Native Hawaiians hold no more right to a race-based sovereignty. The Hawaiian Islands would be reconstituted into an odious race-based government championed by S. 344. To borrow from Associate Supreme Court Justice Antonin Scalia in Adarand Construction vs. Pena (1996), in the eyes of the law and the creed of the United States, there is only one race in the nation. It is American. And to be American is to embrace the values of freedom, individual and national equality. The Declaration of Independence, Constitution and Gettysburg Address. S. 344 would create a distinct race of Native Hawaiians subject to the purpose of creating and preserving non-American values: namely, “Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions.”

Native Hawaiians hold no more right to a race-based government than other racial or ethnic groups in the United States. They are no more entitled to secede from the jurisdiction of the U.S. Constitution than was the Confederate States. Enacting S. 344 would surrender the intellec
tual and moral upbringings of the United States.

E PLURIBUS UNUM—DEBATING THE LEGALITY OF THE AKAKA BILL

Hawaii Attorney General Mark Bennett is dead wrong in his support of the Akaka Bill.

The proposed legislation celebrates race-based divisiveness over America’s highest aspirations for unity and equality. The bill is bi-racially divisive.

E Pluribus Unum is the nation’s birth certi
ficate. Ben Franklin sermonized that if we do not all stand together, the one side will hang separately. Abraham Lincoln preached that “A house divided against itself cannot stand.” Supreme Court Justice Benjamin Cardozo observed: “The Constitution was framed . . . upon the theory that the peoples of the several states must sink or swim together, and that in the end there is no division but in union and not division.” Justice Antonin Scalia lectured in Adarand Constructors v.
ATTORNEY GENERAL Mark J. Bennett’s spirited defense of the Akaka Bill (Hawaii Reporter, December 20, 2004) ignores this wisdom. It is nonsense on stilts. He talks about Congress recognizing tribes but the Akaka Bill is not about recognizing a real tribe that truly exists. Instead, it proposes to crown a racial group with sovereignty by calling them “tribes.” Billing that modifier was understood to include “Indian tribes” - a racial group by any other name is still a racial group. Congress cannot circumvent the Constitution with semantics.

The Supreme Court in its opinion in Georgia v. Sandoval (1913) expressly repudiated congressional power arbitrarily to designate a body of people as an Indian tribe, whether Native Hawaiians, Jews, Greeks, Polish Americans, Italian Americans, Japa

nese Americans, or otherwise. Associate Justice Willis Van Devanter explained with regard to congressional guardianship over Indians: “[I]t is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what purpose they shall be recognized and dealt with as dependent tribes requiring guardianship and protection of the United States are to be determined by Congress, and not by the courts.

Attorney General Bennett incorrectly argues that the Supreme Court has interpreted the Indian Commerce Clause to endow Congress with plenary “power to deal with those it finds to be Indian Tribes.” This interpretation has been forthcoming, and thus Mr. Bennett is unable to cite a single case of the Supreme Court itself which has discredited the Sandoval precedent.

Congress enjoys limited powers under the Constitution. They are generally enumerated in Article I, section 8, and include the power to regulate commerce “with the Indian tribes.” Clause 18 also empowers Congress to make all laws “necessary and proper” for executing its enumerated authorities. Contrary to the Hawaii Attorney General, the Indian Commerce Clause has been under

stood by the Supreme Court as conferring a power to deal with the nation’s intercourse with Indian Tribes, but not to summon a tribe into being with a statutory bugle. The Attorney General is also frantically seizing on the Berkeley decision to argue that the connection between any enumerated power of Congress and the Akaka Bill’s proposal to endow Native Hawaiians with the quasi-sovereignty and immunities of Indian Tribes is American.

He absurdly insists that the Founding Fathers intended an open-ended definition of Indian Tribe because contemporary dictionaries define “[a] distinct body of people as divided by family or fortune or any other characteristic.” But the Constitution’s makers employed “Indian” to modify tribe. That is why the Constitution understands that only peoples with an Indian ancestry coupled with a primitive culture that necessitated federal protection from predation by States or private citizens. In Sandoval, for example, Congress properly treated Pueblos as an Indian tribe because “considering their Indian lineage, isolated and communal life, primitive culture, and the assertion of guardianship over them cannot be said to be arbitrary...” Chief Justice John Marshall in The Cherokee Nation v. Georgia explained the Indian Tribe’s sovereignty on the United States to the relation of a ward to his guardian. The Akaka Bill, however, does not and could not find that the Pueblos were the tribe of the United States because of their backwardness or child-like vulnerability to exploitation or oppression. Indeed, their political muscle has made them spoiled children of the law, as Attorney General Bennett himself underscores. Finally, the Constitution was adopted for, par

tial or collective conflicts or jealousies. That goal would be shipwrecked by a congressional power to multiply semi-sovereign Indian tribes at will.

He stumbles again in attributing to a court the statement, “Indian tribes do not exist in Alaska in the same sense as in (the) continental United States.” This statement made by the Secretary of the Interior in a letter noting that Alaskan tribes occupied land which had not been designated as “reservations,” in 1919.

Section 2 of the Fourteenth Amendment further undermines the Attorney General’s assertions. Section 2 empowers the Congress to apportion Representatives among the States according to population, but “excluding Indians not taxed.” Mr. Bennett’s argument would invite the majority in Congress to manipulate apportionment by designating entire States that generally voted for the opposition as Indian Tribes.

Finally, the Attorney General wrongly insinuates that Congress would be powerless to rectify historical wrongs to Native Hawaiians without the Akaka Bill. Congress enjoys discretion to deal with their families when the United States has caused harm by unconstitutional or immoral conduct, as was done for interned Japanese Americans in the Evacuation Act of 1942. Congress might alternatively establish a tribunal akin to the Indian Claims Commission to entertain allegations of dishonest or un

principled tribal governments.

As the Supreme Court ampliﬁed in United States v. Realty Co. (1896): “The nation, speaking broadly, owes a ‘debt’ to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based on considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of the individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition of claims against the government which are thus founded.”

TRIBUTE TO DECLAN CASHMAN

Mr. DAYTON, Mr. President, I rise to pay tribute to Ms. Declan Cashman who tomorrow marks her 20th year of service in the Senate.

Declan began her career in the Senate back in 1985 as a legislative secre

etary for my distinguished friend, Senator Dave Durenberger of Minnesota. She was promoted to positions on the Subcommittee on Intergovernamental Relations, the Permanent Subcommittee on Investigations, and the Committee on Health, Education, Labor, and Pensions. Today, she serves as my executive assistant, where she is invaluable to me and so many others on my staff. I do not sign a letter without first asking, “Has Declan looked at this?”

Despite her busy work schedule, Declan has many creative pursuits. She is both a lover of the theater and a talented actress herself. Recently, she has performed at Washington’s Studio Theatre, the Chevy Chase Players, and the Silver Spring stage.

Declan is an inspiration to the young men and women who come to work in Washington every year. Every morn

ing, she is the first to arrive in my of

fice, where she proceeds to scour her hometown Boston Globe, the New York Times, the Washington Post’s Style section, and Page Six, over a cup of black coffee. As her coworkers arrive, she enthusiastically shares the best stories with them.

On behalf of her Senate coworkers over the past 20 years and the thou

sands of constituents she has assisted, I thank Declan for her dedication and commitment to public service that will grace my office with her presence for the next 2 years. Then some

one else will be my fortunate succes

sor.

RECOGNITION OF THE 80TH AN

NUAL PRINCE OF PEACE EASTER PAGEANT

Mr. INHOFE. Mr. President, I rise to recognize the 80th Annual “The Prince of Peace” Easter Pageant that has been performed annually in the historic Holy City of the Wichitas since 1926. I am very proud of this truly outstanding Oklahoma tradition and would like to congratulate the dedi

cated members of the pageant that have kept it alive all these years.

The pageant was the brainchild of a young pastor, Reverend Amos MarkWallock, of the First Congregational Church in Lawton, OK. Eighty years ago, he gathered a few hardy souls from his church Sunday school class on a mountain peak at Medicine Park, OK, where he conducted a short Easter morning service. That worship ceremony, which was carried out in word, song, and pantomime, eventually became the world-renowned Easter pageant, “The Prince of Peace.”

Word about the pageant spread quickly, and began attracting a larger audience. As a result, the pageant was moved to the foot of Mount Roosevelt in the heart of the Wichita Mountains Wildlife Refuge. The twenty-building complex at the new site were completed and dedicated on March 31, 1935, and the first pageant there, performed on April 21, drew a crowd of 200,000.

In the 1940’s, the pageant even drew the attention of Hollywood and in 1948 the film, “The Lawton Story—The Prince of Peace” was produced with the participation of many Oklahoma citi

zens in Lawton and the surrounding area. Although Reverend Wallock passed away on December 26 of that year, the story of the pageant he founded lived on in the community that he loved.

Since then, hundreds upon thousands of volunteers have carried on the annual tradition of presenting this his
toric production. It has become the longest continuously running outdoor Easter pageant in America. Every Easter Sunday on Palm Sunday, Easter Eve, and Easter Sunday, he 

starting at 9:00 in the evening, 300 costumed volunteer performers bring the pageant to life.
The voices of the characters come from the reading cast. Their timed speaking gives life to the pantomiming actors. Those in charge of music, sound effects, and the all-important lighting give realism to the story. The brilliant costumes, live animals, and surprise special effects all contribute to the rich and beautiful depiction of the life of Christ.

Mr. President, as the Easter season approaches and this story unfolds, the pageant enters its 80th year. I extend my gratitude to all those who have committed the work of the pageant to keep its flame burning. The message of hope and human redemption that is at the heart of this pageant is one that we sorely need today, and I hope that Reverend Wallock’s inspiring legacy will live on for 80 more years and beyond.

IN MEMORY OF JAY CUTLER

Mr. SPECTER. Mr. President, I have sought recognition to inform the Senate of the passing of Jay Cutler on March 4, 2005. Jay was a dear friend to many in Washington, a loving husband, father, and grandfather to his family, and a true asset to Capitol Hill and the field of mental health policy. Both on and off the Hill and in his role as the lobbyist for the American Psychiatric Association, Jay worked diligently to educate people about mental health and to alleviate the stigma attached to mental illness. At the time of his passing, Jay was working on legislation that would improve access to mental and substance abuse treatment, and he believed passionately in improving the government’s policies, alleviating suffering, and removing the stigma that mental illness can often bring. It also makes sense to mention Randy, his ever-present companion and support. Jay was, after all, first and foremost a family man. And all know him for the giving soul that he was. He was very generous, and gave of himself and his time freely.

As a father, Jay was always incredibly loving, patient, and playful with his children, Hollie and Perri. He could make any child smile, laugh, and play. And he was not above stealing the chocolate frosting off of someone’s plate if you left the table or pouring sugar into ashtrays at restaurants and setting them on fire. His children remember how much he loved the beach and could be found there from ten in the morning until sunset. Jay had a heart for others. Jay always preferred to drive his car over to Randy’s house for the two of them to wash it together. His car was always spotless because he did this almost every day. On weekends, they would go out on dates. They were married on April 5, 1952 at a synagogue in Brooklyn, and when Jay and Randy got married, Jay and Randy said that they honeymooned for many years on many trips after that. Their marriage took place before Jay had gone overseas during the Korean War, and Randy remembers well their time in Georgia when they shared a house with other couples before Jay was shipped out.

Jay and Randy’s love for each other was something to behold. They simply loved being together, and it is hard if not impossible to think of them apart. They have been married for almost 53 years, and they shared everything.

When Jay came back from the service, he went to Brooklyn Law School. In order to get by, they needed family support, and Jay clerked for his Uncle Julie and also worked at night in order to bring in some money. Soon Ho kept telling Jay to splurge for the bar while Randy tried to keep her quiet. In 1958, the family moved to Washington, DC, where Perri was born. Jay went to work for Granik & Marshall, a lobbying law firm that dealt often with public television, and Jay became especially interested in the production end of things. He worked there for ten years, but then Jay went to work for Senator Jacob Javitz of New York on Capitol Hill.

Jay loved working on the Hill. He loved writing legislation and being a part of the process. He was also unusual. He was not only competent but helpful and friendly. He would lovingly call his grandchildren Jay’s sun rose early looking forward to doing more consulting. He mentored half of the health lobbyists working on Capitol Hill today. Jay and Randy also did a tremendous amount of traveling, and Jay was a true asset to Capitol Hill. It was part of their life together to go to new places. He retired just last year and was looking forward to doing more consulting.

LOSS OF FEDERAL AGENT DAVID WILHELM

Mrs. DOLE. Mr. President, tragedy struck Atlanta, GA this Friday, March 11, 2005. A quiet day in a county courthouse turned into a horrific scene where government agents took the lives of four innocent people throughout the Georgia capital. Among those who fell victim that day were U.S. Immigration
and Customs Enforcement Assistant Special Agent-in-Charge David Wil- liam, who was shot and killed while working to finish his Atlanta home. Friday's heartbreaking touches everyone in this country, and is sincerely felt in my hometown of Salisbury, NC, which Special Agent David Wilhelm also called home.

David Wilhelm is remembered as a true patriot, whose commitment to hard work, justice, and the enforce- ment of the law were admired by all who knew him while graduating from West Rowan High School in 1982. Special Agent Wilhelm earned a criminal justice degree at the University of North Carolina at Charlotte. He began his Federal service as a U.S. Customs Agent in June 1987 in Beaufort, SC, and also served in Charlotte, NC and Norfolk, VA before relocating to At- lanta, GA last November. In Atlanta, he was second in command, managing the U.S. Immigration and Customs En- forcement investigations involving finan- cial crimes, narcotics smuggling, human smuggling, and customs viola- tions. His law enforcement colleagues knew him to be tenacious profes- sionally and a superb team-builder with ace investigative skills and a gen- erous spirit.

David Wilhelm’s 18-year commitment to Federal service is most commend- able. He spent 16 years with the U.S. Customs Service and 2 years with U.S. Immigration and Customs Enforce- ment. In 2001, he was recognized for his dedication and was awarded the presti- tigious U.S. Customs Service Blue Eagle Award for work on an important narcotics smuggling case resulting in the seizure of approximately two tons of marijuana and $2.4 million in cash. The Blue Eagle Award is bestowed an- nually for significant work that goes beyond the expected daily duties.

I have immense respect for the many Federal law enforcement agents who risk their lives daily to protect Ameri- cans. I am truly saddened by the loss of David Wilhelm, and my thoughts and prayers are certainly with his wife Candee, his brother Patrick, who serves as an Immigration and Customs Enforcement Agent in Atlanta, GA, and all his family and friends. May Special Agent David Wilhelm’s dedica- tion, sense of duty and honor never be forgotten. In addition, I would like to send my sincere condolences to the family, friends, and co-workers of the other three victims of Friday’s vio- lence, Judge Rowland Barnes, court re- porter Julie Ann Brandau, and Ser- geant Hoyt Teasley of the Fulton County Sheriff’s Department.

Retirement of Carole Geagley

Mr. SPECTER. Mr. President, at the end of March, 2005, Carole Geagley is retiring from the U.S. Senate, and I rise today to pay her tribute.

Carole began her Capitol Hill career in 1977 when she began working for the Joint Economic Committee, where she rose to the position of personal assistant to the executive director. Before that Carole was the office manager at the law firm of Seltzer and Suskirk, from 1971 to 1977.

In 1990 she joined the Senate Appropria- tions Committee staff. At first Car- ole worked for the Subcommittee on Agriculture, Rural Development, and Related Agencies. She then made the move to Labor, Health and Human Services, Education, and Related Agen- cies. As the Senate majority changed over the years she worked for both Senator HARKIN and myself, helping manage the seamless transition be- tween chairmanships for more than 15 years. As office administrator Carole has toiled behind the scenes to effi- ciently prepare many hearings this subcommittee has conducted. She has done everything from letters of invitation to witnesses, preparing back- ground information for hearing books, creating data tables, and maintaining Member requests from Members of the Senate. For the professionalism of her work, she will be missed.

Yet it is for Carole’s many other at- tributes that we will miss her the most. Of her four siblings, Carole’s cheerful disposition, effec- tiveness personality, and her famous cakes have made her the Perle Mesta of the Appropriations Committee. Her cakes and pies are so well known that Tom HARKIN, who is quite the chef him- self, has asked for her recipes—espe- cially her Coca-Cola cake. It should also be noted that her award-winning cheesecake is featured at a well-known restaurant in her home State of Mary- land.

Carole has many other talents as well. She and her husband, Ron, are championship bridge players and have played in many national tournaments. In fact, that is how she met Ron, at a bridge club. They were married in 1977 and raised a beautiful daughter, Lori. They are now blessed with three grandchildren who we can all hope will inherit their grand- mother’s knack at cooking. My best wishes to Carole and her family on this occasion of her retirement.

Mr. HARKIN. I join my colleague in thanking Carole Geagley for her serv- ice to the U.S. Senate and wishing her well as she embarks in a new phase of her life.

Carole is an institution on the Appro- priations Committee and not one that will soon be forgotten. She spent the longest period of her Appropriations life assisting the group of offices that staff call “the Bullpen,” a crowded space in the Hart Building that holds anywhere from five to seven sub- committee staffs. With different bills moving at different paces through the Senate, that area is often the locus for much activity, and Carole managed those interactions with a calm de- meanor.

In that capacity, Carole came into contact with many Senators and many Senate offices. She is a storehouse of institutional knowledge, which she im- parted to younger staffers when per- spective and history needed to be their guides. And just as importantly, she fed them. Every staff birthday was celeberated with a Carole Geagley cre- ation. One thing is certain: Appropriations Committee staff will never eat as well as they did when they worked with Carole.

I know that Carole will treat retirement with the same gusto with which she performed her various duties in the Senate. So today we congratulate Car- ole. We thank her for her longtime service to this institution and we wish the whole Geagley family the best.

Tribute To A Great New Mexican: J. Paul Taylor

Mr. BINGAMAN. Mr. President, I am pleased to come to the floor today to express my gratitude to J. Paul Tay- lor—a man of great passion for his wife and children, art and culture, edu- cation, border health, progressive politi- cals, and last but definitely not least, improving the economic, social, and spiritual well-being of the people in the Mesilla Valley in southern New Mex- ico.

J. Paul Taylor has touched the lives of so many of the people throughout our great State of New Mexico, but what is most remarkable is what he has done in so many different facets of life. News articles about him have never really captured but one small piece of his life, as they focus on: J. Paul Taylor: The Artist; J. Paul Tay- lor: The Historian; J. Paul Taylor: The Educator; J. Paul Taylor: The Politician; J. Paul Taylor: The Father of Border Health; J. Paul Taylor: The Ad- vocate for the Poor; J. Paul Taylor: Children’s Advocate. J. Paul Taylor could be honored in the wide array of ways he has, including having New Mexico State Uni- versity establish the J. Paul Taylor Endowment in the College of Educa- tion, the New Mexico Human Needs Coordinating Council establishing the J. Paul Taylor Legislative Champion Award to honor other legislators, the New Mexico Library Association naming a “New Mexico Library Treas- ure” getting the Life-time Achieve- ment Award with his wife from the New Mexico Historic Preservation Di- vision, receiving the Voice for Children Award from the New Mexico Voices for Children, and the awards go on and on. For legislative recognition, he has been honored by his legislative colleagues in the New Mexico Roundhouse, both Democrats and Republicans. As the Las Cruces Sun-News reported, “Taylor was described as ‘the great gentleman of New Mexico politics’, and ‘a populist and disenfranchised.’ He was also lauded for his effort to create the Office of Child- hood Development and for the donation

Additional Statements

TRIBUTE TO A GREAT NEW MEXICAN: J. Paul TAYLOR

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of his home in Mesilla, to be converted into a museum following the death of Taylor and his wife, Mary.”

Earlier this month, J. Paul Taylor was unanimously confirmed as a member of the New Mexico National Hispanic Cultural Center and the awards and recognition keep on coming. I am so pleased to have worked closely with J. Paul Taylor for the good of New Mexico and the people of the Mesilla Valley throughout my career and think words are impossible to express my gratitude to him for all that he has done for the people of New Mexico. He embodies the very best of our State—its culture and its heart and soul.

CONGRATULATING THE UNIVERSITY OF ARKANSAS TRACK AND FIELD PROGRAM

Mr. PRYOR. Mr. President, today I pay tribute to the University of Arkansas Track and Field Team on earning their 40th NCAA Title last weekend. This win also marks the team's 18th indoor track title, the most of any Division 1 athletic program in the nation.

Saturdays are a long tradition of excellence for a program that boasts some of the best attendance at track events nationwide. A crowd of 5,461 faithful fans cheered them on to victory in Fayetteville, AR last Saturday. The success of our talented athletes and coaches is a source of pride for all Arksans.

Under the leadership of Head Coach John McDonnell, the Razorbacks have been a consistent powerhouse in collegiate athletics, earning him the honors as the nation's winningest track and field coach. In his 33rd year as head coach, McDonnell has won 74 conference championships, 31-straight cross-country conference titles, and 5 NCAA triple crown championships.

In fact, Coach McDonnell's team has won at least one national title in cross country, indoor or outdoor track in 20 of the past 21 years. It is no wonder that he has been named National Coach of the Year a total 27 times for his work with Arkansas athletics. Indeed, his record of success reads like a page out of the Guinness Book of World Records. His ability to recruit and hone the talents of the most outstanding athletes in collegiate track and field is what identifies him with the greatest names in the history of college sports.

The young men that join the University of Arkansas track squad are models of athletic excellence. Their hard work and dedication to the sport are a source of pride and inspiration for Arksans and sports fans everywhere. Among them are 156 All-American athletes who have won a total of 585 All-American honors for individual events, and the members of the Arkansas track and field programs have earned a remarkable 102 national championships for individual events. In fact, the official web site of Razorback Athletics, www.hogwired.com, boasts that “(track and field) athletes who letter four years are likely to leave with more rings than fingers.” Additionally, twenty-five of A track athletes have gone on to compete in the Olympic Games, the highest honor for an athlete in collegiate sports.

I would be remiss if I neglected to mention the essential contribution that the University of Arkansas's Athletic Director, Frank Broyles, makes to the success of the track program. Frank's dedication to track and field, and by appointing Coach McDonnell to head the program in 1977 and funding the track program at an optimum level for the many years thereafter, this 40th National Title is a tribute to him and his work to make Arkansas athletics, what it is today. A legend in the world of collegiate athletics and a model Arkansan, it is fitting the Arkansas Democrat-Gazette named Frank Broyles the most influential figure in track and field in the state during the 20th Century.

The Senate has a tradition of recognizing particularly extraordinary accomplishments of Americans, whether in military service, scholarly research, the arts, or any other fields. I believe that the University of Arkansas Track and Field Program deserves this recognition. Out of profound respect for the achievements of all the outstanding athletes that have played a role in the success of the Arkansas track and field program, the coaching staff under the direction of John McDonnell, and all the athletic staff at the University of Arkansas, I am pleased to express my congratulations to the Arkansas Razorbacks on their 40th National Track and Field Title.

PAUL KLEBNIKOV

Mrs. CLINTON. Mr. President, I will take some time today to tell the Senate about a New Yorker named Paul Klebnikov. Paul Klebnikov was an American journalist who was shot and killed in Moscow on July 9, 2004, as he left his office after work. The most plausible reason for his killing appears to be his investigative journalism, which has explored the connections between business, politics, and crime in Russia. The stilling of Paul Klebnikov's voice represents a direct challenge to independent journalism, democracy, and the rule of law in Russia. According to the Committee to Protect Journalists, CPJ, in the last 5 years, 11 journalists in Russia, including Paul Klebnikov, have died in "contract-style" killings.

Mr. Klebnikov's murder illustrates in tragic terms one of several threats faced by the press in today's Russia. Observers have described these threats as including the lack of accountability for the killing of journalists and government restrictions on the media. It is in the broader context of the challenges to press freedom in Russia that the importance of Paul Klebnikov's murder has been brought home to me in a very personal way by his family, which has long ties to New York. Paul, with family roots in Russia, grew up in New York, and his wife and their children still reside in New York. At the time of his death at age 41, Paul Klebnikov was working in Moscow as the editor-in-chief of Forbes Russia, after having served as a senior editor for Forbes.

Paul Klebnikov's contributions to press freedom have been especially recognized since his death. He was a recipient of the 2004 International Press Freedom Award. He was also a recipient of the 2004 Knight International Press Fellowship Award for achievements in the face of threats.

At the CPJ 2004 International Press Freedom Awards ceremony, Paul's widow Musa underlined Paul's deep sympathy for the plight of the Russian people and the way in which he chose to translate his ideals into action: "...Paul's murder serves as a cruel reminder of the greed and misuse of power has made people suffer from apathy and hopelessness. Paul wanted to help ordinary Russians find courage. He was thrilled to edit a magazine for Russians, and understand the struggle of the Russian people to expose economic and moral corruption, and offer positive models instead."

As Paul's widow Musa makes clear, a free press is an essential component of the effort to enhance transparency. A free and vital press helps to keep citizens informed and knowledgeable regarding the most important issues in their lives. Without accurate information on the most pressing public issues of the day, people are hindered in the exercise of their other rights, as well as in the conduct of the many other civic activities that are essential to the healthy functioning of a democracy.

That is why I have been seeking ways to bring attention to the contract-style killing of Paul Klebnikov at the highest levels of government. I have joined with a bipartisan group of my colleagues on the US Helsinki Commission, on which I serve, in writing to President Putin urging him to ensure that the case is aggressively investigated and all those responsible are brought to justice.

And I wrote to President Bush to ask him to raise the issue of Paul's murder with President Putin during their meeting in Bratislava on February 24th. That meeting with President Putin presented an opportunity to make clear that all those involved in instigating, ordering, planning and carrying out the murder should be prosecuted to the full extent of the law.

I expressed to President Bush that his personal involvement would contribute enormously to the effort to bring all those responsible for Paul's murder to justice. And that such a resolution would help to move Russia along the path to freedom and democracy, and strengthen Russian civic society.
Recent comments by Secretary Rice encourage me in my hope that the administration will emphasize, both in public to the world, as well as in private to Russian officials, the vital role a free press has to play in Russia. During her visit to Warsaw, she underlined that it is important that Russia make clear to the world that it is intent on strengthening the rule of law, strengthening the role of an independent judiciary, permitting a free and independent press to flourish. These are all the basics of democracy. 

And around the same time as the Bratislava meeting between President Bush and President Putin, we learned of encouraging news reports. According to these reports, two suspects in the murder of Paul Klebnikov, who had been arrested in Belarus, were extradited to Russia; and one of them was charged in connection with Paul’s murder.

Nonetheless, under the current state of affairs in Russia, I am convinced that if all those responsible for this crime are to be brought to justice, it is absolutely essential for President Bush and senior members of his Administration personally to raise Paul’s case with senior officials of the Russian Government in meetings with President Putin. It is my hope that if consistent pressure is applied in a determined manner by the U.S. Government, the Russian government will have the strongest incentive to follow through on the investigative efforts already begun, and pursue the leads in this case wherever, and however high, they reach.

It is vital that all those responsible for the murder of Paul Klebnikov be held accountable. Bringing those involved in his murder to justice will help to end any perception that those perpetrating violence against journalists in Russia are immune from the reach of the law. A free press threatened by violence or coercion, will aid the Russian people immeasurably in their quest for freedom and democracy. It is our obligation to continue to impress on the Russian Government the importance of bringing to justice those responsible for Paul Klebnikov’s murder, both for Paul’s sake and to strengthen the rule of law and a free press in Russia.

IN PRAISE OF DAVID VIGLIAROLO BAUER

Mrs. CLINTON. Mr. President, I am proud to submit this statement in praise of David Vigliarolo Bauer, a New York City public school student who won the top $100,000 prize in this year’s Intel Science Talent Search. David attended Manhattan’s Hunter College High School, known for its excellence and high educational standards. His project, which was inspired by the events of September 11, began in the bio-organic chemistry lab of Professor Valeria Balogh-Nair at the City College of New York, CCNY. A coworker at the CCNY lab had been exposed to asbestos at Ground Zero the day of the attack. David has designed a new type of universal sensor for neurotoxins in the body which he believes has the potential to save thousands of lives by rapidly detecting and evaluating individual exposure to biochemical agents.

The technology company Intel has sponsored the contest since 1999. Before then, the most coveted science and math honors, including six Nobel Prizes. David and his family can be proud of this outstanding achievement, and I am heartened by his interest in using science to the potential benefit of our first responders in the war on terrorism. I ask that the following New York Times article of March 16, 2005 be printed in the RECORD. I congratulate David Bauer for his creativity and leadership.

The article follows:

[March 16, 2005]
NEW YORKER TAKES TOP PRIZE IN INTEL SCIENCE CONTEST
(By Lila Miller)

New York City public school student whose project was inspired by the events of Sept. 11 has won the top prize of a $100,000 scholarship in this year’s Intel Science Talent Search.

The winner, David L. V. Bauer, is a 17-year-old senior at Hunter College High School in Manhattan. He worked on a new method to detect toxic agents in the nervous system. Mr. Bauer said that his study could result in a patch, worn somewhat like a radiation patch on a jacket, that would quickly detect how much neurotoxin a person had been exposed to.

“I was thinking more in terms of pharmacology and individual exposure, so in the event of a terrorist attack, we would know the nature of the attack,” he said.

Forty finalists have been competing for the last five days in Washington for $500,000 in scholarship money. Each finalist will receive at least $5,000.

Mr. Bauer began his study last year while working in the bio-organic chemistry lab of Prof. Valeria Balogh-Nair at the City College of New York. He said that a co-worker at the lab had been exposed to asbestos at Ground Zero the day of the attack. Mr. Bauer was amazed to hear that testing showed that the co-worker had a different level of exposure to asbestos in the bloodstream than others in the same area. It was this finding, Mr. Bauer said, that led him to begin thinking of a way to quickly determine a person’s neurotoxin exposure levels through the use of fluorescent nanocrystals.

Mr. Bauer, who is from the Bronx, plans to attend the CUNY Hunter College in the fall to study chemistry and hopes to teach at the university level one day.

Now that the competition is over, he said he was looking forward to taking some of his other interests, which include fencing and overseen an organization he founded that hosted a Web site that provides news about Liberia. Since seventh grade, Mr. Bauer has attended Hunter College High School, a public high school administered by the college.

Professor Balogh-Nair, who was Mr. Bauer’s mentor, said: “He is an unusual student, both by the depth of his understanding of science—but he is multitalented—you seldom find a combination of talents in one person. He has great potential.”

The last time a student from the New York metropolitan area won the top prize was in 2000, when Viviana Risca from Paul D. Schreiber Senior High School in Port Washington, N.Y., won for encrypting a message on a DNA strand. This year there were 13 finalists from New York State, but only Mr. Bauer made the top 10.

The second-place winner was Tim Credo, 17, a senior from the Illinois Mathematics and Science Academy. He won a $75,000 scholarship for a study involving particle accelerators and a more precise way to measure short time intervals of known as picoseCONDS. Third place went to Kelly Harris, 17, from C. K. McClatchy High School in Sacramento. She won a $50,000 scholarship for study on Z-DNA and viral proteins.

Ruth’s deep dedication to women’s rights led to her outstanding leadership as president of both the Wisconsin and National League of Women Voters. As president, Ruth was at the forefront of the League’s historic effort to pass an Equal Rights Amendment. Her national leadership put her at the center of the 1976 Presidential campaign when she hosted a debate between Gerald Ford and Jimmy Carter.

Ruth’s commitment to women’s rights was mirrored for the environment. Her tireless activism eventually led to her work as an Assistant Secretary on the environment in President Carter’s Department of Energy, and to make a run for Congress in Wisconsin in 1982.

Whether she was teaching English to students or moderating Presidential candidates, Ruth was a true inspiration to those around her, and I am grateful to have been able to call her a friend.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:43 a.m., a message from the House of Representatives, delivered by
Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years.

H. R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 10:06 a.m., a message from the House of Representatives, delivered by Mr. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:


H. R. 1332. An act to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 88. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People’s Congress of the People’s Republic of China.

At 5:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:


H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

H. Con. Res. 103. Concurrent resolution providing for an conditional adjournment or recess of the two Houses.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:


H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People’s Congress of the People’s Republic of China; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H. R. 841. To require States to hold special elections in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1311. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Scope Waiver for Intangibles Accounting Method Changes” (Rev. Proc. 2005–17) received on March 16, 2005; to the Committee on Finance.


EC–1313. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “STAX and Local General Sales Tax Deduction” (Notice 2005–31) received on March 16, 2005; to the Committee on Finance.


EC–1315. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “STAX and Local General Sales Tax Deduction” (Notice 2005–31) received on March 16, 2005; to the Committee on Finance.

EC–1316. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Transaction Relief for Certain Partnerships and Other Pass-Through Entities under Section 470” (Notice 2005–29) received on March 16, 2005; to the Committee on Finance.

EC–1317. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice-Dollar Approximate Separate Transactions Method” (Notice 2005–29) received on March 16, 2005; to the Committee on Finance.

EC–1318. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Sections 142(a)(14); 142(c)—Project Nominations under the Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects” (Notice 2005–28) received on March 16, 2005; to the Committee on Finance.

EC–1319. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Deposits Made to Suspend the Running of Interest on Potential Underpayments” (Rev. Proc. 2005–18) received on March 16, 2005; to the Committee on Finance.

EC–1320. A communication from the Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Disclosure of Return Information to the Bureau of the Census” (Rev. Proc. 2005–19) received on March 16, 2005; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–34. A resolution adopted by the General Assembly of the State of Ohio, recommending to the protection of the Defense Supply Center Columbus (DSCC) from the Base Realignment and Closure process; to the Committee on Armed Services.

SENATE RESOLUTION NO. 36

Whereas, the DSCC is the twelfth largest employer in central Ohio, employing more than six thousand Ohioans; and

Whereas, the DSCC is known throughout the world by more than twenty-four thousand military and civilian customers as one of the largest suppliers of weapons systems parts; and

Whereas, the proud men and women of our armed forces rely on the proven competence, efficiency, and effectiveness of the DSCC; and

Whereas, the DSCC is economically vital to central Ohio, managing almost two million items and accounting for more than two billion dollars in annual sales;

Whereas, the employees of the DSCC, along with the employees’ family members, are active members of central Ohio’s communities, schools, and neighborhoods;

Whereas, State and local leaders and leaders from businesses, organizations, and various associations around central Ohio have formed a team, known as “Team DSCC,” to promote and preserve the DSCC; “Team DSCC” has made strong efforts to save DSCC from closure, which include increasing local and federal-level advocacy, increasing awareness about DSCC, and striving to relocate military personnel to the base: Now, therefore be it

Resolved. The members of the Senate offer support of the Defense Supply Center Columbus, its mission, and its employees, recognizing that they are an integral part of central Ohio’s economy and community, as well as the nation’s defense. The members of the Senate join “Team DSCC” in recognizing and promoting the current capabilities and future growth opportunities of the DSCC. The members of the Senate stand ready to assist as necessary to protect the DSCC from the Base Realignment and Closure process; and

Further

Resolved. That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Secretary of Defense, to the Governor of Ohio, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United
States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM-35.A resolution adopted by the City Council of the City of Seattle, Washington relative to the Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

POM-36. A resolution adopted by the City Council of the City of Seattle, Washington relative to the federal government’s proposal to charge market rates for electricity sold by the Bonneville Power Administration to its preference customers; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:
S. 493. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes (Rept. No. 109-94).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:
S. 162. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes (Rept. No. 109-10).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:
S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.


By Mr. GRASSLY, from the Committee on Finance, without amendment:
S. 667. An original resolution to reauthorize and improve the program of block grants to States for temporary assistance for needy families, to improve access to quality child care, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, for the Committee on Armed Services.

*Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission.*

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.*

*George M. Dennison, of Montana, to be a Member of the National Security Education Board* for a term of four years.

*James William Carr, of Arkansas, to be a Member of the National Security Education Board* for a term of four years.

*Kiron Kanina Skinner, of Pennsylvania, to be a Member of the Defense Base Closure and Realignment Commission.*

Air Force nominations beginning with Colonel Robert R. Allardice and ending with Colonel Robert Yates, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Colonel James J. Dougherty III and ending with Col. Patricia C. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 2005. Air Force nomination of Maj. Gen. Stanley E. Green to be Lieutenant General.

Air Force nomination of Col. Charles K. Ebner to be Brigadier General. Air Force nominations beginning with Col. James O. Costello to be a Member of the National Security Education Board for a term of four years.

Air Force nominations beginning with Brig. Gen. Donald E. Reagan with Col. Jerry D. La Cruz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2005. Navy nomination of Rear Adm. Evan M. Chanik, Jr. to be Vice Admiral.

By Mr. SPECTER, from the Committee on Armed Services:

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expenses of reprinting on the Executive Calendar: In the Senate, and appeared in the Congressional Record on March 1, 2005.

Army nominations beginning with Brig. Gen. Richard S. Bagby and ending with Brigadier General Byron S. Zahner, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Army nominations beginning with Brig. Gen. Donald E. Reagan with Col. Jerry D. La Cruz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2005. Navy nomination of Rear Adm. Evan M. Chanik, Jr. to be Vice Admiral.

By Mr. SPECTER, from the Committee on Armed Services:

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

Air Force nominations beginning with Arlene D. Adams ending with General Robert G. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2005. Air Force nominations beginning with Erik L. Abrams and ending with Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2005.

Air Force nominations beginning with Christopher N. Aasen and ending with Ronald J. Zwickel, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Travis R. Adams and ending with Wendy J. Wicker, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Peter W. Aubrey and ending with Jeffrey K. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Michael J. Arinello and ending with James E. Whaley III, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Anthony J. Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Richard E. Ando, Jr. and ending with Konneth S. Papier, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Stephen H. Gregg and ending with Robert L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Lester F. Hill and ending with Gregory G. Movsesian, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Charles M. Bolin and ending with James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.
which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nomination of William T. Monacci to be Judge Advocate General of the Army nominations beginning with Brian J. Tenney and ending with Karen T. Weiden, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with David J. Bricker and ending with Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Larry N. Barber and ending with David D. Worces- ter, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Hayes L. Arnold and ending with William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nomination of John P. Guerreiro to be Judge Advocate General of the Army nominations beginning with Donald R. Levinson, of Maryland, to be Inspector General of the Department of Homeland Security.

Army nomination of Demetress William to be Judge Advocate General of the Army nominations beginning with Kenneth A. Beard and ending with Karen E. Semeraro, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Stanley P. Allen and ending with Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Robert S. Abbott and ending with Ronald M. Zich, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Keith R. Anderson and ending with Gary K. Wortham, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Michael S. Driggers and ending with Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Navy nominations beginning with Donald R. Bennett and ending with George B. Younger, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Navy nominations beginning with Matthew S. Gilchrist to be Lieutenant Commander.

By Mr. GRASSLEY for the Committee on Finance.

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

By Mr. SPECTER for the Committee on the Judiciary.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York.

J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. (Nominations without an asterisk were reported with the recommendation that they be confirmed.)*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BUNNING (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. BOND, and Mr. CHAMBLISS): S. 660. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. ENSIGN, Ms. LANDRIEU, and Mr. DAYTON): S. 645. A bill to amend the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. JORDAN, Ms. FEINGOLD, Mr. KENNEDY, and Mr. DODD): S. 646. A bill to amend the Social Security Act to authorize interest on unemployment compensation benefits; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. BURR, Mr. DURBIN, Mr. CRUZ, Mr. KENNEDY, and Mr. DODD): S. 647. A bill to amend title XVIII of the Social Security Act to authorize public health services and Improve Medicare and Medicaid Services; to the Committee on Finance.

By Mr. REED (for himself and Ms. LANDRIEU): S. 648. A bill to amend the Reclamation Projects Authorization Act of 1992 to authorize appropriations for the construction of projects for water resources development and flood control purposes; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON OF Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FEIST, Mr. JOHNSON, Mr. TALENT, Mr. DOUGAN, Mr. COLEMAN, Mr. DURBIN, Mr. BAYE, Mr. DEWINE, Ms. STARENOW, Mr. BUNNING, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. BOND): S. 650. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID: S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Divisions Air Transport, Incorporated, while those entities were owned or controlled by the United States and operated or managed by the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. BURR, Mr. SANTORUM, Mr. AXELROD, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. INHOPE, Mr. SESSIONS, Mr. SANTORUM, Mr. VITTER, Mr. HAGEL, Mr. DEMINT, Mr. CONRAD, Mr. ISAKSON, and Mr. DEWINE): S. 653. A bill for the relief of the family of Theresa Marie Schiavo; considered and passed.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DOSS): S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes; to the Committee on Foreign Relations.

By Mr. ISAKSON for himself and Mr. CHAMBLISS): S. 655. A bill to amend the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMENTS, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOPE, Mr. Kyl, Mr. MARTIN, Mr. MURkowski, Mr. SENS, Mr. SHELBY, Mr. THOMAS, Mr. TRUSKE, Mr. VITTER, Mr. Voinovich, and Mr. TALENT): S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK: S. 659. A bill to amend title 18, United States Code, to prohibit human chimeras; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself and Mr. BURR): S. 660. A bill to provide for the acknowledge-ment of the United States as a party to the North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. BACUS, Mr. GRASSLEY, and Mrs. LINCOLN): S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. VOINOVICH): S. 662. A bill to reform the postal laws of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAKSON, and Mr. BURR): S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. LEAHY: S. 664. A bill to adjust the boundaries of the Green Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.
By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):
S. 665. A bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, Demonstration, and Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. HARKIN, Ms. COLLINS, Mr. DURBIN, Mr. SMITH, Mr. DODD, Mr. CORZINE, Mr. LAUTENBERG, Mr. MCCAIN, Mr. REED, Ms. SNOWE, Ms. MURKOWSKI, Mr. CHAFEE, and Mr. SPECTER):
S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:
S. 667. An original resolution to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; from the Committee on Finance on March 17, 2005.

By Mr. SPECTER:
S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational safety and health standards, and to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mr. THOMAS, and Mr. DORGAN):
S. 669. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distributors as ''natural gas wholesalers'' under the tax law, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. SASHAAN):
S. 670. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. SMITH, and Mr. AKAKA):
S. 671. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain fuel cell property; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Baucus, Mr. McCAIN, Mr. Bingaman, Mr. Johnson, Ms. Cantwell, Mr. Corzine, Mr. Lautenberg, and Mr. Em新能源):
S. 672. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Bingaman, and Mr. Conrad):
S. 673. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

By Mr. CORZINE:
S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. Brownback, Mr. Johnson, Mr. DURBIN, Mr. Burns, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):
S. 675. A bill to provide the hard work and risk of individuals who choose to live in and help preserve America’s small, rural towns, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPRINGER, Mr. Alexander, Mr. Brownback, Mrs. CLINTON, and Mrs. HUTCHISON):
S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. Enson, Mr. LIEBERMAN, Mr. Brownback, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):
S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:
S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

By Mr. GRAPES (for himself and Mr. LEVIN):
S. 679. A bill to amend title 10, United States Code, to require the registration of contractor’s taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mrs. PEINSTEIN, Mr. McCAIN, and Mr. DURBIN):
S. 680. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. DODD, Mr. Brownback, Mr. HARKIN, and Mr. SPECTER):
S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research such cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:
S. 682. A bill to authorize the establishment of a Social and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

By Mr. LUTENBERG (for himself and Mr. ConRAD):
S. 683. A bill to ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to Congress on the commercial feasibility of personalizing firearms; to the Committee on the Judiciary.

By Mr. REED:
S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:
S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DODD, Mrs. CLINTON, Mr. BIDEN, Mr. LEARY, Mr. LAUTENBERG, Mr. SMITH, and Mr. ALLEN):
S. Res. 81. A resolution condemning violence and criminality by the Irish Republican Army in Northern Ireland; considered and agreed to.

By Mr. THOMAS (for himself, Mr. BURNS, Mr. INHOPE, Mr. DORGAN, Mr. CRAPO, Mr. SALAZAR, and Mr. ENZI):
S. Res. 85. A resolution designating July 23, 2005, and July 22, 2006, as “National Day of the American Cowboy”; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. BINGAMAN, Ms. CANTWELL, Mr. BURNS, Mr. INOUYE, Mr. JOHNSON, Mrs. DOLE, Mrs. BOXER, Mr. LANDRIEU, Mr. ALBERT, Mr. SNOWE, Mrs. CLINTON, Mr. REID, Mr. COCHRAN, Mr. DODD, Mr. BURR, Mr. ISAKSON, Mr. HATCH, and Mr. REED):
S. Res. 86. A resolution designating August 16, 2005, as “National Airborne Day”; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOPE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CASSIDY, Mr. CORZINE, Mr. JOHNSON, and Mr. ROBERTS):
S. Res. 87. A resolution expressing the sense of the Senate regarding the resumption of beef exports to Japan; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. SARBANS, Mr. CORZINE, Mr. BACUS, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOLI, Ms. LANDRIEU, Mr. LUTENBERG, Mr. LEVIN, Mr. LINCOLN, Mrs. MURRAY, Mr. PRYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABENOW, and Mr. THOMAS):
S. Res. 88. A resolution designating April 2005 as “Financial Literacy Month”; considered and agreed to.

By Mr. BURNS (for himself and Mr. BACUS):
S. Res. 89. A resolution congratulating the Montana FFA on its 75th Anniversary and celebrating the achievements of Montana FFA members; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLE):
S. Res. 90. A resolution designating the week of May 1, 2005, as “Holocaust Commemoration Week”; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSON, Mr. DODD, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN):
S. Res. 91. A resolution urging the European Union to maintain its arms export embargo of the People’s Republic of China; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. LUTENBERG):
S. Con. Res. 20. A concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:
S. Con. Res. 21. A concurrent resolution expressing the congressional support for the gravity of the anti-secesion law by the National People’s Congress.
of the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SUNUNU (for himself and Mr. GREGG):
S. Con. Res. 22. A concurrent resolution congratulating Bode Miller for winning the 2004-2005 World Cup overall title in Alpine skiing; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

At the request of Mr. TALENT, his name 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. 151
At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 268
At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 328
At the request of Mr. CRAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 328, a bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000.

S. 331
At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 377
At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 377, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for nonregular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 385
At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

At the request of Mr. CRAIG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 359, supra.

S. 397
At the request of Mr. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 360, a bill to amend the Coastal Zone Management Act.

S. 433
At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 433, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 493
At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 494
At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 494, a bill to amend the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 539
At the request of Mr. MARTINEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 560
At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 560, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 589
At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 602
At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. RES. 44
At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 44, a resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment.

S. RES. 83
At the request of Mr. SANTORUM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 151
At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. SCHUMER), the Senator from New York (Ms. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. PENGOLD), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 151 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the additional budgetary authority for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.
At the request of Mr. REID, his name was added as a co-sponsor of amendment No. 151 intended to be proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 153
At the request of Mr. DeWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a co-sponsor of amendment No. 153 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 154
At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of amendment No. 154 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 156
At the request of Mr. SARRANES, the names of the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 156 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. KOHL, his name was added as a co-sponsor of amendment No. 156 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 159
At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 159 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 169
At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a co-sponsor of amendment No. 169 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. OBAMA, his name was added as a co-sponsor of amendment No. 169 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 172
At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of amendment No. 172 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 177
At the request of Mr. OBAMA, his name was added as a co-sponsor of amendment No. 177 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. HARKIN, his name was added as a co-sponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 180
At the request of Mr. Bingaman, his name was added as a co-sponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 188
At the request of Ms. FEINSTEIN, the names of the Senator from Texas (Mr. CORNYN), the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 188 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 189
At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mrs. CLINTON), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. KERRY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 189 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 192
At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Ms. CANTWELL), the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 192 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 195
At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a co-sponsor of amendment No. 195 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 197
At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. LAUTENBERG) was added as a co-sponsor of amendment No. 197 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 199
At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. SCHUMER) was added as a co-sponsor of amendment No. 199 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 202
At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Mr. SCHUMER) were added as cosponsors of amendment No. 202 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.
At the request of Mr. Bingaman, the names of the Senator from New Jersey (Mr. Corzine), the Senator from West Virginia (Mr. Rockefeller), the Senator from Washington (Mr. Murray), the Senator from Massachusetts (Mr. Kerry), the Senator from Vermont (Mr. Jeffords), the Senator from Arkansas (Mrs. Lincoln), the Senator from New York (Mrs. Clinton), the Senator from New Jersey (Mr. Lautenberg), Governor from New York (Mr. Schumacher), the Senator from Washington (Ms. Cantwell), the Senator from Hawaii (Mr. Akaka), the Senator from Connecticut (Mr. Lieberman), the Senator from California (Mrs. Feinstein), the Senator from Illinois (Mr. Obama), the Senator from Massachusetts (Mr. Kennedy), the Senator from Iowa (Mr. Harkin), the Senator from Michigan (Ms. Stabenow), the Senator from Florida (Mr. Nelson), the Senator from Wisconsin (Mr. Kohl), the Senator from Rhode Island (Mr. Reed), the Senator from South Dakota (Mr. Johnson), the Senator from Maryland (Ms. Mikulski), the Senator from Louisiana (Ms. Landrieu), the Senator from the Senate from Michigan (Mr. Levin) were added as co-sponsors of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Vitter, the name of the Senator from Texas (Mr. Cornyn) was added as a co-sponsor of amendment No. 224 proposed to S. Con. Res. 18, supra.

At the request of Mr. Bingaman, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from New York (Mrs. Clinton) were added as co-sponsors of amendment No. 218 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Bunning, his name was added as a co-sponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. Obama, his name was added as a co-sponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. Conrad, the names of the Senator from Pennsylvania (Mr. Specter), the Senator from Ohio (Mr. DeWine), the Senator from Vermont (Mr. Leahy) and the Senator from Montana (Mr. Baucus) were added as co-sponsors of amendment No. 217 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mrs. Hutchison, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from New York (Mrs. Clinton) were added as co-sponsors of amendment No. 218 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Hatch, his name was added as a co-sponsor of amendment No. 218 proposed to S. Con. Res. 18, supra.

At the request of Ms. Landrieu, the names of the Senator from Massachusetts (Mr. Kerry), the Senator from Washington (Mrs. Murray), the Senator from Rhode Island (Mr. Reeds), the Senator from Kansas (Mr. Roberts) and the Senator from Virginia (Mr. Allen) were added as co-sponsors of amendment No. 219 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Obama, his name was added as a co-sponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. Conrad, the name of the Senator from South Carolina (Mr. Graham) was added as a co-sponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. Obama, his name was added as a co-sponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. Bingaman, the names of the Senator from Florida (Mr. Nelson), the Senator from Vermont (Mr. Leahy), the Senator from Washington (Ms. Cantwell), the Senator from Michigan (Ms. Stabenow) and the Senator from Maryland (Ms. Mikulski), the Senator from Louisiana (Ms. Landrieu) were added as co-sponsors of amendment No. 214 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Obama, his name was added as a co-sponsor of amendment No. 214 proposed to S. Con. Res. 18, supra.

At the request of Mr. Kerry, his name was added as a co-sponsor of amendment No. 216 proposed to S. Con. Res. 18, supra.

At the request of Mr. Conrad, the names of the Senator from Pennsylvania (Mr. Specter), the Senator from Ohio (Mr. DeWine), the Senator from Vermont (Mr. Leahy) and the Senator from Montana (Mr. Baucus) were added as co-sponsors of amendment No. 217 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Ms. Landrieu, her name was added as a co-sponsor of amendment No. 222 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. Vitter, the name of the Senator from Texas (Mr. Cornyn) was added as a co-sponsor of amendment No. 224 proposed to S. Con. Res. 18, supra.

By Mr. Bunning (for himself, Mrs. Lincoln, Mr. Lott, Mr. Bond, and Mr. Chambliss): S. 646. A bill to amend the Internal Revenue code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

Mr. Bunning. Mr. President, I rise today to introduce legislation that will resolve a long-standing inequity in the tax treatment of U.S. distilled spirits that penalizes the wholesalers, and some suppliers, of these products.

Under current law, wholesalers of distilled spirits are not required to pay the Federal excise tax on imported spirits until after the product is removed from a bonded warehouse for sale to a retailer.

In contrast, the tax on domestically produced spirits is included as part of the purchase price and charged on from the supplier to wholesaler. After factoring in the Federal excise tax (FET)—which is $13.50 per proof gallon—domestically produced spirits can cost wholesalers 40 percent more to purchase than comparable imported spirits.

In some instances, wholesalers and even suppliers can carry this tax-paid inventory for an average of 60 days before selling it to a retailer. Interest charges—more commonly referred to as float—resulting from financing the Federal excise tax can be considerable.
For example, at a 5 percent interest rate on the sale of 100,000 cases of domestic spirits, a wholesaler will incur finance charges of $21,106.85 for loans related to underwriting the cost of paying the Federal excise tax. It is important to note that it is not uncommon for wholesalers to sell a million or more cases per year of domestic spirits.

The costs associated with financing Federal excise taxes amount to a tax on a tax, making the effective rate of the Federal excise tax for domestic spirits much higher than $12.50 per gallon.

The Domestic Spirits Tax Equity Act would give wholesalers and suppliers in bailment States a tax credit toward the cost of financing the FET for domestically produced products.

I believe this legislation is fundamentally fair and will help protect and create jobs for the wholesale tier in Kentucky and many other States. This legislation, which has broad support in both sides or the aisle, has passed the Senate Finance Committee and the House Ways and Means Committee several times, and has reached the President's desk under a previous Administration. It's time finally to get this legislation over the goal line.

I wish to emphasize, however, that I will reject any connection between a repeal of Section 5010 of the Internal Revenue Code or an increase in Federal taxes on distilled spirits. Tax equity for one tier should not be achieved by placing additional burden on other tiers within the same industry.

My colleagues, Senators LINCOLN, LOTT and BOND join me in introducing this legislation, I which the Joint Tax Committee estimates would reduce Federal revenues by approximately $249 million over ten years. I understand that similar legislation will be introduced in the House of Representatives. I urge my colleagues to support this legislation when it comes before the Senate.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FEIST, Mr. JOHNSON, Mr. TALENT, Mr. DORGAN, Mr. COLEMAN, Mr. DURBIN, Mr. THUNE, Mr. BAYH, Mr. D EWINE, Ms. STABENOW, Mr. Bunning, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. Boxer), S. 650, a bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works:

LUGAR. Mr. President, I am pleased to rise today to introduce bi-partisan legislation to increase the security of our Nation, improve our environment, and add jobs opportunities in all 50 States in the union. This legislation has the strong support of 20 of my fellow colleagues and is the product of a great deal of bipartisan work.

This legislation seeks to curb the negative consequences that stem from our Nation’s insatiable appetite for oil. Oil has served America well and indeed has fueled a dramatic portion of this Nation’s rise to prosperity. However, our dependence on oil carries a multitude of costs in addition to the ever higher prices paid by Americans at the fuel pump. Oil is a magnet for conflict. The problem is simple—everyone needs energy, but the sources of the world’s energy are distributed in relatively few countries. Well over two- thirds of the world’s remaining oil reserves lie in the Middle East. Energy is vital to a country’s security and material well-being. A state unable to provide its people with adequate energy supplies or desiring added leverage over other people often resorts to force. Consider Saddam Hussein’s 1990 invasion of Kuwait, driven by his desire to control more of the world’s energy production and a response to that threat. The underlying goal of the U.N. force, which included 500,000 American troops, was to ensure continued and unfettered access to petroleum.

The unwelcome dependence keeps U.S. military forces tied to the Persian Gulf, forces foreign policy compromises and sinks many developing nations into staggering debt as they struggle to pay for expensive dollar-denominated oil.

The growth of economies in China and India, representing a third of the world’s population that grows by 200,000 people per day, will bring greater stress on the finite supply of natural resources, refining capacity and distribution capability, and the consequential skyrocketing prices would be a destabilizing economic blow. In addition, oil causes environmental conflict. The possibility that greenhouse gases and catastrophic climate change is substantially increased by the 40 million barrels of oil burned every day by vehicles. Subsequent environmental problems are often predicted as destabilizing factors in the form of drought, flooding or famine.

Such political, economic and environmental trauma is preventable if we are on a course of developing more homegrown energy and developing new technology.

That is why I have joined with my colleagues to introduce the Fuels Security Act of 2005. This act would more than double the current production of renewable fuels derived from sources available in every corner of the United States. More importantly, this increased production and use will spur investment in critical infrastructure that will allow for the economical use of renewable fuels by all Americans. Specifically, this bill would require 7 billion gallons of renewable fuels per year in 2006 increasing to 8 billion gallons per year by 2012. Thereafter the requirements may be increased based on the nation’s production and use of these fuels, as well as consideration of our economy and environment. While these figures may sound impressive, they still only represent a small portion of our nation’s transportation fuel use of over 185 billion gallons last year.

Some critics have argued that the production of renewable fuels benefits only corn and soybean farmers in the Midwest. And while I agree that agriculture communities will benefit, farmers will be less reliant upon direct government subsidy payments while encouraging land conservation and providing energy security for our country. Additionally, many farmers view their ability to produce domestic fuels as a matter of patriotism in defense of this nation. However, the current ability of U.S. grains to free us from the shackles of oil dependence does have its limits. This is why I have long supported efforts to increase the production of fuels from whole plant parts of a plant, which could be grown throughout the United States.

When I was chairman of the Agriculture, Nutrition and Forestry Committee, I initiated a biofuels research program to help decrease U.S. dependency on foreign oil. The Biomass Research and Development Act of 2000, which I authored and worked to pass, remains the nation’s premier legislation guiding renewable fuels research. During a time of relatively low fuel prices I also co-authored “The New Petroleum” in Foreign Affairs with former CIA Director James Woolsey, extolling the need to accelerate the use of ethanol, especially that derived from cellulosic, in order to stem future world conflict. It is clear from this research and the evolving instability in oil-rich regions of our world that it is time to act to enhance the use of renewable fuels.

This legislation is an important and national step forward in our nation’s overall security and economic well-being. I look forward to working with my colleagues in the Senate in passing this bill for the good of the American people.

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. 650

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title—This Act may be cited as the “Fuels Security Act of 2005”.

(b) TABLE OF CONTENTS—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Renewable content of motor vehicle fuel.

Sec. 102. Federal agency ethanol-blended gasoline and biodiesel purchasing requirement.

Sec. 103. Data collection.
TITLE II—FEDERAL REFORMULATED FUELS

Sec. 201. Elimination of oxygen content requirement for reformulated gasoline.
Sec. 203. Analyses of motor vehicle fuel changes.
Sec. 204. Additional opt-in areas under reformulated gasoline program.
Sec. 205. Federal enforcement of State fuels requirements.
Sec. 206. Fuel system requirements harmonization study.
Sec. 207. Review of Federal procurement initiatives relating to use of recycled products and fleet and transportation efficiency.

TITLE I—GENERAL PROVISIONS

SEC. 101. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) In general.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) Definitions.—In this subsection:

"(A) ETHANOL.—

"(I) Cellulosic biomass ethanol.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recyclable basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(IV) grasses;

"(V) agricultural residues; and

"(VI) fibers.

"(B) Waste derived ethanol.—The term 'waste derived ethanol' means ethanol derived from—

"(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(II) municipal solid waste.

"(B) RENEWABLE FUEL.—

"(I) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including the biogas from a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol;

"(II) waste derived ethanol;

"(III) biodiesel (as defined in section 321(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))); and

"(IV) any blending component derived from renewable fuel, except that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection.

"(C) RENEWABLE FUELS.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year, by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) RENEWABLE FUEL PROGRAM.—

"(A) In general.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the volume of renewable fuel specified in subparagraph (B).

"(i) Compliance.—Regardless of the date of promulgation, the regulations shall contain compliance and penalty provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this subsection are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel.

"(ii) No regulations.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (3), on a volume percentage of gasoline, shall be 3.2 in 2006.

"(B) APPLICABLE VOLUME.—

"(1) Calendar years 2006 through 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Applicable Volume (in billions of gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>4.0</td>
</tr>
<tr>
<td>2007</td>
<td>4.7</td>
</tr>
<tr>
<td>2008</td>
<td>5.4</td>
</tr>
<tr>
<td>2009</td>
<td>6.1</td>
</tr>
<tr>
<td>2010</td>
<td>6.8</td>
</tr>
<tr>
<td>2011</td>
<td>7.4</td>
</tr>
<tr>
<td>2012</td>
<td>8.0</td>
</tr>
</tbody>
</table>

"(ii) Calendar years 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

"(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

"(iii) Limitation.—An increase in the applicable volume for a calendar year under clause (ii) shall be less than the product obtained by multiplying—

"(I) the expected annual rate of future production of gasoline that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

"(II) the quotient obtained by dividing—

"(aa) 8,000,000,000; by

"(bb) the number of gallons of gasoline sold or introduced into commerce during calendar year.

"(3) APPLICABLE PERCENTAGES.—

"(A) Provision of estimate of volumes of gasoline sales.—Not later than October 31 of each of calendar years 2010 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

"(B) Determination of applicable percentages.—

"(i) In general.—Not later than November 30 of each of calendar years 2006 through 2011, the Administrator shall determine the applicable percentages for calendar year under subparagraph (A), and the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the applicable percentages that ensures that the requirements under paragraph (2) are met.

"(ii) Required elements.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) Adjustments.—In determining the applicable percentage for calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations to any person specified in subparagraph (B)(iv)(I) and (B)(iv)(II);

"(ii) to account for the use of renewable fuel during the previous calendar year by small refiners that are exempt under paragraph (2); and

"(iii) if a small refinery notifies the Administrator that the small refinery waives the exemption provided by this subsection, the generation of credits by the small refinery beginning in the year following the notification.

"(D) Use of credits.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(2) Life of credits.—A credit generated under this paragraph shall be valid to demonstrate compliance for the calendar year in which the credit was generated.

"(3) Inability to demonstrate compliance with required elements.—The regulations promulgated to carry out this subsection shall include provisions permitting any person that is unable to generate or purchase sufficient credits to meet the requirement under paragraph (2) to carry forward a renewables deficit if, for the calendar year following the year in which the renewables deficit is created—

"(i) the person achieves compliance with the renewables requirement under paragraph (2); and

"(ii) generates additional renewables credits to offset the renewables deficit of the preceding year.

"(4) Seasonal variations in renewable fuel use.—

"(A) Study.—For each calendar year 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

"(B) Regulation of excessive seasonal variations.—If, for any calendar year, the Administrator finds variations in the use of renewable fuels that are not considered normal for a calendar year, the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity

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of renewable fuels necessary to meet the requirements under paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

"(C) TERMINATION OF WAIVER.—A waiver granted under subparagraph (A) shall terminate 1 year after the date on which the waiver was granted, may be renewed by the Administrator, after consultation with the Secretary of Agriculture and the Secretary of Energy, upon clear evidence that the waiver will not have a disproportionate economic impact on small refineries.

"(D) SMALL REFINERIES.—

"(1) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirements under paragraph (2) for the reason of disproportionate economic hardship.

"(2) EVALUATION.—In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

"(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption within 60 days after the receipt of the petition.

"(E) CREDIT PROGRAM.—

"(6)(A)(i) Credit shall be allowed to each small refinery that waived an exemption under this paragraph.

"(B) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (C).

"(F) OPT-IN FOR SMALL REFINERS.—

"(B) market price data..."
section Agency shall revise the reformulated Administrator of the Environmental Protection in each PADD, based on retail survey data or produced that is in excess of the average an- with respect to the previous calendar year— the Federal Register a report that specifies, end year that begins after that date of en- (d) AUTHORITY OF ADMINISTRATOR.—Noth- ing in this section affects or prejudices any legal claim or action with respect to regula- tions promulgated by the Administrator of the and before the date of enactment of this Act regarding— (1) emissions of toxic air pollutants from motor vehicles; or (2) the adjustment of standards applicable to a specific refinery or importer made under the prior regulations. (e) DETERMINATION REGARDING A STATE PETITION.— (1) PUBLICATION OF APPLICATION.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year— (aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and (bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the date of publication of the report for the calendar year under subclause (I), shall— (aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and (bb) effect of failure to maintain aggregate toxics reductions. — If, in any cal- endar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator shall provide for the granting and use of exemptions from the requirements promulgated under subparagraph (A) and paragraph (3)(B). (v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.— (I) APPLICABILITY.—Not later than 60 days after the date of enactment of this subpara- graph, and not later than April 1 of each cal- endar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year— (aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and (bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the date of publication of the report for the calendar year under subclause (I), shall— (aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and (bb) effect of failure to maintain aggregate toxics reductions. — If, in any cal- endar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator shall provide for the granting and use of exemptions from the requirements promulgated under subparagraph (A) and paragraph (3)(B). 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(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.— (I) APPLICABILITY.—Not later than 60 days after the date of enactment of this subpara- graph, and not later than April 1 of each cal- endar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year— (aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and (bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the date of publication of the report for the calendar year under subclause (I), shall— (aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and (bb) effect of failure to maintain aggregate toxics reductions. — If, in any cal- endar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator shall provide for the granting and use of exemptions from the requirements promulgated under subparagraph (A) and paragraph (3)(B).
“(1) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

“(2) commencing no earlier than 4 years after the commencement date determined under subparagraph (1).

“(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY

“(1) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Governor’s own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity for reformulated gasoline, the Administrator, by regulation—

“(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

“(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

“(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under clause (i) not later than 180 days after the date of receipt of the petition.

SEC. 205. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking ‘‘(C) A State’’ and inserting ‘‘(C) A authority of State to control fuels and fuel additives for reasons of necessity.’’;

“(II) ending not earlier than 4 years after March 17, 2005;

“(III) ending not earlier than 4 years after March 17, 2006;

“(III) ending not earlier than 4 years after March 17, 2007;

“(III) ending not earlier than 4 years after March 17, 2008;

“(III) ending not earlier than 4 years after March 17, 2009;

“(II) DEADLINE FOR ACTION ON PETITIONS.—In any case in which a State pre- scribes and enforces a control or prohibition as if the control or prohibition were not a national requirement, the Administrator, at the request of the Governor of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.

SEC. 206. FUEL SYSTEM REQUIREMENTS HARMO-NIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of national, regional, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatile saturation in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the extent to which requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facili- ties;

(C) the feasibility of developing or implementing motor vehicle retail fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) improve energy and end use efficiencies from consumer to refinery; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Administrator of the Environ- mental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—The report shall contain recommendations for legislative and admin- istrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and pro- ducers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recom- mendations made under subparagraph (A) shall take into account the need to provide ad- ministrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and pro- ducers; and

(iii) to increase supply liquidity.

(C) ORGANIZATION.—In developing the re- port, the Administrator of the Environ- mental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and dis- tributors; and

(D) the public.

SEC. 207. REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to achieve procurement policies specified in Executive Order No. 13101 (65 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13139 (66 Fed. Reg. 60791; relating to Fed- eral fleet and transportation efficiency).

SEC. 208. REPORT ON RENEWABLE MOTOR FUEL.

Not later than January 1, 2007, the Secre- tary of Energy and the Secretary of Agri- culture shall jointly prepare and submit to Congress a report containing recommenda- tions for achieving, by January 1, 2025, at least 25 percent renewable fuel content (cal- culated on a life cycle annual basis) for all gasoline sold or introduced into commerce in the United States.

FUELS SECURITY ACT OF 2005

Mr. HARKIN. Mr. President, today, along with my colleague, Senator LUGAR, and other Senators, am introducing impor- tant legislation to set an ambitious Re- newable Fuels Standard for this coun- try. This legislation will more than double the amount of ethanol and bio- diesel in the Nation’s fuel supply to at least 8 billion gallons by 2012. It firmly commits our Nation to clean sources of domestic energy, and is a bold step toward energy security, a strong rural economy, and a healthier environment.

We have a growing problem of energy supplies and prices in this country. Today, 97 percent of our transportation fuel comes from oil, nearly two-thirds of which is from foreign sources.

This heavy dependence on petroleum undermines our energy security. It wreaks havoc on consumers, with record high prices now for gasoline. It costs jobs—27,000 lost U.S. jobs for every $1 billion in imported oil—and threatens our environment. A full one- third of greenhouse gases now come from vehicle emissions.

We have a choice. We can stand by and fuel our addiction to foreign oil, or we can make an aggressive shift toward clean, domestic renewable fuels like ethanol and biodiesel.

In the 108th Congress, we approved an RFS of 5 billion gallons a year by 2012. At the time, this represented a strong push for renewable fuels. But since that time, renewable fuels production in this country has grown dramati- cally. Domestic ethanol production grew 21 percent in 2004 to 3.4 billion gallons, helping to buffer rising crude oil prices.

The Environment and Public Works Committee, recognizing this success, reported yesterday a modestly in- creased RFS of 6 billion gallons a year by 2012. I applaud this step forward, but we can do more. The Energy Future Coalition has said that “increased pro- duction of domestic renewable fuels is the single most important step the United States could take to reduce its dependence on foreign oil.” and I agree.

Our Nation already has the capacity to produce nearly 4 billion gallons of ethanol a year, almost a third of it in Iowa. The biofuels industry’s output is on track to surpass even our ambitious target of 7.5 billion gallons by 2012. Several studies further indicate that renewable fuels could provide more than 25 percent of our transpor- tation fuel by 2025. Our bill will ensure that market demand for these fuels grows accordingly.

Many of the biofuels plants that will be built will be farmer-owned, bringing tremendous added value to our rural economies. For example, according to a recent study, each typical ethanol plant built in the United States creates 700 jobs, expands the local economic base by over $140 million, and increases the local corn price by 5 to 10 cents a bushel. Iowa’s ethanol plants are ex- pected to contribute $4 billion annually to our state’s economy once all are in production. This RFS is expected to create over 200,000 new jobs nationwide, add nearly $20 billion to our GDP, and do more to reduce foreign oil depend- ence than all of the oil in the Alaska National Wildlife Refuge could possibly do.

This legislation has built-in flexi- bility through a system of tradable credits for refiners who exceed their minimum requirement. It takes strong
measures to protect air and water quality, and it rewards production of second-generation biofuels such as cellulosic ethanol that promise tremendous value to farmers, consumers and the environment.

For all these reasons, our bill has generated strong support from a broad range of interests. I have here a letter endorsing our bill signed by more than a dozen groups, including the Iowa Renewable Fuels Association, the National Renewable Fuels Association, the Renewable Fuels Coalition, the National Farmers Union, the National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the American Coalition for Ethanol, and many others.

Farmers and biofuel producers are ready to lead our Nation toward a future based on renewable energy. I sincerely hope that Congress and the administration will get behind common sense, support this ambitious RFS. I ask unanimous consent that the text of the bill, along with the letter, be printed in the RECORD.

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

MARCH 17, 2005.

Re the Fuels Agreement and the Renewable Fuels Standard.

The Hon. BILL FRIST, U.S. Senate Majority Leader, Washington, DC.

The Hon. HARRY REID, U.S. Senate Minority Leader, Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: The undersigned organizations are writing to express our strong support for S. 650, legislation establishing a Renewable Fuels Standard (RFS) growing to 8 billion gallons by 2012. This landmark legislation will ensure our nation’s energy independence, protect air and water quality, provide increased flexibility for refiners, and stimulate rural economies through the increased production of domestic, renewable fuels.

The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel, and plants under construction will add an additional 700 million gallons of capacity by the end of the year. Most of this growth has been in farmer-owned plants, which taken as a whole, now represent the single largest producer of ethanol. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation’s energy supply.

With rising crude oil and gasoline prices hurting farmers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation’s dependence on foreign oil and provides a significant impact to the American economy. Specifically (in 2005 dollars):

- The production and use of 8 billion gallons of ethanol and biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of crude oil and reduce the outflow of dollars largely to foreign oil producers by $61.1 billion between 2005 and 2012. As a result of the RFS, America’s dependence on imported oil will be reduced from an estimated 68 percent in 2005 to 62 percent in 2012.

The renewable fuels sector will spend an estimated $6 billion to build 4.3 billion gallons of new ethanol and biodiesel capacity between 2005 and 2012.

The renewable fuels sector will spend nearly $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012. Purchases of corn, grain sorghum, soybeans, corn stover and wheat straw, alone will total $43 billion between 2005 and 2012.

The combination of this direct spending and the indirect impacts of those dollars circulating throughout the economy will add nearly $200 billion to GDP between 2005 and 2012.

Generate an additional $5 billion of household income for all Americans between 2005 and 2012, and

Create as many as 234,690 new jobs in all sectors of the economy by 2012.

We urge your support of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and unique resource and energy policy designed to reduce our nation’s dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association, American Farm Bureau Federation, National Corn Growers Association, American Soybean Association, National Farmers Union, American Coalition for Ethanol, National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the American Coalition for Ethanol, and many others.
The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel each year. This growth has taken place under construction will add an additional 970 million gallons of capacity by the end of the year. Most of this growth has been in facilities that will produce ethanol and biodiesel on a large scale. The nation, now represent the single largest producer in the world. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation’s energy supply.

With rising crude oil and gasoline prices hurting consumers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation’s foreign oil dependence while providing a significant impact to the American economy. Specifically (in 2005 dollars):

- The production and use of 8 billion gallons of ethanol, biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of oil and reduce the equivalent of $64.1 billion between 2005 and 2012. As a result of this, America’s dependence on imported oil will be reduced from an estimated 68 percent to 62 percent.

- The renewable fuels sector will spend an estimated $30 billion to build 4.4 billion gallons of new ethanol and biodiesel capacity by 2005 and 2012.

- The renewable fuels sector will spend nearly $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012. Purchases of corn, grain sorghum, soybeans, corn stover and wheat straw alone will total $35 billion between 2005 and 2012.

- The combination of this direct spending and the indirect impacts of those dollars circulating throughout the economy will:
  - Add nearly $200 billion to GDP between 2005 and 2012.
  - Generate an additional $43 billion of household income for all Americans between 2005 and 2012, and
  - Create as many as 234,940 new jobs in all sectors of the economy by 2012.

We support enactment of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and necessary component of any energy policy designed to reduce our nation’s dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association; American Farm Bureau Federation; National Corn Growers Association; American Soybean Association; National Grain Sorghum Producers; American Cotton Association for Ethanol; National Biodiesel Board; Energy Future Coalition; Biotechnology Industry Organization; New Uses Coalition; Sunflower Association; United States Canola Association; Ethanol Producers & Consumers; Environmental & Energy Study Institute

Mr. OBAMA. Mr. President, I am pleased to join as a cosponsor of the Fuels Security Act of 2005, which sets a renewable fuels standard for the years 2006 to 2012. To lessen our dependence on foreign oil and strengthen our economy here at home, this is like ethanol ought to be a larger part of our domestic fuel supply. This bill will contribute to that objective, and I commend Senators LUGAR and HARKIN for their leadership in crafting this legislation.

Yesterday, during the markup of a similar bill in the Senate Environment and Public Works Committee, I expressed strong support for establishing a meaningful renewable fuels standard as an important part of a comprehensive national energy policy. The bill before the committee set targets at 3.8 billion gallons in 2006 and 6 billion gallons in 2012, improving upon last year’s RFS provision in the energy bill. The Senate targets are at 3.1 billion gallons and 5 billion gallons, respectively.

I voted for the chairmen’s ranking yesterday because it gets the RFS debate rolling in the new Congress. However, I also noted that it has been widely reported in the trade press that the state Governors Ethanol Coalition has recommended to the President that refineries be required to purchase a minimum volume of ethanol of at least 4 billion gallons in 2006, rising to 8 billion gallons in 2012. This recommendation adds weight to the view expressed by me and others that the committee’s targets are too conservative.

Why are these specific targets so important? I think the ethanol industry’s ability to boost farm income by providing a new market for corn; to promote economic growth in rural communities; to increase production by existing ethanol plants and attracting new investors; in new community-sized ethanol facilities; and to reduce our alarming dependence on imported oil by expanding the volume of ethanol in our transportation fuel mix.

These are important objectives. They matter. And that is why it is important to get the specific targets right.

In committee yesterday, I suggested that since ethanol production is expected to reach 4 billion gallons this year, it is possible that the committee’s RFS targets on the Senate floor to reflect current market reality. I am pleased that Chairman INHOFE seemed open to that debate.

I think the Governors Ethanol Coalition recommendation of at least 4 billion gallons in 2006 and 8 billion gallons in 2012 is a good place to start this debate. I think any RFS legislation enacted by Congress should contain these levels.

That is why I am pleased to cosponsor the Fuels Security Act introduced by Senators LUGAR and HARKIN today. The ethanol volume targets in this bill—4 billion gallons in 2006 and 8 billion gallons in 2012—are in much greater alignment with expected ethanol production in future years than those in the Committee bill.

Earlier this week, I had the opportunity to tour the Aventine ethanol plant in Pekin, IL. My visit reminded me of the work of a Pekin native more than 50 years ago. That person, Senator Everett Dirksen—encouraged federal lawmakers to consider “processing our surplus farm crops into an alcohol... to create a market in our own land for our own people.”

Today, farmers across Illinois, including corn growers near Pekin, are growing corn for fuel, both strengthening our energy security and providing an economic boost to rural communities. By enacting a meaningful RFS, we are displacing more foreign oil with home-grown energy. We are expanding the market for Illinois corn. And we are promoting the use of renewable fuel.

Remember, unlike other energy sources, when you burn up our own ethanol, you can simply grow more.

For too many years, America has been overly dependent on foreign oil to meet its domestic energy needs. And, despite rising crude oil prices and unsettling volatility in the Persian Gulf, that trend is increasing, not declining. Renewable fuels such as ethanol can help address this dangerous dependence on foreign oil. And a strong renewable fuels standard will maximize this contribution.

By Mr. REID:

S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, 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. 651

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

SECTION 1. AMENDMENTS.

(a) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking “and” at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting “; and”;

(3) by adding after paragraph (17) the following:

“(18) any period of service performed before August 4, 1973 while a citizen of the United States, in the employ of Air America, Incorporated, Air Asia Company Limited (a subsidiary of Air America, Incorporated), or the Pacific Division of Southern Air Transport, Incorporated, at a time when that corporation (or subsidiary) was owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency.”;

and

(4) by adding at the end the following: “For purposes of this subchapter, service of the type described in paragraph (18) of this section shall be considered to have been service as an employee, and the Office of Personnel Management shall accept the certification from the Director of the Central Intelligence Agency or his designee concerning any such service.”.
(b) EXemption FROM DEPOT REQuIREMENT.—Section 8334(g) of title 5, United States Code, is amended—
(1) by striking "or" at the end of paragraph (5)
(2) by striking the period at the end of paragraph (6) and inserting ‘; or’; and
(3) by adding after paragraph (6) the following paragraph:
"(7) any service for which credit is allowed under section 8332(b)(18) of this title.".

SEC. 2. APPLICABILITY.

(a) IN General.—Except as otherwise provided in this section, the amendments made by this Act shall apply with respect to annuities commencing on or after the effective date of this Act.

(b) PROVISIONS RELATING TO CURRENT ANNUITANTS.—Any individual who is entitled to an annuity for the month in which this Act becomes effective may, upon application submitted to the Office of Personnel Management within 2 years after the effective date of this Act, have the amount of such annuity recomputed as if the amendments made by this Act had been in effect throughout all periods of service on the basis of which such annuity is or may be based. Any such recomputation shall be effective as of the commencement date of such annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is made shall be payable to such individual in the form of a lump-sum payment.

(c) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.

(1) IN General.—Any individual (not described in subsection (b)) who becomes eligible for an annuity as a result of the enactment of this Act shall be entitled to an annuity.

(2) EFFECTIVE DATE, ETC.—
(A) any entitlement to an annuity or to an increased annuity resulting from an application under paragraph (1) shall be effective as of the commencement date of such annuity (subject to subparagraph (B), if applicable), and any amounts becoming payable for periods before the first month for which such annuity payments begin to be made in accordance with the amendments made by this Act shall be payable to such individual in the form of a lump-sum payment;

(B) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding separation requirement) would have been satisfied before the effective date of this Act if this Act had then been in effect (but would not then otherwise have been effective) (subject to subparagraph (B)), shall be made as if application for such annuity had been submitted as of the earliest date that would have been available, after such individual’s separation (if such annuity payment had been in effect throughout the periods of service referred to in the first sentence of paragraph (1).

(d) PROCEDURE TO FILE ON BEHALF OF A DECEASED.—The regulations under section 8431(e) shall include provisions, consistent with the order of precedence set forth in section 8332(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of title 5, United States Code, is authorized to file an application under section 8332(b) or (c) of title 5, United States Code.

SEC. 3. FUNDING.

(a) LUMP-SUM PAYMENTS.—Any lump-sum payment under section 2 shall be payable out of the Civil Service Retirement and Disability Fund.

(b) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this Act shall be financed in accordance with section 8348(f) of title 5, United States Code.

SEC. 4. REGULATIONS AND SPECIAL RULE.

(a) IN General.—Except as provided in subsection (b), the Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe any regulations necessary to carry out this Act. Such regulations shall be consistent with rules similar to those established pursuant to section 201 of the Federal Employees’ Retirement System Act of 1986 (Public Law 99–395, 100 Stat. 314) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1) that was subject to title II of the Social Security Act.

(b) OTHER REGULATIONS.—The Director of the Central Intelligence Agency, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations which may become necessary, with respect to any retirement system administered by the Director of the Central Intelligence Agency, as a result of the enactment of this Act.

(c) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1), section 8335(e) shall be applied by deeming the reference to the date of the “other event which gives rise to title to the benefit” to refer to the effective date of this Act, if later than the date of the event that would otherwise apply.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the terms “unfunded liability”, “survivor”, and “survivor annuitant” have the meanings given under section 8331 of title 5, United States Code; and

(2) the term “term of service”, as used in subsections (b) and (c) of section 2, includes a survivor annuity.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. SANTORIUM):

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a bill to authorize Federal funding for the rehabilitation of the Benjamin Franklin National Memorial. This memorial, an attraction for some 1 million visitors annually, is truly a national treasure, yet it has come under significant deterioration. The Franklin statue has not been thoroughly cleaned since 1996; there are structural impacts to the statue from changes in temperature and humidity; the lighting and sound systems are obsolete; and the marble walls and stained glass dome are discolored from days when smoking was permitted. The bill that Senator SANTORIUM and I are introducing today will help ensure that Federal funding is made available to preserve and protect our Nation’s memorial to Benjamin Franklin, America’s distinguished scientist, statesman, inventor, and diplomat.

In the 108th Congress, Senator SANTORIUM and I introduced similar legislation to authorize this much needed funding and we were pleased that Senator DOMENICI, Senator THOMAS, and their colleagues on the Senate Committee on Energy and Natural Resources favorably reported an amended version of our legislation to the Senate on September 28, 2004. Subsequently, this legislation passed the Senate on October 10, 2004; however, the limited time available prior to adjournment of the 108th Congress precluded passage of this measure by the House of Representatives.

Unlike other national memorials, the Benjamin Franklin National Memorial does not receive an annual allocation of Federal funds to provide for preventative maintenance or other important activities.

The significant burden of maintaining this national memorial has become a challenge to the Institute Science Museum of Philadelphia, Pennsylvania, custodian of the Benjamin Franklin National Memorial. In 1972, the Institute—a non-profit organization—absorbed the sole responsibility for providing the funds necessary to preserve and maintain the memorial when Public Law 92–511 designated the Memorial Hall at The Franklin Institute Science Museum as the Benjamin Franklin National Memorial. In 1973, a Memorandum of Agreement was executed by the U.S. Department of the Interior and the Franklin Institute that directed the Department to cooperate with the Institute in “all appropriate and mutually agreeable ways in the preservation and presentation of the Benjamin Franklin National Memorial Hall as a national memorial.” However, the Department has not provided any Federal funding to the Franklin Institute for those purposes other than $300,000 that Senator SANTORIUM and I secured through the “Save America’s Treasures” program in the Fiscal Year 2000 Interior Appropriations Act to help improve handicap accessibility to the memorial.
The Benjamin Franklin National Memorial at the Franklin Institute serves as the Nation’s primary location honoring Franklin’s life, legacy, and ideals. As we expect visitors to converge on Philadelphia, Pennsylvania from throughout the world to join us in celebrating the Benjamin Franklin Tercentenary Celebration beginning in January 2006, it is important that the Franklin Institute, as custodian of the Memorial, begin a meticulous restoration and enhancement promptly. I urge my colleagues to support my legislation to declare this national tribute to Benjamin Franklin for years to come.

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

S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

Mr. LEAHY. Mr. President, our Nation has a proud history as the leading advocate of human rights around the world. Throughout this history, we have manifested our commitment to protecting international human rights treaties, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The bill that I introduce today will reaffirm the commitment our Nation made when it signed the Convention Against Torture in the 1980s.

While we must ensure that prisoners are treated humanely as custodians of the Memorial, we must also prohibit the use of torture by U.S. personnel. We cannot allow the United States to become complicit in the torture of others.

Each year, as required by law, the State Department publishes country reports on human rights practices. The bill provides a chilling example of extraordinary rendition, and illustrates why this bill is necessary. Mr. Arar, a Canadian and Syrian citizen, was stopped by immigration officers at John F. Kennedy International Airport in September 2002 as he attempted to change planes on his way home to Canada from Tunisia. He claims that he was interrogated by an FBI agent and a New York City police officer, and that he was denied access to a lawyer. His claims that he repeatedly told U.S. officials that he feared he would be tortured if deported to Syria. After being detained for nearly two weeks in a Federal detention center in New York, Mr. Arar was transferred by U.S. authorities to Syria and held at the Bush administration’s request. Mr. Arar claims that he was physically tortured during the first two weeks of his detention in Syria, and that he was subjected to severe psychological abuse over the following 10 months, including being held in a grave-like cell and being forced to undergo interrogation while hearing the screams of other prisoners.

According to Administration officials, the CIA received diplomatic assurances from Syria that it would not torture Mr. Arar. But those assurances amounted to little more than a wink and a nod. Unnamed intelligence officials were later quoted in the press saying that extraordinary rendition was ongoing in Syria that he had gone to Afghanistan for terrorist training. Syria has a well-documented history of state-sponsored torture. In fact, President Bush stated on November 7, 2003, that Syria has left “a legacy of torture, oppression, misery, and ruin” to its people.

Rather than rely on assurances that a country will not torture an individual, we must make our own unbiased determination. We already have the necessary information to do so. Each year, as required by law, the State Department publishes country reports on human rights practices. The most recent report on Syria states that its torture methods include “administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; hyperextending the spine; bending the arms and legs into a 90-degree angle and whipping exposed body parts; and using a backward-bending chair to asphyxiate the victim or fracture the victim’s spine.”

I believe will argue that the post-9/11 world is different; that we must use any and all means available to extract information from suspected terrorists. Their argument might be more credible if every person who turned up on a terrorist watch list were, in fact, a terrorist. I cannot say whether Mr. Arar had ties to terrorist groups or not, but we do know that he was never charged with a crime. After enduring months of torture at the hands of the Syrians, he was released and sent back to Canada. This is Mr. Arar’s experience an isolated incident. A recent article in The New Yorker titled “Outsourcing Torture” provides disturbing details about how the administration embraced the use of render detention after the 9/11 attacks. Syria was Mr. Arar’s experience an extraord
“The authorization I issued was that anything we did would conform to U.S. law and would be consistent with international treaty obligations.” The legislation I introduce today will help us fulfill the President’s promise.

This Senate act is consistent with the advice and consent of the Senate to the ratification of the Convention Against Torture more than a decade ago. It is time to honor our commitment and show the world that we will hold ourselves to the same standards that we demand of others.

Mr. President, I seek unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 654

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 “Convention Against Torture Implementation Act of 2005”.

SEC. 2. PROHIBITION ON CERTAIN TRANSFERS OF PERSONS.

(a) Prohibition.—No person in the custody or control of a department, agency, or official of the United States Government, or of any contractor of any such department or agency, shall be expelled, returned, or extradited to another country, whether directly or indirectly, if—

(i) the country is included on the most recent list submitted to Congress by the Secretary of State under section 3; or

(ii) there is in place a mechanism that a person would be in danger of being subjected to torture.

(b) Exceptions.—

(i) Waivers.—

(A) Authority.—The Secretary of State may waive the prohibition in subsection (a)(1) with respect to a country if the Secretary certifies to the appropriate congressional committees a report listing each country where torture is known to be used. The list shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2150u(d)).

(B) Requirements.—Written or oral assurances given to the United States under a treaty or to the legal removal of a person under a bilateral or multilateral executive agreement, shall be expelled, returned, or extradited, any contractor of any such department or agency, to another country.

(c) Assurances Insufficient.—Written or verbal assurances made to the United States by the government of a country that persons in its custody or control will not be tortured are not sufficient to assure that a person is not in danger of being subjected to torture for purposes of subsections (a)(2) and (b)(2), or for meeting the requirement of subsection (b)(1)(A)(ii).

SEC. 3. REPORTS ON COUNTRIES USING TORTURE.

Not later than 30 days after the effective date of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing each country where torture is known to be used. The list shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2150u(d)).

SEC. 4. REGULATIONS.

(a) Interim Regulations.—Not later than 60 days after the effective date of this Act, the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out this Act and implementing the obligations of the United States under Article 3 of the Convention Against Torture, and any laws, regulations, judicial interpretations, treaties, international agreements, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture, and consistent with the provisions of this Act.

(b) Final Regulations.—Not later than 180 days after interim regulations are prescribed under subsection (a), and following a period of notice and opportunity for public comment, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in subsection (a).

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act shall be construed to eliminate, or otherwise constrain in any way the obligations of the United States or the rights of any individual under the Convention Against Torture or any other applicable law.

SEC. 6. REPEAL OF SUPPLEMENTAL AUTHORITY.

Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277; 8 U.S.C. 1251 note) is repealed.

SEC. 7. DEFINITIONS.

(a) Defined Terms.—In this Act:

(1) Appropriate Government Agencies.—The term “appropriate government agencies” means—

(A) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(B) elements of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice, the United States Marshals Service, the United States Secret Service, and any other Federal law enforcement, national security, intelligence, or homeland security agency or component, or the control of persons or transports persons in its custody or control outside the United States, other than those elements listed or designated as elements of the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

(A) the Committees on Armed Services, Homeland Security and Government Affairs, Judiciary, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Homeland Security, Judiciary, International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Convention Against Torture.—The term “Convention Against Torture” means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984, entered into force on June 26, 1987, signed by the United States on April 18, 1988, and ratified by the United States on October 21, 1994 (T. Doc. 100–20).

(4) Expelled Person.—A person who is expelled or returned to a country who is transferred from the territory of any country, or a port of entry thereto, to the territory of another country, or a port of entry thereto.

(5) Extraded Person.—A person who is extradited is an accused person who, in accordance with chapter 209 of title 18, United States Code, is surrendered or delivered to another country with jurisdiction to try and punish the person.

(6) Returned Person.—A person who is returned is a person who is transferred from the territory of any country, or a port of entry thereto, to the territory of another country of which the person is a national or where the person has previously resided, or a port of entry thereto.

(b) Same Terms as in the Convention Against Torture.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 9. CLASSIFICATION IN UNITED STATES CODE.

This Act shall be classified to the United States Code as a new chapter of title 50, United States Code.

CONVENTION AGAINST TORTURE IMPLEMENTATION ACT OF 2005

This Act may be cited as the “Convention Against Torture Implementation Act of 2005”, and shall be known as the “Convention Against Torture Implementation Act of 2005”.

S. 654

CONGRESSIONAL RECORD — SENATE

March 17, 2005

S3008
transfer a detainee under the waiver exception must submit a report of the transfer to appropriate congressional committees. Subsection (c) states that assurances made to the United States by another government that persons in its custody will not be tortured are not sufficient for the United States to conclude that a person will not be subjected to torture.

Sec. 3. Reports on Countries Using Torture. This section requires the Secretary of State, on an annual basis, to compile a list of countries known to be using torture. The United States is prohibited from transferring persons to the countries on this list, except in accordance with the exceptions contained in section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2153). The country's record on torture is to be taken into account in determining whether it would be in the interests of the United States to enter into agreements with such countries.

Sec. 4. Regulations. This section requires appropriate government agencies (as defined in section 7) to prescribe regulations in accordance with this Act. Interim regulations must be prescribed within 60 days of the effective date of the Act. Final regulations must be prescribed, through notice and comment rulemaking, not more than 180 days thereafter.

Sec. 5. Savings Clause. This section ensures that the Act does not eliminate, limit, or constrain the obligations of the United States to provide rights of any individual under the Convention Against Torture or any other applicable law.

Sec. 6. Repeal of Superseded Authority. This section repeals section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277; 8 U.S.C. 1231 note). This law also implemented Article 3 of the Convention Against Torture, but did not provide specific guidance for agencies and allowed the United States to rely on diplomatic assurances that a government would not torture a person transferred to its custody. This section also requires agency regulations promulgated under section 2242 to remain in effect until the appropriate government agencies issue new regulations in accordance with section 4 of this Act.

Sec. 7. Definitions. This section defines “appropriate Government Agencies,” “Appropriate Congressional Committees,” “Appended Person,” “Extradited Person,” “Returned Person,” and “Convention Against Torture.” It also states that terms used in the Act are provided, have the meanings given to those terms in the Convention Against Torture.

Sec. 8. Effective Date. Makes the Act effective 30 days after its enactment.

Sec. 9. Classification in United States Code. This section requires the Act to be classified as a new chapter of title 50 in the United States Code. The new chapter is classified under the title title of the Aliens and Nationality title.

Mr. KENNEDY. Mr. President, the entire world continues to wait for answers that the administration takes seriously its moral and legal responsibilities to eliminate torture and abuse. It is long past time for the administration to give the American people and the world an ironclad assurance that these practices are not being used in any prison or detention facility under American control and that we are not outsourcing our torture to regimes well known for using them.

I strongly support the legislation that Senator LEAHY has introduced to deal with this urgent problem and to see that our Nation is not farming out abusive interrogations to other countries. The bill makes crystal clear that we can’t torture by proxy.

Abhorrence to torture is a fundamental value. Our attitude toward torture speaks volumes about our national commitment to the rule of law, and our essential ideals. 9/11 is no excuse for abandoning our ideals.

The line separating right from wrong must clearly exclude the reprehensible practice called extraordinary rendition, the ridiculous code word for torture by proxy. Article 3 of the Treaty Against Torture, which the United States has ratified, provides: “No State Party shall expel, return, or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The secretive U.S. practice of rendition is a violation of international law because it involves detaining prisoners without a shred of due process and delivering them for inhumane interrogation into the hands of countries known to commit torture. As one commentator noted: “In terms of bad behavior, it stands side by side with contract killings.”

Ask Mr. Arar. Arar, a Canadian citizen, was returning to Montreal from a family visit in Tunisia and he made a stopover at Kennedy Airport in New York City. Acting in part on flawed intelligence from Canadian officials, U.S. Immigration officials seized Mr. Arar at the airport. He was not charged with a crime, or given a chance to talk with a lawyer. Instead, he was held in Brooklyn and interrogated for days by U.S. law enforcement officials. When the interrogation failed to produce incriminating information, Mr. Arar was flown to Jordan and handed over to Jordanian authorities. He was chained, blindfolded, and beaten in a van that transported him to the Syrian border. In Syria, he was placed in a small, dark cell—three feet by six feet, like a grave—and was held there for almost a year. He was slapped, beaten, and whipped on his palms, wrists, and back with an electric cable. He begged his captors and other prisoners screaming as they were tortured. He signed any confessions he was told to sign. Mr. Arar was released in October 2003. Syrian officials told reporters that their investigators found no link between Mr. Arar and al-Qaeda. His confession turned out to be worthless and his suffering was pointless.

Mr. Arar is not the only victim. On March 6, 60 Minutes aired a report on rendition. On the program, Michael Scheuer, a recently retired CIA official who created its rendition program, admitted that he would “have to assume” that suspects the U.S. sends to Egypt are tortured. “It’s very convenient,” he said. “It’s finding someone else to do your dirty work.”

The Defense Department has attempted to justify this tactic. On June 25, 2003, Defense Department General Counsel William Haynes wrote to Senator LEAHY, stating that whenever the United States transfers a person to another country, “United States policy is to obtain specific assurances from the receiving country that it will not torture the individual being transferred to that country. We can assure you that the United States would take steps to investigate credible allegations of torture and take appropriate action if there were reason to believe that those assurances were not being honored.”

Mr. Haynes’ “assurances,” are difficult to accept. The State Department’s annual human rights report, released last month, criticized numerous countries for a range of interrogation practices it labeled as torture. The State Department identified Syria, Egypt, and Saudi Arabia, among others, as countries practicing torture. Press reports make clear that since 9/11, the U.S. has flown 100-150 suspects to countries such as these. The State Department condemns Syria for torturing its prisoners, but Mr. Haynes blindly relies on Syria’s promise that the prisoners we send there will be treated humanely.

Recent press reports also suggest that the assurances of humane treatment sought by the CIA are worth very little. According to today’s Washington Post, “one government official who visited several foreign prisons where suspects were rendered by the CIA said . . . ‘It’s widely understood that the interrogation practices that would be illegal under the U.S. law are acceptable . . .'” The official also said, “they say they are not abusing them . . . but we all know they do.”

According to the Post, an Arab diplomat, whose country is actively engaged in counterterrorism alongside the CIA said it was unrealistic to believe the CIA really wants to follow up on assurances. He said: “It would be stupid to keep track of them because then you would know what’s going on.” He added, “it’s like ‘don’t ask don’t tell.’”

So, it seems that we are not fooling anybody but the American public.

We are a Nation of laws, not hypocrites. Our country is strong and our constitutional system has produced because it permits us to do great things and still ensure that we treat people fairly and humanly. We are not supposed to “disappear” people here.

Yet, that is exactly what rendition and the related tactic of “ghost detainees” amounts to, making people vanish into a shadowy world of secret abuse. In his report on the abuses at Abu Ghraib prison, MG. Antonio Taguba
wrote that prisoners had not been registered as required by Army regulations and they were being moved around to avoid detection by the Red Cross. General Taguba called the practice “deceptive, contrary to Army doctrine, and in violation of international law.” Army officials told the Senate Armed Services Committee that as many as 100 detainees at Abu Ghraib had been hidden from the Red Cross at the CIA’s direction.

Last month, the Associated Press reported that one of the “ghost detainees” held at Abu Ghraib, Manadel al-Jamadi, died in November 2003 under CIA interrogation. He had been suspended by his wrists, with his hands cuffed behind his back. According to an Army guard who was asked by the interrogator to adjust al-Jamadi’s position, blood gushed from his mouth “as if a faucet had been turned on” after he was released from his shackles.

Behavior like that forces us all to ask, “what has America become?” The issue shows no signs of abating. Article 49 of the Fourth Geneva Convention states that transfers of detainees to a territory of any other country “are prohibited, regardless of their motive.” Violations of the Article constitute “grave breaches” of the Treaty and qualify as “war crimes” under Federal law. Nevertheless, a Justice Department memorandum in March, 2004 re-interpreted the Treaty to allow the CIA to remove prisoners from Iraq for the purpose of “facilitating interrogation.” According to press reports, the CIA used this “Goldsmith Memorandum” as justification to transport “as many as a dozen detainees” out of Iraq. The legal analysis in the memorandum is an embarrassment. Yet it appears to have provided the legal justification for the CIA to commit war crimes.

The New York Times recently reported that the U.S. plans to transfer as many as half the 550 detainees held at Guantanamo Bay to prisons in other countries. This week, a Federal judge blocked the government from transferring 13 citizens of Yemen until a hearing can be held on the propriety of the move. Lawyers for the detainees expressed concern that the prisoners would be delivered into the hands of torturers.

Even worse, last week Attorney General Gonzales defended the practice of rendition, despite admitting that he “can’t fully control” what other nations do and that he doesn’t know whether countries have always complied with the United Nations.

Congress can’t allow these shameful tactics to continue. Senator LEAHY’s bill is designed to prevent them. It states that no person in the custody or control of the United States can be sent to another country on the State Department list of countries that commit torture. Nor, may any person be sent to a country, even if it is not on the State Department list, where there are grounds to believe the person would be in danger of being tortured. The bill states that mere diplomatic assurances that detainees will be treated humanely are not sufficient to permit a detainee’s transfer. Instead, in certain circumstances the delivery of the detainee where there is an actual mechanism to verify that the person will not be tortured, such as by allowing unflattered access to the detainee by humanitarian organizations. The Bush administration has clearly condoned the use of torture and abuse by our own government, as well as handing prisoners over to other countries for the purpose of interrogation. Yet it appears to have provided the legal analysis to support the government from transfering “as many as a dozen detainees” out of Iraq. The legal analysis in the memorandum is an embarrassment. It deserves to pass as soon as possible.

The anti- rendition bill offered today is a way to start addressing the problem. It deserves to pass as soon as possible. Torture and other abuses of prisoners in Iraq, Afghanistan, and Guantanamo have done immense damage to America’s standing in the world and has clearly made the war on terrorism harder to win. We need to repair that damage and re-claim our national commitment to fairness and decency.

As Edmund Burke said, “The only thing necessary for the triumph of evil is for good men to do nothing.” We in Congress have it in our power to prevent the triumph of an evil practice. Knowing what we now know, the Senate cannot go away and do nothing. I urge my colleagues to support us in ending these despicable abuses.

By Mr. ENSIGN (for himself and Ms. LANDRIEU).

S. 657. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

Mr. ENSIGN. Mr. President, today I introduced a bill that would expand access to speech-language pathology care.

Speech-language pathology, or speech therapy, includes services for patients with speech, hearing and language disorders, which result in communication disabilities. Speech therapy also includes the diagnosis and treatment of swallowing disorders, regardless of the presence of communication disorders. Communication disabilities most frequently affect patients who suffer from a stroke, tumor, head injury, or have been diagnosed with Parkinson’s disease, amyotrophic lateral sclerosis (ALS), or other neuromuscular diseases.

As a result of a legislative anomaly, patients cannot receive Medicare coverage for speech-language pathology care in a private practice setting. Under the Medicare program, the same patient is able to receive such care in a hospital, skilled nursing facility, or rehabilitation facility. This bill would not create a new benefit. Rather, it would provide a technical correction to a provision of Medicare statute that originated more than 30 years ago. Under current law, physical therapy and occupational therapy care can be received by patients in the private practice setting.

In 1972, speech-language pathology services were added to the Medicare statute under the physical therapy definition section. 14 years later, occupational therapy was defined under a separate section. Unlike speech-language pathology services, occupational therapy services were not incorporated with the physical therapy definition. As a result, a patient can receive both physical and occupational therapy care in an independent practice setting. The legislation I am introducing today would enable patients to likewise receive speech-language therapy services in private practice settings.

Without this legislative fix, beneficiaries may confront situations in which they either do not have access to a Medicare-covered setting or do not meet the requirements to receive care from other settings. This can be especially problematic in rural communities with fewer hospitals, skilled nursing facilities, and rehabilitation facilities.

For example, consider an elderly patient who is discharged from a hospital, but requires follow-up physical therapy and speech-language pathology care. The patient would be able to obtain necessary physical therapy care in an independent practice setting, but would not be able to receive necessary speech-language pathology care in the same setting. The patient would have to see the necessary speech-language pathology care in another Medicare setting, possibly having to travel farther distances to receive such care.

Essentially, the legislation I am introducing today would ensure that patients have access to speech-language pathology services, particularly in rural areas. I urge my colleagues to join me in supporting this commonsense legislation.

This legislation compliments the measure I introduced last month, called the Medicare Access to Rehabilitation Services Act (S. 438). Both bills ensure access to needed therapy care within the Medicare program. I am committed to working toward their enactment and believe that they will help Medicare beneficiaries obtain the quality health care that they deserve.
By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mrs. DOBSON, Mr. DODD, Mr. DOMENICI, Mr. ENISIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VONNOCH, and Mr. TALENT):

S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on the Brownback-Landrieu Human Cloning Prohibition Act, which we introduce today.

The Brownback-Landrieu Human Cloning Prohibition Act remains the only effective ban on human cloning.

This legislation has passed the U.S. House of Representatives twice by large margins. This bill would also bring us into conformity with the recent vote at the United Nations, where the General Assembly called on all member states “to prohibit all forms of human cloning” by a strong 84 to 94 margin.

President Bush has also spoken eloquently on the Brownback-Landrieu Human Cloning Prohibition Act, when he “wholeheartedly” endorsed the legislation.

The President said: “Human cloning is deeply troubling to me, and to most Americans. Life is a creation, not a commodity.

“Our children are gifts to be loved and protected, not products to be designed and manufactured. Allowing cloning would be taking a significant step toward a society in which human beings are grown for spare body parts, and children are engineered to custom specifications; and that’s not acceptable.

“I strongly support a comprehensive law against all human cloning. And I endorse the bill wholeheartedly endorsed the bill—sponsored by Senator BROWNBACK and Senator MARY LANDRIEU.”

The President could hardly have been clearer.

We should take a stand against those that would turn young human beings into commodities and spare parts. We should not use human life for research purposes.

The legislation introduced by Sen. LANDRIEU and myself, along with over one quarter of the Senate, answers that human life should not be used for research purposes.

Let there be no doubt. Science affirms that the young human, at his or her earliest moments of life, is a human. It is wrong to treat another person as a piece of property that can be bought and sold, created and destroyed, all at the will of those in power.

The issue of human cloning—and specifically how we treat the young human—will determine the kind of future we will give to our children and grandchildren.

The essential question is whether or not we will allow human beings to be produced, to preordained specifications, for their eventual implantation or destruction, depending upon the intentions of the technicians who created them.

Will we create life simply to destroy it?

I firmly believe that human life should be cherished and that human dignity should be protected. I also firmly believe that ethically-sound research should proceed in the search for cures. The legislation that we introduce today takes a very thoughtful approach and is careful not to ban or interfere with gene therapy, IVF practices, or DNA, cell or tissue cloning—other than with cloned embryos.

Now, some of our colleagues will tell you that they oppose ‘reproductive cloning,’ but then turn around and call for ‘therapeutic cloning’ or ‘SCNT.’ Whether intentional or not, to argue for ‘therapeutic cloning’ or ‘SCNT’ does not exist.

All human cloning is ‘reproductive.’

The question is simply: What do you do with the young, cloned human? Do you implant it and bring it to birth—like the sheep Dolly—or do you research on and kill the young human being, as advocates of so-called ‘therapeutic’ cloning would have us do?

Any other so-called human cloning bans, outside of the Brownback-Landrieu Human Cloning Prohibition Act, are not enforceable. Once the young human has been cloned, you cannot distinguish any other human embryo produced by IVF or embodied sexual intercourse.

If so-called ‘therapeutic’ human cloning proceeds—and there are no laws in the U.S. against it—one of these human clones will be implanted, and there is nothing we can do to stop human cloning once we reach this point.

Even if we detected a clonal human pregnancy, nothing could be done about it. Any remedies or punishments would be highly unpopular and unenforceable.

As I have already stated, over a quarter of all U.S. Senators have agreed to be original cosponsors of this bill, and it is our intention to press for a clean vote in the Senate during the 109th Congress.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, and MRS. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes, to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Tax Court Modernization Act. I am joined in this legislation by the Chairman and Ranking Democrat of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, and my colleague Senator LINCOLN.

The United States Tax Court plays an important role in our tax system. However, it has been years since Congress has taken a good hard look at the Tax Court. This bipartisan piece of legislation will improve this Court in a number of ways, and I would like to take a moment to summarize some of its provisions.

First, the TCMA would make minor changes in the Tax Court’s jurisdiction. These are small changes that will have a big impact on the Court’s efficiency. For example, the bill would allow the Tax Court to hire employees on its own, just as other courts do. Currently, the Tax Court is forced to hire through the Executive Branch’s Office of Personnel Management, entangling the executive power with the judicial power. Restoring the constitutional separation of powers in the hiring process will increase the independence of the Tax Court.

Second, the TCMA would improve the way that Tax Court judges receive retirement benefits and other non-salary benefits. I believe that Tax Court judges should be treated the same way that bankruptcy, Court of Federal Claims, and Article III judges are treated when it comes to fringe benefits.

Tax Court judges are often not provided with the same benefits as similarly appointed Article I and Article III judges. For example, Congress allows Article III judges to participate in the Thrift Savings Plan in addition to the Civil Service Retirement System, while Tax Court judges are ineligible to participate in this program. These disparities in the treatment of Tax Court judges affect the Court’s ability to attract and retain seasoned judges, as well as talented employees.

This legislation is non-controversial and is the result of many years of work. The Finance Committee passed the bill three separate times during the 108th Congress, but it unfortunately was not included in a vehicle that made it to enactment. Hopefully, we will be able to get these provisions to the President’s desk this year. I have spent many years observing the Federal judiciary. I have spent many years trying to improve the Judicial Branch of our government and to make it the very finest court system the world has ever known. I look forward to working with my colleagues on the Senate Finance Committee on this important piece of legislation. I urge my colleagues, both on the Finance Committee and in the Senate as a whole, to support this legislation.

S. 658 and S. 661 are both important legislation that would improve the efficiency and independence of our tax court system.

March 17, 2005

CONGRESSIONAL RECORD — SENATE S3011
There being no objection, the material was ordered to be printed in the Record, as follows:

**U.S. TAX COURT MODERNIZATION ACT**

**SUMMARY OF PROVISIONS**

Jurisdiction of Tax Court over collection due: The Tax Court, as presently constituted, has jurisdiction to determine and enforce the liability of any amount due to the United States; to collect the tax due; and to determine the proper amount due or refund or credit claimed. This jurisdiction would be preserved.

The Commissioner of Internal Revenue is authorized to enter decisions in employment status cases that are subject to small case proceedings under section 7453(c).

Confirmation of authority of Tax Court to apply doctrine of equitable recoupment. The common-law principle of equitable recoupment permits a party to assert an otherwise time-barred claim or defense once and to defend against an opponent's claim if both claims arise from the same transaction. This provision confirms statutorily that the Tax Court may apply equitable principles to the same extent as District Courts and the Court of Federal Claims.

The proposal would allow Tax Court judges to participate in the Thrift Savings Plan. The proposal would modify the lumpy-sum payment of the judge's accrued annual leave. District Court judges are allowed to receive a lumpy-sum payment that is tied to the lifetime tenure of Article III judges. Tax Court judges, while they have a 15-year term, effectively have a life-time term because they are always subject to recall.

**PARTICIPATION OF TAX COURT JUDGES IN THE THRIFT SAVINGS PLAN**

The proposal would allow Tax Court judges to participate in the Thrift Savings Plan. The proposal would require Tax Court judges to participate in the Thrift Savings Plan.

**EXCEPTION OF TEACHING COMPENSATION OF RETIRED JUDGES**

The proposal would allow the Tax Court to be independent. This provision would allow the Tax Court to be independent. It would allow the Tax Court to be independent. This provision would allow the Tax Court to be independent.

**GENERAL PROVISIONS RELATING TO MAGISTRATE JUDGES OF THE TAX COURT.**

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**ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF MAGISTRATE JUDGES OF THE TAX COURT.**

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**PROVISIONS FOR RECALL.**

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**ANNOUNCEMENT OF TERMINATION OF SERVICE.**

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**RETIREMENT AND ANNUITY PROGRAMS FOR MAGISTRATE JUDGES.**

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**INCUMBENT MAGISTRATE JUDGES OF THE TAX COURT.**

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May. In June of 2004, the bill was unanimously reported out of the the Homeland Security and Governmental Affairs Committee. That bill, S. 2468, had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the Coalition of Postmasters of the United States, and the Coalition for a 21st Century Postal Service—which represents thousands of the major mailers, employee groups, small businesses, and other users of the Postal Service. It also had the strong bi-partisan support of twenty-two members of the United States Senate. Unfortunately, due to a variety of factors, my efforts to have the bill considered before the full Senate were stalled.

Since last Fall, Administration representatives have become actively engaged in postal reform efforts, and have given me their commitment to working with Congress to ensure passage of a bill this year. I have every expectation that this will be the year comprehensive postal reform legislation is signed into law.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has more than $90 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for Workers’ Compensation claims, $3.5 billion for retiree health care costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office’s Comptroller General, David Walker, has pointed to the urgent need for “fundamental reforms to minimize the risk of a significant taxpayer bailout or a dramatic postal rate increase.” The Postal Service has been on GAO’s “High-Risk” List since April of 2001. The Postal Service is at risk of a “death spiral” of decreasing volume and the cash flow problems that lead to further decreases in volume.

In December of 2003, President Bush announced the creation of a bipartisan commission charged with identifying the operational, structural, and financial challenges facing the U.S. Postal Service. The President charged this commission with examining all significant aspects of the Postal Service with the goal of recommending legislative and administrative reforms to ensure its long-term viability.

The President’s Commission conducted seven public hearings across the country at which they heard from numerous witnesses. On July 31, 2003, the Commission released its final report, making specific and administratively implementable recommendations for the reform of the Postal Service.

As I read through the Commission’s report, I was struck by what I considered the Commission’s wake up call to Congress. Its clear statement that a management approach to Postal Service reform will yield too little, too late given the enterprise’s bleak fiscal outlook, the depth of current debt and unfunded obligations, the downward trend in First-Class mail volumes and the limited potential of its legacy postal network that was built for a bygone era.” That is a very strong statement, and one that challenged both the Postal Service and Congress to embrace far-reaching reforms.

To the relief of many, including myself, the Commission did not recommend privatization of the Postal Service. Instead, the Commission sought to find a way for the Postal Service to do, as Co-Chair Jim Johnson described to me, “an overwhelmingly better job under the same general structure.”

The Postal Service plays a vital role in our economy. The Service itself employs more than 750,000 career employees. Less well known is the fact that it is also the linchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as printing, paper manufacturing, and financial services. The health of the Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

One of the key changes for the Postal Service is the decrease in mail volume as business communications, bills and payments move more and more to the Internet. The Postal Service has experienced declining volumes of First-Class mail for three straight years. This is highly significant, given that First-Class mail accounts for 48 percent of total mail volume, and the revenue it generates pays for more than two-thirds of the Postal Service’s institutional costs.

The Postal Service also faces the difficult task of trying to cut costs from its nationwide infrastructure and transportation network. These costs are difficult to cut. Even though volumes of old-fashioned, “snail-mail” mail must still deliver six days a week to more than 139 million addresses.

As Chairman of the Committee on Homeland Security and Governmental Affairs, I held a series of eight hearings, including a joint hearing with the House, during which we reviewed the recommendations of the President’s Commission. The bill Senator CARPER and I introduce today reflects what the Committee learned from dozens of witnesses.

First and foremost, the Collins-Carper bill preserves the basic features of universal service—affordable rates, frequent delivery, and convenient community access to retail postal services. As a Senator representing a large, rural State, I want to ensure that my constituents living in the northern woods, or on the islands, or in our many rural small towns have the same access to postal services as the people of our cities. If the Postal Service were not able to provide universal service and deliver mail to every customer, the affordable communication link upon which many Americans rely would be jeopardized. Most commercial enterprises would find it uneconomical, if not impossible, to deliver mail and packages to rural Americans at rates charged by the Postal Service.

The Collins-Carper bill allows the Postal Service to remove the current mail monopoly, and retain its sole access to customer mailboxes. It grants the Postal Service Board of Governors the authority to set rates for competitive products like Express Mail and Flat Rate Mail. If Postal Services do not result in cross subsidy from market-dominant products. As a safeguard, our bill establishes a 30 day prior review period during which the proposed rate changes shall be reviewed by the Postal Regulatory Commission. It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as First-Class Mail, periodicals and library mail. This would allow the Postal Service to react quickly to changes in the mailing industry. The rate caps would be linked to the Consumer Price Index. The goal would be to make rate increases more predictable and less frequent and to provide incentives for the Postal Service to operate efficiently.

The Collins-Carper bill allows the Postal Service to operate efficiently. Price changes for market-dominant products would be subject to a 45 day prior review period by the Postal Regulatory Commission.

Our bill would introduce new safeguards against unfair competition by the Postal Service in competitive markets. Subsidization of competitive products by market-dominant products would be expressly forbidden, and an equitable allocation of institutional costs to competitive products would be required.

The President’s Commission recommended that the regulator be granted the authority to make changes to the Postal Service’s universal service obligations and market access. I share this view and believe that these are important policy determinations that should be retained by Congress. The Collins-Carper bill keeps those public policy decisions in congressional hands.

The existing Postal Rate Commission would be transformed into the Postal Regulatory Commission with greatly enhanced authority. Under current law, the Rate Commission has a very narrow authority. We wanted to ensure that the Postal Service management has both greater latitude and stronger oversight. Among other things, the Postal Regulatory Commission will have the authority to regulate rates for non-competitive products and services; ensure financial transparency; establish limits on the accumulation of retained earnings by the Postal Service; obtain information from the Postal Service, if need be, through the use of its investigative and legal authorities; and act on complaints filed by those who believe the Postal Service has exceeded its authority. Members of the Postal
The Collins—Carper bill also puts into place a three-day waiting period before an employee is eligible to receive 45 days of continuation of pay. This is consistent with every state’s workers’ compensation program that requires a three- to seven-day waiting period before benefits are paid.

To address the President’s Commission’s recommendation for improved executive compensation, this bill will allow the Postal Service to raise their overall executive compensation level from Executive Level 10 to that of the Vice President. This would bring the Postal Service in line with authority granted to federal agencies. This new authority will be contingent upon the development of a meaningful performance appraisal system.

Our bill has reached an important compromise on the issue of worksite discounts. The worksite program was developed by the Postal Service and the Postal Rate Commission to enable customers to pay lower rates when they perform mail preparation or transportation activities. The language in our bill supports the principle that worksite discounts should generally not exceed the costs that the Postal Service avoids as a result of the worksite sharing activity. However, the bill spells out certain circumstances under which worksite discounts in excess of avoided costs are warranted.

Finally, our bill would repeal a provision of Public Law 108–18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account. Repealing this provision would essentially “free up” $78 billion over a period of 60 years. These savings would be used to not only pay off debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases as well. In fact, failure to release these escrow funds could mean, for mailers, a double-digit rate increase in 2006—an expense most American businesses and many consumers are ill-equipped to afford.

The bill would also return to the Department of Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees. No other agency is required to make this payment. Rate-payers should not be held responsible for this $27 billion obligation.

I look forward to working with all of my colleagues in the Senate, and House Government Reform and Oversight Committee Chairman Tom Davis, who, together with Congressman John McHugh, also recently introduced a postal bill, H.R. 32.

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:

\[\text{S. 662}\

\text{Be it enacted by the Senate and House of Representa-}
\text{tives of the United States of America in Congress assembled.}\

\text{SECTION 1. SHORT TITLE; TABLE OF CONTENTS.}\
\text{(a) SHORT TITLE.—This Act may be cited as the “Postal Accountability and Enhance-}
\text{ment Act”;}\
\text{(b) TABLE OF CONTENTS.—The table of con-}
\text{tents for this Act is as follows:}

\text{Sec. 1. Short title; table of contents.}\
\text{TITLE I—DEFINITIONS; POSTAL SERVICES}\
\text{Sec. 101. Definitions.}\
\text{Sec. 102. Postal services.}\
\text{TITLE II—MODERN RATE REGULATION}\
\text{Sec. 201. Provisions relating to market-dominant products.}\
\text{Sec. 202. Provisions relating to competitive products.}\
\text{Sec. 203. Provisions relating to experimental and new products.}\
\text{Sec. 204. Reporting requirements and related provisions.}\
\text{Sec. 205. Complaints; appellate review and enforcement.}\
\text{Sec. 206. Clerical amendment.}\
\text{TITLE III—MODERN SERVICE STANDARDS}\
\text{Sec. 301. Establishment of modern service standards.}\
\text{Sec. 302. Postal service plan.}\
\text{TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION}\
\text{Sec. 401. Postal Service Competitive Products Fund.}\
\text{Sec. 402. Assumed Federal income tax on competitive products income.}\
\text{Sec. 403. Unfair competition prohibited.}\
\text{Sec. 404. Suits by and against the Postal Service.}\
\text{Sec. 405. International postal arrangements.}\
\text{TITLE V—GENERAL PROVISIONS}\
\text{Sec. 501. Qualification and term requirements for Governors.}\
\text{Sec. 502. Obligations.}\
\text{Sec. 503. Private carriage of letters.}\
\text{Sec. 504. Rulemaking authority.}\
\text{Sec. 505. Noninterference with collective bargaining agreements.}\
\text{Sec. 506. Bonus authority.}\
\text{TITLE VI—ENHANCED REGULATORY COMMISSION}\
\text{Sec. 601. Reorganization and modification of certain provisions relating to the Postal Regulatory Commis-}
\text{sion.}\
\text{Sec. 602. Authority for Postal Regulatory Commission to issue subpoenas.}\
\text{Sec. 603. Appropriations for the Postal Regulatory Commission.}\
\text{Sec. 604. Redesignation of the Postal Rate Commission.}\
\text{Sec. 605. Financial transparency.}\
\text{TITLE VII—EVALUATIONS}\
\text{Sec. 701. Assessments of ratemaking, classifi-}
\text{cation, and other provisions.}\
\text{Sec. 702. Report on universal postal service and the postal monopoly.}\
\text{Sec. 703. Study on equal application of laws to competitive products.}\
\text{Sec. 704. Report on postal workplace safety and workplace-related injuries.}\
\text{Sec. 705. Study on recycled paper.}\
\text{TITLE VIII—POSTAL SERVICE RETIRE-}
\text{MENT AND HEALTH BENEFITS FUNDING}\
\text{Sec. 801. Short title.}\
\text{Sec. 802. Civil Service Retirement System.}
Sec. 1003. Report on the United States Post-
Sec. 1002. Expanded contracting authority.
Sec. 902. Disability retirement for postal
Sec. 901. Temporary disability; continuation

TITLE IX—COMPENSATION FOR WORK
INJURIES
Sec. 901. Temporary disability; continuation of pay.
Sec. 902. Disability retirement for postal employees.

TITLE X—MISCELLANEOUS
Sec. 1001. Employment of postal police officers.
Sec. 1002. Expanded contracting authority.
Sec. 1003. Examination of the United States Post-

TITLE I—DEFINITIONS, POSTAL SERVICES
SEC. 101. DEFINITIONS.
Section 102 of title 39, United States Code, is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semi-
colon, and by adding at the end the following:

“(5) ‘postal service’ refers to the physical delivery of letters, printed matter, or pack-
ages weighing not more than 70 pounds, including physical acceptance, collection, sorting, transpor-
tation, or other functions ancillary thereto;

“(6) ‘product’ means a postal service with a distinct cost or market characteristic for which a rate or rates are applied;

“(7) ‘rates’, as used with respect to products, includes fees for postal services;

“(8) ‘market-dominant product’ or ‘product in the market-dominant category of mail’ means a product subject to subchapter I of chapter 36;

“(9) ‘competitive product’ or ‘product in the competitive category of mail’ means a product subject to subchapter II of chapter 36; and

“(10) ‘year’, as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.”

SEC. 102. POSTAL SERVICES.
(a) IN GENERAL.—Section 401 of title 39, United States Code, is amended—

Sec. 804. Repeal of disposition of savings
Sec. 803. Health insurance.
Sec. 802. Repeal of disposition of savings
provision.
Sec. 805. Effective dates.

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Sec. 805. Effective dates.
“(i) associated with a new postal service, a change to an existing postal service, or with a new worksheet initiative related to an existing postal service; and

“(ii) necessary to introduce mailable behavior that furthers the economically efficient operation of the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the worksheet activity will be phased out over a limited period of time;

“(B) a reduction in the discount would

“(i) have the effect of pointing out the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass of mail; and

“(ii) result in a further increase in the rates paid by mailers not able to take advantage of the discount; or

“(iii) impede the efficient operation of the Postal Service.

“(C) the amount of the discount costs avoided—

“(i) is necessary to mitigate rate shock; and

“(ii) will be phased out over time; or

“(D) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, historical, informational value.

“(3) REPORT.—Whenever the Postal Service establishes or maintains a worksheet discount, the Postal Service shall, at the time it publishes the worksheet discount rate, submit to the Postal Regulatory Commission a detailed report that—

“(A) explains the Postal Service’s reasons for establishing or maintaining the rate;

“(B) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

“(C) indicates whether the discount will or will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

“(4) Transition Rule.—Until regulations under this section first take effect, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were in effect before the date of enactment of this section.

“(b) Procedures.—

“(1) In General.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

“(2) Public Notice; Review; and Compliance.—Not later than 30 days before the date of implementation of any adjustment in rates under this section—

“(A) the Postal Regulatory Commission shall provide public notice of the adjustment and an opportunity for review by the Postal Regulatory Commission;

“(B) the Postal Regulatory Commission shall notify the Governors of any noncompliance with section 3633; and

“(C) the Governors shall respond to the notice provided by the Postal Regulatory Commission and describe the actions to be taken to comply with section 3633.

“(3) Transition Rule.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were in effect before the date of enactment of this section.

“§ 3633. Provisions applicable to rates for competitive products

“(a) In General.—The Postal Regulatory Commission shall, within 180 days after the date of enactment, promulgate (and may from time to time thereafter revise) regulations to—

“(1) prohibit the subsidization of competitive products by market-dominant products;

“(2) ensure that each competitive product covers its costs attributable; and

“(3) ensure that all competitive products collectively cover their share of the institutional costs of the Postal Service.

“(b) Review of Minimum Contribution.—

“Five years after the date of enactment of this section, and every 5 years thereafter, the Postal Regulatory Commission shall conduct a review to determine whether the institutional costs contribution requirement under subsection (a)(3) should be retained in its current form, modified, or eliminated. In making its determination, the Commission shall consider all relevant circumstances, including the prevailing competitive conditions in the market and the degree to which any costs are uniquely or disproportionately associated with any competitive products.

“SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

“Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

“§ 3641. Market tests of experimental products

“(a) Authority.—

“(1) In General.—The Postal Service may conduct market tests of experimental products in accordance with this section.

“(2) Conditions.—A market test shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

“(b) Conditions.—A product may not be tested under this section unless it satisfies each of the following:

“(1) It is a significantly different product.

“The product is, from the viewpoint of the mail users, significantly different from all other products offered by the Postal Service within the 2-year period preceding the start of the test.

“(2) Market disruption.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (b)).

“(3) Correct categorization.—The Postal Service identifies the product, for the purpose of a test under this section, as either a market-dominant or competitive product consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3) relating to provisions applicable to competitive products collectively. Any test that solely affects products currently classified as competitive products shall be subject to the requirements of this subchapter.

“(4) Threat to the Postal Service’s financial viability.—The Postal Service identifies the product as a threat to the financial viability of the Postal Service.

“(5) Mail users, significantly different from all other products offered by the Postal Service within the 2-year period preceding the start of the test.

“(6) Dollar-amount limitation.—
"(1) IN GENERAL.—A product may only be tested under this section if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000 in any year, subject to paragraph (2) and subsection (g).

"(2) EXCLUSION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exclude from the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product exceed $50,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such applications only if—

(A) the product is likely to benefit the public and meet an expected demand;

(B) the product is likely to contribute to the financial stability of the Postal Service; and

(C) the product is not likely to result in unfair or otherwise inappropriate competition.

"(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails to meet subsection (b) or (c), requires a requirement under this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

"(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service’s first report to the Postal Regulatory Commission under section 3623(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined by the Postal Regulatory Commission).

"(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

"(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service’s first report to the Postal Regulatory Commission under section 3652(a).

"§ 3642. New products and transfers of products between the market-dominant and competitive categories of mail

"(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

"(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease service, increase output, or transfer the risk of losing substantial business to other firms offering similar products. The competitive category of products shall consist of all other products.

(2) Exclusion of products covered by postal monopoly.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term ‘product covered by the postal monopoly’ means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception that is set forth in the last sentence of section 4909(b)(1).

(3) ADDITIONAL CONSIDERATIONS.—In making any decision under this section, due regard shall be given to—

(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

(B) the extent to which those who use the product involved are the appropriateness of the proposed action; and

(C) the likely impact of the proposed action on the Postal Service (within the meaning of section 3641).

(4) NOTIFICATION REQUIREMENT.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission under section 3633. The provisions of section 504(g) shall be applicable with respect to any information required to be filed.

(5) PUBLICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall include the product involved; the product involved is not likely to prevent the operations of the Commission under this title, including the extent to which regulations on small business concerns (within the meaning of section 3641) are superseded, and shall be published in the Federal Register.

(6) EXCLUSION.—Except as provided in section 3641, no product that involves the conveyance or transmission of which is reserved to the United States under title 18, section 1696, subject to the same exception as set forth in section 4909(b)(1).

(7) PER-ITEM CONTRIBUTION.—(A) On each product conforming to the requirements under subsection (e) there shall be imposed.

(1) a per-item contribution, including mail volumes and

(2) measures of the service afforded by the Postal Service in connection with such product, including—

(i) the level of service (described in terms of speed of delivery and reliability) provided; and

(ii) the degree of customer satisfaction with the service provided.

Before submitting a report under this subchapter, the Postal Service shall provide the information contained in such report (and annex) audited by the Inspector General. The results of any such audit shall be submitted along with the report to which it pertains.

(8) INFORMATION RELATING TO WORKSHARE DISCOUNTS.—The Postal Service shall include, in each report under section (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

(1) the per-item cost avoided by the Postal Service by virtue of such discount.

(2) The percentage of such per-item cost avoided that the per-item workshare discount represents.

(3) The per-item contribution made to institutional costs.

(9) AGREEMENTS AND MARKET TESTS.—In carrying out subsections (a) and (b) with respect to the mailing of experimental products offered through market tests under section 3641 in a year, the Postal Service—

(1) may report summary data on the costs, revenues, and quality of service by service agreement and market test; and

(2) shall submit such data as the Postal Regulatory Commission requires.

(10) REPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

(11) PETITION AND FORM OF REPORTS.—

(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe
the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

(A) providing the public with timely, adequate information to assess the lawfulness of rates charged;

(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

(C) confidentiality of commercially sensitive information.

(2) REVISED REQUIREMENTS.—The Commission may, based on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the accuracy, consistency, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(1) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter for which a determination, in writing, and describe with respect to such matter under section 3652 with respect to a year, the Commission shall prescribe) to impose an expense, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(1) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides under an order issued by the Commission on an appeal from a determination of the Commission, or in violation of the applicable requirements and procedures, may, on its own motion or on request of any interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the accuracy, consistency, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(1) OPPORTUNITY FOR PUBLIC COMMENT.—

(A) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(B) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(2) REPORTING REQUIREMENTS.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission shall—

(A) determine whether any rates or fees in effect during such year were not in compliance with applicable requirements of this chapter (or regulations promulgated thereunder); or

(B) whether any service standards in effect during such year were not met. If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall state the fact.

(c) IF ANY NONCOMPLIANCE IS FOUND.—If, for a year, a timely written determination of noncompliance is made under subsection (b), the Postal Regulatory Commission shall take any appropriate remedial action authorized by section 3662(c).

(2) TREATMENT.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described under paragraphs (1) and (2) of subsection (b)) during the year to which such determination relates.

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

"§ 3662. Rate and service complaints

(a) OPPORTUNITY FOR PUBLIC COMMENT.—

(A) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(B) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a), either—

(A) begin proceedings on such complaint; or

(B) issue an order dismissing the complaint (together with a statement of the reasons therefor).

(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint shall be considered to be timely acted on under an order issued by the Commission on an appeal from a determination of the Commission, or in violation of the applicable requirements and procedures, may, on its own motion or on request of any interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the accuracy, consistency, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(1) OPPORTUNITY FOR PUBLIC COMMENT.—

(A) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(B) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a), either—

(A) begin proceedings on such complaint; or

(B) issue an order dismissing the complaint (together with a statement of the reasons therefor).

(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint shall be considered to be timely acted on under an order issued by the Commission on an appeal from a determination of the Commission, or in violation of the applicable requirements and procedures, may, on its own motion or on request of any interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the accuracy, consistency, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(1) OPPORTUNITY FOR PUBLIC COMMENT.—

(A) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.

(B) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of this Chapter shall have the opportunity to participate in such proceeding, unless the Commission determines that such participation would be improper or unnecessary.
TITLE III—MODERN SERVICE STANDARDS

SEC. 301. ESTABLISHMENT OF MODERN SERVICE STANDARDS.

Chapter 36 of title 39, United States Code, as amended by this Act, is further amended by adding at the end the following:

"SUBCHAPTER VII—MODERN SERVICE STANDARDS"

"§3691. Establishment of modern service standards

(a) AUTHORITY GENERALLY.—Not later than 90 days after the date of enactment of this section, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) OBJECTIVES.—Such standards shall be designed to achieve the following objectives:

(1) To enhance the value of postal services to both senders and recipients.

(2) To preserve regular and effective access to postal services in all communities, including rural areas or where post offices are not self-sustaining.

(3) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.

(4) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.

(c) FACTORS.—In establishing or revising such standards, the Postal Service shall take into account:

(1) the actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section;

(2) the degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;

(3) the needs of Postal Service customers, including those with physical impairments;

(4) mail volume and revenues projected for future years;

(5) the projected growth in the number of addresses the Postal Service will be required to serve by year;

(6) the current and projected future cost of serving Postal Service customers;

(7) the effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and

(8) the policies of this title and such other factors as the Commission determines appropriate.

(d) REVIEWS.—The regulations promulgated pursuant to this section (and any revisions thereto) shall be subject to review upon complaint under sections 3662 and 3663.

SEC. 302. POSTAL SERVICE PLAN.

(a) IN GENERAL.—Within 6 months after the establishment of the service standards under section 3691 of title 39, United States Code, as added by this Act, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) CONTENTS.—The plan under this section shall—

(1) establish performance goals;

(2) describe changes to the Postal Service’s processing, transportation, delivery, and retail networks necessary to allow the Postal Service to meet the performance goals;

(3) describe any changes to planning and performance management documents previously submitted to Congress to reflect new performance goals; and

(4) contain the matters relating to postal facilities provided under subsection (c).

(c) POSTAL SERVICE PLAN—

(1) FINDINGS.—Congress finds that—

(A) the Postal Service has more than 400 logistics facilities, separate from its post office network;

(B) as noted by the President’s Commission on the United States Postal Service, the Postal Service has more facilities than it needs and the streamlining of this distribution network can pave the way for the potential consolidation of sorting facilities and the elimination of excess costs;

(C) the Postal Service has always revised its distribution network to meet changing conditions and is best suited to address its operational needs; and

(D) Congress strongly encourages the Postal Service to—

(i) expeditiously move forward in its streamlining efforts; and

(ii) keep unions, management associations, and local elected officials informed as an essential part of this effort and abide by any procedural requirements contained in the national bargaining agreements.

(2) IN GENERAL.—The Postal Service plan shall include a set of service standards for—

(A) the long-term vision of the Postal Service for rationalizing its infrastructure and workforce; and

(B) how the Postal Service intends to implement that vision.

(3) CONTENT OF FACILITIES PLAN.—The plan under this subsection shall include—

(A) a strategy for how the Postal Service intends to rationalize the postal facilities network and remove excess processing capacity and space from the network, including estimated timelines, criteria, and processes to be used for making changes to the facilities network, and the process for engaging policy makers and the public in related decisions;

(B) a discussion of what impact any facility changes may have on the postal workforce and whether the Postal Service has sufficient flexibility to make needed workforce changes; and

(C) an identification of anticipated costs, cost savings, and costs associated with the infrastructure rationalization alternatives discussed in the plan.

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Postal Service shall prepare a report describing the extent to which the Postal Service has met the service standards established under section 3691 of title 39, United States Code.

(B) CONTENTS.—Each report under this subsection shall include—

(i) an account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of its processing, transportation, and distribution networks while preserving the timely delivery of postal services, including overall estimated costs and cost savings;

(ii) an account of actions taken to identify any excess capacity within its processing, transportation, and distribution networks and implement savings through realignment or consolidation of facilities including overall estimated costs and cost savings;

(iii) an estimate of how postal decisions related to mail changes, security, automation initiatives, worksharing, information technology systems, excess capacity, consolidation and closing other areas will impact rationalization plans;

(iv) identification of any statutory or regulatory obstacles that prevented or will prevent the Postal Service from taking action to realign or consolidate facilities; and

(v) such additional topics and recommendations as the Postal Service considers appropriate.

(d) ALTERNATE RETAIL OPTIONS.—The Postal Service plan shall include plans to expand and market retail access to postal services, in addition to post offices, including—

(1) vending machines;

(2) the Internet;

(3) Postal Service employees on delivery routes;

(4) retail facilities in which overheard costs are incurred with private businesses and other government agencies; or

(5) any other nonpost office access channel providing market retail access to postal services.

(e) REEMPLOYMENT ASSISTANCE AND RETIREMENT BENEFITS.—The Postal Service plan shall include—

(1) a plan under which reemployment assistance shall be afforded to employees displaced as a result of the automation of any of its functions or the closing and consolidation of any of its facilities; and

(2) a plan, developed in consultation with the Office of Personnel Management, to offer early retirement benefits.

(f) INSPECTOR GENERAL REPORT.—

(1) IN GENERAL.—Before submitting the plan under subsection (a) and each annual report under subsection (c), the Postal Service shall submit the plan and each annual report to the Inspector General of the United States Postal Service in a timely manner to carry out this subsection.

(2) REPORT.—The Inspector General shall prepare a report describing the extent to which the Postal Service plan and each annual report under subsection (f)—

(A) are consistent with the continuing obligations of the Postal Service under title 39, United States Code;

(B) provide for the Postal Service to meet the service standards established under section 3691 of title 39, United States Code; and

(C) allow progress toward improving overall efficiency and effectiveness consistent with the need to maintain universal postal service at affordable rates.

(g) CONTINUED AUTHORITY.—Nothing in this section shall be construed to prohibit the Postal Service from implementing any change to its processing, transportation, delivery, and retail networks under any authority granted to the Postal Service for those purposes.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 401. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) PROVISIONS RELATING TO POSTAL SERVICE COMPETITIVE PRODUCTS FUND AND RELATED MATTERS.

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

"§3631. Postal Service Competitive Products Fund

(a) Fund established.—There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

(A) costs attributable to competitive products; and

(B) other costs incurred by the Postal Service, to the extent allocable to competitive products.

(b) Amounts deposited.—(1) There shall be deposited in the Postal Service Competitive Products Fund—

(i) amounts from the sale of products or services provided by the Postal Service; and

(ii) revenues from competitive products;
“(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

“(B) shall be subject to principal and interest payments; and

“(C) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, the Postal Service may request the investment of such amounts as the Postal Service determines advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as the Postal Service determines appropriate;

“(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

“(e)(1)(A) Subject to the limitations specified in section 2006(a), the Postal Service is authorized to borrow money and to issue and sell obligations as the Postal Service determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund.

“(B) Not later than 12 months after the date on which recommendations are submitted under subsection (a)(1) (or by such later date as the Commission may determine), the Postal Service shall submit to the Postal Regulatory Commission, the Commission, and the Inspector General of the United States Postal Service a report that includes any recommendations of the Postal Service regarding the investments of the Competitive Products Fund which the Postal Service considers appropriate.

“(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with any trustee under any agreement entered into in connection with the issuance of such obligations with respect to—

“(A) the establishment of reserve, sinking, and other funds;

“(B) application and use of revenues and receipts from competitive products and assets related to the provision of competitive products (as determined in section 2008(e));

“(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to competitive products and the assets related to the provision of competitive products; and

“(D) application and use of revenues and receipts from competitive products and assets related to the provision of competitive products (as determined in section 2008(e)).

“(3) The Postal Service shall make payments of principal, or interest, or both on obligations issued under this subsection from—

“(i) revenues and receipts from competitive products and assets related to the provision of competitive products (as determined in section 2008(e)); or

“(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e).

“(b)(1)(A) The Competitive Products Fund shall be accounted for in the same way and in such manner as the Postal Service determines advisable by the Secretary of the Treasury, and shall be accounted for in those reports has become significantly inaccurate or can be significantly improved; or

“(b)(1)(C)(i) The Commission may require the Postal Service to submit an annual report to the Commission, otherwise necessitated by the public interest.

“(b)(1)(C)(ii) A copy of each report described under subparagraph (B)(1)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

“(b)(1)(D) A copy of each report described under subparagraph (B)(1)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

“(b)(2) A copy of each report submitted under paragraph (1) shall be included in the annual report required by the Postal Regulatory Commission under section 3652(g).”.

“2. TITLE 39—AMENDMENT

“(a) Title 39—amendments. The table of sections for chapter 39 of title 39, United States Code, is amended by adding after the last item relating to section 2010 the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking “and” at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting “or” after paragraph (1) the following:

“(2) COMPETITIVE PRODUCTS FUND.—The term ‘Competitive Products Fund’ means the Postal Service Competitive Products Fund established by section 2011; and

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking ‘Fund,’ and inserting ‘Fund’ and the balance of the Competitive Products Fund.”

(3) POSTAL SERVICE FUND.—

(A) DEFINITION.—Section 2003(a) of title 39, United States Code, is amended by striking “title” and inserting “title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).”

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking “Fund,” and inserting “Fund and the balance in the Competitive Products Fund,”.

SEC. 402. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

“§ 3634. Assumed Federal income tax on competitive products income

(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘assumed Federal income tax on competitive products income’ means the net income that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service’s assumed taxable income from competitive products for the year; and

“(2) the term ‘assumed taxable income from competitive products’, with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year if—

“A. the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

“B. any assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities;

“(b) COMPUTATION AND TRANSFER REQUIREMENTS.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service’s first report to the Postal Regulatory Commission under section 3652(a)—

“(1) compute its assumed Federal income tax on competitive products income for such year; and

“(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount thereof in accordance with subsection (c).

“(c) DEADLINE FOR TRANSFERS.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.”

SEC. 403. UNFAIR COMPETITION PROHIBITED.

(a) SPECIFIC LIMITATIONS.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

“§ 404a. Specific limitations

“(1) Except as specifically authorized by law, the Postal Service—

“(i) shall not create an unfair competitive advantage for itself or any entity funded in whole or in part by the Federal Government; and

“(ii) shall not cause any entity funded in whole or in part by the Federal Government to have an unfair competitive advantage with respect to any entity not funded in whole or in part by the Federal Government.

“(2) The Postal Service shall—

“(A) not, in the performance of competitive services, disclose, transfer, or license information, with respect to a third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information) or

“(B) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing the information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

“(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

“(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.

(b) CONFORMING AMENDMENTS.—

(1) GENERAL POWERS.—Section 401 of title 39, United States Code, is amended by striking “The” and inserting “Subject to the provisions of section 404a, the”.

(2) SPECIFIC POWERS.—Section 404a(a) of title 39, United States Code, is amended by striking “Without” and inserting “Subject to the provisions of section 404a, but otherwise without”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

“404a. Specific limitations.”

SEC. 404. SHIPMENTS AND AGAINST THE POSTAL SERVICE.

(a) IN GENERAL.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

“(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

“(A) shall be considered to be a ‘person’, as used in the provisions of law involved; and

“(B) shall be subject to any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

“(2) This subsection applies with respect to—

“(A) the Act of July 5, 1946 commonly referred to as the ‘Trademark Act of 1946’ (15 U.S.C. 1051 and following); and

“(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section relates to unfair or deceptive acts or practices.

“(e)(1) To the extent that the Postal Service, or any officer or employee acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States for exclusive governmental use, the Postal Service or other Federal agency (as the case may be)—

“(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officers or employees thereof; and

“(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

“(i) the antitrust laws (as defined in such subsection); and

“(ii) section 5 of the Federal Trade Commission Act to the extent that such section applies to unfair or deceptive acts or practices.

“For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 3661 shall not be considered a service reserved to the United States under section 1656 of title 18.

“(2) No damages, interest on damages, costs, or attorney’s fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

“(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

“(4) To the extent that the Postal Service engages in conduct which is prohibited to the provision of competitive products, it shall be considered a person for the purposes of the Federal antitrust laws.

“(g)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes. To the extent practicable, model building codes should meet the voluntary consensus criteria established for codes and standards as required under the National Historic Preservation Act of 1980 and the Government in the Sunshine Act of 1976 as defined in Office of Management and Budget Circular A110. For purposes of life safety, the Postal Service shall continue to comply with the most current edition of the Life Safety Code of the National Fire Protection Association (NFPA 101).

“(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were constructed or altered by an establishment of the Government of the United States.

“(A) For purposes of the requirement of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

“(A)(i) engage in conduct with appropriate officials of the State or political subdivision, or both, in which the building will be located;

“(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

“(C) permit inspection by such officials of any construction of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

“(i) a copy of such schedule before construction of the building is begun; and

“(ii) reasonable notice of their intention to conduct such inspection.

“Nothing in this subsection shall impose an obligation on any State or political subdivision that such State or political subdivision does not create an unfair competitive advantage for itself or any entity funded in whole or in part by the Federal Government; and

“Nothing in this subsection shall impose any obligation on or require any inspection before conducting such inspection.

“Nothing in this subsection shall impose an obligation on any State or political subdivision that such State or political subdivision engages in conduct with respect to any product which is not reserved to the United States for exclusive governmental use, the Postal Service or other Federal agency (as the case may be)
its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing permits that permits, and making recommendations).

"(4) Official representatives of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Service or its officers or employees in matters affecting the Postal Service and to ensure that matters of concern are considered appropriate in connection with international postal services as it deems appropriate, except that—

"(i) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be binding under international law; and

"(ii) a copy of such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

"(5) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers.

"(6) With respect to provisions of the amendment made by section 202(a) to title 39, United States Code, as amended by section 202(a) of title 39, United States Code, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 202(a) of title 39, United States Code) take effect 6 months after the date of enactment of this subsection or such earlier date as the Customs Service may determine in writing.

"(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by section (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter transported between the United States and other countries shall remain available to the Postal Service until—

"(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 202(a) of title 39, United States Code) take effect; and

"(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202(c) of title 39, United States Code) take effect.
the fourth sentence and inserting the following: "The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their demonstrated ability to serve the interests of organizations or the corporations (in either the public or private sector) of substantial size. Experience in the fields of law and accounting shall be considered in making appointments of Governors. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.".

(2) The amendment made by paragraph (1) shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under this section before the date of enactment of this Act but who is removed, or dies before the expiration of the 9-year term, or by reason of the 9-year term coming to an end, or by resignation on the date of enactment of this Act resigns, or by reason of the 9-year term coming to an end by reason of the Governor, the Board of Governors, or the President of the United States Postal Service on the date of enactment of this Act resigns, or by reason of the suspension of the operation of this section the agreement became subject to modification or termination unless the party desiring such termi-

SEC. 504. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

"(2) To adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title.

SEC. 505. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.

(a) LABOR DISPUTES.—Section 1207 of title 39, United States Code, is amended to read as follows:

"§ 1207. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agree-

"(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding

"(c) The arbitration board shall be established consisting of 3 members, 1 by the bargaining

"(d) The arbitration board shall be established consisting of 3 members, 1 by the bargaining

SEC. 503. PRIVATE CARRIAGE OF LETTERS.

(a) IN GENERAL.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) A letter may also be carried out of the mails when—

"(i) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first-class letter,

"(ii) the letter weighs at least 12 ounces; or

"(iii) such carriage is within the scope of services described by regulations of the Postal Service in effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 203) take effect.

(b) EFFECTIVE DATE.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 203) take effect.
their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, and if they have not agreed to another procedure for the settlement of the grievance, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

(b) WAIVER OF COLLECTIVE BARGAINING AGREEMENTS.—Except as otherwise provided by the amendment made by subsection (a), nothing in this Act shall restrict or otherwise affect any of the rights, privileges, or benefits of other employees or of labor organizations representing employees of the United States Postal Service and any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(c) FREE MAILING PRIVILEGES CONTINUE UNCHANGED.—Notwithstanding any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 506. BONUS AUTHORITY.
Chapter 36 of title 39, United States Code, is amended by inserting after section 3685 the following:

"§ 3685. Bonus authority

"(a) IN GENERAL.—The Postal Service may establish 1 or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

"(b) LIMITATION ON TOTAL COMPENSATION.—

"(1) IN GENERAL.—Under any such program, the President may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a)—

"(A) if such program has been approved under paragraph (2); and

"(B) only for a cause. Each individual awarded a bonus or other reward under this paragraph may be adherents of the same political party.

"(2) No Commissioner shall be financially interested in any enterprise in the private sector of which the Union is engaged in the delivery of mail matter.

"(c) A Commissioner may continue to serve after the expiration of his term until the successor is qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (d).

"(d) One of the Commissioners shall be designated as Chairman by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(e) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, take depositions, and receive evidence.

"(f) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission may, with respect to each subpoena under this title, issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person, and

"(g) order the taking of depositions and responses to written interrogatories by a covered person.

"(h) The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under this section, be required in advance of its issuance.

"(i) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commissioner, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, take depositions, and receive evidence.

"(j) For purposes of this subsection, the term ‘covered person’ means an officer, employee, agent, or contractor of the Postal Service.

"(k) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of the Federal Advisory Committee Act, the Commission, in writing, of its determination (and the reasons therefor).

"(l) Except as provided in paragraph (3), no employee or officer of the Commission may, subject to any other consideration by which the Commission has been notified under paragraph (1),...
“(A) use such information for purposes other than the purposes for which it is supplied; or

(B) permit any person who is not an officer or employee of the Commission to have access to any such information.

“(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information, furtherance of its duties under this title, provided that the Commission has adopted regulations under section 533 of title 5, that establish a procedure for adequate and proper confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service (involving the financial transparency of a government establishment competing in commercial markets.

“(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding that is necessary for the Postal Regulatory Commission. In requesting production under this subsection for a fiscal year, the Commission shall prepare and submit to the Commission’s budget the amounts which are necessary for the Postal Regulatory Commission to implement the financial transparency of a government establishment competing in commercial markets.

“(B) The Postal Service shall be considered a reference to the Postal Service Funding and the Postal Regulatory Commission shall promulgate rules to require the filing of reports by the Postal Service required by law, subject to the availability of amounts appropriated under section 506(d) of this title.

(2) CONFORMING AMENDMENT.—Section 2003(e)(1) of title 39, United States Code, is amended by inserting the following: “The fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthesis matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 506(d); and (C) all expenses of the Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fiscal years beginning after October 1, 2003.

(2) SAVINGS PROVISION.—The provisions of title 39, United States Code, that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if such section had not been in effect.
TITLE VII—EVALUATIONS

SEC. 701. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 3 years, submit a report to the President and Congress concerning—

(1) the impact and effects of the amendments made by this Act; and

(2) recommendations for any legislation or other measures necessary to improve the rate, scope, and standards of universal service and the postal monopoly.

(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service shall be attached to the report submitted under subsection (a).

SEC. 702. REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY.

(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as "universal service and the postal monopoly"), including the monopoly on the delivery of mail and on access to mailboxes.

(2) CONTENTS.—The report under this subsection shall include—

(A) a comprehensive review of the history and development of universal service and the postal monopoly in the United States; (B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 3633 of title 39, United States Code), and current laws, rules, policies, and practices of the Postal Service; (C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services that are defective in quality or reliability; and (D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, including all types of mail users, including all types of mail users, including all types of mail users.

(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a) and in all reports submitted under section 701 of this Act—

(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would be consistent with the scope and estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

(2) with respect to each recommended change described under paragraph (1)—

(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

(B) an analysis of the likely benefit of the current postal monopoly to the extent practicable, under current law; and

(3) such additional topics and recommendations as the Commission considers appropriate, with respect to the recommendations on the financial condition, rates, and security of mail provided by the Postal Service.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) IN GENERAL.—The Federal Trade Commission shall prepare and submit to the Postal Regulatory Commission a report concerning—

(1) any recommended changes to universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly shall include—

(A) the economic and environmental efficiency of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service; and

(B) the sum of—

(i) the economic and environmental efficiency of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service; and

(ii) the economic and environmental efficiency of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service; and

((ii) that portion of the Fund balance, as estimated to be withheld from the future basic pay of employees of the United States Postal Service and its employees, that is attributable to the enforceability of such liabilities; and

(iii) any other appropriate amount, as determined by the Office in accordance with

(b) REPORT BY THE POSTAL SERVICE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Postal Service shall submit a report to Congress and the Postal Regulatory Commission a report concerning—

(2) recommendations for any legislation or other measures necessary to improve workplace safety and reduce workplace-related injuries nationwide, including goals and metrics.

(2) PROBLEM AREAS.—The report under this subsection shall also include plans, developed in consultation with the Inspector General, to engage in recycling initiatives and the projected costs and revenues of undertaking such opportunities.

(b) RECOMMENDATIONS.—The report shall include recommendations as to any administrative or legislative actions that may be appropriate.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

SEC. 801. SHORT TITLE.

This title may be cited as the "Postal Civil Service Retirement and Health Benefits Funding Amendments of 2004".

SEC. 802. CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 833(a)(1)(B) by striking clause (i) and inserting the following:

(ii) that portion of the Fund balance, as estimated to be withheld from the future basic pay of employees of the United States Postal Service and its employees, plus the earnings on such surplus or supplemental liability means the estimated difference, as determined by the Office, between—

(A) the actuarial present value of all future benefits payable from the Fund under this subchapter to current or former employees of the United States Postal Service and its employees, attributable to civil service with the United States Postal Service, and

(B) the sum of—

(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 833;

(ii) that portion of the Fund balance, as of the date the Postal surplus or supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service, minus benefit payments attributable to civil service with the United States Postal Service, plus the earnings on such assets; and

(iii) any other appropriate amount, as determined by the Office in accordance with

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generally accepted actuarial practices and principles.

“(2) Not later than June 15, 2006, the Office shall determine the Postal surplus or supplemental liability, as of September 30, 2005. If that result is a surplus, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund established by section 8909a, by June 30, 2006. If the result is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30, 2005, which provides for the liquidation of such liability by September 30, 2043.

“(b) The Office shall determine the Postal surplus or supplemental liability at the close of the fiscal year, for each fiscal year beginning after September 30, 2006, through the fiscal year ending September 30, 2038. If the result is a surplus, that amount shall remain in the Fund until distribution is authorized under subparagraph (C), and any prior amortization schedule for payments shall be terminated. If the result is a supplemental liability, the Office shall establish a new amortization schedule, including a series of annual installments commencing on September 30, 2005, which provides for the liquidation of such liability by September 30, 2043.

“(C) As of the close of the fiscal years ending September 30, 2005, 2006, and 2009, if the result is a surplus, that amount shall be transferred to the Postal Service Retiree Health Benefits Fund, and any prior amortization schedule for payments shall be terminated.

“(D) Amortization schedules established under this paragraph shall be set in accord- ance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

“(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

“(F) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, the payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

“(G) Credit allowed for military service.—In the application of section 8909a(g)(2) of title 5, United States Code, for the fiscal year 2005, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for the fiscal years 2003 through 2005 with respect to credit for military service of former employees of the United States Postal Service as though the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) had not been enacted, and the Secretary of the Treasury shall make the amounts so transferred to the Civil Service Retirement and Disability Fund based on that amount.

SEC. 8003. HEALTH INSURANCE.

(a) In General.—(1) Section 8909a of title 5, United States Code, is amended—

(A) in section 8909a(g)(2)(A), by striking ‘‘shall be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the United States Postal Service,’’ and inserting after such paragraph ‘‘(B) by inserting after section 8909 the following:

“(8909a. Postal Service Retiree Health Benefit Fund

“(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund which is administered by the Office of Personnel Management.

“(b) The Fund is available without fiscal year limitation for payments required under section 8909a(g)(2)(A).

“(c) The Secretary of the Treasury shall immediately invest, in interest-bearing securities of the United States such currently available portions of the Fund as are not immediately required from the Fund. Such investments shall be made in the same manner as investments for the Civil Service Retirement and Disability Fund under section 8117(b).”

“(d) Not later than June 30, 2006, and by June 30 of each succeeding year, the Office shall compute the net present value of the future payments required under section 8909a(g)(2)(A) and attributable to the service of Postal Service employees during the most recently ended fiscal year.

“(2) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year, the Office shall recomputate the difference between—

“(I) the net present value of the excess of future payments required under section 8909a(g)(2)(A) for current and future United States Postal Service annuitants as of the end of the fiscal year ending on September 30 of that year; and

“(II) the net present value computed under paragraph (1).

“(b) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year shall recomputate, an amortization schedule including a series of annual installments which provide for the liquidation by September 30, 2045, or within 15 years, whichever is later, of the net present value determined under subparagraph (A), including interest at the rate used in that computation.

“(3) Not later than September 30, 2006, and by September 30 of each succeeding year, the United States Postal Service shall pay into such Fund—

“(A) the net present value computed under paragraph (1); and

“(B) the annual installment computed under paragraph (2).

“(4) Computations under this subsection shall be made consistent with the assumptions and methodology used by the Office for financial reporting under subchapter II of chapter 35 of title 31.

“(5) After consultation with the United States Postal Service, the Office shall promulgate any regulations the Office determines necessary under this subsection.

“(b) Technical and conforming amendments.—(1) of section 8117(b) of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

“8909a. Postal Service Retiree Health Benefit Fund

“SEC. 902. DISABILITY RETIREMENT FOR POSTAL EMPLOYEES.

(a) Total Disability.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ‘‘This section applies to a Postal Service employee, except as provided under subsection (c).’’

(2) by adding the following after (B) of paragraph (1) of the Social Security Act (42 U.S.C. 1161(b)(1)):

Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for total disability is converted to 90 percent of the monthly pay of the employee on the last day of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.

(b) Partial Disability.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ‘‘This section applies to a Postal Service employee, except as provided under subsection (d).’’

(2) by adding the following after (d) of the Social Security Act (42 U.S.C. 1161(b)(1)):

“(d) Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for partial disability is converted to 90 percent of the monthly pay of the employee on the last day of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.

(c) Termination of employer contributions.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2005.

(d) Effective dates.—(1) In general.—Except as provided under subsection (b), this title shall take effect on October 1, 2005.

(2) Technical and conforming amendments.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2005.

TITLE IX—COMPENSATION FOR WORK INJURIES

SEC. 901. TEMPORARY DISABILITY; CONTINUATION OF PAY.

(a) Time of accrual of right.—Section 8117(b) of title 5, United States Code, is amended—

(1) by striking ‘‘An employee’’ and inserting ‘‘(a) An employee other than a Postal Service employee’’; and

(2) by adding at the end the following:

“(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during those 3 days. Except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay during the time spent on leave without pay under this section.”.

(b) Technical and conforming amendments.—(1) of section 8117(b), unless otherwise required under regulations of the Secretary.

SEC. 902. DISABILITY RETIREMENT FOR POSTAL EMPLOYEES.

(a) Total disability.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ‘‘This section applies to a Postal Service employee, except as provided under subsection (c).’’

(2) by adding the following after (d) of the Social Security Act (42 U.S.C. 1161(b)(1)):

“Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for total disability is converted to 90 percent of the monthly pay of the employee on the last day of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.

(b) Partial disability.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ‘‘This section applies to a Postal Service employee, except as provided under subsection (d).’’

(2) by adding the following after (d) of the Social Security Act (42 U.S.C. 1161(b)(1)):

“Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for partial disability is converted to 90 percent of the monthly pay of the employee on the last day of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.

(3) Technical and conforming amendments.—(1) of section 8117(b), unless otherwise required under regulations of the Secretary.

(4) Technical and conforming amendments.—(1) of section 8117(b), unless otherwise required under regulations of the Secretary.
is converted to 50 percent of the difference between the monthly pay of an employee and the monthly wage earning capacity of the employee after the beginning of partial disability (as determined under section 3302(b)) of—

(1) the date on which the injured employee reaches retirement age; or

(2) 1 year after the employee begins receiving compensation.

TITLE X—MISCELLANEOUS

SEC. 1001. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 494 of title 39, United States Code (as amended by this Act), is further amended by adding at the end the following:

(d) The Postal Service may employ guards and other personnel for the purpose of providing for the protection of the Postal Service and the mails, provided such personnel meet the qualifications and standards established by the Secretary of Transportation,

and may give such guards, with respect to such property, the same authority or power to—

(A) prevent and detect theft, fraud, and abuse; and

(B) where the guard is employed by the Postal Service, for the protection of the property of the United States.

SEC. 1002. EXPANDED CONTRACTING AUTHORITY.

(a) AMENDMENT TO TITLE 39, UNITED STATES CODE.—

(1) CONTRACTS WITH AIR CARRIERS.—Subsection 41802 of title 39, United States Code, is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

(B) with respect to clause (i) and this clause, the term 'air carrier' includes any air carrier capable of providing service to the Postal Service adequate for its purposes between the pair or combination of pairs of points in foreign air transportation for which tender is being made;

(C) with respect to clause (ii) and this clause, the term 'air carrier' includes any air carrier capable of providing service to the Postal Service adequate for its purposes between the pair or combination of pairs of points in foreign air transportation for which tender is being made;

(D) beginning 6 years after the date of enactment of this Act, every contract that the Postal Service awards to a foreign air carrier under this paragraph shall be subject to the continuing requirement that air carriers capable of providing service to the Postal Service adequate for its purposes between the pair or combination of pairs of points in foreign air transportation for which tender is being made;

(E) the Postmaster General shall consult with the Secretary of Defense concerning actions that affect the carriage of military mail transported in foreign air transportation;

(F) Paragraph (2) shall not be interpreted as suspending or otherwise diminishing the authority of the Secretary of Transportation under section 41901(b) of title 49.

(2) DEFINITIONS.—Section 41802(a) of title 39, United States Code, is amended by striking paragraph (2) and inserting the following:

(A) the terms 'air carrier', 'air transportation', 'foreign air carrier', 'foreign air transportation', 'intestate air transportation', and 'air transport contract' have the meanings given such terms in section 4102(a) of title 49.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—

(1) AUTHORITY OF POSTAL SERVICE TO PROVIDE FOR INTERSTATE AIR TRANSPORTATION OF MAIL.—Section 41901(a) of title 49, United States Code, is amended to read as follows—

(A) TITLE 49 (A) Postal Service may provide for the transportation of mail by aircraft in interstate air transportation under this chapter and under chapter 54 of title 49.

(2) SCHEDULES FOR CERTAIN TRANSPORTATION OF MAIL.—Section 41902 of title 49, United States Code, is amended by—

(A) by striking subsection (b) and inserting the following:

(b) STATEMENTS ON PLACES AND SCHEDULES.—The Postal Service shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

(1) the places between which the carrier is authorized to transport mail in Alaska;

(2) every schedule of aircraft regularly operated by the carrier between places designated by paragraph (1) and every change in each schedule; and

(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place on the schedule.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 41901(b)(1), 41902(a), and 41903 (a) and (b) of title 49, United States Code, are amended by striking ‘‘in foreign air transportation or’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 1003. REPORT ON THE UNITED STATES POSTAL INSPECTION SERVICE AND THE OFFICE OF THE INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall review the functions, responsibilities, and areas of possible duplication of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service and submit a report on the review to the Committee on Homeland Security and Governmental Affairs of the Senate.

(b) CONTENTS.—The report under this section shall include recommendations for legislative actions necessary to clarify the roles of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service to strengthen oversight of postal operations.

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING POLICIES.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings as recommended in July 2003 by the President’s Commission on the United States Postal Service in a manner that is compatible with the fair and consistent treatment of suppliers and contractors, as befitting an establishment in the United States Government.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT OF 2005

Mr. CARPER. Mr. President, I rise today to join my friend from Maine, Senator COLLINS, in introducing the Postal Accountability and Enhancement Act of 2005, legislation that makes the reforms necessary for the Postal Service to thrive in the 21st Century and to better serve the American people. This bill is almost identical to S. 2468, the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17–0 vote.
When I rose with Senator COLLINS to introduce S. 2468 last year, I noted that some of our colleagues may wonder why we need postal reform. Most of us probably receive few complaints from our constituents about the Postal Service. Most Americans like the Postal Service just the way it is and don't want to see it changed. We must keep in mind, however, that, despite the fact that the mailing industry, and the economy as a whole, have changed radically over the years, the Postal Service has, for the most part, remained unchanged for more than three decades now.

Senator COLLINS and I are re-introducing this bill today, then, because the Postal Service continues to operate under a business model created a generation ago.

In the early 1970s, Senator STEVENS led the effort in the Senate to create the Postal Service out of the failing Post Office Department. At the time, the department was absorbing about 20 percent of its revenue from taxpayer subsidies. Labor-management relations were at their worst, service remained unchanged for more than three decades now.

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The Postal Service is clearly in need of modernization. First Class mail, which earns significantly more than $4 billion, is leading the decline in volume. The Postal Service's customers had access to fax machines, cell phones or pagers. No one imagined that we would ever enjoy conveniences like e-mail and electronic bill pay that could replace a First Class letter. That, of course, is no longer the case. Today, the Postal Service delivers to 141 million addresses each day and is the anchor of a $900 billion mailing industry.

As we celebrate the success of the Postal Reorganization Act, however, we need to be thinking about what needs to be done to help the Postal Service continue to thrive in the years to come.

The Postal Service is clearly in need of modernization once again. Back in the early 1970s, none of the Postal Service's customers had access to fax machines, cell phones or pagers. Nobody imagined that we would ever enjoy conveniences like e-mail and electronic bill pay that could replace a First Class letter. That, of course, is no longer the case. Today, the Postal Service delivers to 141 million addresses each day and is the anchor of a $900 billion mailing industry.

This continuing electronic diversion of mail, coupled with a slow economy and the threat of terrorism, has made for some rough going at the Postal Service of late. In 2001, as Postmaster General Potter came onboard, the Postal Service was projecting its third consecutive year of deficits. They lost $199 million in 2000 and $1.68 billion in 2001. They were projecting losses of up to $4 billion in fiscal year 2002. Mail volume was falling, revenues were below projections and the Postal Service was estimating that it needed to spend $4 billion on security enhancements in order to prevent a repeat of the tragic anthrax attacks that took several lives. The Postal Service was also perilously close to its $15 billion debt ceiling and had been forced to raise rates three times in less than two years in order to pay for its operations. A number of rates have been increased since General Potter came onboard. The new standards set by the Postal Service have led a commendable effort to improve productivity and make the Postal Service more efficient. Billions of dollars in costs have been taken out of the system—some $4.3 billion since 2002—according to the Postal Service's most recent annual report. Thousands of positions have been eliminated through attrition and successful automation programs have yielded great benefits, resulting in the smallest workforce seen at the Postal Service since the early 1980s.

Perhaps most dramatically, the Postal Service learned in 2002 that an unfunded pension liability they once believed was as high as $32 billion was actually significantly lower. Senator COLLINS and I responded with legislation, the Postal Civil Service Retiree Funding and Restabilization Reform Act, which cut the amount the Postal Service must pay into the Civil Service Retirement System each year by nearly $3 billion. This has freed up money for debt reduction and prevented the need for further payment until at least next year. The Postal Service's debt to the Treasury now stands at about $1.8 billion—the lowest it's been in more than 20 years—and rates have remained stable since the passage of the pension bill.

Aggressive cost cutting and a lower pension payment, then, have put off the postal emergency we thought was right around the corner just a few years ago. But we can only go so far and will not solve the Postal Service's long-term challenges. These long-term challenges were laid out in stark detail last year when Postmaster General Potter and then-Postal Board of Governors Chairman David Fineman testified before the House Government Reform Committee's Special Panel on Postal Reform. Mr. Fineman pointed out in his testimony that the total volume of mail delivered by the Postal Service was more than 5 billion pieces since 2000. Over the same period, the number of homes and businesses the Postal Service delivers to has increased by more than 5 million. First Class mail, the largest contributor to the service's bottom line, is leading the decline in volume. Some of those disappearing First Class letters are being replaced by advertising mail, which earns significantly less. Many First Class letters have likely been lost for good to fax machines, e-mail and electronic bill pay.

Despite electronic diversion, the Postal Service continues to add between 1.6 million and 1.9 million new delivery points each year, creating the need for thousands of new routes and thousands of new letter carriers to work them. In addition, faster-growing parts of the country will need new or expanded postal facilities in coming years. As more and more customers turn to electronic forms of communication, however, letter carriers are bringing in fewer pieces of mail to each address they serve. The rate increases that will be needed to maintain the Postal Service's current infrastructure, finance retirement obligations to its current employees, pay for new letter carriers and build facilities in growing parts of the country will only erode mail volume further.

The Postal Service has been trying to modernize on its own. General Potter and his management team are making progress, but there is only so much they can do without legislative change. Even if the Postal Service begins to see significant revenue growth, it will still need to make fundamental changes in the way the Postal Service operates in order to make them as successful in the 21st Century as they were in the 20th Century.

By the way where the Postal Accountability and Enhancement Act comes in. First, our bill begins the process of developing a modern rate system for pricing Postal Service products. The new system to be developed by a strengthened Postal Rate Commission, renamed the Postal Regulatory Commission, would allow retained earnings, provide the Postal Service significantly more flexibility in setting prices and streamline today's burdensome rate making process. To provide stability, predictability and fairness for the Postal Service's customers, rates would remain within a cap to be set each year by the Regulatory Commission.

The second major provision in the Postal Accountability and Enhancement Act requires the Postal Service to set strong service standards for its Market Dominant products, a category made up mostly of those products, like First Class mail, that are part of the postal monopoly. The new standards will improve service and will be used by the Postal Service to establish performance goals, rationalize its physical infrastructure and streamline its workforce.

Third, the Postal Accountability and Enhancement Act ensures that the Postal Service competes fairly. The bill prohibits the Postal Service from issuing anti-competitive regulations. It also subjects the Postal Service to state zoning, planning and land use laws, requires them to pay an assumed Federal income tax on products like packages and Express Mail that private firms also offer and requires that these products as a whole pay their share of the Postal Service's pension costs. The Federal Trade Commission will further study any additional legal benefits the Postal Service enjoys that
its private sector competitors do not. The Regulatory Commission will then find a way to use the rate system to level the playing field.

Fourth, the Postal Accountability and Enhancement Act improves Postal Service profitability, creates stockholder equity, and strengthens oversight. Qualifications for membership on the Regulatory Commission would be stronger than those for the Rate Commission so that Commissioners would have a background in finance or economics. Commissioners would also have the power to demand information from the Postal Service, including by subpoena, and have the power to punish the Postal Service for violating rate and service regulations. In addition, the Regulatory Commission will make an annual determination as to whether the Postal Service is in compliance with existing rate regulations and service standards and will have the power to punish the Postal Service for any transgressions.

Fifth, the Postal Accountability and Enhancement Act revises two provisions from the "Postal Service Retirement System Funding Reform Act in an effort to shore up the Postal Service's finances in the years to come. As of May 31, 2006, to deposit any savings it earns by virtue of lower pension payments into an escrow account. In this bill, we eliminate that requirement in order to allow the Postal Service to spend the money that would have gone into escrow to begin pre-funding on a current basis its $50 billion retiree health obligation. Leftover savings would be used to continue paying down debt to the Treasury and to maintain rate stability.

The bill Senator Collins and I are introducing today also reverses the provisions in the Postal Service Retirement System Funding Reform Act that the Postal Service is required by the Federal agency to shoulder the burden of paying the additional pension benefits owed to their employees by virtue of past military service.

Finally, and most importantly, the Postal Accountability and Enhancement Act preserves universal service and the postal monopoly and forces the Postal Service to concentrate solely on what it does best—processing and delivering mail. It gives the Postal Service the first time, to providing "postal services," meaning they would be prohibited from engaging in other lines of business, such as e-commerce, that draw time and resources away from letter and package delivery. It also explicitly preserves the requirement that the Postal Service "bind the Nation together through the mail" and serve all parts of the country, urban, suburban and rural, in a non-discriminatory fashion. Any service standards established by the Postal Service will now also be standards that we expect the Postal Service to meet by time to ensure delivery to every address, every day. In addition, the bill maintains the prohibition on closing post offices solely because they operate at a deficit, ensuring that rural and urban customers continue to enjoy full access to retail postal services.

As I mentioned at the beginning of my remarks, this bill that Senator Collins and I are introducing today is almost identical to the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17-0 vote. A similar bill was unanimously reported out of the House Government Reform Committee last year as well. Neither bill was considered on the floor of the Senate or the House, however, due—I'm told—to objections raised by the administration.

I was deeply disappointed that we were unable to complete action on postal reform last year. However, Senator Collins and I, our staffs and our colleagues in the House have had a series of discussions with administration officials since Congress adjourned last year and have narrowed our differences with them on these issues significantly. I'm pleased to report that this bill contains a handful of new provisions drafted to address specific concerns raised by the administration.

First, we demand even greater financial transparency from the Postal Service. The Postal Accountability and Enhancement Act gives the Postal Service more room to operate like a private business. For quite some time, however, it's been clear that the financial reporting required of the Postal Service has been lacking. It's difficult to look at the Postal Service's financial reports and learn as much as we'd like to learn about its current condition and its future liabilities. For this reason, our bill requires the Postal Service to begin filing the very same quarterly and annual Securities and Exchange Commission disclosure forms that private sector firms must file.

Second, we add language drafted at the request of the Treasury Department that would ensure that the Postal Service does its banking and investing with the Federal Financing Bank. Our original bill would have given the Postal Service almost total freedom to invest any revenue earned by its competitive products in the market as if they were a private business. Treasury feared this could have a negative impact on the markets and the issuance of federal debt.

Third, we give the Postal Board of Governors the ability to better reward top Postal Service executives for their performance and recruit top talent. We accomplish this by raising the cap on executive pay at the Postal Service to the level of compensation given to the Vice President. This will allow the Board to reward high-performing managers. It should also make it easier to recruit and retain qualified managers.

Fourth, we ensure that the rate cap to be developed by the Postal Regulatory Commission is truly workable by requiring that the cap be based on the Consumer Price Index. A CPI-based cap should guarantee that the Postal Service has the room to operate each year without breaking the cap or turning to the Treasury for assistance while still giving mailers the predictability they need.

This is significant progress but we still have our work cut out for us. I look forward to working in the coming weeks with Chairman Collins, my colleagues on the Homeland Security and Governmental Affairs Committee, our House counterparts and the administration to work out any remaining differences we have. It's vitally important that we succeed.

The Postal Board of Governors voted last month to go forward with a rate increase. If approved by the Postal Rate Commission, this increase will go into effect sometime next year. Thanks to increased productivity, this is expected to be a lower increase than many observers feared. Without postal reform, however, especially the language freeing the Postal Service from the escrow requirement and the military pension obligation, future rate increases will be higher. Probably much higher. This will only speed the flight from hard copy mail to electronic forms of communication. The impact of this flight will be significant, not just at the Postal Service but throughout the entire economy.

A recent study conducted by the Envelope Manufacturers Association Foundation's Institute for Postal Studies found that, if mail volume were to decline by 10 percent more than 780,000 mail-related jobs will be at risk across the country. More than 2,000 of those jobs are in Delaware. If mail volume were to decline by 20 percent more than 1,500,000 mail-related jobs will be at risk across the country. More than 4,000 of those jobs are in Delaware. We need to act soon to prevent this from happening.

In closing, I'd like to point out how amazing it is to make progress. In 1982, when the Postal Service, something Senator Stevens was literally able to put together at his kitchen table at the very beginning of his career, could have had lasting so long and had such an enduring impact on every American. I've been told that the model Senator Collins and I have set out in this bill today can last at least that long and have just as positive an impact on our nation and our economy as the Postal Service has had over the past 35 years.
had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Coalition for a 21st Century Postal Service, which represents the interests of the major labor, employee groups, small business, and other users of the mail. It also had the strong bipartisan support of twenty-two members of the United States Senate. Unfortunately, the 108th Congress expired before this important legislation could be enacted.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has roughly $70 billion to $80 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for workers’ compensation claims, $3.5 billion for retirement costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office’s Comptroller General, David Walker, has pointed to the urgent need for “fundamental reforms to minimize the risk of a significant taxpayer bailout or dramatic postal rate increases.” The bill has been on GAO’s “High-Risk” List since April of 2001.

The Postal Service is at risk of a “death spiral” of decreasing volume and increasing rates that lead to further decreases in volume.

There is the pinchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as direct mailing, printing, catalog production, and paper manufacturing. The health of the Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

First and foremost, my bill preserves for competitive products such as Express Mail and Parcel Post, as long as these prices do not result in a subsidy from market-dominant products. It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as first-class mail, periodicals, and library mail. The bill also introduces new safeguards against unfair competition by the Postal Service in competitive markets.

The Postal Accountability and Enhancement Act will greatly improve the financial transparency of the Postal Service. The USPS would be required to file with the Postal Regulatory Commission certain Securities and Exchange Commission financial
disclosure forms, along with detailed annual reports on the status of the Postal Service’s pension and post-retirement health obligations in order to ensure increased financial transparency.

The legislation repeals a provision of Public Law 108–18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account, which would essentially freeze over a period of 60 years. These savings would be used to not only pay debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases. It also returns to the Department of Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees—a responsibility that the Treasury Department bears for all executive branch departments and agencies.

The bill also converts workers’ compensation benefits for total or partial disability to a retirement annuity when the affected employee reaches 65 years of age, and puts into place a 3-day waiting period before an employee is eligible to receive 45 days of continuation of pay. These changes will save the Postal Service approximately $50 million in workers’ compensation costs over a 10-year period.

The Postal Service has reached a critical juncture. If we are to save and strengthen this vital service upon which so many Americans rely for communication and their livelihoods, the time to act is now.

I therefore ask the Senior Senator from New Hampshire and chairman of the Senate Budget Committee whether I can count on his assistance and support to help pass this legislation in this Congress.

Mr. GREGG. I thank the chairman of the Homeland Security and Governmental Affairs Committee for her question. I do recognize the economic importance of postal service, and as a Senator from the rural State of New Hampshire, I appreciate the role of a healthy Postal Service in meeting the universal service needs of rural residents. I look forward to reading the bill, ordering the CBO cost estimate of the bill, and working with the Senator from Maine to ensure that a true, fiscally responsible postal reform bill is enacted.

Ms. COLLINS. I thank my friend from New Hampshire and look forward to working with him on this important piece of legislation.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAAKSON, and Mr. BURNS):

S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed workers to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today my colleague, Senator THOMAS, and I along with Senator ISAAKSON are re-introducing the “Equity for Our Nation’s Self-Employed Act of 2005.” This important legislation corrects an inequity that currently exists in our tax code that forces self-employed workers to pay payroll taxes on the funds used to reduce their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the uninsured are growing at an alarming rate, we need to find ways to reduce their health insurance. This legislation is a first logical step.

Under current law, the self-employed are allowed an income tax deduction for the amount they pay for health insurance, but must still calculate their payroll taxes as if they were not allowed this income tax deduction. The result is that the self-employed are paying payroll taxes on the amount they pay for health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow the self-employed to deduct the amount they pay for health insurance from their calculation of payroll taxes.

This problem affects all self-employed who provide health insurance to their families. According to the Census Bureau, there are almost 74,000 self-employed workers in New Mexico. While we have no idea how many of these people in New Mexico have health insurance, we do know that roughly 3.6 million working families in the United States paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation’s uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spend more than $30 billion to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent tax on their premiums resulting in almost $1,400 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by a variety of groups including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Businesses, the U.S. Chamber of Commerce, the U.S. Hispanic Chamber of Commerce, and the Small Business Legislative Council.

I look forward to working with my colleagues to get this important legislation passed.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:
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 "Equity for Our Nation's Self Employed Act of 2005".

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS. (a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(b) EFFECTIVE DATE—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):

S. 665. A bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, I rise today to introduce a piece of legislation, Drive America, that I believe is needed to solve our long-term energy need. It is imperative that our Nation implements a roadmap to achieving our goal of creating a hydrogen fuel-cell economy. I believe this measure is the right next step to diversifying our energy portfolio and protect our national security interests.

This legislation would invest $7.9 billion over 10 years in hydrogen fuel cell research and deployment. Additionally, the measure would change the current direction of the hydrogen program, allowing each program related to developing hydrogen to build off of each other. Similar to what has been recommended by the National Academies, it requires a conscious systems approach to program design.

You see, currently the hydrogen program is like a series of small block grants. We send money to the Department of Energy, DOE, and simply tell them to come up with a program. Under this scenario, with little accountability or direction, the program has not moved as swiftly as we would like.

Changing the structure of the hydrogen program will ensure that the long-term goal is reached and the benefits are reaped. What this legislation does is compartmentalize each program at DOE related to hydrogen development. Instead of sending a chunk of money, the funds will now be targeted to programs. DOE will be the foundation for building and commercializing a hydrogen fuel-cell economy.

Additionally, this measure uses the successful learning demonstration technique of building institutional relationships between key industries and with the Government that has strong support from both the fuels industry and the auto sector, and applies this as a program design to all large scale systems demonstrations. These demonstrations are then linked to refining the R&D tasks again after the demonstrations complete their early phases, so that concrete learning is integrated directly into a final round of more focused R&D.

This bill enables a more strategic approach to program planning in the formation of a hydrogen economy. It also includes more interaction between R&D and demonstrations—with emphasis on developing the key to accelerating commercialization and movement to market.

This measure does not reinvent the wheel. Instead, it takes what we have learned thus far and focuses our efforts for the future. Providing development targets and accountability will also allow us to adjust our priorities appropriately.

Introduction of this measure could not come at a more critical time. Today, oil is at an all time high of $57.00 a barrel. This increase has directly hit consumers where it hurts most—in their wallets. Today in the State of North Dakota, consumers will spend $350,000 more for gasoline alone this year than they did last year. This is nothing more than an additional tax on hard working families who have to drive around during the course of their daily lives. It is no longer a question of whether you can afford to send your children up for extra curricular activities like baseball or ballet; it is now a question of whether you can afford to even take them to those activities.

It shouldn't be this way, especially in America. However, we continue to be beholden to the same generational argument: Where can we dig and drill next? We need to jump over this debate and I believe this measure does that.

Let me describe why I think we ought to do this and why focusing our resources is important. I will harken back to the Apollo program. On May 25, 1961, President John F. Kennedy announced our Nation was establishing a goal of sending a man to the Moon and having a safe return by the end of the decade.

The Apollo project was an enormous undertaking. The NASA annual budget increased from $500 million in 1960 to $5.2 billion in 1965. It represented 5.3 percent of the Federal budget in 1965. Things were in terms, that would be over $115 billion. NASA engaged private industry, university research, and academe in a massive way and contractor employees increased by a factor of 10, to 376,000 people.

When President Kennedy said in 1961 it was his vision to have a man walk on the Moon by the end of the decade, there was no technological capability to do so at that moment and no guarantee it could even be done. During the height of the cold war, the Soviets had had an advantage in space flight and that advantage was of great concern to us. They had put up a satellite called Sputnik and the technological barriers facing the U.S. in catching up were very significant. The expense and resolve were daunting, but yet, on July 20, 1969, Neil Armstrong and Buzz Aldrin stood on the surface of the Moon and pantomimed a golf game. In the decade that followed, the entire country set and reached an unthinkable goal.

Now let's talk about another goal, another big idea, one that we ought to undertake now for this country and for its future. That is the goal of deciding, as President Bush has suggested, that we move toward a hydrogen economy and fuel-cells for our vehicles. I will describe why I think this is important.

America's energy security is threatened by our dependence on foreign oil. Oil prices are at record highs and America now imports 62 percent of the oil it consumes. Our import level is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline and the reason America imports so much oil. Two-thirds of the oil Americans use each day is used for transportation; fuel-cell vehicles offer the best hope of dramatically reducing our long-term dependence on foreign oil and protecting our national security interests.

The American economy is and will be held hostage by our ability to find and import oil from outside of our country's borders. Should this cause all of our problems? I believe it is a very serious problem. If we wake up tomorrow morning, God forbid, and terrorists have interrupted the supply of oil to this country—and, yes, that could happen—this country's economy will be flat on its back. It will be flat on its back because we rely on oil from sources outside this country, much of it from very troubled parts of the world. And our dependence is only expected to increase.

With what we discuss oil, the debate centers around two issues—drilling in ANWR and CAFE standards. If it is only those two issues, we lose. We need to move beyond these issues. Yes, we can address them, but it seems to me if these are our only options, every few years we will debate exactly the same issues: Where do we drill next? and, How much more efficient can we make a carburetor, through which we run gasoline?

Our energy strategy for this country's future is simply digging and drilling, then it is a strategy I call 'yesterday forever,' which means it doesn't really change very much. Every few years we can debate the issue of how dependent we are on oil imports and its great concern? Yes. This is a very important issue. I think we should have a different debate, one that breaks our normal cycle.

That does not mean we should not dig and drill. We will, we can, and we should. We will always use fossil fuels. But these resources must be used in a sustainable and efficient manner. We will continue to dig and drill, but that cannot be all we do. If it is, we really
have not moved the ball forward at all. So what else can we do? I believe we should chart a different course.

First of all, using fuel-cells and hydrogen is twice as efficient in getting power to a wheel as using the internal combustion engine. Second, when we use hydrogen-fuel cells in automobiles or vehicles, we are placing water vapor out the tailpipe. What a wonderful thing for our environment and our economy. We double the efficiency of the energy source, while at the same time eliminating the pollution out of the tailpipe. That makes great sense to me.

In the past I have introduced legislation saying let’s move to a different kind of technology, a different kind of energy economy; let’s move to a hydrogen economy using fuel-cells. This bill is different from my previous bills because it would not only authorize higher funding levels, but just as importantly, it would change the way the program works.

My point is simple. We need accountability and targets and timetables in all the programs developing hydrogen. While it is true that we specifically stated that we should set a target of 100,000 vehicles on the road by 2010 and 2.5 million by 2020, it also includes developmental milestones within each program, essentially giving us a roadmap of where we need to go and how to get there. If we do not set this out, we will not get there. If we do not have the same resolve towards establishing a hydrogen-fuel-cell economy as President Kennedy had in putting a man on the Moon then we are not going to get there. Not without the focus and commitment needed.

Are there issues that need to be resolved? Sure there are, but we will never resolve them unless we implement a plan to do so. That is why I feel this legislation is the best approach. We should outline what is needed, and then build on what we have. Instead of having two or more projects moving in different directions, with no connection, we set out a more focused approach where we can see exactly the progress we are making.

This commitment is what is needed and this direction is supported throughout the hydrogen industry. We cannot let this opportunity pass us by. If we sit and do nothing when the price of oil is at its highest, then I fear we will never do anything. This type of commitment and resolve is needed for our economic future, as well as to ensure our national security interests.

If we start now, I have no doubt that hydrogen fueled vehicles will be to our grandchildren what gasoline was to our grandparents.

Mr. DORGAN. Mr. President, 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. 665

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Hydrogen and Fuel Cell Technology Act of 2005”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Hydrogen and fuel cell technology authorization.
Sec. 3. Public utilities.
Sec. 4. Tax incentives to build the hydrogen economy.

SEC. 2. HYDROGEN AND FUEL CELL TECHNOLOGY AUTHORIZATION.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (2 U.S.C. 12401 et seq.) is amended to read as follows:

(a) Short Title.—This Act may be cited as the “Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Hydrogen and fuel cell technology research and development.
Sec. 6. Hydrogen and fuel cell technology demonstration.
Sec. 7. Hydrogen and fuel cell technology demonstration.
Sec. 8. Authorization of appropriations.

SEC. 3. FINDINGS.

Congress finds that—

(1) the United States imports 60 percent of all the oil and products that it consumes, most of it used in transportation;

(2) there is little fuel diversity in the transportation sector of the United States, making it extremely sensitive to volatile oil supplies;

(3) rapidly rising energy prices have raised the imported oil bill of the United States to nearly $250,000,000,000 in 2004, which is a direct offshore wealth transfer from the U.S. that could otherwise be invested in a hydrogen economy to create many new jobs;

(4) although the United States has become a more efficient and cleaner user of energy, total energy use continues to grow as the economy expands, along with total vehicle emissions;

(5) without dramatic action, 60 percent of oil demand will continue imports by 2025;

(6) over the next 10 years, oil imports could cost nearly $3,000,000,000,000, while protecting foreign supplies adds even more to that cost;

(7) hydrogen and fuel cells offer the best hope of realizing more efficient, cleaner means of regaining control of the energy security of the United States, and achieving quality economic growth;

(8) in the spirit of the Apollo project that put us on the Moon, and the practical vision that built the United States interstate highway system, the U.S. could provide sufficient public investment to develop and commercialize hydrogen and fuel cell technologies, in partnership with our private sector; and

(9) economies must grow to sustain their health, and strong public investments in research and development will harness the skills of our universities, national laboratories, and innovative private industry to create the hydrogen economy.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to enable and promote comprehensive development, demonstration, and commercialization of hydrogen and fuel cell technology in partnership with industry;

(2) to make critical public investments in building strong links to private industry, universities, national laboratories, and research institutions to expand innovation and industrial growth;

(3) to build a mature hydrogen economy that creates fuel diversity in the massive transportation sector of the United States;

(4) to sharply decrease the dependency of the United States on imported oil, eliminate most emissions from the transportation sector, and greatly enhance our energy security; and

(5) to create, strengthen, and protect a sustainable national energy economy.
TITLE I—HYDROGEN AND FUEL CELLS

SEC. 101. HYDROGEN AND FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) In general.—The Secretary, in consultation with other Federal agencies and the private sector, shall conduct a research and development program on technologies relating to the production, purification, distribution, storage, and use of hydrogen energy, fuel cells, and related infrastructure.

(b) Goal.—The goal of the program shall be to (1) commercialize the use of hydrogen for transportation (in light and heavy vehicles), utility, industrial, commercial, residential, and defense applications; (2) carry out activities under this section, the Secretary shall focus on mutually supportive developmental factors that are common to the development of hydrogen infrastructure and the supply of vehicle and electric power for critical consumer and commercial applications, and that achieve continuous technical evolution and cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and end uses of hydrogen that—(1) steadily increase production, distribution, fuel cell efficiency and reduce carbon footprints; (2) resolve critical problems relating to catalysts, membranes, storage, lightweight materiel, and control technologies, and other problems that emerge from research and development; (3) enhance sources of renewable fuels and biofuels; (4) enable widespread use of distributed electricity generation and storage.

(c) Public Education and Research.—In carrying out this section, the Secretary shall support enhanced public education and university research in fundamental sciences, application design, and systems concepts (including research relating to materials, subsystems, manufacturability, maintenance, and safety) relating to hydrogen and fuel cells.

(d) Funding.—(1) In general.—The Secretary shall carry out the activities under this section through a competitive, merit-based review process and any general flexible Federal law (including regulations) that applies to an award of financial assistance, a contract, or another agreement.

(2) Priorities.—In carrying out the activities under this section, the Secretary may fund grants to, or contracts with—(A) universities and other institutions of higher education; (B) Federal laboratories; (C) State, local, or Tribal governments; (D) private companies; (E) institutions, organizations, or groups of individuals that share educational, research, and technical capabilities; and (F) any other entity or combination of entities that the Secretary determines to be appropriate.

(3) Cost sharing.—(A) In general.—Except as provided in paragraph (2), the Federal share of the cost of carrying out any project or activity under this section shall not exceed 50 percent, as determined by the Secretary.

(4) Waiver of Federal Share.—The Secretary may waive the Federal share of the cost of carrying out any project or activity under this section if the non-Federal share would otherwise be paid by a small business. (B) Waiver of Federal Share.—The Secretary may waive the Federal share of the cost of carrying out any project or activity under this section if the non-Federal share would otherwise be paid by a small business.

SEC. 102. TASK FORCE.

(a) In general.—The Secretary, in cooperation with the Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, shall establish an interagency Task Force, to be known as the ‘‘Hydrogen and Fuel Cell Technical Task Force,’’ to advise the Secretary in carrying out programs under this Act.

(b) Task Force.—The Task Force shall be comprised of such representatives of the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisers, the Environmental Protection Agency, and the National Security Council, and representatives of Federal agencies, conferences of governors, and regional organizations, as the Secretary, with the advice and assistance of the Task Force, determines to be appropriate.

(c) Duties.—The Task Force shall—(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector; (2) accelerate wider application of those technologies in the global market; (3) foster the transfer of generic, non-proprietary information; and (4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

SEC. 103. TECHNOLOGY TRANSFER.

In carrying out this Act, the Secretary shall carry out programs that—(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector; (2) accelerate wider application of those technologies in the global market; (3) foster the transfer of generic, non-proprietary information; and (4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) Hydrogen Supply.—There are authorized to be appropriated to carry out projects and activities relating to hydrogen production, storage, distribution and dispensing, transport, education and coordination, and technology development—(1) $200,000,000 for fiscal year 2006; (2) $210,000,000 for fiscal year 2007; (3) $220,000,000 for fiscal year 2008; (4) $230,000,000 for fiscal year 2009; (5) $250,000,000 for fiscal year 2010; (6) $260,000,000 for fiscal year 2011; (7) $270,000,000 for fiscal year 2012; (8) $280,000,000 for fiscal year 2013; (9) $180,000,000 for fiscal year 2014; and (10) $120,000,000 for fiscal year 2015.

(b) Fuel Cell Technologies.—There are authorized to be appropriated to carry out projects and activities relating to fuel cell technologies under this title—(1) $140,000,000 for fiscal year 2006; (2) $170,000,000 for fiscal year 2007; (3) $180,000,000 for fiscal year 2008; (4) $200,000,000 for fiscal year 2009; (5) $210,000,000 for fiscal year 2010; (6) $200,000,000 for fiscal year 2011; (7) $190,000,000 for fiscal year 2012; (8) $170,000,000 for fiscal year 2013; (9) $150,000,000 for fiscal year 2014; and (10) $100,000,000 for fiscal year 2015.

TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

SEC. 201. HYDROGEN SUPPLY AND FUEL CELL DEPLOYMENT.

(a) In general.—The Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector; (2) accelerate wider application of those technologies in the global market; (3) foster the transfer of generic, non-proprietary information; and (4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

(b) Priorities.—(1) Light duty vehicles; (2) heavy duty vehicles; (3) commercial and residential portable, continuous, and backup electric power generation.

(c) Other Demonstration Programs.—To demonstrate widespread hydrogen use options, and assist evolution of technology, the Secretary shall—(1) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary; (2) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and (3) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen and conventional hydrogen, and renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavy duty, and advanced internal combustion-powered vehicles.

(d) System Demonstrations.—(1) In general.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under title III that—(i) have as a primary goal the reduction of drive energy requirements; (ii) after 2010, add another research and development phase to the vehicle and infrastructure structures developed under the hydrogen and fuel cell technology demonstrations program concept of the Department; and (iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost shared projects by domestic and international manufacturers and governments; and (B) designing a local distributed energy system that—(i) incorporates renewable hydrogen production, on-grid electricity production, and fleet applications in industrial or commercial service; (ii) integrates energy technologies described in clause (i), such as stationary, portative, and mobile, on a high density commercial or residential building complex or agricultural community; and (iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

(e) Cost Sharing.—(1) In general.—The Federal share of the cost of a project or activity carried out using funds from a grant under paragraph (1) shall not exceed 50 percent, as determined by the Secretary.

(f) Identification of New Research and Development Requirements.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—
"(1) after 2008 for stationary and portable fuel cells under paragraph (1); and
"(2) after 2008 for stationary and portable hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).
"There is authorized to be appropriated to carry out this section—
"(1) $10,000,000 for fiscal year 2008;
"(2) $55,000,000 for fiscal year 2009; and
"(3) $55,000,000 for fiscal year 2010.

"(5) FEDERAL LEASES AND PURCHASES.—
"(A) IN GENERAL.—The Secretary shall support educational efforts by Federal agencies (or share the cost under paragraph (b)(1)) to carry out this title.

"(1) Cost-effective purchase of a stationary, portable, or micro fuel cell.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—
"(1) $4,000,000 for fiscal year 2006; and
"(2) $7,000,000 for fiscal year 2007;
"(3) $8,000,000 for fiscal year 2008; 
"(4) $8,000,000 for fiscal year 2009; 
"(5) $10,000,000 for fiscal year 2010; 
"(6) $9,000,000 for fiscal year 2011; and 
"(7) $9,000,000 for fiscal year 2012.

TITLE V—REPORTS

SEC. 501. DEPLOYMENT OF HYDROGEN TECHNOLOGY.

(a) SECRETARY.—Subject to subsection (c), not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and biennially thereafter, the Secretary shall submit to Congress—

(1) a report describing—

(A) any activity carried out by the Department of Energy under this Act, including a description of the progress made toward achieving the goals identified in paragraphs (1)(D); and

(B) measures the Secretary has taken during the preceding 2 years to support the transition of primary industry (or a related industry) to a fully-commercialized hydrogen economy;

(C) any change made to a research, development, or deployment strategy of the Secretary relating to hydrogen and fuel cell technology to reflect the results of a learning decision taken under title II;

(D) progress, including progress in infrastructure, made toward achieving the goal of producing and deploying not less than—

(i) 100,000 hydrogen-fueled vehicles in the United States by 2010; and

(ii) 2,500,000 hydrogen-fueled vehicles by 2020;

(E) progress made toward achieving the goal of supplying hydrogen at a sufficient number of fueling stations in the United States by 2010 can be achieved by integrating—

(i) hydrogen activities; and

(ii) associated targets and timetables for the development of hydrogen technologies;

(F) any problem relating to the design, execution, or funding of a program under this Act;

(G) progress made toward and goals achieved in carrying out this Act and updates to the developmental roadmap, including the results of the reviews conducted by the National Academy of Sciences under subsection (d) for the fiscal years covered by the report; and

(2) a strategic plan describing—

(A) a remedy for any problems described in paragraph (1)(G); and

(B) any approach by which the Secretary could achieve a substantial decrease in the dependence on and consumption of natural gas and imported oil by the Federal Government, including by increasing the use of fuel cell vehicles, stationary and portable fuel cells, and hydrogen energy systems described in title III.

(b) TASK FORCE.—Subject to subsection (c), not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, the Task Force shall submit to Congress a report describing—

(1) the degree of success of each program under this Act; and

(2) the degree to which the success of programs under this Act has led to evolution of a hydrogen economy and improved potential for economic growth.

(c) COMBINATION OF REPORTS.—

(1) IN GENERAL.—The Secretary may decide to combine the reports under subsections (a) and (b) before the reports are submitted to Congress, as the Secretary determines appropriate.

(2) COMMISSIONER.—If the Secretary decides to combine the reports under paragraph (1), the Secretary shall—

(3) $9,000,000 for fiscal year 2009; 

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(1) the degree of success of each program under this Act; and

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"(b) TASK FORCE.—Subject to subsection (c), not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, the Task Force shall submit to Congress a report describing—

(1) the degree of success of each program under this Act; and

(2) the degree to which the success of programs under this Act has led to evolution of a hydrogen economy and improved potential for economic growth.
to evaluate whether the program is achieving energy savings.

Lastly, this bill provides important directions to the Secretary to address the development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, stationary, mobile, and micro fuel cells. This provision recognizes the importance of public acceptance of hydrogen as a safe and secure energy source; and it recognizes the industry’s needs for standards of safety codes and standards for hydrogen energy systems whether stationary, mobile, or portable. The bill does not require the standards to be developed “in-house” within the Department of Energy, but importantly authorizes the Secretary of Energy to enter into cooperative agreements, grants, and contracts with industry groups and with the cooperation of the Federal Interagency Hydrogen and Fuel Cell Technical Task Force.

Mr. President, I urge my colleagues in the Senate to support this bill.

By Mr. DeWINE (for himself, Mr. Kennedy, Mr. Lugar, Mr. Harkin, Ms. Collins, Mr. Durbin, Mr. Smith, Mr. Dodd, Mr. Cornyn, Mr. Lautenberg, Mr. McCaffey, Mr. Reed, Ms. Snowe, Ms. Murkowski, Mr. Chafee, and Mr. Specter): S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. DeWINE, Mr. President, today I join our colleagues, Senators Kennedy, Lugar, Collins, Smith, Cornyn, McCain, Snowe, Harkin, Durbin, Dodd, Lautenberg, McCaffey, Reed, Murkowski, Chafee, and Specter to introduce a bill designed to help protect consumers—especially children—from the dangers of tobacco. Our bill would finally give the Food and Drug Administration (FDA) the authority it needs to effectively regulate the manufacture and sale of tobacco products.

I say finally, because there are some tobacco proponents who would have you believe that the Master Settlement Agreement, which was signed in 1998 by 46 states, resolved the issue of tobacco use by imposing advertising restrictions. I say finally, because my colleagues—first Senator McCain, then Senator Frist, then Senator Gregg, and then Senator Kennedy and I—have been seeking FDA regulation of tobacco products since the mid- to late-1990’s. And, I say finally, because the bill that we are introducing today is the product of long and hard discussions and negotiations that I have had with Senator Kennedy and public interest groups and industry. Our bill has the support of the Campaign for Tobacco Free Kids, Philanthropy, the American Heart Association, the American Lung Association, and the American Cancer Association. It is a bill that I am proud of—one that is worthy of the Senate’s consideration, and one that will provide the FDA—finally—with strong and effective authority over the regulation of tobacco products.

The introduction of this bill couldn’t come at a better time. The budget is on the Floor, and people anticipate the slowed-spending in Medicare, and the economic burden of cigarettes is enormous. According to the 2004 Surgeon General’s Report entitled The Health Consequences of Smoking, from 1995 to 1999, smoking-related deaths totaled $157.7 billion each year. This figure includes more than $75 billion in direct medical costs for adults (things like ambulatory care, hospital care, prescription drugs, nursing homes, and other care), about $82 billion in indirect costs from lost productivity, and $366 million for neonatal care. This equals an estimated $3,000 per smoker, per year.

In a budget year when Congress is looking to find savings in Medicare—in the ballpark of $15 billion over 5 years—Congress should look at the cost savings that would be made possible by FDA regulation of tobacco. We already know that doing nothing costs our country—our taxpayers, our employers and employees $157 billion a year. Isn’t it time that the federal government consider that it has a responsibility to find savings through the regulation of tobacco?

Not having access to all the information about this deadly product makes no sense and it is something that needs to change. By introducing this bill, we are saying that we are not going to let tobacco manufacturers have free reign over their markets and consumers any more. We are taking a step toward making sure the public gets adequate information about whether to continue to smoke or even to start smoking in the first place. With this bill, we are not saying "buyer beware." We are saying “tobacco companies be honest.” We are saying “tobacco companies stop marketing to innocent children and tell consumers about what they are really buying.” Ultimately, our bill would give consumers the information they need to make healthier and better choices about tobacco use. I have faith that informed consumers make better choices, and those choices could lead to cost-savings for our society overall.

Our bill would give the FDA the authority to regulate a product that has gone unregulated for far too long—a product that for the past century has not revealed its ingredients to the consumer—a product whose manufacturing facilities are not inspected or accountable for following good manufacturing practices—a product that is never reviewed or approved before reaching the hands of 40 million consumers, many of whom are just children. Mr. President, Congress should put an end to the marketing of tobacco products to our children. Congress should put an end to the ability of tobacco companies to make claims, whether they are implied claims or direct claims, about their products. Congress should put an end to tobacco companies putting any ingredient they want into their products without disclosing it to the consumer.

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. 666

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short title.—This Act may be cited as the “Family Smoking Prevention and Tobacco Control Act”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Title I—Authority of the Food and Drug Administration


Sec. 102. Interim final rule.

Sec. 103. Conforming and other amendments to general provisions.

Title II—Tobacco Product Warnings; Constituent and Smoke Constituent Disclosure

Sec. 201. Cigarette label and advertising warnings.

Sec. 202. Authority to require cigarette warning label statements.

Sec. 203. State regulation of cigarette advertising.

Sec. 204. Smokeless tobacco labels and advertising.

Sec. 205. Authority to require smokeless tobacco product warning label statements.

Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

Title III—Prevention of Illicit Trade in Tobacco Products

Sec. 301. Labeling, recordkeeping, records inspection.

Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation’s children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use
by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce, a power it shares with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation’s economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the higher health and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation to address the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year and approximately 8.6 million Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today’s children from becoming regular, daily smokers, saving over $3,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $215,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed at young consumers. These tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have proved unsuccessful because of inadequate preventing such increased use.

(16) In 2002, the tobacco industry spent more than $12,465,000,000 to attract new users, in current users, increase current use, consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly targeted toward the age group of persons under the age of 18 and are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sporting, daily lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, and plays a role in leading young people to overestimate the prevalence of tobacco use, and increase the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use, makes people more likely to use tobacco, and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco advertising than adults, they smoke the most advertise.

(24) Tobacco company documents indicate that young people are an important and often crucial tobacco market. Children, who tend to be more price-sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education and use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and the use of tobacco products than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce under age use of tobacco products, while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 4615–4618) for inclusion as part of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products.

(31) The purpose of paragraph (30) will directly and materially advance the Federal Government’s substantial interest in reducing the number of children and adolescents who use, or are not using, tobacco and in preventing the life-threatening health consequences associated with tobacco use.

(32) An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising often plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products meet Federal standards of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public the tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who otherwise would not consume tobacco products or would consume such products, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death.

(38) The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or who use such products the extent of unnecessary deaths and injuries and huge costs to our health care system.

(39) As the National Cancer Institute has found, many smokers believe that “low tar” and “light” cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, many smokers also believe that “low tar” and “light” cigarettes reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(40) Recent studies have demonstrated that there has been no reduction in risk in a population-wide basis from “low tar” and “light” cigarettes. In fact, the use of “low tar” and “light” cigarettes may actually increase the risk of tobacco use.

(41) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk or who use such products the extent of unnecessary deaths and injuries and huge costs to our health care system.

(42) As the Federal Trade Commission has found, consumers have misinterpreted advertising and promotions on the basis of billions of dollars spent on tobacco by manufacturers and sellers that are necessary to reduce the number of children and adolescents who use tobacco products.

(43) The regulations described in paragraphs (32) and (33) cannot be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(44) The regulations described in paragraphs (32) and (33) cannot be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(45) The regulations described in paragraphs (32) and (33) cannot be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(46) The regulations described in paragraphs (32) and (33) cannot be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.
Agriculture under existing law regarding the tobacco products shall not be construed to any other person or circumstance unless it is specifically stated, the requirements for cigarettes and the social costs associated with tobacco products shall not be enforced to the fullest extent possible.

### TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION TO REGULATE TOBACCO PRODUCTS

#### SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products; to provide authority to the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction, and to require that the evidence relied on to support approval of these products is rigorous.

### SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products; to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry’s efforts to develop, introduce, and promote less harmful tobacco products;

(2) to vest the Food and Drug Administration with the authority to regulate the levels and form of nicotine, and other harmful components of tobacco products; and

(3) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not yet been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(4) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessed by children or other purchasers;

(5) to impose appropriate regulatory controls on the tobacco industry; to promote cessation to reduce disease risks associated with tobacco related diseases; and

(6) to strengthen legislation against illicit trade in tobacco products.

### SEC. 4. PROHIBITIONS.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

### SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remaining provisions of this Act, or the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

### TITLE II—REQUIREMENTS FOR TOBACCO PRODUCTS

#### SEC. 302. REQUIREMENT FOR MANUFACTURERS TO DISCLOSE RESEARCH.

The purposes of this Act are—

(a) to require manufacturers to disclose research which is or will be conducted to—

(1) determine whether products of which it results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the character or effect of tobacco products, including cellophane, in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers;

(b) to require that products that tobacco manufacturers sold or distributed for risk reduction, and to require that the evidence relied on to support approval of these products is rigorous.

### TITLE III—PROHIBITIONS

#### SEC. 303. PURPOSE.

The purposes of this Act are—

(a) those which are in the public interest, including the public health, to require that products that tobacco manufacturers sold or distributed for risk reduction, and to require that the evidence relied on to support approval of these products is rigorous.
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“(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

“(19) UNITED STATES. The term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“SEC. 901. AUTHORITY OVER TOBACCO PRODUCTS.

“(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall be subject to the provisions of chapter V, unless—

“(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 201(g)(1)(B) or section 201(h)(2)); or

“(2) a claim is made for such products under section 201(g)(1)(C) or 201(h)(3); or

“other than modified risk tobacco products approved in accordance with section 911.

“(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulation referred to in section 362 of the Family Smoking Prevention and Tobacco Control Act, and to any other tobacco products that the Secretary by regulation deems to be under this chapter.

“(c) SCOPE.—

“(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect the Secretary’s authority over, or the regulation of, products under section 201(h) of the Food, Drug, and Cosmetic Act that are not tobacco products under chapter V or any other chapter.

“(2) LIMITATION OF AUTHORITY…

“(a) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the products of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) EXCEPTION.—Notwithstanding any other provision of this subparagraph, if a product of tobacco leaf that is also a tobacco product manufactured or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the production of such tobacco product.

“(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production of tobacco leaf.

“SEC. 902. ADULTERATED TOBACCO PRODUCTS.

“A tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or deleterious substance that may render the contents injurious to health;

“(2) it was prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) it is, or purports to be or is represented as, a tobacco product which is subjected to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(5) if the Secretary has issued regulations under section 906(e)(1) or section 906(h)(2); or

“(6) it is in violation of the order approving such a tobacco product.

“(B) it is in violation of the order approving such an application;

“(C) it is in violation of section 911.

“SEC. 903. MISBRANDED TOBACCO PRODUCTS.

“(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

“(1) if its labeling is false or misleading in any particular;

“(2) if in package form unless it bears a label containing—

“(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

“(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

“(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage of the tobacco used in the product that is foreign grown tobacco; and

“(D) the statement required under section 922(a), except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

“(3) in any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling of the tobacco product.

“(4) if it has an established name, unless—

“(B) it is sold or distributed in violation of section 911.

“(5) if it has an established name, unless—

“(B) it is in violation of the order approving such a tobacco product.

“(6) if it was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided to the Secretary in section 905(g), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

“(7) if, in the case of any tobacco product distributed or offered for sale in any State—

“(A) its advertising is false or misleading in any particular;

“(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

“(8) unless, in the case of any tobacco product made subject to a finding by the Secretary, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter published or circulated by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product’s established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the percentage of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such substantial risk or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be promulgated by the Secretary after an opportunity for a hearing;

“(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

“(10) if there was a failure or refusal—

“(A) to comply with any requirement prescribed under section 904 or 908; or

“(B) to furnish any material or information required under section 909.

“SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

“(a) REQUIREMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

“(1) A listing of all ingredients, including tobacco, substances, compounds, and additives that are, or of which are derived by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

“(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary.

“(3) In the case of each tobacco product made subject to a finding by the Secretary, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter published or circulated by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product’s established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the percentage of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such substantial risk or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be promulgated by the Secretary after an opportunity for a hearing;

“(4) All documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or
physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

(2) Any or all documents (including underlying scientific information) relating to research activities and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

(c) Time for submission.—(1) In general.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall register with the Secretary any establishment engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment of that person. In any case in which the manufacturer, preparation, compounding, or processing of a tobacco product or tobacco products is conducted, operated, or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

(2) Name.—The term ‘name’ shall include the case in the partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

(3) Registration of new owners and operators.—On or before December 31 of each year every person who is engaged at any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the name, places of business, and all such establishments of that person.

(d) Registration of new owners and operators.—Every person under first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment engaged in any State in which that person shall immediately register with the Secretary that person’s name, place of business, and such establishment.

(2) Biennial report of any change in product list.—Each person who registers with the Secretary under this section shall report to the Secretary on or before the last day of December of each year the following:

(3) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

(4) Uniform product identification system.—The Secretary may by regulation prescribe a uniform system for the identification of each tobacco product and a representative sample of each tobacco product; and, upon request made by the Secretary for good cause, a copy of all advertise-
ments for a particular tobacco product; and

(e) Data collection.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health from tobacco products, and shall publish in a format that is understand-
able by the public the information concerning the harmful and potentially harmful constitu-
ts in tobacco products and tobacco smoke.

(f) SEC. 905. ANNUAL REGISTRATION.—(a) Definitions.—In this section:

(1) Manufacturer, preparation, compounding, or processing.—The term ‘manufacturer, preparation, compounding, or processing’ means the activity of engaging in any process that gives diversity to that particular tobacco product.

(2) Disclosures of addictive.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has been regulated by the Secretary as an addictive that is not a human or animal carcinogen, or otherwise harmful to health under conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

(3) Data collection.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish a list of harmful and/or potentially harmful constituents, and additives, of tobacco products, their constituents (including smoke constituents), ingredients, components, and additives, that are determined under subsection (e).

(b) Data submission.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or revised.

(c) Foreign research.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is meaningful to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or revised.

(d) Data collection.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health from tobacco products, and shall publish in a format that is understand-
able by the public the information concerning the harmful and potentially harmful constitu-
ts in tobacco products and tobacco smoke.

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(1) Manufacturer, preparation, compounding, or processing.—The term ‘manufacturer, preparation, compounding, or processing’ means the activity of engaging in any process that gives diversity to that particular tobacco product.

(2) Disclosures of addictive.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has been regulated by the Secretary as an addictive that is not a human or animal carcinogen, or otherwise harmful to health under conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

(3) Data collection.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish a list of harmful and/or potentially harmful constituents, and additives, of tobacco products, their constituents (including smoke constituents), ingredients, components, and additives, that are determined under subsection (e).

(b) Data submission.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or revised.

(c) Foreign research.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is meaningful to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or revised.
the tobacco product with respect to which
such notice of discontinuance was reported,
notice of such resumption, the date of such
resumption, the identity of such tobacco
product, and other information required by
paragraph (1), unless the registrant has previously reported such
resumption to the Secretary under this
paragraph.

"(D) Any material change in any informa-
tion previously submitted under this para-
graph or paragraph (1).

"(3) The Secretary may, in such regu-
lation, prescribe any information that the
Secretary may determine by regulation to
be considered confidential and shall not
be disclosed, except that the information
may be disclosed to other officers or employ-
ees concerned with carrying out this chap-
ter, or when relevant in any proceeding
under this chapter.

"(4) The Secretary may in such regu-
lation prescribe any information to be
considered confidential and shall not
be disclosed, except that the information
may be disclosed to other officers or employ-
ees concerned with carrying out this chap-
ter, or when relevant in any proceeding
under this chapter.

"(B) Regulations.—Not later than 9
months after the date of enactment of the
Family Smoking Prevention and Tobacco Control
Act shall be submitted to the Secretary in such form and manner
as the Secretary shall prescribe—

"(A) the basis for such person's determina-
tion that the tobacco product is substi-
tially equivalent, within the meaning of sec-
tion 910, to a tobacco product commer-
cially marketed (other than for test market-
ing) in the United States as of June 1, 2003, that is
commercially marketed (other than for test market-
ing) in the United States as of June 1, 2003, shall, at least 90 days prior to
making such introduction or delivery, report
to the Secretary (in such form and manner
as the Secretary shall prescribe)—

"(i) the manner in which interested per-
sons may examine data and other informa-
tion on which the notice or findings is based;
and
"(ii) the period within which interested per-
sons may present their comments on the
notice or findings (including the need there-
fore) orally or in writing, which period shall
be at least 60 days but may not exceed 90
days unless the time is extended by the Sec-
retary by a notice published in the Federal
Register stating good cause therefore;

"(B) action taken by such person to sub-
mit all the requirements under section 907
that are applicable to the tobacco product.

"(2) APPLICATION TO CERTAIN POST JUNE 1,
2003 PRODUCTS.—A report under this sub-
section with respect to a tobacco product that was
distributed in the United States after June 1,
2003, and prior to the date that is 15 months
after the date of enactment of the
Act; and

"(3) EXEMPTIONS.—

"(A) IN GENERAL.—The Secretary may by
regulation promulgate a temporary exemption or
variance from any requirement imposed on a tobacco product consistent with and to full ex-
clusion permitted by the First Amendment to
the Constitution. The finding as to whether
such regulation would be appropriate for the
protection of the public health. The Sec-
retary may by regulation impose restrictions
on the advertising and promotion of, the tobacco
product, if the Secretary determines that
such regulation would be appropriate for the
protection of the public health. The Sec-
retary may by regulation impose restrictions
on the advertising and promotion of, the tobacco
product consistent with and to full ex-
clusion permitted by the First Amendment to
the Constitution. The finding as to whether
such regulation would be appropriate for the
protection of the public health. The Sec-
retary may determine by regulation that match-
books may contain advertising. The Sec-
retary may determine by regulation that match-
books shall not be considered adult written
publications.

"(B) REQUIREMENTS.—The Secretary
shall—

"(ii) before promulgating any regulation
under subparagraph (A), afford opportunity
for an oral hearing;

"(ii) provide the advisory committee a
reasonable time to make its recommenda-
tion with respect to proposed regulations
under subparagraph (A); and

"(iv) in establishing the effective date of a
regulation promulgated under this sub-
section, take into account the differences in
the methods, facilities, and controls proposed to be used in
the situation.

"SEC. 906. GENERAL PROVISIONS RESPECTING
CONTROL OF TOBACCO PRODUCTS.

"(a) IN GENERAL.—Any requirement estab-
lished by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply
to smoking prevention and tobacco control
regulations, to assure that the public health
conform to current good manu-
ufacturing practices may include the testing of raw tobacco for pesticide chemical resi-
dues regardless of whether a tolerance for
such chemical residues has been established.

"(B) REQUIREMENTS.—The Secretary
shall—

"(i) before promulgating any regulation
under subparagraph (A), afford opportunity
for a temporary exemption or variance from
such requirement. Such a petition shall be
submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall

"(i) in the case of a petition for an exempt-
ion from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(ii) in the case of a petition for a variance
from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(ii) in the case of a petition for a variance
from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(iii) contain such other information as the
Secretary shall prescribe.

"(C) INFORMATION ON PUBLIC ACCESS AND
PUBLIC INSPECTION.—The Secretary shall—

"(B) REQUIREMENTS.—The Secretary
shall—

"(i) before promulgating any regulation
under subparagraph (A), afford opportunity
for an oral hearing;

"(ii) provide the advisory committee a
reasonable time to make its recommenda-
tion with respect to proposed regulations
under subparagraph (A); and

"(i) in the case of a petition for an exempt-
ion from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(ii) in the case of a petition for a variance
from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(iii) contain such other information as the
Secretary shall prescribe.

"(C) INFORMATION ON PUBLIC ACCESS AND
PUBLIC INSPECTION.—The Secretary shall—

"(B) REQUIREMENTS.—The Secretary
shall—

"(i) before promulgating any regulation
under subparagraph (A), afford opportunity
for a temporary exemption or variance from
such requirement. Such a petition shall be
submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall

"(i) in the case of a petition for an exempt-
ion from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;

"(ii) in the case of a petition for a variance
from a requirement, set forth the basis
for the petitioner's determination that com-
pliance with the requirement is not required
to assure that the tobacco product will be in
compliance with this chapter;
Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition’s referral. Within 60 days after—

(i) the date the petition was submitted to the Tobacco Products Scientific Advisory Committee; or

(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee, whichever occurs later, the Secretary shall by order either deny the petition or approve it.

(C) APPROVAL.—The Secretary may approve—

(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and storage of the tobacco product, as prescribed by the requirement, are sufficient to assure that the tobacco product will be in compliance with this chapter; and

(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the tobacco product, including provisions, where appropriate—

(i) for the reduction of nicotine yields of the product;

(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product;

(iii) relating to any other requirement under (B);

(B) shall, where appropriate for the protection of the public health, include—

(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the product;

(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in compliance with the standard for which the test or tests were required; and

(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 908(b); and

(C) shall, where appropriate, require the use and prescription of those products, or any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

(i) provide for testing under this section for the tobacco product, including information concerning the effects of the test or tests on the tobacco product standard; or

(ii) shall set forth findings with respect to the risk of illness or injury that the tobacco product standard is appropriate for the protection of the public health.

(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

(E) HEARING.—After the issuance of an order under subparagraph (B), respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

(F) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the period ending 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

(1) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 332(a) and (b) of title 31, United States Code, and after consideration of such comments, and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

(iii) relating to any other requirement under (B); or

(C) shall, where appropriate, require the use and prescription of those products, or any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

(i) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

(ii) set forth findings with respect to the risk of illness or injury that the tobacco product standard is no longer appropriate for the protection of the public health.

(G) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

(2) PROMULGATION.—(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under paragraph (1) respecting a tobacco product standard for which the Secretary determines that the standard would be appropriate for the protection of the public health, Economic and Disruptive Market Trade.

(3) Power reserved to Congress.—Because of the importance of a decision of the
Secretary to issue a regulation establishing a tobacco product standard—

"(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigarillos, all chewing tobacco, or all roll your own tobacco products; or

"(B) requiring the reduction of nicotine yields of a tobacco product to zero,

Congress expressly reserves to itself such power.

"(4) AMENDMENT, REVOCATION.—

"(A) Authority.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person may by a regulation, in the Secretary's own initiative or upon petition of an interested person may by a regulation, promulgated in accordance with the requirements of paragraphs (1) and (2), amend or revoke a tobacco product standard.

"(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

"(5) REFERENCE TO ADVISORY COMMITTEE.—The Secretary may—

"(A) on the Secretary's own initiative, refer such proposed regulation to the Tobacco Products Scientific Advisory Committee, for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment. If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the advisory committee with the data and information on which such proposed regulation is based. The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation and after independent study of the data and information furnished to it by the Secretary and any information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and of the reasons for the recommendation. A copy of such report and recommendation shall be made public by the Secretary.

"SEC. 908. NOTIFICATION AND OTHER REMEDIES.

"(a) Notification.—If the Secretary determines that—

"(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

"(2) under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as the Secretary determines is necessary to protect the public health. If a tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

"(1) may order notification by a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of such tobacco product or any significant increase in the frequency of a serious, expected adverse product experience;
"(2) PREMARKET APPROVAL REQUIRED.—

"(A) NEW PRODUCTS.—Approval under this section of an application for premarket approval for any new tobacco product is required if the applicant has not

(i) the manufacturer has submitted a report under section 905(j); and

(ii) the Secretary has issued an order that the tobacco product is substantially equivalent to another tobacco product.

"(B) APPLICATION.—An application for premarket approval shall contain—

(i) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

(ii) a full statement of the components, ingredients, additives, and properties, and of the methods of production, processing, and modification of tobacco product;

(iii) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and modification of tobacco product;

(iv) an identification of all the tobacco products, including clinical data if deemed necessary, under subparagraph (A) respecting a tobacco product if, upon the basis of such tobacco product, that the tobacco product is not substantially equivalent to a tobacco product.

"(C) A NEW TOBACCO PRODUCT IS SUBSTANTIALLY EQUIVALENT TO ANOTHER TOBACCO PRODUCT.—An order approving an application for a tobacco product may require—

(i) that the tobacco product is substantially equivalent to another tobacco product.

"(D) MARKET APPROVAL.—If the tobacco product is substantially equivalent to another tobacco product, the market approval shall contain—

(i) the Secretary, on the Secretary's own initiative; or

(ii) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for recommendation and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation.

"(E) APPEARING APPLICANTS.—

(1) DEADLINE.—

(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under paragraph (2) of such subsection, shall—

(i) issue an order approving the application if the Secretary finds that none of the grounds for denying approval specified in paragraph (2) of this subsection applies; or

(ii) deny the application if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

(2) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order approving an application for a tobacco product may require as a condition to such approval that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 907.

(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to place such tobacco product in a premarket form (which measures may include further research by the applicant in accordance with 1 or more protocols specified by the Secretary) and the reasons for the determination with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

(4) BASIS FOR ACTION.—In determining that there is a lack of a showing that tobacco product is not shown to be substantially equivalent to a tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) is made on the basis of such evidence.

(5) WITHDRAWAL AND TEMPORARY SUSPENSION.—

(A) IN GENERAL.—The Secretary shall, upon obtaining, where based on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approval application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

(i) that the new tobacco product no longer is appropriate for the protection of the public health;

(ii) that the application contained or was accompanied by an untrue statement of a material fact.

(B) APPEAL.—The applicant may appeal to the United States Court of Appeals for the District of Columbia Circuit from any order withdrawing approval under this section.

"(3) BASIS FOR FINDING.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health, the Secretary shall determine on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

"(B) OTHER EVIDENCE.—If the Secretary determines that there is existing valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) is made on the basis of such evidence.

"(D) IN GENERAL.—The Secretary shall, upon obtaining, where based on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approval application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

(A) that the applicant—

(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

(iii) has not complied with the requirements of section 905;

(B) that the manufacturer of the tobacco product is no longer in a position to prevent such tobacco product from being placed in commerce in a manner which is a condition to approval of such tobacco product; and

(C) that the applicant—

(i) has failed to maintain records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

(iii) has not complied with the requirements of section 905;
after receipt of written notice from the Secretary of nonconformity;

"(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, with which there was a condition to approval of the application, and that there is a lack of adequate information to justify the deviation from such standard.

"(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with subsection (e).

"(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of such tobacco product or the approved application would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section. If the Secretary issues such an order, the Secretary may expediently issue an order under paragraph (1) to withdraw such application.

"(4) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

"(1) in person by any officer or employee of the department designated by the Secretary; or

"(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant’s last known address in the records of the Secretary.

"(f) RECORDS.—

"(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an approval of an application has been issued, and in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such approval.

"(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge or custody thereof, shall, upon request of an officer or employee of the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

"(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless approval of an application filed pursuant to subsection (d) is effective with respect to such product.

"(b) DEFINITIONS.—In this section:

"(1) MODIFIED RISK TOBACCO PRODUCT.—The term ‘modified risk tobacco product’ means a tobacco product sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

"(2) SOLD OR DISTRIBUTED.—

"(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed’ includes any aspect of the label, labeling, or advertising of which the Secretary determines, or facilitate a determination of, whether the tobacco product or its smoke contains a reduced level of any substance that is harmful, and the product as actually used by consumers, will—

"(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

"(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products; or

"(II) the tobacco product or its smoke contains a reduced level of a substance or substances which are harmful, and the product as actually used by consumers, will—

"(i) the approval of the application would be appropriate to promote the public health;

"(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an expert representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

"(iii) scientific evidence is not available and, using the best available scientific methods, must be based on conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

"(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

"(B) LIMITATION.—No tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’, except as described in subparagraph (A).

"(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended, in whole or in part, for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product.

"(d) TOBACCO PRODUCT STANDARDS.—Except as provided in paragraph (2), if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

(i) the approval of the application would be appropriate to promote the public health;

(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an expert representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

(iii) scientific evidence is not available and, using the best available scientific methods, must be based on conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

"(e) ADVISORY COMMITTEE.—

"(i) IN GENERAL.—The Secretary shall refer to an advisory committee any application submitted under paragraph (d). In this advisory committee shall report its recommendations to the application to the Secretary.

"(ii) APPROVAL.—

"(A) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall approve an application for a modified risk tobacco product filed under this section only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

"(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

"(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

"(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

"(A) IN GENERAL.—The Secretary may approve an application for a tobacco product that has not been approved as a modified risk tobacco product pursuant to paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

(i) the approval of the application would be appropriate to promote the public health;

(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an expert representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

(iii) scientific evidence is not available and, using the best available scientific methods, must be based on conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

"(f) ADDITIONAL FINDINGS REQUIRED.—In order to approve an application under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

(i) the magnitude of the overall reductions in exposure to the substance or substances which are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

(ii) the product as actually used by consumers will not expose them to higher levels of any harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the anticipated overall impact of the product remains tabular and measurable reduction in overall morbidity and mortality among individual tobacco users;

(iii) the testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers
will not be misled into believing that the product—

‘‘(I) is or has been demonstrated to be less harmful; or

‘‘(II) it has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

‘‘(iv) the label of the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

‘‘(C) CONDITIONS OF APPROVAL.—

‘‘(i) IN GENERAL.—Applications approved under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

‘‘(ii) AGREEMENTS BY APPLICANT.—Applications approved under this paragraph shall be conditioned on the applicant’s agreement to conduct post-market surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the application approval on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the approval was based in accordance with a protocol approved by the Secretary.

‘‘(iii) INITIAL SUBMISSION.—The results of such post-market surveillance and studies described in clause (ii) shall be submitted annually.

‘‘(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

‘‘(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

‘‘(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

‘‘(C) the increased or decreased likelihood that persons who do not use tobacco products will begin to use the tobacco product that is the subject of the application;

‘‘(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence;

‘‘(E) comments, data, and information submitted by interested persons.

‘‘(h) ADDITIONAL CONDITIONS FOR APPROVAL.—

‘‘(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the approval of an application under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

‘‘(2) COMPARATIVE RISK PRODUCTS.—

‘‘(A) IN GENERAL.—The Secretary may require for the approval of an application under this subsection that a claim comparing the subject product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

‘‘(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subsection (A), that the percent (or fraction) of child and adolescent tobacco dependence relevance to the tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

‘‘(3) LABEL DISCLOSURE.—

‘‘(A) IN GENERAL.—The Secretary may require that the comparative risk products enable the public to compare at least 1 other tobacco product to a tobacco product that is the subject of the application as compared to the use of the tobacco product that is the subject of the application;

‘‘(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

‘‘(4) TIME.—The Secretary shall limit an approval under subsection (g)(1) for a specified period of time.

‘‘(5) IMPLEMENTING REGULATIONS OR GUIDANCE.—

‘‘(A) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

‘‘(A) establish minimum standards for scientific studies needed to show that a substantial reduction in morbidity or mortality among individual tobacco users is likely;

‘‘(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

‘‘(C) establish minimum standards for post-market studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

‘‘(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception and:

‘‘(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product.

‘‘(2) CONSULTATION.—The regulations or guidance issued under this section shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the criteria and conduct of such studies and surveillance.

‘‘(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

‘‘(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filling of a single application for any tobacco product that is a new tobacco product under section 910 and for which the applicant seeks approval as a modified risk tobacco product under this section.

‘‘(m) DISTRIBU TORS.—No distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would result in consumers believing that the tobacco product or its smoke present a lesser risk of disease than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance.
S3048

CONGRESSIONAL RECORD — SENATE
March 17, 2005

"(1) IN GENERAL.—Not later than 30 days after—

(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

(B) a denial of an application for approval under section 910(c), any person adversely affected by such regulation or denial may file a petition for judicial review or other remedy with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has its principal place of business.

"(2) REQUIREMENTS.—

(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

(i) the record of the proceedings on which the regulation or order was based; and

(ii) a statement of the reasons for the issuance of such a regulation or order.

(C) DEFINITION OF RECORD.—In this section, the term "record" means—

(i) all information, including other matter published in the Federal Register with respect to the regulation or order reviewed;

(ii) all information submitted to the Secretary with respect to such regulation or order;

(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

(iv) any hearing held with respect to such regulation or order; and

(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

(B) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as well as to review the record of the proceedings held in connection with that regulation or order.

"(2) REQUIREMENTS.—

(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.


(i) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco, and

(ii) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such Act.

SEC. 915. CONGRESSIONAL REVIEW PROVISIONS.

"(1) In accordance with section 801 of title 5, United States Code, Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section and section 801 do not apply to the tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.

"(2) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

SEC. 916. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

"(a) Establishment.—Not later than 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 11-member committee, known as the 'Tobacco Products Scientific Advisory Committee'.

"(b) Members.—

(A) Members.—The Secretary shall ap- point as members of the Tobacco Products Scientific Advisory Committee individuals who have technical qualifications and experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

(iii) 1 individual as a representative of the general public;

(iv) 1 individual as a representative of the Federation of American Scientists;

(v) 1 individual as a representative of the tobacco industry;

(b) RULES OF THE COMMITTEE.—The committee shall—

(a) IN GENERAL.—Nothing in this chapter or any rule promulgated under this chapter shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including any rule, regulation, or measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals, or information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit, or otherwise affect any State, Tribal, or local taxation of tobacco products.

"(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

(a) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

(B) EXCEPTION.—Subparagraph (A) does not apply to requirements under the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.

"(3) RULES OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

SEC. 917. PRESERVATION OF STATE AND LOCAL AUTHORITY.

"(1) IN GENERAL.—Nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including any rule, regulation, or measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals, or information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit, or otherwise affect any State, Tribal, or local taxation of tobacco products.

"(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

(a) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

(B) EXCEPTION.—Subparagraph (A) does not apply to requirements under the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.

"(3) RULES OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(4) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

(a) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

(B) EXCEPTION.—Subparagraph (A) does not apply to requirements under the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.
through (ii) of subparagraph (A) and shall be nonvoting representatives.

"(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is a current full-time employee of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

"(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

"(c) TOBACCO PRODUCTS.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary as follows:

"(1) as provided in this chapter;

"(2) on the effects of the alteration of the nicotine yields from tobacco products;

"(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

"(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

"(d) COMPENSATION; SUPPORT; FACAC.—

"(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or engaged in any business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate prescribed under level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

"(3) NONAPPLICATION OF FACACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Committee.

"(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEE.—The Secretary shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any record made under this subsection any information which is exempt from disclosure under section 552(b) of title 5, United States Code.

"(§ 910. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

"(a) ESTABLISHMENT OF QUARTERLY USER FEE.—The Secretary shall establish a quarterly user fee for every tobacco product subject to this section to be paid in amounts not to exceed the limit on the assessment imposed under subsection (d) during each fiscal year.

"(b) FUNDING OF FDA REGULATION OF TOBACCO PRODUCTS.—The Secretary shall make user fees collected pursuant to this section available to pay, in each fiscal year, for the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products subject to this chapter.

"(c) ASSESSMENT OF USER FEE.—

"(1) AMOUNT OF ASSESSMENT.—Except as provided in paragraph (4), the total user fees assessed each fiscal year pursuant to this section shall be sufficient to cover what is necessary, to pay for the costs of the activities described in subsection (b) for each fiscal year.

"(2) ALLOCATION OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

"(A) IN GENERAL.—Subject to paragraph (3), the total user fees assessed each fiscal year with respect to each class of tobacco products shall be equal to an amount that is the applicable percentage of the total costs of activities of the Food and Drug Administration described in subsection (b).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for a fiscal year shall be the following:

"(i) 92.07 percent shall be assessed on manufacturers and importers of cigarettes;

"(ii) 0.05 percent shall be assessed on manufacturers and importers of little cigars;

"(iii) 17.15 percent shall be assessed on manufacturers and importers of cigars other than little cigars;

"(iv) 0.43 percent shall be assessed on manufacturers and importers of smoke; and

"(v) 0.19 percent shall be assessed on manufacturers and importers of chewing tobacco.

"(3) DISTRIBUTION OF FEE SHARES OF MANUFACTURERS AND IMPORTERS EXEMPT FROM USER FEE.—Where a class of tobacco products is not subject to a user fee under this section, the portion of the user fee assigned to such class under subsection (d)(2) shall be allocated by the Secretary on a pro rata basis among the manufacturers of such class of tobacco products that are subject to the penalties described in section 1003 of title 18, United States Code.

"(4) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

"(1) IN GENERAL.—The calculation of gross domestic volume of each class of tobacco product shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

"(2) MEASUREMENT.—The purposes of the calculations under this subsection and the information provided under subsection (f) by the Secretary, gross domestic volume shall be measured by—

"(A) in the case of cigarettes, the number of cigarettes sold;

"(B) in the case of little cigars, the number of little cigars sold;

"(C) in the case of large cigars, the number of cigars weighing more than 3 pounds per thousand sold; and

"(D) in the case of other classes of tobacco products, in terms of number of pounds, or fraction thereof, of these products sold.

"(5) TIMING OF USER FEE ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed under subsection (d) during each quarter of each fiscal year. Such notifications shall occur not earlier than 3 months before the end of the fiscal quarter during which such assessment is made, and payments of all assessments shall be made not later than 60 days after each such notification.

"(d) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

"(1) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products shall be determined in each quarter by multiplying—

"(A) such manufacturer’s or importer’s market share of such class of tobacco products; by

"(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products; by

"(C) the market share of such manufacturer or importer.

"(2) NO FEE IN EXCESS OF MARKET SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the market share of such manufacturer or importer.

"(3) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

"(1) IN GENERAL.—The calculation of gross domestic volume of each class of tobacco product shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

"(2) MEASUREMENT.—The purposes of the calculations under this subsection and the information provided under subsection (f) by the Secretary, gross domestic volume shall be measured by—

"(A) in the case of cigarettes, the number of cigarettes sold;

"(B) in the case of little cigars, the number of little cigars sold;

"(C) in the case of large cigars, the number of cigars weighing more than 3 pounds per thousand sold; and

"(D) in the case of other classes of tobacco products, in terms of number of pounds, or fraction thereof, of these products sold.

"(4) DETERMINATION OF MARKET SHARE.—

"(1) IN GENERAL.—Each manufacturer and importer of tobacco products shall submit to the Secretary a certified copy of each of the returns or forms described by this paragraph that are required to be filed with a Government agency on the same date that those returns or forms are filed, or required to be filed, with such agency. The returns and forms described by this paragraph are those returns and forms related to the release of tobacco products, which are as defined by section 5702(k) of the Internal Revenue Code of 1986, and the repayment of the taxes imposed under chapter 52 of such Code (26 U.S.C. 5205).
"(b) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2005, based on domestic sales of tobacco products during fiscal year 2004 and shall be assessed in each fiscal year thereafter.

SEC. 102. INTERIM FINAL RULE.
(a) CIGARETTES AND SMOKLESS TOBACCO.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register an interim final rule regarding cigarettes and smokeless tobacco, which is hereby deemed to be in compliance with the Administrative Procedures Act, as applicable.

(b) CONTENTS OF RULE.—Except as provided in this subsection, the interim final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection;
(B) strike Subpart C—Labeling and section 897.32(c); and
(C) become effective not later than 1 year after the date of enactment of this Act.

(2) RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with the Administrative Procedures Act.

(3) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary, in promulgating, amending, or enacting a rule in accordance with the Administrative Procedures Act, the regulation promulgated pursuant to this section.

(4) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of the Food and Drug Administration: (A) any_findings promulgated under section 906(d) at a time when such amendments were in effect; (B) any_findings promulgated under section 808 at a time when such amendments were in effect; (C) any_findings promulgated under section 809 at a time when such amendments were in effect.

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.
(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—In paragraphs 3(a)(1) and 3(a)(2), the reference is to a section or provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.),
(b) Section 301.—Section 301 (21 U.S.C. 331) is amended—
(1) in subsection (a), by inserting "tobacco product," after "device;";
(2) in subsection (b), by inserting "tobacco product," after "device;"
(3) in subsection (c), by inserting "tobacco product," after "device;"
(4) in subsection (d), by inserting "tobacco product," after "device;"
(5) in subsection (e), by inserting "tobacco product," after "device;"
(6) in subsection (f), by inserting "tobacco product," after "device;"
(7) in subsection (g), by inserting "tobacco product," after "device;"
(8) in subsection (h), by inserting "tobacco product," after "device;"
(9) by striking subsection (p) and inserting the following:

(p) The failure to register in accordance with section 510 or 906, the failure to provide any information required by section 510(j), 510(k), 903(b), or 909, or the failure to provide a notice required by section 510(j)(2) or 909(1)(c).

(c) Section 303.—Section 303 (21 U.S.C. 333) is amended—
(1) in subsection (a), by striking "or tobacco product," after "device;"
(2) in paragraph (1)(A), by inserting "or tobacco products" after "devices;"
(3) in paragraph (2)(C), by striking paragraph (3)(A) and inserting paragraph (4)(A)
(4) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), and inserting after paragraph (2) the following:

(A) The Secretary may order the person who has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (4).

(b) Section 304.—Section 304 (21 U.S.C. 334) is amended—
(1) by inserting after the following:

"(h) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2005, based on domestic sales of tobacco products during fiscal year 2004 and shall be assessed in each fiscal year thereafter.

SEC. 102. INTERIM FINAL RULE.
(a) CIGARETTES AND SMOKLESS TOBACCO.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register an interim final rule regarding cigarettes and smokeless tobacco, which is hereby deemed to be in compliance with the Administrative Procedures Act, as applicable.

(b) CONTENTS OF RULE.—Except as provided in this subsection, the interim final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection;
(B) strike Subpart C—Labeling and section 897.32(c); and
(C) become effective not later than 1 year after the date of enactment of this Act.

(2) RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with the Administrative Procedures Act.

(3) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary, in promulgating, amending, or enacting a rule in accordance with the Administrative Procedures Act, the regulation promulgated pursuant to this section.

(4) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of the Food and Drug Administration: (A) any_findings promulgated under section 906(d) at a time when such amendments were in effect; (B) any_findings promulgated under section 808 at a time when such amendments were in effect; (C) any_findings promulgated under section 809 at a time when such amendments were in effect.

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.
(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—In paragraphs 3(a)(1) and 3(a)(2), the reference is to a section or provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.),
(1) in subsection (a)(1)(A), by inserting "to- 
bacco products," after "devices," each place it 
appears;
(2) in subsection (a)(1)(B), by inserting "or 
tobacco products," after "restricted devices" each 
place it appears; and
(3) in subsection (b), by inserting "tobacco 
product," after "device," the first time it appears;
(B) in paragraph 757(b) (21 U.S.C. 375(b)) is 
amended by inserting "tobacco product," after "device";
(i) [Section 709.—Section 709 (21 U.S.C. 379) is 
amended by inserting "or tobacco product" after "device"];
(ii) Section 801.—Section 801 (21 U.S.C. 381) is 
amended—
(1) [in subsection (a)—
(A) by inserting "tobacco products," after "devices," the first time it appears;
(B) in paragraph 905(a) after "section 510"; and
(C) by striking "drugs or devices" each 
time it appears and inserting "drugs, 
deVICES, OR TOBACCO PRODUCTS";
(2) in subsection (e)(1), by inserting "to- 
bacco product," after "device,"; and
(3) by adding at the end the following:
"(p) [Section 1153.—Section 1153 (15 U.S.C. 3783) is 
amended—
(1) in subsection (a)(1), by inserting after the date of 
the enactment of the Family Smoking Pre- 
vention and Tobacco Control Act, and annu- 
ally thereafter, it shall be submitted to the 
Committee on Health, Education, Labor, and Pensions of the Senate and the 
Committee on Energy and Commerce of the 
House of Representatives, a report regard- 
ing—
(A) the nature, extent, and destination of 
United States tobacco product exports that 
do not conform to tobacco product standards 
established pursuant to this Act;
(B) the public health implications of such 
exports, including any evidence of a negative 
public health impact caused by such exports.
(C) recommendations or assessments of policy 
alternatives available to Congress and the 
Executive Branch to reduce any negative 
public health impact caused by such exports.
(2) The Secretary is authorized to estab- 
lish appropriate information disclosure re- 
quirements to carry out this subsection.
(2) in subsection 1013, Section 1013 (21 U.S.C. 333(c)) as 
(redesignated by section 101(a)) is amended—
(1) by striking "and" after "cosmetics,"; and
(2) by inserting a comma and "and tobacco 
products" each time it appears; and
(1) the meaning, extent, and definition of 
"connected and support Health and Human Services shall issue guidance—
(A) defining the term "repeated violation", as 
used in section 303(f) of the Federal Food, 
Drug and Cosmetic Act (21 U.S.C. 333(f)) as 
amended by subsection (c), by identifying the 
number of violations of particular re- 
quirements over a specified period of time at 
a particular retail outlet, that outlet will not 
be considered to have been the site of repeated 
violations when the next violation occurs; and
(2) providing for timely and effective no- 
tice to the retailer of each alleged violation 
at a particular retail outlet; and
(3) establishing disciplinary sanctions for 
employee noncompliance; and
(iv) requiring its employees to verify age 
by way of photographic identification or 
electronic scanners where provided.
(2) GENERAL EFFECTIVE DATE.—The amend- 
ments made by subsection (c), other than the 
amendment made by paragraph (2) of such 
subsection, shall take effect upon the issuance of guidance described in paragraph 
(1).
(3) SPECIAL EFFECTIVE DATE.—The amend- 
ments made by paragraph (2) of subsection 
(c) shall take effect on the date of enactment 
of this Act.

TITLE VII—TOBACCO PRODUCT WARNINGS; 
CONSTITUENT AND SMOKE CON- 
STITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING 
WARNINGS.

Section 4 of the Federal Cigarette Labeling 
and Advertising Act (15 U.S.C. 333) is 
amended to read as follows:

"SEC. 4. LABELING.

(a) Label requirements.—
(1) In general.—It shall be unlawful for 
younger than 21 years of age to purchase 
any cigarette unless the cigarette package 
of which fails to bear, in accordance with the 
requirements of this section, one of the following labels:

‘WARNING: Cigarettes are addictive.

‘WARNING: Tobacco smoke can harm your children.

‘WARNING: Cigarettes cause fatal lung dis- 
ease.'

‘WARNING: Cigarettes cause cancer.

‘WARNING: Cigarettes cause strokes and 
heart disease.

‘WARNING: Smoking during pregnancy can 
harm your baby.

‘WARNING: Smoking can kill you.

‘WARNING: Tobacco smoke causes fatal lung 
disease in and

‘WARNING: Quitting smoking now greatly 
reduces serious risks to your health.

(2) Placement; typography; etc.—
(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the 
package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) Any text that is highlighted shall be 
designed to have all capital letters, 
"WARNING" shall appear in capital letters, and each 
"WARNING: " shall appear in capital letters.

(C) Each label statement shall be in 
conspicuous and legible type. The size of the 
text shall be black if the background is 
white and white if the background is black. 

(D)下的 text shall be designed to have all 
capital letters, "WARNING:" shall appear in 
capital letters, and each "WARNING: 
" shall appear in capital letters.

(3) in subsection (a)(1)(A), by inserting "to- 

(E) In a magazine advertisement; 22.5-point type for a double page spread 

(F) In a newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement;

(G) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.

"(A) In capital letters, the label statement 
required by paragraph (1) shall be located in the upper 
portion of the front and rear panels of the package, directly on the package 
understanding such text shall be in 
the predominant language in which the 
product is sold. The label 
statement shall be black if the background is 
white and white if the background is black. 

(B) In a magazine advertisement; 22.5-point type for a whole-page tabloid newspaper advertisement;

(C) In any other advertisement; 45-point type for a whole-page tabloid newspaper advertisement.
WARNING LABEL STATEMENTS.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

"WARNING: This product can cause mouth cancer.

"WARNING: This product can cause gum disease and tooth loss.

"WARNING: Smokeless tobacco is addictive.

"(2) Each label statement required by paragraph (1) shall be:

"(A) located on the 2 principal display panels of the package, and each label statement shall appear in conspicuous and legible type.

"(B) in 17-point conspicuous and legible type and in black text, on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under paragraph (b)(3), except that if the text of a label statement is smaller than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(4) The label statements required by paragraph (1) shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco products manufacturer, importer, or distributor and that is not altered by the retailer.

"(b) TELEVISION AND RADIO ADVERTISING.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(2) The Secretary may, by a rulemaking under section 533 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.

"SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 533, is further amended by adding at the end the following:

"(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 533 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a
change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.”.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(a)), as added by section 201, is further amended by adding at the end the following:

“(4)(A) The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary’s sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette health warning a description of the level of a tobacco product constituent that is a smoke constituent. Any such determination shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsections (b) and (c) of this section, and shall appear within the area specified in subsection (b) of this section.

“(B) Any differences between the requirements established by the Secretary under subparagraph (A) and the equivalent U.S. and foreign cigarette and tobacco product label requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

“(C) In addition to the disclosures required by paragraph (4)(A), the Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required by the Secretary to be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a advertisement in a magazine or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements required under this paragraph. This paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with the requirements of this subsection.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 201, is further amended by adding at the end the following:

“SEC. 921. LABELING, RECORDKEEPING, RECORDS INSPECTION.

“(a) ORIGIN LABELING.—The label, packaging, and shipping containers of tobacco products sold for importation or delivery of tobacco products manufactured or distributed for importation into the United States shall bear the statement ‘sold only allowed in the United States.’

“(b) IN GENERAL.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

“(2) DISCLOSURE.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products and shall require, with respect to a manufacturer of tobacco products, records that trace the movement of such products through to retail outlets.

“(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of facilitating tracking of tobacco products through the distribution system.

“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is an illicit product, or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products, at the request of the Secretary, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, the Secretary or an inspecting officer to inspect the records, routine documents, credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such tobacco product, article that are needed to assist the Secretary in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been:

“(A) imported, exported, distributed or offered for sale in interstate commerce by a person who has not paid duties or taxes required by law; or

“(B) imported, exported, distributed or diverted for possible illicit marketing,

“the manufacturer or distributor shall promptly inform the Attorney General of such knowledge.

“(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term ‘know’ as applied to a manufacturer or distributor means:

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due diligence.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

“(1) determine the level of trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

“(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States) for tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

Mr. KENNEDY. Mr. President, today, Senator DEWINE and I are introducing legislation to give the Food and Drug Administration broad authority to regulate tobacco products for the protection of the public health. We cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products.

Last year, a large bipartisan majority of the Senate voted to grant the FDA authority to regulate tobacco products. It was a major step forward in the long-term effort to enact this legislation, which health experts believe is the most important action Congress could take to protect children from this deadly addiction. Unfortunately, the legislation was blocked by a small group of House conferees.

We are reintroducing our bill today and we are hopeful that 2005 will be the year when Congress takes the final steps to enact this extraordinarily important public health legislation. This bill has majority support in the Senate and strong support amongst rank and file members in the House. Now is the time to make it the law of the land.

The stakes are vast. Five thousand children have their first cigarette every day, and two thousand of them become daily smokers. Nearly a thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over eleven billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90 percent of smokers become addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies'
own words, the magnitude of the industry’s efforts to trap children into dependency on their deadly product. Recent studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will reach children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing where it will be used by significant numbers of children. It grants FDA full authority to regulate tobacco advertising “consistent with and to the full extent permitted by the First Amendment.”

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that these laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. It means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rule-making proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. However, most of the regulations were never implemented. If we are serious about curbing youth smoking, FDA must have the authority to limit the sale of tobacco products. Nearly one million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as “reduced risk” cigarettes. This legislation will require manufacturers to submit such “reduced risk” products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA’s satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could pull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs—to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

Enacting this bill this year is the right thing to do for America’s children.

By Mr. SPECTER:

S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational standards for asbestos; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, today I rise to introduce the “Asbestos Standards Enforcement Act.” This legislation provides for enhanced criminal penalties for willful violations of occupational standards for asbestos.

Currently, the Occupational Safety and Health Act provides for criminal sanctions only in those cases where a willful violation of standards results in the death of a worker. This circumstance is not likely to occur when an employer is cited for an asbestos violation, due to the long latency of the disease, and the fact that the Occupational Safety and Health Administration is required to issue citations within six months after Labor, Health, Education, Labor, and Pension Committee.

There are still egregious practices by employers, particularly when it comes to asbestos abatement, that must be stopped. In a recent case, owners of an asbestos removal firm were convicted of exposing hundreds of workers to such high levels of asbestos that many of these workers are almost certain to contract asbestosis, lung cancers, and mesothelioma. Yet this case involved as minimal prosecution as five environmental laws because the OSHA Act does not contain sufficient authority for criminal prosecution in such cases. In many other asbestos cases, it may not be possible to successfully apply environmental laws to protect workers.

This legislation would subject employers who willfully violate OSHA asbestos standards to fines at levels set by the Uniform Criminal Code, as well as imprisonment of up to ten years, or both. If the conviction is for a violation committed after a first conviction, this legislation would provide punishment by penalties in accordance with the Uniform Criminal Code, imprisonment for not more than ten years, or both.

Strong enforcement actions against parties that violate OSHA asbestos rules are necessary to avoid putting workers and the public at risk of asbestos-related diseases. I have incorporated these strong measures in my discussion draft of the “Fairness in Asbestos Injury Resolution Act.” While that legislation is being considered, there is no reason not to proceed with OSHA legislation that would come before the Senate Health, Education, Labor, and Pension Committee.

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in the workplace. I urge the Senate to pass this legislation.

By Mr. McCaIN (for himself and Mr. SALAZAR):

S. 670 A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. McCaIN. Mr. President, I am pleased to be joined today by Senator SALAZAR in introducing the Cesar Estrada Chavez Study Act. This legislation would authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez. Mr. Chavez's legacy is an inspiration to us all and he will be remembered for helping Americans to transcend distinctions of experience and share equally in the rights and responsibilities of citizenship.

An important that we honor his struggle and do what we can to preserve appropriate sites that are significant to his life.

Cesar Chavez, an Arizonan born in Yuma, was the son of migrant farm workers. While his formal education ended in the eighth grade, his insatiable intellectual curiosity and determination helped make him as one of the great American leaders for his successes in organizing migrant farm workers. His efforts on behalf of some of the most oppressed individuals in our society is an inspiration and through his work he made America a bigger and a better nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a defender of worker's rights. He founded the National Farm Workers Association in 1962, which later became the United Farm Workers of America. He gave a voice to those who had no voice. In his words, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community... our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

This legislation, which passed the Senate unanimously during the last Congress, has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation. The bill would direct the Secretary of the Interior to determine whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of this legislation is to establish a foundation for future legislation that would then designate land for the appropriate sites to become historic landmarks.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. His motto in life, "si se puede" or it can be done, epitomizes his life's work and continues to influence those wishing to improve our Nation. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

Mr. SALAZAR. Mr. President, I rise today to introduce exemplary American and passionate champion of human and civil rights, Cesar Estrada Chavez, and to introduce legislation that takes an important first step in memorializing his tremendous contributions.

Together with Senator JOHN MCCaIN, I will introduce the Cesar Estrada Chavez Study Act. This bill will direct the Secretary of the Interior to conduct a study of sites associated with the life of Cesar Chavez and will lay the necessary groundwork for the preservation of these sites as national historic landmarks. In the 108th Congress, Senator McCaIN and Representative Hilda Solis sponsored similar legislation in the House of Representatives, and I am pleased to join their efforts.

Like many great American heroes, Cesar Chavez came from humble roots, but his strength of character led him to achieve great things. Chavez was born on March 31, 1927 in Yuma, AZ, where he grew up on his family's farm. At age 10, his family lost their farm in a bank foreclosure, forcing them to join the thousands of farm workers that wandered the Southwest to find work. They worked in fields and vineyards, harvesting fruits and vegetables that people throughout the world enjoyed unaware of the daily hardships endured by farm workers.

Cesar Chavez experienced these hardships and witnessed first hand the injustices in farm worker life. He became determined to bring dignity to farm workers and in 1962, he founded the National Farmworkers Association, which would later become the United Farmworkers of America (UFW). Through the UFW, Chavez called attention to the terrible working and living conditions of America's farm workers. Most importantly, he organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect.

Like Cesar Chavez, I am the son of farmers. Everyday, I am reminded of my family's tradition of working the land by the sign on my desk that reads "No Farms, No Food." And without the farms, where would the fruits and vegetables we all enjoy? Cesar Chavez understood this—he championed the rights of these forgotten Americans and helped shine a light of their plight. He once remarked, "It is my deepest belief that only by giving our lives do we find life." He gave his life to ensure farm workers, and all workers, were afforded the rights and dignity they deserved.

For these reasons and many more, I proudly join my colleague from Arizona in introducing significant legislation that will honor Cesar Chavez. It is my hope that Congress can work together to quickly pass this important bill that honor the places of Chavez' life and allow his legacy to inspire and serve as an example for our future leaders.

By Mr. CORZINE:

S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

Mr. CORZINE. Mr. President, today I am introducing legislation to make India eligible for assistance under the Emergency Plan for AIDS Relief (PEPFAR).

India is at a tipping point. A silent tsunami is at hand, and we can either act now or witness the preventable deaths of millions of people. An estimated 5.1 million people are infected with the HIV virus in India, second only to South Africa. HIV/AIDS has been reported in almost all the states and union territories of the country. In parts of the country, the prevalence rates are similar to those in the hardest-hit areas of sub-Saharan Africa. In Belgaum in Karnataka, for instance, a district whose population is greater than that of Ireland, 4.5 percent are infected.

The epidemic is spreading rapidly from urban to rural areas and from high-risk groups such as sex workers and IV drug users to the general population. The mobility of India's population creates a situation where one of every five Indian in the world are eligible for assistance under the PEPFAR.

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assistance, and to demonstrate America’s commitment to helping India combat HIV/AIDS, it is critical that India become eligible for the President’s Emergency Plan for AIDS Relief. Smaller countries may seem more manageable. Combating HIV/AIDS in a country like India may seem daunting. But if we invest now in stopping this epidemic, if we take advantage of this window of opportunity, we can head off a catastrophe.

In addition to adding India to the list of countries eligible for PEPFAR assistance, this bill authorizes whatever funds are necessary to provide this assistance. It thus ensures that confronting the epidemic in India does not come at the expense of other countries. We must continue to expand the list of eligible countries in recognition of the global nature of this pandemic. We must also accelerate assistance to African and Caribbean countries already included as focus countries. Finally, we must provide overall funding to combat HIV/AIDS.

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. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. ASSISTANCE TO COMBAT HIV/AIDS IN INDIA.


SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise available for such purpose, there is authorized to be appropriated to the President such sums as may be necessary for fiscal years 2006 through 2008 to provide assistance to India pursuant to the United States Leadership Against AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) and the amendments made by that Act.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):

S. 675. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America’s small, rural towns, and for other purposes; to the Committee on Finance.

By Mr. DORGAN, Mr. President, today Senators HAGEL, BROWNBACK, JOHNSON and many of our colleagues are reintroducing the New Homestead Act that will help address one of the most serious threats to the future of America’s Heartland—the loss of its residents and Main Street businesses.

Over the past several years, we have described for our colleagues—and the American people—the economic devastation that population loss has had on America’s Heartland. Hundreds of thousands of people have left small towns in rural areas throughout the Great Plains in search of opportunities elsewhere.

In North Dakota, we have experienced greater than 10 percent net out-migration in nearly 90 percent of our counties over the past two decades. My home county, Hettinger, saw its population dwindle from 4,257 in 1980 to just 2,715 in 2000. Its population is projected to drop to just 1,877 by 2020.

However, this out-migration problem isn’t limited to North Dakota. Nearly all of America’s Heartland is facing population losses of epic proportions. Seventy percent of the rural counties in the Great Plains have seen their population shrink by at least one-third.

If you are a business owner, mayor, school board member, minister or resident of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can’t grow or run a business in an environment where the overall economy is shrinking; current and potential customers are leaving, and public and private investment is falling.

To encourage businesses to move to or expand their operations in high out-migration rural counties, we are introducing today the New Homestead Act of 2005 that is growing. This issue has been the subject of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can’t grow or run a business in an environment where the overall economy is shrinking; current and potential customers are leaving, and public and private investment is falling. Too many communities in North Dakota and other rural States lack the critical mass of people and resources it takes to keep a community alive and growing.

The New Homestead Act of 2005 that we are introducing today will help stem the problem of chronic rural out-migration and allow many rural areas to grow and prosper again. This one-of-a-kind bill is virtually identical to the bill we introduced in the last Congress. The New Homestead Act gives people who are willing to commit to live and work in high out-migration areas for 5 years added incentives to buy a home, pay for college, build a nest egg, and start a business—or just plain get ahead in life. These incentives include repaying a portion of college loans, offering a tax credit for the purchase of a new home, protecting home values by allowing losses in home value to be deducted from federal income taxes, and establishing Individual Homestead Accounts that will help people build savings and have access to credit.

This legislation also would establish a new venture capital fund with state and local governments as partners to ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

Our rural areas have been fighting for their very survival for years, yet until recently, most Americans didn’t even know about this struggle. Today, however, general awareness about the problem of chronic rural out-migration is growing. This issue has been the subject of national symposiums, forums, town hall meetings and congressional hearings.

Last year, the U.S. Senate acted on some provisions from the New Homestead Act that offer state and local governments much-needed tools to entice people to stay or stay in rural areas that are suffering from high out-migration. With the help of the leaders of the tax-writing Senate Finance Committee, Chairman CHUCK GRASSLEY of Iowa and Ranking Democrat MAX BAUCUS of Montana, the Senate passed two key investment tax credit measures in the New Homestead Act as part of a major corporate tax bill considered last year. These investment tax credits were intended to encourage businesses to move to or expand their operations in high out-migration rural counties. Together, these rural investment tax provisions would have made an estimated $641 million in tax credits available for business over the next decade.

Regrettably, these tax provisions were dropped from the final tax bill sent to the President. But the Senate’s action sent a message of hope and opportunity to many rural communities: Federal policymakers do understand that rural out-migration is a serious threat to the economic well-being of the Nation’s Heartland and that the New Homestead Act is a serious proposal addressing this threat.

I think our colleagues would agree that our Nation’s rural areas are great places to live and raise a family. Most rural communities have good schools, low crime rates, and a level of civic involvement that would make any public official proud. But it has been a constant struggle for many rural communities in North Dakota and the Great Plains to survive. This shouldn’t be the case.

I ask for unanimous consent to work with all of my colleagues to try to reverse the trend of population loss and grow the economies of rural areas in North Dakota, Nebraska, Iowa, Kansas and the rest of America’s Heartland. Enacting the policy changes recommended in the New Homestead Act is a very good place to start.

I urge my colleagues to support the New Homestead Act in the 109th Congress by cosponsoring it and helping us move this important bill forward, once again, in the legislative process.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPECTER, Mr. ALEXANDER, Mr. DEWINE, Mrs. CLINTON, and Mrs. HUTCHISON):

S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. STEVENS. Mr. President, I have introduced today the Graduation Real- ly Achieves Dreams, GRAD, Act, which will help improve our nation’s graduation rate by authorizing a program that has a proven track record—Project GRAD USA. I am joined by my colleagues, Senators FRIST, CLINTON, ALEXANDER, DEWINE, HUTCHISON and SPECTER.

Currently in our Nation, we graduate only 70 percent of our students from high school. In high poverty urban districts, we often graduate fewer than half the students who have been rural areas, where one-third of American students are educated—only 58.8 percent of students attend colleges and
universities, compared with 68.2 percent in urban and suburban areas. The problem is especially acute in Alaska, where Alaska Natives are almost twice as likely as other students to drop out of high school.

We must provide better support and resources for our most vulnerable students. Project GRAD USA is already doing that job in 12 sites nationwide, including one in my own State of Alaska.

Project GRAD USA is a national program to increase the number of low-income and at-risk students who attend college and earn degrees. Unlike other national programs, Project GRAD USA is a comprehensive non-profit K–12 education reform program. It serves at-risk students, beginning in kindergarten, and staying with them through college, by offering research-based programs in reading, math, classroom management, social services, and college preparation. Students who qualify then continue at a four-year college or university. Scholarships are funded by private-industry donations and foundation grants, as well as previously-appropriated Federal dollars.

In Alaska, Project GRAD established a program on the Kenai Peninsula and serves six K–12 schools and one K–10 school, reaching 600 students. Three schools serve small Alaska Native communities; three serve Russian Old Believer communities; and the seventh school is the rural community of Alaska Natives, Russians and other Caucasians. More than 47 percent of the students Project GRAD Kenai serves are at poverty level, and 49.2 percent of Kenai students report that a language other than English is spoken at home. Project GRAD is committed to maintaining cultural relevance in each of the schools it serves and creating individualized components developed with community leaders, teachers and families.

This legislation would provide funds so Project GRAD can continue to grow in the States where it now operates and expand its proven model elsewhere. It also requires the local sites to match federal funds it receives with local dollars and in-kind support. In this way, federal funds are leveraged to increase support for needed educational reform and enhancement.

When I visit the Kenai Peninsula in Alaska, our first-hand impact Project GRAD has made on the students in this district as well as the significant economic impact to the overall Peninsula. In the first five years of the program, over $6 million will be invested in program development and implementation, a minimum of $250,000 will be awarded in scholarships.

Project GRAD USA has proven its effectiveness nationwide and now serves over 133,000 students. High school graduation rates for long-term participants have increased by 85 percent, and those who have gone on to college have earned college degrees at a rate of 89 percent above the national average.

These results have not gone unnoticed as President Bush and Majority Leader Frist have both strongly supported the program. Further, Fortune magazine chose GRAD as its “charity of choice” for 2004.

Promoting education, retention and graduation initiatives aimed at our students most at-risk deserve every policy-maker’s attention as we aim to do the most good with limited resources. I am proud to support this legislation, and I encourage my colleagues to join me in supporting GRAD’s continued success for our children.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSEN, Mr. LIEBERMAN, Mr. BROWNBACK, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):

S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pen.

Mr. SANTORUM. Mr. President, I rise today to introduce the Workplace Religious Freedom Act. I am pleased to be joined in this effort by Senator KERRY and appreciate the work he has done on this bill over the years. I am also pleased to have a number of Senators, both Democrats and Republicans, liberals and conservatives, join me in cosponsoring this important legislation.

The bill we introduce today is intended to ensure that employees are not forced to choose between their religious beliefs and practices and keeping their jobs. It recognizes that an individual’s faith impacts every part of their life, including the many hours spent in the workplace. America is distinguished not only as a land of religious freedom, and it should be a place where people are not forced to choose between keeping their faith and keeping their job. This simple proposition is why we are re-introducing the Workplace Religious Freedom Act (WRFA), which provides a balanced approach to reconciling the needs of people of faith in the workplace with those of employers.

Title VII of the Civil Rights Act of 1964 was designed to address conflicts between religion and work. It requires employers to reasonably accommodate the religious needs of their employees so long as it does not impose an undue hardship on the employer. The problem is that our federal courts have essentially ruled that any hardship is an undue hardship and have thus left religiously observant workers with little or no legal protection. WRFA will re-establish the principle that employers must reasonably accommodate the religious needs of employees. This legislation is carefully crafted and strikes an appropriate balance, respecting religious accommodation while ensuring that an undue burden is not forced upon employers. WRFA is also careful to ensure that the accommodation of an individual employee’s religious conscience will not adversely affect the delivery of products or services to an employer’s customers.

The balance that this legislation seeks to establish is evident in the broad spectrum of groups supporting this bill, including the Union of Orthodox Jewish Congregations, the Southern Baptists Convention, the National Council of Churches, the North American Council for Muslim Women, the Sikh Resource Taskforce, the Seventh Day Adventist Church, the American Jewish Committee, Agudath Israel of America, the U.S. Conference of Catholic Bishops and many others.

America is a great nation because we honor not only the freedom of conscience, but also the freedom to exercise one’s religion according to the dictates of that religious conscience. This fundamental freedom is protected and strengthened in this legislation by re-establishing an appropriate balance between the demands of work and the principles of faith.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD after my statement.

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

S. 677

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

TITLE I. SHORT TITLE.

This Act may be cited as the “Workplace Religious Freedom Act of 2005”.

SEC. 2. AMENDMENTS.

(a) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(1) by inserting “(1)” after “(j)”;

(2) by inserting “, after initiating and engaging in an affirmative and bona fide effort,” after “unlawful”;

(3) by striking “employee’s” and all that follows through “employee’s religious”; and

(4) by adding at the end the following:

“(2A) In this subsection, the term ‘employee’ includes an employee (as defined in subsection (f)), or a prospective employee, who, with or without reasonable accommodation, is qualified to perform the essential functions of the employment position that such individual holds or desires.

“(B) In this paragraph, the term ‘perform the essential functions’ means carrying out the core requirements of an employment position and does not include carrying out practices relating to clothing, practices relating to taking time off, or other practices that may have a temporary or tangential impact on the ability to perform job functions, if any of the practices described in this subparagraph restrict the ability to wear religious clothing, to take time off for a holy day, or to participate in a religious observance or practice.”

“(C) In this subsection, the term ‘undue hardship’ means an accommodation requiring significant difficulty or expense. For purposes of determining whether an accommodation requires significant difficulty or expense, factors to be considered in making the determination shall include—
"(A) the identifiable cost of the accommodation, including the costs of loss of productivity and of retraining or hiring employees or transferring employees from 1 facility to another;

"(B) the overall financial resources and size of the employer involved, relative to the number of its employees; and

"(C) factors, such as the geographic separateness or administrative or fiscal relationship of the facilities;"

(2) EMPLOYMENT PRACTICES.—Section 703 of such Act (42 U.S.C. 2000e–2) is amended by adding at the end the following:

"(c)(1) In this subsection:

"(A) 'The term 'employee' has the meaning given in the term section 701(j)(2).

"(B) 'The term 'leave of general usage' means leave provided under the policy or program of an employer, under which—

"(i) an employee may take leave by adjusting or altering the work schedule or assignment of the employee according to criteria determined by the employer; and

"(ii) the employee may determine the purpose for which the leave is to be utilized.

"(2) For purposes of determining whether an employer has failed to provide a reasonable accommodation for an employee, for an accommodation to be considered to be reasonable, the accommodation shall remove the conflict between employment requirements and the religious observance or practice of the employee.

"(3) An employer shall be considered to commit such a practice by failing to provide such a reasonable accommodation for an employee if the employer refuses to permit the employee to utilize leave of general usage to remove such a conflict solely because the leave would be used to accommodate the religious observance or practice of the employee.''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by section 2 take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 do not apply with respect to conduct occurring before the date of enactment of this Act.

By Mr. REID:

S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

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

The Senate agreed, and the bill was ordered to be printed in the RECORD, as follows:

S. 678

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

SECTION 1. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: ‘‘Such term shall not include communications over the Internet.’’. By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 679. A bill to amend title 10, United States Code, to require the registration of contractors’ taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am reintroducing the Central Contractor Registry Act. This legislation is particularly relevant this week, as we debate a huge budget to restore fiscal discipline.

Last year the Government Accountability Office testified at a hearing before the Permanent Subcommittee on Investigations that over 27,000 contractors at the Department of Defense owed over $3 billion in unpaid Federal taxes. If we want to demonstrate fiscal discipline, it seems to me that we ought to be looking at places like this before we start talking about cuts to Medicaid or the farm bill. Asking companies that do business with the government to simply pay their taxes seems like common sense to me.

That’s why I have introduced the Central Contractor Registry Act. This bill will close a $3 billion tax loophole and will help to recover over $100 million annually from federal contractors who have not paid federal tax returns or who have not paid the taxes they owe the government.

The bill establishes a centralized contractor database within the Department of Defense, and requires federal contractors who register in that database to provide their taxpayer identification number and their consent to verifying that number with the Internal Revenue Service as a condition that must precede the awarding of a contract by the Department of Defense.

Normally, companies that are delinquent in paying their taxes are levied 15 percent of the payments they receive as government contractors. In fiscal year 2002, this should have amounted to over $100 million from tax delinquent Department of Defense contractors. However, actual collections for that year were less than $500,000. And in 2001, over 26,000 of the defense contracts submitted to the IRS for backup withholding. This would apply to those contractors who list an invalid taxpayer identification number, have a contract with the Department of Defense, and will earn misclassified income that is required to be reported to the Internal Revenue Service.

I would like to briefly summarize the major provisions of my bill. It provides a statutory basis for registering contractors in the Central Contractor Registry and renews the database as the Central Contractor Registry. It requires that the registry contain contractors’ taxpayer identification numbers, their consent to verifying their numbers with the Internal Revenue Service and for the Internal Revenue Service to provide a corrected number if possible. It requires that registrants furnish this information as a condition for registration, and requires the Department of Defense to warn contractors who fail to provide a valid taxpayer identification number that they may be subject to backup withholding and requires implementation of backup withholding in cases where it is required. It precludes awarding a contract to any registrant who has not provided a valid taxpayer identification number and excludes from coverage any registrant who is not required to have a taxpayer identification number.

Secretary of Defense to apply to the Internal Revenue Service for inclusion in the Taxpayer Identification Number Matching Program and directs the Commissioner of Internal Revenue to respond to the Department of Defense. It directs the Secretary of Defense to provide any registrant who is determined to have an invalid taxpayer identification number with an opportunity to provide a valid number. It further requires that the Central Contractor Registry clearly indicate whether a registrant’s taxpayer identification number is valid, under review,
ordered to be printed in the Record, as follows:

S. 679

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 “Central Contractor Registry Act of 2005”.

SEC. 2. CENTRAL CONTRACTOR REGISTRY DATABASE.

(a) AUTHORITY.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302 the following new section:

"§2302e. Central contractor registry

"(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a centralized, electronic database for the registration of sources of property and services who seek to participate in contracts and other procurements entered into by the various procurement officials of the United States. The database shall be known as the ‘Central Contractor Registry’.

"(b) TAXPAYER INFORMATION.—(1) The Central Contractor Registry shall include the following tax-related information for each source registered in that registry:

"(A) Each of that source’s taxpayer identification numbers.

"(B) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue—

"(i) the validity of each of that source’s taxpayer identification numbers; and

"(ii) in the case of any of such source’s registered taxpayer identification numbers that is determined invalid, the correct taxpayer identification number, any other correct taxpayer identification number, any correct taxpayer identification number that the Commissioner can promptly and reasonably determine.

"(C) The Secretary shall—

"(i) warn each source seeking to register in the Central Contractor Registry that the source may be subject to backup withholding for a failure to submit each such number to the Secretary; and

"(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

"(2)(A) The Secretary of Defense shall require each source, as a condition for registration in the Central Contractor Registry, to provide the Secretary with the information and authorization described in paragraph (1).

"(B) The Secretary shall—

"(i) transmit to the Central Contractor Registry that the source may be subject to backup withholding for a failure to submit each such number to the Secretary; and

"(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

"(3) A source registered in the Central Contractor Registry is not eligible for a contract entered into under this chapter or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) if that source—

"(A) has failed to provide the authorization described in paragraph (1); or

"(B) has failed to register in that registry all valid taxpayer identification numbers for that source; or

"(C) has registered in that registry an invalid taxpayer identification number and fails to correct that registration.

"(4)(A) The Secretary of Defense shall make arrangements with the Commissioner of Internal Revenue for each head of an agency within the Department of Defense to permit the Commissioner to participate in a computer matching program of the Internal Revenue Service.

"(B) The Commissioner of Internal Revenue shall cooperate with the Secretary of Defense to determine the validity of taxpayer identification numbers registered in the Central Contractor Registry. As part of the cooperation the Commissioner shall promptly respond to a request of the Secretary of Defense or the head of an agency within the Department of Defense for electronic validation of a taxpayer identification number for a registrant by notifying the Secretary or head of an agency, respectively, of—

"(i) the validity of that number; and

"(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

"(C) The Secretary shall transmit to a registrant a notice of the results of the determination described in paragraph (1)(B); and

"(D) an indicator that no taxpayer identification number is required for the registrant.

"(5) The Secretary of Defense shall require, that at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bears—

"(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid; or

"(B) an indicator that no taxpayer identification number is required for the registrant.

"(B) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bears—

"(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid; or

"(B) an indicator that no taxpayer identification number is required for the registrant.

"(6) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source that establishes as applicable such number as a result of a new requirement to substitute a valid taxpayer identification number.

"(7)(A) The Secretary of Defense shall require, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bears—

"(i) the validity of that number; and

"(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number, any other correct taxpayer identification number, any correct taxpayer identification number that the Commissioner can promptly and reasonably determine.

"(B) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue the information described in subsection (a) shall carry out this obligation.

"(C) The Secretary shall transmit to a registrant a notification of each of the registration number.

"(D) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue and shall provide the registrant with the information described in subsection (a) shall carry out this obligation.

"(E) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue shall be effective until the registrant notifies the Secretary that such source is no longer registered in the Central Contractor Registry.

"(8) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue shall be effective until the registrant notifies the Secretary that such source is no longer registered in the Central Contractor Registry.

"(9)(A) The Secretary of Defense shall require each registrant to make a determination of the confidentiality of those numbers.

"(B) CEREBRAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 2302—

"§2302e. Central Contractor Registry; .

"INTRODUCING CENTRAL CONTRACTOR REGISTRY ACT

Mr. LEVIN. Mr. President, I join my colleagues, Senators NORM COLEMAN, SUSAN COLLINS and JACK REED, in introducing the Central Contractor Registry Act of 2005. The purpose of this bipartisan bill is to strengthen the ability of the Federal Government to stop tax cheats from obtaining Federal contracts, and to have managed to obtain contracts, to use a portion of their contract payments to repay their tax debts.

Now, even more than when we introduced a similar bill in May 2004, it is clear that new legislation is essential to confront the problem of Federal contractor tax debt. Last year the Permanent Subcommittee on Investigations, of which Senator Coleman is chair, raised this issue in a hearing based on a report issued by the Government Accountability Office, GAO. The report showed that over 27,000 contractors at the Department of Defense, DOE, owed over $1 billion in unpaid taxes. Approximately 90 percent of these unpaid taxes were payroll taxes, money that should be going to help fund the social security and medicare expenditures that are climbing so high. Federal contractors are continuing to dump payment of these payroll taxes, while at the same time holding out their hands for taxpayer dollars.

Beyond the loss of substantial government revenue, allowing tax cheats to bid on Federal contracts is a disservice to all citizens who meet their tax obligations. It is also a disservice to all of the honest companies that are competing for Federal contracts, since companies that do not pay their taxes have lower costs and a competitive advantage over the companies that do.

Current law requires DOD and other government agencies to identify any government contractor with unpaid taxes, to withhold 15 percent or more of their contract payments, and to forward that money to the IRS to be applied to the contractor's tax debt. The official title of the DOD program to carry out this obligation is the Federal Payment Levy Program, sometimes referred to as the DOD tax levy program. In order to identify tax delinquent contractors before they receive payments, DOD and other agencies participate in a computer matching program administered by the Treasury Department that cross-checks lists of upcoming contractor payments with IRS lists on which contractor payments with IRS lists on which contractors have unpaid taxes. If a match occurs, DOD—in the case of defense contractors—and the Treasury Department for all government contractors is supposed to withhold money from the identified contractor's upcoming contract payments.

The problem is that the computer matching program has so far produced relatively few matches. In 2003, for example, DOD collected only about $680,000 of back taxes through its tax levy program, a program in which DOD is required to withhold $3 billion that GAO estimates should have been collected. That means DOD collected less than one percent of the back taxes it should have.

One impediment to the computer matching program has been that it depends upon a Federal agency's providing the correct taxpayer identification number or TIN for each of its contractors, when many contractors have either failed to submit a TIN or have supplied an incorrect or missing TIN. If a TIN is incorrect or missing, the computer matching program is unable to determine whether the relevant government
contractor is on the IRS list of delinquent taxpayers. For example, in 1 year, data indicates that DOD sent the IRS over 26,000 invalid TINs that could not be used.

To increase the efficiency of the computer matching program, the IRS has tried to improve the accuracy of the TINs in agency contractor data. The IRS has, for example, set up a computer-based TIN validation system that can electronically verify a TIN number in seconds. This electronic system is available for use by DOD and all other federal agencies. Unfortunately, the IRS has also interpreted certain tax laws as prohibiting DOD from obtaining TIN validations for many types of contracts. In addition, in the case of TIN numbers with clerical errors, the IRS has interpreted current taxpayer confidentiality laws as prohibiting it from supplying a DOD with a corrected number.

The bill we are introducing today would eliminate this bureaucratic red-tape and significantly increase the effectiveness of the tax levy program by increasing the accuracy of the TINs used by DOD.

The bill would strengthen TIN accuracy by focusing primarily on the TINs in the Central Contractor Registry, a government-wide database of persons wishing to bid on Federal contracts. This registry is currently administered by DOD, and current Federal regulations require potential bidders to register in the system by supplying specified information. As part of the process, registrants are supposed to supply a TIN, but many either do not or supply an incorrect number. The bill would, for the first time, impose a legal requirement on registrants to supply a valid TIN and would also bar contracts from being awarded to contractors who fail to supply a valid TIN.

In addition, the bill would require registrants to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. DOD has even drafted possible language to accomplish this objective. The IRS, however, has yet to agree to the specific language or to take steps to improve TIN validation efforts, despite the passage of nearly a year since we introduced this bill in last Congress, and despite the fact that some CCR registrants continue to omit their TINs or to provide an invalid TIN. Even if the IRS and DOD were to act as promised, the CCR and the privacy protections mentioned earlier would benefit from specific statutory language addressing this issue. That is why we are re-introducing this bill in the 109th Congress.

It is common business sense for the Federal Government to require contractors to provide the Federal taxpayer dollars to allow the United States to determine whether they owe any taxes and, if so, to offset a portion of their contract payments to reduce their tax debts. To accomplish that objective, the Federal Government has to do a better job in identifying federal contractors with unpaid taxes. Our bill, by improving the accuracy of taxpayer identification numbers in the Central Contractor Registry, will strengthen DOD's ability to identify tax delinquent contractors and either deny them new contracts or reduce their tax debts.

I hope all my colleagues will join us in supporting this legislation's enactment during this Congress.

By Mr. HATCH (for himself, Mr. DODD, Mr. BROWNBACK, Mr. HARKIN, and Mr. SPECTER):

S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I am pleased to introduce "The Cord Blood Stem Cell Act of 2005." I am particularly gratified that Senators DODD, BROWNBACK, HARKIN, and SPECTER have joined me as cosponsors of this bipartisan bill. Since this bill last Congress, there has been strong interest in Federal support for public cord blood banks as a widely accepted source of hematopoietic stem cells for transplant and research. The purpose of the Cord Blood Stem Cell Act is to create an easily accessible network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support research using such cells.

Today, thousands of Americans receive and are saved by bone marrow transplants each year. But thousands more die for lack of an appropriate donor. The grim fact is that now suggests that the blood and stem cells from human placenta and umbilical cords may in some cases provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a matched cord blood match cannot be found, transplantation of these cells may be a life-saving therapy. Cord blood stem cell transplants are readily available, and they require less stringent matching from donors to Cord Blood Stem Cell donors, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and certain metabolic diseases. However, the number of available cord blood stem cell units in the United States is insufficient to meet the need. The Cord Blood Stem Cell Act of 2005 proposes to establish a national registry of 150,000 cord blood stem cell units that reflects the diversity of the United States. In conjunction with the 5 million registered bone marrow donors, this registry will enable 95 percent of Americans to receive an appropriately matched transplant. The inventory would provide a critical additional resource for those in need of transplants and allocate a certain proportion of units to sustain further research on cord blood stem cells.

In 2004, Congress asked the Institute of Medicine to provide an assessment of existing cord blood programs and inventories and to make recommendations to enhance the structure, function, and utility of these programs. Following a year-long process of review and evaluation, the Institute of Medicine will soon issue recommendations on the best methods to create and implement this public cord blood bank network. I look forward to reviewing these recommendations and ensuring that they are appropriately reflected in any legislation.
Let me be clear—I am open to all options. It is my goal to create the best system to provide patients, clinicians, and families with access to these life-saving treatments by ensuring that the number of cord blood units available for transplant and research increases in the coming years.

The system will include a network of qualified donor banks which will collect, test, and preserve cord blood stem cells. In addition, the system should educate future donor families, facilitate the rapid matching of donors and recipients, and quickly make such cells available to transplant centers for stem cell transplantation.

I also strongly endorse the excellent work done by the National Marrow Donor Program (NMDP), which Congress created in 1986 and continues to fund. This registry already lists more than 42,000 units of umbilical cord blood and provides important patient advocacy and support services. It also provides a service which allows physicians to compare potential cord blood matches with potential adult volunteer donor matches so that they can select the source of cells that best meets their patients’ needs. Cord blood should be used to expand treatment choices, not to restrict them. Patients, in consultation with their physicians, should have the ability to decide which is best for them.

The establishment of a national infrastructure for cord blood will help save the lives of thousands of critically ill Americans. And while this legislation is not perfect, it is my hope that its introduction will encourage discussions on cord blood and the federal government’s role in helping to increase the inventory of cord blood units in the United States.

In my opinion, we must be sure that our nation can meet the needs of patients and physicians by ensuring a strong future for cord blood in this country. My primary goal is to ensure that the number of cord blood units available for transplant and research increases in the coming years. The only way that goal may be accomplished is through strong federal support. I look forward to working with my colleagues on doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for cord blood transplantation in this country.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH and Senator BROWNBACK in introducing legislation to advance the use of umbilical cord blood for clinical applications and research. I first became aware of the potential therapeutic benefits of cord blood when my first daughter was born three and a half years ago. At that time, our doctor informed me and my wife that preserving a small amount of blood from the umbilical cord could prove beneficial in her life. Should she become ill with a disease requiring bone marrow reconstruction, such as leukemia, her own cord blood stem cells could be used. This would eliminate the need to find a suitable bone marrow donor.

The bill that we are introducing today will begin a new national commitment to the development of this technology which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including leukemia, cancer, sickle cell anemia, and childhood diseases.

However, the use of cord blood is still fledgling. Recent developments have suggested that the stem cells derived from cord blood may be useful in treating a much wider range of diseases, such as Parkinson’s disease, diabetes, and heart disease.

Like many Americans, I had never heard of cord blood before the birth of my daughter. It is not widely used—at least in this country. Approximately 95 percent of all transplants were done using a bone marrow transplant. Only five percent used cord blood. This figure is surprising when we consider the potential benefits of cord blood relative to bone marrow.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office (GAO) report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry (NBMDR), only 4,056 received a transplant—a 27 percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation; it also does not require as exact a match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications for both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, with all of these benefits, has the use of cord blood not become more prevalent in the United States? In Japan, where the use of cord blood in clinical setting is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow.

This is thanks to legislation passed by Congress in 1986 that established a National Registry for bone marrow. By the way, that legislation is due to be reauthorized—and I would like to voice my strong support for that reauthorization.

Our bill would create a similar infrastructure for cord blood. Specifically, it would direct the Secretary of Health and Human Services (HHS), acting through the Administrator of the Health Resources and Services Administration (HRSA), to establish a National Cord Blood Stem Cell Bank Network, as well as a registry of available cord blood units. The network and registry would be required to collect a minimum of 150,000 units, which should be sufficient to provide a suitable cord blood match for 90 percent of the U.S. population.

Donor banks would also be required to educate the general public about the potential benefits of cord blood, and the federal government would be required to encourage an ethnically diverse population to register and donate cord blood. Donor banks would also be required to ensure that the number of cord blood units available for transplant and research is not perfect, it is my hope that its introduction will encourage discussions on cord blood and the federal government’s role in helping to increase the inventory of cord blood units in the United States.

In the coming weeks, the Institute of Medicine (IOM) will release a report with recommendations about the appropriate structure for a cord blood registry. I look forward to reviewing those recommendations and, if necessary, making the appropriate changes to our legislation.

I firmly believe that the creation of a national infrastructure for cord blood will, in time, save the lives of thousands of gravely ill Americans. We have a responsibility to encourage use of cord blood where appropriate today, and invest in research to fully tap the potential of this technology. I urge my colleagues to support this legislation.

By Mr. DODD:

S. 682. A bill to authorize the establishment and operation of a Social Investment and Economic Development Fund for the Americans to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.
for the Americas Act of 2005. This legislation would authorize critical assistance to fight poverty and increase economic opportunity in the countries of the Western Hemisphere.

In January, my colleagues Senator BILL NELSON and I visited Venezuela, Paraguay, Argentina, Peru and Ecuador. Our trip and discussions with political and economic leaders throughout the region underscored to me the danger that poverty and economic inequality continue to pose to regional stability, the rule of law, and to the continuation of market reforms.

One third of the population in Latin America currently lives in poverty. 128 million people survive on less than two dollars a day, and 50 million people on less than one dollar a day. In Haiti, the poorest country in the Western Hemisphere, 65 percent of the population lives below the poverty line. Despite economic growth throughout the 1990s, more than 80 million Latin Americans have experienced relative economic decline. Poverty in Latin America actually increased. And as we all know such factors have the potential to increase instability and undermine democratic reforms and the rule of law. Indeed, individuals living in poverty are more likely to engage in illicit activities, including narco-trafficking and even supporting terrorist related activities.

But there is not only tremendous poverty. Income inequality in Latin America is the highest in the world. To illustrate that fact, consider that the richest one-tenth of all Latin Americans earn 48 percent of the total national income, whereas the bottom one tenth earns only 1.6 percent. By contrast, in developed countries, the top ten percent earns 29.1 percent, and the bottom 10 percent earns 2.5 percent. Is it any wonder that economic inequality in Uruguay, the most equal country in Latin America, is still greater than in the most unequal country in Eastern Europe?

Poverty and inequality are not simply social injustices. They threaten the political stability of Latin America and the national interests of the United States. Indeed, according to a 2004 report by the United Nations Development Program, progress in extending democratic democracy across Latin America is threatened by ongoing economic turmoil. But more troubling, the report suggests that over 50 percent of the population of Latin America would be willing to sacrifice democratic government for real progress on the economic and social fronts. That is a frightening statistic. And it should make crystal clear the urgency of this situation. Two decades of progress in our hemisphere is at risk.

The Social Investment and Economic Development Fund for the Americas Act of 2005 would seek to address these issues by investing in the peoples of the Americas. This important legislation would make it United States policy to promote market-based principles, economic integration, social development, and inter-American trade. To that end, it would authorize $250 million annually in bilateral economic assistance to the hemisphere through fiscal year 2010. It would also authorize funds to be directed through the Inter-American Development Bank, of no more than $250 million per year and $1.25 billion in total.

Certainly, strong trade relations remain a key to creating jobs and economic opportunities in Latin America and the United States. The Social Investment and Economic Development Fund for the Americas Act of 2005 would do that by supporting public-private partnerships and micro-enterprise developments. It would give honest, hardworking families the chance to become entrepreneurial and to create a viable private-sector based ownership society in their countries. We promote these values here at home, and we should do so abroad.

Investing in people also means investing in governance. And there is clearly a need. According to the World Bank large portions of the population do not receive adequate services such as education and health care. Education, in particular, is identified as critical to development. Yet the quality of education varies significantly based on social status and income distribution. In Mexico, for example, the average individual in the bottom 20 percent income bracket has only 3.5 years of schooling, whereas an individual in the top 20 percent income bracket has 11.6 years. My legislation would address these inequities by targeting assistance at projects which would invest in education. It would also build human capital by investing in basic needs such as health care, disease prevention, nutrition, and housing.

To move forward, we also have to help the people invest in good government. Public corruption remains an especially insidious problem in this hemisphere. Both Transparency International and the World Economic Forum report high levels of corruption throughout the region. Moreover, while full citizen participation in government is a key to strengthening democracy and ensuring that civil services work, many Latin American citizens do not express confidence in their political institutions. This Act would attempt to overcome these barriers to progress by enhancing efficiency and transparency in government services as well as increasing civil society participation in government.

Lastly, marginalized populations, including indigenous groups, people of African descent, women, and people with disabilities, are particularly affected by problems of poverty and income inequality. This Act would target funds to reduce poverty and decrease social dislocation among these populations.

The funds authorized by this act would be distributed on the basis of competitive bidding and inter-American cooperation. To do so, this legislation would establish technical review committees which will partner with consultative committees in each country to make determinations on funding requests.

Finally, the historic Summits of the Americas made it clear that economic and social integration are the responsibilities of all nations in the Western Hemisphere. Through this act, the United States would send a strong signal to others in the region that we take these responsibilities seriously. And it will challenge the other countries in the hemisphere to collectively match our efforts.

We stand today at a moment of great opportunity and great risk in this hemisphere. The past two decades have witnessed the rise of democratic governments in nations that long languished under dictatorship. Yet this progress is endangered. Economic and social conditions for millions of men and women continue to lag dangerously far behind. It is in our moral and strategic interests to provide the necessary economic assistance to fight the scourges of poverty and social dislocation in this hemisphere. The Social Investment and Economic Development Fund for the Americas Act of 2005 is a vital first step to achieving this goal. I ask my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the Record, as follows:

SEC. 2. FINDINGS; STATEMENT OF POLICY.
(a) FINDINGS.—Congress finds the following:
(1) The historic economic, political, cultural, and geographic relationships among the countries of the Western Hemisphere are unique and of continuing special significance to the United States.
(2) The interests of the countries of the Western Hemisphere are more interrelated today than ever before. Consequently, sound economic, social, and democratic progress in each of the countries continues to benefit other countries, and lack of it in any country may have serious repercussions in others.
(3) Following the historic Summits of the Americas, the 1994 Summit in Miami, the
in the Western Hemisphere as they implement the economic and social policies which are necessary to achieve equitable economic growth.

(15) The Summit of the Americas has directed regional institutions and organizations of the Americas, including the Organization of American States (OAS), the Inter-American Development Bank (IDB), and the Inter-American Investment Corporation (IIC), to work together with mobilizing private-public sector partnerships among industry and civil society to help achieve equitable development.

(16) By supporting the purposes and objectives of development and applying such purposes and objectives to the Americas, a Social Investment Development Fund for the Americas has the potential to advance the national interests of the United States and directly improve the lives of the poor and marginalized groups, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democracy, and promote peace and justice in the Americas.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) to promote market-based principles, economic integration, social development, and trade in and between countries of the Americas by—

(A) nurturing public-private partnerships and microenterprise development;

(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities; and

SEC. 499H. AUTHORIZATION OF ASSISTANCE.

(a) STATEMENT OF POLICY.—It is the policy of the United States to—

(A) nurture public-private partnerships and microenterprise development;

(B) improve the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

(C) strengthen the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

(D) reduce poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

(b) MEMBERSHIP.—A Consultative Committee to make recommendations to the President for funding using assistance provided under section 499H(a), and make recommendations to the President with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

(c) Duties.—The technical review committee shall review all projects proposed for funding using assistance provided under section 499H(a), and make recommendations to the President with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

(2) to establish an investment fund for the Western Hemisphere to advance the national interests of the United States, directly improve the lives of the poor and marginalized, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democracy, and promote peace and justice in the Americas.

(b) IN GENERAL.—The President, acting through the Administrator of the United States Agency for International Development, shall provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—

(1) nurturing public-private partnerships and microenterprise development;

(2) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

(3) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

(4) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

(5) TERMS AND CONDITIONS.—Assistance under this section may be provided on such other terms and conditions as the President may determine, consistent with the goal of promoting economic and social development.

(6) TECHNICAL REVIEW COMMITTEE.

(a) IN GENERAL.—There is established within the United States Agency for International Development a technical review committee.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The President, by and with the advice and consent of the Senate, shall appoint to serve on the technical review committee—

(A) individuals with technical expertise with respect to the development projects, including grassroots development of Latin America and the Caribbean; and

(B) citizens of the United States with technical expertise with respect to development projects and business experience in the following:

(1) business and finance;

(2) trade and small farmer unions;

(3) rural development and agrarian reform; and

(4) microenterprise and grassroots development.

(2) Conflict of interest.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.
“(5) Access to government social services.
“(6) Rule of law and government reform.
“(c) DUTIES.—A Consultative Committee for a country shall—
“(1) make recommendations to the technical review committee established under section 499 and to the appropriate country mission of the United States Agency for International Development for the purpose of receiving and advising on the resolution described in subsection (a) that affect such country;
“(2) have access documents and other information related to project proposals and funding decisions that affect such country; and
“(3) develop and publish rules and procedures under which the Committee will carry out its duties.
“(d) CONFLICTS OF INTEREST.—A member of the Consultative Committee may not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

SEC. 499K. REPORT.

The President shall prepare and transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and congressional appropriations committees an annual report on the specific programs, projects, and activities carried out under this chapter during the preceding year. A copy of the report shall be provided to each of the parties described in subsection (a).

SEC. 499L. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—There are authorized to be appropriated pursuant to subsection (a)—
“(1) may be referred to as the ‘United States Social Investment and Economic Development Fund for the Americas’;
“(2) are authorized to remain available until expended; and
“(3) are in addition to amounts otherwise available for such purposes.
“(c) FUNDING LIMITATION.—Not more than 7 percent of the amounts appropriated pursuant to paragraph (1) for a fiscal year may be used for administrative expenses.

SEC. 4. AMENDMENT TO THE INTER-AMERICAN DEVELOPMENT BANK ACT.

The Inter-American Development Bank Act (section 3 of the Foreign Assistance Act of 1961) is amended by adding at the end the following:

“SEC. 39. SOCIAL INVESTMENT AND ECONOMIC DEVELOPMENT FUND FOR THE AMERICAS.

“(a) In General.—The Secretary of the Treasury shall instruct the United States social investment and economic development fund (hereinafter referred to as the ‘Fund’), which is to be operated and administered by the Board of Executive Directors of the Bank, to act as the consulting entity established under this section.
“(b) GOVERNING RULES.—
“(1) USE OF FUNDS.—The Fund shall be used to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—
“(A) developing and publishing rules and procedures under which the Committee will carry out its duties.
“(C) strengthening the rule of law through improved efficiency and transparency in government and civil society participation in government; and
“(D) reducing poverty and eliminating the exclusion of marginalized populations, including indigenous, indigenous groups, and people with disabilities.
“(2) APPLICATION FOR FUNDING THROUGH A COMPETITIVE PROCESS.—Any interested person or organization may submit an application for funding by the Fund.
“(3) TECHNICAL REVIEW COMMITTEE.—
“(A) IN GENERAL.—The Fund shall have a technical review committee.
“(B) MEMBERSHIP.—
“(i) IN GENERAL.—The Fund shall have a technical review committee.
“(ii) DUTIES.—The technical review committee shall review all projects proposed for funding by the Fund, and make recommendations to the Board of Executive Directors of the Fund on the suitability of the proposed projects for funding.
“(3) CONFLICTS OF INTEREST.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.
“(4) REVIEW OF PROPOSED PROJECTS.—Not more frequently than once each year, the Board of Executive Directors of the Fund shall review and make decisions on applications for projects to be funded by the Fund, in accordance with procedures which provide for transparency. The Board of Executive Directors shall provide advance notice to all interested parties of any date on which such a review will be conducted.
“(5) CONSULTATIVE COMMITTEE.—
“(A) IN GENERAL.—A country that receives assistance under this section shall establish a Consultative Committee to make recommendations regarding how such assistance should be used.
“(B) MEMBERSHIP.—The Consultative Committee shall include individuals from civil society organizations that represent or have experience in the following:
“(i) Migrant workers.
“(ii) Trade and small farmer unions.
“(iii) Rural development and agrarian reform.
“(iv) Microenterprise and grassroots development.
“(v) Access to government social services.
“(vi) Rule of law and government reform.
“(C) DUTIES.—The Consultative Committee in a country shall—
“(i) make recommendations to the technical review committee established under paragraph (3) and appropriate country representatives of the Fund on projects to receive assistance provided under this section that affect such country;
“(ii) have access documents and other information related to project proposals and funding decisions that affect such country; and
“(iii) develop and publish rules and procedures under which the Committee will carry out its duties.
“(D) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—
“(1) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to paragraph (1)—
“(A) are authorized to remain available until expended; and
“(B) are in addition to amounts otherwise available for such purposes.
“(2) FUNDING LIMITATION.—Not more than 7 percent of the amounts appropriated pursuant to paragraph (1) for a fiscal year may be used for administrative expenses.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that
“(1) countries of the Western Hemisphere should collectively provide assistance equal to the amount of United States bilateral assistance provided under chapter 13 of part I of the Foreign Assistance Act of 1961, as added by section 3 of this Act, and multilateral assistance provided by the Social Investment and Economic Development Fund for the Americas under section 3 of the Inter-American Development Bank Act, as added by section 4 of this Act, for the same purpose for which such assistance was provided;
“(2) funds authorized to be appropriated to carry out this Act or the amendments made by this Act should be in addition to funds otherwise made available on an annual basis to countries in the Americas pursuant to United States foreign assistance programs; and
“(3) it should be the policy of the United States to seek to increase the amount of assistance provided to the countries of the Americas under section 3 of the Inter-American Development Bank Act for a fiscal year beginning after the date of the enactment of this Act to an amount that is more than such amount provided for during fiscal years beginning prior to such date.

By Mr. REED.

S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

By Mr. REED.

March 17, 2005

Mr. REED. Mr. President, today I introduce the Liquefied Natural Gas Safety and Security Act of 2005.

The siting of liquefied natural gas (LNG) import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission (FERC) is now considering proposals by KeySpan Energy and Weaver’s Cove Energy to establish LNG marine terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New
England’s and the Nation’s energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated areas.

The LNG Safety and Security Act would address these concerns by improving FERC’s siting process, requiring closer collaboration between FERC and the Coast Guard, and protecting State permitting rights under Federal and State law.

First, the bill would improve FERC’s approval process for LNG terminals. Instead of reviewing proposed LNG projects on a first-come-first-served basis, the bill would require FERC to work with states and the Coast Guard to pursue a regional approach to LNG terminal siting, including a review of offshore and remote sites and a determination that any LNG terminal is within a region’s needs. To address the substantial new costs faced by state and local agencies responsible for security and safety at the LNG terminal and along shipping routes, the bill would require the developer to create a cost-sharing plan describing direct cost reimbursements to these agencies. To make sure that FERC addresses all relevant safety and security issues in its Final Environmental Impact Statement (EIS) for a new LNG terminal—and that the public has access to this information before FERC makes a final decision—the bill requires FERC to await the completion of an Incident Action Plan by the Coast Guard before issuing a Final EIS. It would require FERC to incorporate the non-security sensitive components of the Incident Action Plan into the Final EIS, including all safety and security resource requirements identified by the Coast Guard.

Section 3 of the bill requires States to continue to have the authority to establish meaningful safety and security standards and to protect their fragile coastal environments, the bill requires FERC to comply with Federal laws that are enforced by States, including the National Historic Preservation Act, the Coastal Zone Management Act, the Clean Water Act, and the Clean Air Act; clarifies the right of a State to review an application to site an LNG facility under any of these laws; and establishes that FERC has no authority to preempt a State permitting determination under federal or state law.

Third, to protect coastal communities along LNG shipping routes, the bill requires the Coast Guard to issue regulations establishing thermal and vapor exclusion zones for vessels transporting LNG, based on existing DOT regulations for LNG terminals on land. I again want to emphasize that I recognize LNG’s important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses without siting LNG import terminals in densely populated urban environments that we can achieve this goal by requiring FERC and other federal agencies to explore a broad list of alternatives—including offshore LNG facilities—to bring more natural gas to our communities while minimizing the risk to our citizens.

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:

SEC. 2. SITING OF LIQUEFIED NATURAL GAS IMPORT FACILITIES.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(d)(1) Before issuing an order authorizing an applicant to site, construct, expand, or operate a liquefied natural gas import facility, the Commission shall require the applicant, in cooperation with the Commandant of the Coast Guard and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan.

"(2) A cost-sharing plan developed under paragraph (1) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

"(A) at the liquefied natural gas import facility; and

"(B) in proximity to vessels that serve the facility.

"(e) In this subsection, the term ‘region’ means a census region designated by the Bureau of the Census on the date of enactment of this subsection.

"(f) Not later than 90 days after the date of enactment of this Act, the Commission shall—

"(A) review all applications for the siting, construction, expansion, or operation of a liquefied natural gas import facility in a region that are pending with the Commission; and

"(B) consult with States in the region to identify remote sites for the development of potential liquefied natural gas import facilities in the region; and

"(C) in consultation with the Commandant of the Coast Guard, review—

"(i) any offshore and coastal natural gas projects proposed for a region; and

"(ii) other potential offshore sites for the development of liquefied natural gas.

"(g)(1) For purposes of reviewing an application to site, construct, or operate a liquefied natural gas import facility, the Commission shall—

"(A) consult with the State in which the facility is proposed to be located; and

"(B) comply with all applicable Federal laws, including—

"(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.); 

"(ii) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); 

"(iii) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

"(iv) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

"(2) Nothing in this section precludes or denies the right of any State to review an application to site, construct, or operate a liquefied natural gas import facility under—

"(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.); 

"(B) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); 

"(C) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

"(D) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

"(3) Notwithstanding any other provision of law, the Commission shall have no authority to preempt a State permitting determination with respect to a liquefied natural gas import facility that is made under Federal or State law.

SEC. 3. STANDARDS FOR LIQUEFIED NATURAL GAS PIPELINE FACILITIES.

Section 60103 of title 49, United States Code, is amended—

"(a) by striking subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and
By Mr. AKAKA: S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, last year, the Pension Benefit Guaranty Corporation, PBGC, announced that it was moving to assume responsibility for the pensions of more than 14,000 active and retired pilots at United Airlines. Today, the Air Line Pilots Association, which represents 6,400 active United pilots, is trying to negotiate an alternative to such a takeover.

Mr. President, one of the reasons I am here today talking about United's pilots is that they are at risk of losing a significant amount of their pension, not just because the PBGC may be taking over their pension, but because of the age that they are mandated to retire. While I believe that Congress needs to address the issue of underfunded plans, I believe it is also important for us to address an inequity with airline pilots that are mandated to retire at age 60.

The bill that I introduced in the 108th Congress, and am reintroducing today, will ensure the fair treatment of commercial airline pilot retirees. The Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act will lower the age requirement to receive the maximum pension benefits allowed by Pension Benefit Guaranty Corporation to age 60 for pilots, who are mandated by the Federal Aviation Administration, FAA, to retire before age 65.

Again, with the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. My bill will slightly alter Title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to take into account the fact that pilots are required to retire at the age of 60, when calculating their benefits.

The Pension Benefit Guaranty Corporation was established to ensure that workers with defined benefit pension plans are able to receive some portion of their retirement income in cases where the employer does not have the financial resources to pay the full amount of the benefits owed. After the employer proves to the PBGC that the business is financially unable to support the plan, the PBGC takes over the plan as a trustee and ensures that the current and future retirees receive the maximum pension benefits within the legal limits. Four of the ten largest claims in PBGC's history have been for airline pension plans. Although airline employees account for only two percent of participants historically covered by the PBGC, they have constituted approximately 17 percent of claims. For example, Eastern Airlines, Pan American, Trans World Airlines, and US Airways have terminated pension plans that terminated or significantly reduced pensions and a prohibition on re-employment makes will not be needed for any additional airline pension programs. I believe that my legislation is necessary to ensure that, at the minimum, airline pilots are not unfairly penalized for their employer's inability to maintain a pension plan. My legislation ensures that pilots can obtain the maximum PBGC benefit without being unfairly penalized for having to retire at age 60, if their pension plan is terminated. I urge my colleagues to support the bill. I ask that the text of my bill be printed in the RECORD.

Mr. President, 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:

SEC. 4. THERMAL AND VAPOR DISPERSION EXCLUSION ZONES. As soon as practicable after the date of enactment of this Act, the Commandant of the Coast Guard shall promulgate regulations establishing thermal and vapor dispersion exclusion zone requirements for vessels transporting liquefied natural gas that are based on sections 193.2057 and 193.2059 of title 49, Code of Federal Regulations (or any successor regulations).
Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it "was willing to shoot the killers of Robert McCartney"; and

Whereas the makers of violence cannot coexist in Northern Ireland; Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in mourning and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—
   (A) Americans have a responsibility to support and encourage theOrange County Sheriff Robert McCartney deserve the full support of the
   Christian Army in Northern Ireland; and
   (B) the leadership of Sinn Fein should insist that those responsible for the murder
   McCartney deserve the full support of the
   (C) the Government of the United States should offer all appropriate assistance to law
   enforcement authorities in Northern Ireland to see that the murderers of Robert
   McCartney are brought to justice.

SENATE RESOLUTION 85—DESIGNATING JULY 23, 2005, AND JULY 22, 2006, AS "NATIONAL DAY OF THE AMERICAN COWBOY"

Mr. THOMAS (for himself, Mr. BURNS, Mr. INHOFE, Mr. DORGAN, Mr. CRAPO, Mr. SALAZAR, and Mr. ENZI) submitted the following resolution: which was referred to the Committee on the Judiciary:

S. Res. 85

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in America's culture and economy;

Whereas approximately 800,000 ranchers are conducting business in all 50 of these United States and are contributing to the economic well being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in America;

Whereas membership in rodeo and other organizations surrounding the livelihood of a cowboy transcends race and gender and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge America's ongoing commitment to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. THOMAS. Mr. President, I rise today to submit a resolution designating July 23, 2005, and July 26, 2006, as "National Day of the American Cowboy."

Although cowboys are typically characterized in the following resolution: which was referred to the Committee on the Judiciary:

S. Res. 86

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventurous, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area; and, indeed, to the far corners of the world;

Whereas August 16, 1940, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success inured to nationality;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the Vietnam 1st Air Cavalry Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the 17th Infantry Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 505th,
as the 65th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it
Resolved, That the Senate—
(1) designates August 16, 2005, as “National Airborne Day”; and
(2) requests that the President issue a proclamation calling on Federal, State, and local officials to participate in the observance of the United States to observe “National Airborne Day” with appropriate programs, ceremonies, and similar observances.

Mr. HAGEL, Mr. President, on behalf of Senators BINGAMAN, CANTWELL, BURNS, INOUYE, JOHNSON, DOE, BOXER, LANDRIEU, ALEXANDER, SNOWE, CLINTON, REID, COCHRAN, BURR, ISAKSON, HATCH, and BINGAMAN, and on behalf of Senators BINGAMAN, CANTWELL, BURNS, INOUYE, JOHNSON, DOE, BOXER, LANDRIEU, ALEXANDER, SNOWE, CLINTON, REID, COCHRAN, BURR, ISAKSON, HATCH, and BINGAMAN, I am proud to submit the following:

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President’s announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the air crews are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne’s “Silver Wings of Courage”, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have been awarded the Distinguished Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat paratroopers, special operation forces, and in foreign service.

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces is the expression of the gratitude of the American people as the airborne community celebrates August 16, 2005, financial literacy and financial independence curriculum for all grades. Hundreds of high school seniors in South Dakota will be getting a course in credit cards before they head off to college or start their first job. The National Black Caucus Institute recently launched a new financial literacy campaign to promote savings within the African American community in support of the expansion of financial education for African Americans. My home State of South Dakota Council on Economic Education continues to accomplish much in increasing the awareness of economic and financial literacy and pooling resources to combat economic and financial illiteracy. Entities like the HCEE are being assisted in their efforts for K through 12 education by funding through the Excellence in Economic Education Act. At the Federal Government level, I continue to work closely with the Financial Literacy and Education Commission, and Office of Financial Education in the Department of the Treasury, as they continue to develop a national agenda to improve and expand economic and financial literacy tools and resources to people in this country.

Further in education, a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards. This is an increase from 41 States and 36 States respectively, in 2002. In addition, the 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase since 1997 in high school seniors’ scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics. While progress needs to be recognized, much more needs to be done. Although the NCEE survey found that more States have standards in place, only 36 States measure progress in economic and financial education and 9 States in personal finance education through testing. And for the Jump$tart study, 65 percent of students still earned failing grades. These figures do not bode well for the first National Assessment of Educational Progress in economics, which will have several questions based in personal finance and will be conducted in 2006.

There are other signs that we can do even more in economic and financial literacy. Credit is readily and abundantly available in the form of many different products with a multitude of features. Marketing campaigns by financial institutions, finance companies, and other credit extending businesses are aggressively pursuing consumers and marketing available credit as the answer to instant gratification, to take that dream vacation, to buy that plasma television, or satisfy some other indulgence, without fully understanding the long-term consequences of their actions. These successful marketing initiatives have led to unprecedented levels of borrowing. In addition,
marketing campaigns are in place to promote the use of credit cards for small ticket, everyday items. Last year, Americans charged more than $35 billion in purchases of less than $10, up from $23.7 billion in 2003. Credit or debit cards now account for 46 percent of all transactions of $5 or less, grown from $10.8 billion in 2003 to $13.5 billion in 2004. According to the Federal Reserve, consumer debt levels have more than doubled in the last 10 years. A U.S. Public Interest Research Group and Consumer Federation of America of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt. Debt payments eat up more and more disposable income, while certain members of the financial industry encourage the use of more and more debt. Through financial literacy efforts, consumers are becoming aware of the pitfalls associated with excessive leverage and enter into debt relationships understanding the impact of additional debt on their personal and future financial position. However, we must do more to enhance our efforts in this area.

Current statistics confirm that consumers are more popular than ever. The present level of consumer debt, coupled with the lack of consumer savings, is indicative of the need to continue to support financial literacy in this country in an effort to get people to better understand the ramifications of their financial decisions. Part of the problem is that many people do not understand fully how consumer debt can overtake them. According to the Federal Reserve, as of year end 2004, there was over $2.1 trillion in consumer credit and $10.1 trillion in mortgage debt outstanding. Consumer credit increased 4.5 percent from its 2003 level. Of the total outstanding consumer debt, approximately $751 billion is revolving. Meanwhile, consumers paid out $24 billion in credit card fees last year, an 18 percent increase from 2003.

Compounding the debt pressures consumers are facing is the fact that they have cashed out an estimated $490 billion in home equity during the refinancing boom of 2001-2004. According to Freddie Mac, in hard-dollar terms, American homeowners converted $41 billion in real estate equity into spendable cash. Meanwhile, consumers paid out $766.2 billion in home equity loans and lines of credit, more than twice as much as in 1998. Lenders have reduced settlement fees and streamlined the closing process for loans dramatically, increasing the consumer friendliness and speed at which loans are originated. The days of using your home as a nest egg for life changing events, such as job loss, medical emergencies, or divorce, are over. The home has become a catch all financing option, while increasing individual consumers’ debt burdens. Meanwhile, consumer savings is at one of the lowest levels in history, 0.2 percent.

The combination of increasing debt burdens and marginal savings in America has created a catalyst for bankruptcy. Through November 2004, nearly 1.9 million individuals filed for bankruptcy in the U.S., modestly below last year’s record level, but at a level that continues to merit concern. In considering that statistic, it is important to remember that this number consists of affected individuals. When you add in non-filing spouses and children, the number of people impacted by bankruptcy can more than double. In reviewing these numbers, I believe it is readily apparent that increased financial literacy is needed to offset unchecked consumer exuberance and aggressive marketing practices. Beyond the statistics I just quoted, financial illiteracy is creating roadblocks to achieving part of the American dream. Fannie Mae’s 2003 National Housing Survey found that a significant roadblock to home ownership is lacking accurate information about the homebuying process. For the unhoused to become housed, a banking or financial relationship needs to form. However, for the nation as a whole, approximately 10 percent of individual households remain “unbanked.” The unbanked are those who forego a relationship with a financial institution. By not participating in the mainstream, the unbanked miss out on the convenience, security, efficiency, and wealth-building opportunities that financial institutions offer. I think we can all agree that wealth-building and saving for the future are vital to the future economic success of the U.S. Extending financial literacy initiatives to all, from the unbanked, to students, to debt-burdened adults, is in all of our best interests.

We must be committed to providing people of all ages with the financial skills and insight to help them achieve financial independence and to make good choices when spending money and taking on additional debt. Prevention remains key, and education lies at the heart of prevention. I think my colleagues would agree that as society moves more and more toward an “ownership society” with the advent of health savings accounts and private accounts in the President’s Social Security reform plan, the need for improving the financial literacy of this country is now, and the delivery and content of these literacy and economic programs needs to broaden and expand to all Americans, no matter their income or education.

I encourage my colleagues in the Senate to join me in commemorating efforts to forward financial and economic literacy in this country by recognizing April 2005 as Financial Literacy Month. But more than that, I hope that each of my colleagues becomes a champion of economic and financial literacy education so that all citizens in this country are prepared to contribute and participate in our evolving asset ownership society. I once again thank my colleagues from both sides of the aisle for cosponsoring this resolution, and I urge the support of our other colleagues as well.

SENATE RESOLUTION 97—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RESUMPTION OF BEEF EXPORTS TO JAPAN

Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOFE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CRAPRO, Mr. BUNNING, Mr. INHOFE, Mr. BONN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 87

Whereas the livestock industry in the United States, including farmers, ranchers, processors, and retailers, is a vital component of rural communities and the entire United States economy;

Whereas United States producers take pride in delivering an abundant and safe food supply to our Nation and to the world;

 Whereas Japan has prohibited imports of beef from the United States since December 2003, when a single case of Bovine Spongiform Encephalopathy (BSE) was found in a Canadian-born animal in Washington State;

 Whereas the United States agriculture industry as a whole has been negatively affected by the Japanese ban and the loss of a $1,700,000,000 export market to Japan;

 Whereas the United States has undertaken a rigorous and thorough surveillance program and has exceeded internationally recognized standards of the World Organization for Animal Health (OIE) for BSE testing and has implemented safeguards to protect human and animal health;

 Whereas Japan is a member of the OIE and has agreed to such standards;

 Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (WTO) calls for WTO members to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific evidence;

 Whereas the United States and Japan concluded an understanding on October 23, 2004, that established a process that would lead to the resumption of imports of beef from the United States, yet such imports have not resumed;

 Whereas despite the best efforts of officials within the United States Department of Agriculture, the Office of the United States Trade Representative, the Government of Japan continues to prohibit beef from the United States on the basis of factors not grounded in sound science and consumer safety;

 Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures does not provide to WTO members the right to discriminate and restrict trade arbitrarily; and

 Whereas Japan has been provided a reasonable timeframe to establish appropriate trade requirements and resume beef trade with the United States, and the Government of Japan is putting a long and profound bilateral trading history at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that if the Government of Japan continues
to delay meeting its obligations to resume beef imports from the United States under the understanding reached with the United States on October 23, 2004, the United States Trade Representative should immediately impose retaliatory economic measures against Japan.

SENATE RESOLUTION 88—DESIGNATING APRIL 2005 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. SARBANES, Mrs. CORZINE, Mr. BAUCUS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. PYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABESNOW, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. Res. 88

Whereas at the end of 2004, Americans carried 657,000,000 bank credit cards, 226,000,000 debit cards, and 550,000,000 retail credit cards;

Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;

Whereas Americans consumer credit debt continues to increase, and has reached a level of in excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;

Whereas a United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;

Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;

Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;

Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;

Whereas by the end of November 2004, 1,169,343 individuals filed for bankruptcy;

Whereas a 2002 Retiree Confidence Survey found that only 32 percent of workers surveyed believed they had enough money they will need to save for retirement;

Whereas only 30 percent of those surveyed in a 2003 Employee Benefit Trend Study are confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;

Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas the Spring 2004 Student Monitor Financial Services Survey found that 46 percent of college students have a general purpose credit card in their own name and 37 percent carry over a credit card balance from month to month;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors' scores on an examination of credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997; however, 65 percent of students still failed the exam;

Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;

Whereas personal financial management skills and life-long habits develop during childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2005 as "Financial Literacy Month" to promote public awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 89—CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY AND CELEBRATING THE ACHIEVEMENTS OF MONTANA FFA MEMBERS

Mr. BURNS (for himself and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. Res. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,500 members from 55 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an en rolled copy of this resolution for appropriate display.

SENATE RESOLUTION 90—DESIGNATING THE WEEK OF MAY 1, 2005, AS "HOLOCAUST COMMEMORATION WEEK"

Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLCE) submitted the following resolution; which was considered and agreed to:

S. Res. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutality, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as "genocide" and "crimes against humanity"; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity; Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1, 2005, as "Holocaust Commemoration Week";

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

SENATE RESOLUTION 91—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. Res. 91

Whereas on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault
on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries.

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete actions in response to the military assault, including suspending all exports of items on the United States Munitions List to China; and

Whereas, since the early 1980s, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protesters calling for democratic and political reform;

Whereas, the European Council, in adopting that embargo, "strongly condemned the brutal repression taking place in China" and "solemnly requested the Chinese authorities to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that prompted the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;


Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen Square events;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Union embargo on China will continue its ban on all arms exports to the People's Republic of China;

Whereas the Parliament "believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting (of) its embargo on arms sales to China, imposed in 1989" and that it "requests that the Commission formally oppose such a move when it is discussed in the (European) Council";

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, does not prohibit United States arms exports to the People's Republic of China;

Whereas public statements by some major defense contractors and other companies suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that "[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers";

Whereas the same Department of Defense report noted that the military modernization of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention by the United States, in a cross-strait military crisis;

Whereas, on June 26, 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that "there has been a dramatic change in the military balance between China and Taiwan," and that "[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan";

Whereas the Department of State Foreign Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and China, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that "(i)t is extremely worrying how China's security environments not only in Japan but also in East Asia as a whole";

Whereas the United States has numerous security interests in the Asia-Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any change in the defense posture of the People's Republic of China;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States arms equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a re-evaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to prevent the re-export or re-transfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposium on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium, and Prague, Czech Republic from November 29, 2004, to December 3, 2004, recommended that the United States Government continue to press the European Union Agency for the Certification of the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sales of advanced arms to firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missile development by state-sponsors of China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains the primary supplier of advanced conventional weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the Chinese military has played a key role in the repression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July 2002 to 30 June 2003, found that "Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003," and that "during 2003 China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran";

Whereas, as recently as December 27, 2004, the United States Government determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's nuclear weapons complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment, technology, and dual-use technology; and

Whereas the United States has numerous security interests in the Asia-Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any change in the defense posture of the People's Republic of China; and

Whereas the assistance provided by these entities to Iran works directly counter to United States objections to the potential lifting of the United States-China Economic and Security Review Commission to cooperatively designate one or more member states of the European Union to make clear in discussions with representatives of the national governments of European Union member states that the United States-China Economic and Security Review Commission to make clear in discussions with representatives of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China; and

(2) requests that the European Union continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the United States-China Economic and Security Review Commission to more carefully regulate and monitor the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) urges the Government of the People's Republic of China to more carefully regulate and monitor the European Union arms embargo against the People's Republic of China; and

(5) urges the European Union to continue its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(6) to more carefully regulate and monitor transfers of United States military technology, services, and equipment to European Union countries;

(7) urges the United States Government to improve the human rights conditions in the People's Republic of China;
(B) an end to the military build-up of the People’s Republic of China aimed at Taiwan;
(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People’s Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;
(D) improvement in the administration and enforcement of export controls in the People’s Republic of China; and
(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People’s Republic of China of technologies related to conventional weapons, weapons of mass destruction, and ballistic missiles.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING THE NEED FOR ENHANCED PUBLIC AWARENESS REGARDING TRAUMATIC BRAIN INJURY AND SUPPORT FOR THE DESIGNATION OF A NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. COCHRAN (for himself and Mr. LUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 20

Whereas traumatic brain injury is a leading cause of death and disability among children and adults in the United States;
Whereas at least 1,400,000 people in the United States sustain a traumatic brain injury each year;
Whereas each year, more than 80,000 people in the United States sustain permanent lifelong disabilities from a traumatic brain injury, that can include the serious physical, cognitive, and emotional impairments;
Whereas every 21 seconds, a person in the United States sustains a traumatic brain injury;
Whereas at least 5,300,000 people in the United States currently live with permanent disabilities resulting from a traumatic brain injury;
Whereas most cases of traumatic brain injury are preventable;
Whereas traumatic brain injuries cost the Nation $56,300,000,000 annually;
Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation’s “silent epidemic”;
Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and
Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it
Resolved by the Senate (the House of Representatives concurring), That Congress—
(1) recognizes the life-altering impact traumatic brain injury may have both on people living with the resultant disabilities and on their families;
(2) recognizes the need for enhanced public awareness of traumatic brain injury;
(3) supports the designation of an appropriate month as National Brain Injury Awareness Month and
(4) encourages the people of the United States to participate in the National Brain Injury Awareness Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 21—EXPRESSING THE GRAVE CONCERN OF CONGRESS REGARDING THE RECENT PASSAGE OF THE ANTI-SECESSION LAW BY THE NATIONAL PEOPLES’ CONGRESS OF THE PEOPLE’S REPUBLIC OF CHINA

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 21

Whereas on December 9, 2003, President George W. Bush signed into law the Anti-Secession Law of the United States to ‘oppose any unilateral decision, by either China or Taiwan, to change the status quo’;
Whereas in the past few years, the Government of the United States has urged both Taiwan and the People’s Republic of China to maintain restraint;
Whereas the National People’s Congress of People’s Republic of China passed its anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;
Whereas the passage of China’s anti-secession law escalates tensions between Taiwan and the People’s Republic of China and is an impediment to cross-strait dialogue;
Whereas the purpose of China’s anti-secession law is to create a legal framework for the use of force against Taiwan and mandates Chinese military action under certain circumstances, including when ‘possibilities for a peaceful reunification should be completely exhausted’;
Whereas the Department of Defense’s Report on the Military Power of the People’s Republic of China for Fiscal Year 2004 documents the apparent posture of the People’s Republic of China that it deployed approximately 500 short-range ballistic missiles against Taiwan;
Whereas the escalating arms buildup of missiles and other offensive weapons by the People’s Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;
Whereas given the recent positive developments in cross-strait relations, including the Lunar New Year’s Lunaw New Year Charter Flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People’s Congress adopted this legislation;
Whereas since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued interactions in cross-strait relations, including the sale of arms to Taiwan, is a threat to the peace and security of the Western Pacific area;
Whereas section 2(b)(2) of the Taiwan Relations Act declares the ‘peace and stability in the area are in the political, economic interests of the United States, and are matters of national concern’;
Whereas, at the time the Taiwan Relations Act was enacted into law, section 2(b)(3) of such Act authorized the President by executive order to establish diplomatic relations with the People’s Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means; whereas section 2(b)(3) of the Taiwan Relations Act declares it the policy of the United States to consider any effort to determine the future of Taiwan by the People’s Republic of China by any means, including by coercion, to change the status of Taiwan from the status of a Chinese province to a sovereign state, an act that would be contrary to the sense of the Congress; whereas section 2(b)(4) of the Taiwan Relations Act declares it the policy of the United States to consider any effort to determine the future of Taiwan by the People’s Republic of China to change the status of Taiwan from the status of a Chinese province to a sovereign state, an act that would be contrary to the sense of the Congress; whereas section 2(b)(6) of the Taiwan Relations Act declares it the policy of the United States to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system of the people of Taiwan; whereas any attempt to determine Taiwan’s future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States; Now, therefore, be it
Resolved by the Senate, the House of Representatives concurring, That it is the sense of the Congress that—
(1) the anti-secession law of the People’s Republic of China constitutes a legal justification for the use of force against Taiwan, altering the status quo in the region, and thus is of grave concern to the United States;
(2) the President of the United States should direct all appropriate officials of the United States Government to reflect the grave concern with which the United States views the passage of China’s anti-secession law in particular, and the growing Chinese military threats to Taiwan in general, to their counterpart officials in the Government of the People’s Republic of China;
(3) the Government of the United States should reaffirm its policy that the future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan; and
(4) the Government of the United States should continue to encourage dialogue between Taiwan and the People’s Republic of China.

SENATE CONCURRENT RESOLUTION 22—CONGRATULATING BODE MILLER FOR WINNING THE 2004–2005 WORLD CUP OVERALL TITLE IN ALPINE SKIING

Mr. SUNUNU (for himself and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas on December 13, 2005, Bode Miller became the first United States skier in 22 years to win the Alpine skiing World Cup overall title;
Whereas on the previous day Bode Miller won the World Cup super G title for the 2004–2005 season when he and Daron Rahlves for first place in the final super G race of the season;
Whereas Bode Miller won gold medals at the downhills and super-G World Alpine Ski Championships in Bormio, Italy;
Whereas in the 2004–2005 season Bode Miller accomplished what only two other men have accomplished in the history of the Alpine skiing World Cup by leading the overall standings from the season’s start to finish;
Whereas Bode Miller finished the 2004–2005 World Cup season with 2093 points and became only the second athlete to win in all four disciplines (slalom, giant slalom, super-G, and downhill) in a single season;
Whereas Bode Miller was raised in Easton, New Hampshire, began skiing at age 3 at nearby Cannon Mountain, and began competing at age 11;
Whereas in 1990 Bode Miller became a competitive ski racer at Carrabassett Valley Academy in Maine at age 13 and debuted in World Cup competition in 1998, finishing 11th in his first race;
Whereas Bode Miller has skied in every World Cup race over the last three seasons;
Whereas Bode Miller’s career accomplishment includes two gold medals at the giant slalom title, six World Cup victories in 2004, two gold medals and a silver medal at the
SA 225. Mr. TALENT (for himself, Mr. THUNE, Ms. STABENOW, Mr. WYDEN, Mr. JEFFORDS, Mr. BAUCUS, Mr. INHOFE, Mr. LEVIN, Mr. LIEBERMAN, Mr. WARNER, and Mr. VONNOVICH) proposed an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 226. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 227. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 228. Mr. GREGG (for Mr. FORDS) proposed an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 229. Mr. GREGG (for Mr. FORDS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARABANES, Mrs. MURRAY, Mr. COREZINE, Mr. DODD, Ms. LANDREIUS, Mr. MUKULSKI, Ms. MUKULSKI, Mr. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGMAN, Mr. AKAKA, Mr. PRIYOR, Mr. INOUYE, Mrs. LINCOLN, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 233. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. STABENOW) proposed an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 238. Mr. LEVIN (for himself, Mr. DODD, Mr. COREZINE, Mr. BINGMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 239. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, Mr. SALAZAR, Mr. CLINTON, Mr. BYRD, Mr. SMITH, Mr. FEINGOLD, Mr. CARPER, Mr. DURBIN, Mr. SARABANES, Mr. REED, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. PRIYOR, Mr. LEVIN, Mr. BYRD, Mr. CORZINE, Ms. MUKULSKI, and Mr. MUKULSKI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 244. Mr. REED (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mr. CORZINE, Mr. MURRAY, Mr. SCHUMER, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 245. Mr. REID (for himself, Mr. KENNY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 246. Mr. REED (for himself, Mr. KENNEY, Mr. FEINGOLD, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 247. Mr. REED (for himself, Mr. SARABANES, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Mr. COREZINE, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 249. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 250. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 251. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 252. Mr. PRIYOR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra, which was ordered to lie on the table.

SA 253. Mr. LEAHY, Mr. SMITH, and Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGMAN, Mr. CRAIG, Mr. DURBIN, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.
SA 227. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 56, after line 13 insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Medicaid provides health insurance for more than 1/4 of America’s children and is the largest purchaser of maternity care, paying for more than 1/3 of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not recommend limiting or local governments and their taxpayers by private insurance or Medicaid services in 2002.

(2) This resolution assumes $163,000,000 in spending to extend Medicare cost-sharing under the Medicaid program for the Medicare part B premium for qualifying individuals through 2006.

(3) Medicaid provides health insurance for more than 1/4 of America’s children and is the largest purchaser of maternity care, paying for more than 1/3 of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(4) Medicaid is the Nation’s largest source of funding for health care for children in foster care and for health services in schools.

(5) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation’s hospitals, nursing homes, and community, to work, and to maintain independence.

(6) Medicaid also pays for long-term care and other services for the elderly, developmentally disabled, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(7) Medicaid provides health insurance for more than 1/4 of America’s children and is the largest purchaser of maternity care, paying for more than 1/3 of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(8) Medicaid is the Nation’s largest source of funding for health care for children in foster care and for health services in schools.

(9) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation’s hospitals, nursing homes, and community, to work, and to maintain independence.

(10) Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(11) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching funds and expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,000,000 Americans.

On page 56, after line 13 insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION CONSISTENT WITH RECOMMENDATIONS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income health care services. Medicaid also pays for long-term care and other services for the elderly, developmentally disabled, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(2) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The individuals living in these facilities spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(3) Medicaid is the Nation’s largest source of funding for health care for children in foster care and for health services in schools.

(4) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation’s hospitals, nursing homes, and community, to work, and to maintain independence.

(5) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching funds and expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,000,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not report a reconciliation bill that achieves spending reductions that would—

(A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States; during which time Medicaid enrolled an additional 8,000,000 Americans.

(B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the

SA 228. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, decrease the amount by $0.

On page 5, line 7, increase the amount by $11,000,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11, increase the amount by $70,923,000,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $70,923,000,000.

On page 5, line 16, increase the amount by $1,000,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $70,923,000,000.

On page 5, line 20, change the amount to $17,000,000,000.

On page 5, line 21, decrease the amount by $0.

On page 5, line 22, decrease the amount by $4,800,000,000.

On page 5, line 23, decrease the amount by $12,500,000,000.

On page 5, line 24, decrease the amount by $0.

On page 5, line 25, decrease the amount by $14,000,000,000.

On page 5, line 26, decrease the amount by $15,600,000,000.

On page 5, line 27, decrease the amount by $17,000,000,000.

On page 5, line 28, decrease the amount by $0.

On page 5, line 29, decrease the amount by $4,800,000,000.

On page 5, line 30, decrease the amount by $12,500,000,000.

On page 5, line 31, decrease the amount by $0.

On page 5, line 32, decrease the amount by $14,000,000,000.

On page 5, line 33, decrease the amount by $15,600,000,000.

On page 5, line 34, decrease the amount by $17,000,000,000.

On page 5, line 35, decrease the amount by $0.

On page 5, line 36, decrease the amount by $4,800,000,000.

On page 5, line 37, decrease the amount by $12,500,000,000.
health care safety net of the United States, but the entire health care system;
(2) the Secretary of Health and Human Services, working with bipartisan, geographically diverse members of the National Governors Association and in consultation with key stakeholders, shall make recommendations for changes to the Medicaid program that reflect the principles specified in paragraph (3); and
(3) the Committee on Finance, consistent with such recommendations, shall report a reconciliation bill that—
(A) allows any Medicaid savings to be shared by the Federal and State governments;
(B) would emphasize State flexibility through voluntary options for States; and
(C) would not cause Medicaid recipients to lose coverage.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:
On page 16, line 15, increase the amount by $1,654,000,000.
On page 16, line 16, increase the amount by $29,080,000.
On page 16, line 20, increase the amount by $465,280,000.
On page 16, line 24, increase the amount by $610,680,000.
On page 17, line 3, increase the amount by $325,560,000.
On page 17, line 7, increase the amount by $72,700,000.
On page 17, line 16, increase the amount by $619,000,000.
On page 17, line 17, increase the amount by $359,020,000.
On page 17, line 21, increase the amount by $241,410,000.
On page 17, line 25, increase the amount by $12,380,000.
On page 18, line 4, increase the amount by $6,190,000.
On page 26, line 14, decrease the amount by $2,073,000,000.
On page 26, line 15, decrease the amount by $38,000,000.
On page 26, line 18, decrease the amount by $706,000,000.
On page 26, line 21, decrease the amount by $623,060,000.
On page 26, line 24, decrease the amount by $399,750,000.
On page 27, line 2, decrease the amount by $72,700,000.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARBNES, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MUKHERJEE, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGAMAN, Mr. ARAKA, Mr. PSEYOR, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:
On page 3, line 10, increase the amount by $39,000,000.
On page 3, line 11, increase the amount by $526,000,000.
On page 3, line 12, increase the amount by $139,000,000.
On page 3, line 13, increase the amount by $70,000,000.
On page 3, line 19, increase the amount by $39,000,000.
On page 3, line 20, increase the amount by $526,000,000.
On page 3, line 21, increase the amount by $139,000,000.
On page 4, line 1, increase the amount by $70,000,000.
On page 4, line 7, increase the amount by $774,000,000.
On page 4, line 16, increase the amount by $39,000,000.
On page 4, line 17, increase the amount by $526,000,000.
On page 4, line 18, increase the amount by $139,000,000.
On page 4, line 19, increase the amount by $70,000,000.
On page 4, line 21, increase the amount by $774,000,000.
On page 4, line 25, increase the amount by $526,000,000.
On page 4, line 21, increase the amount by $139,000,000.
On page 4, line 4, increase the amount by $70,000,000.
On page 4, line 16, decrease the amount by $39,000,000.
On page 4, line 17, decrease the amount by $774,000,000.
On page 4, line 6, increase the amount by $39,000,000.
On page 4, line 7, increase the amount by $774,000,000.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:
On page 3, line 10, increase the amount by $22,000,000.
On page 3, line 11, increase the amount by $532,000,000.
On page 3, line 12, increase the amount by $148,000,000.
On page 3, line 13, increase the amount by $38,000,000.
On page 3, line 19, increase the amount by $22,000,000.
On page 3, line 20, increase the amount by $532,000,000.
On page 3, line 21, increase the amount by $148,000,000.
On page 4, line 1, increase the amount by $38,000,000.
On page 4, line 7, increase the amount by $370,000,000.
On page 4, line 16, increase the amount by $11,000,000.
On page 4, line 17, increase the amount by $266,000,000.
On page 4, line 18, increase the amount by $74,000,000.
On page 4, line 19, increase the amount by $19,000,000.
On page 4, line 24, increase the amount by $11,000,000.
On page 4, line 25, increase the amount by $266,000,000.
On page 5, line 1, increase the amount by $74,000,000.
On page 5, line 2, increase the amount by $19,000,000.
On page 5, line 7, decrease the amount by $11,000,000.
On page 5, line 8, decrease the amount by $277,000,000.
On page 5, line 9, decrease the amount by $531,000,000.
On page 5, line 10, decrease the amount by $370,000,000.
On page 5, line 11, decrease the amount by $370,000,000.
On page 5, line 15, decrease the amount by $11,000,000.
On page 5, line 16, decrease the amount by $277,000,000.
On page 5, line 17, decrease the amount by $531,000,000.
On page 5, line 18, decrease the amount by $370,000,000.
On page 5, line 19, decrease the amount by $370,000,000.
On page 17, line 16, increase the amount by $351,000,000.
On page 17, line 17, increase the amount by $11,000,000.
On page 17, line 21, increase the amount by $266,000,000.
On page 18, line 4, increase the amount by $74,000,000.
On page 18, line 5, increase the amount by $19,000,000.
On page 18, line 6, increase the amount by $266,000,000.

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On page 30, line 17, decrease the amount by $70,000,000.
On page 48, line 6, increase the amount by $370,000,000.
On page 10, line 7, increase the amount by $11,000,000.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. SANCHEZ) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $11,000,000.
On page 3 line 11, increase the amount by $15,000,000.
On page 3 line 12, increase the amount by $10,000,000.
On page 3 line 13, increase the amount by $8,000,000.
On page 3 line 14, increase the amount by $6,000,000.
On page 3 line 19, increase the amount by $11,000,000.
On page 3 line 20, increase the amount by $15,000,000.
On page 3 line 21, increase the amount by $10,000,000.
On page 4 line 1, increase the amount by $8,000,000.
On page 4 line 2, increase the amount by $6,000,000.
On page 4 line 7, increase the amount by $25,000,000.
On page 4 line 16, increase the amount by $6,000,000.
On page 4 line 17, increase the amount by $8,000,000.
On page 4 line 18, increase the amount by $5,000,000.
On page 4 line 19, increase the amount by $4,000,000.
On page 4 line 20, increase the amount by $3,000,000.
On page 4 line 24, increase the amount by $6,000,000.
On page 4 line 25, increase the amount by $8,000,000.
On page 5 line 1, increase the amount by $5,000,000.
On page 5 line 2, increase the amount by $4,000,000.
On page 5 line 3, increase the amount by $3,000,000.
On page 5 line 7, decrease the amount by $5,000,000.
On page 5 line 8, decrease the amount by $12,000,000.
On page 5 line 9, decrease the amount by $17,000,000.
On page 5 line 10, decrease the amount by $21,000,000.
On page 5 line 11, decrease the amount by $23,000,000.
On page 5 line 15, decrease the amount by $5,000,000.
On page 5 line 16, decrease the amount by $12,000,000.
On page 5 line 17, decrease the amount by $19,000,000.
On page 5 line 18, decrease the amount by $21,000,000.
On page 5 line 19, decrease the amount by $24,000,000.
On page 23 line 16, increase the amount by $25,000,000.
On page 23 line 17, increase the amount by $6,000,000.
On page 23 line 21, increase the amount by $8,000,000.
On page 23 line 25, increase the amount by $5,000,000.
On page 24 line 4, increase the amount by $4,000,000.
On page 24 line 8, increase the amount by $3,000,000.
On page 30 line 16, decrease the amount by $11,000,000.
On page 30 line 17, decrease the amount by $50,000,000.
On page 48 line 6, increase the amount by $25,000,000.
On page 48 line 7, increase the amount by $6,000,000.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5. SENSE OF THE SENATE IN SUPPORT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

It is the sense of the Senate that the Community Development Block Grant (CDBG) Program and related programs, including Community Services Block Grant Program, Brownfields Redevelopment, Empowerment Zones, Rural Community Advancement Program, EDA, Native American CDBG, Native Hawaiian CDBG, and Rural Housing and Economic Development by fully funded.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5. POINT OF ORDER REQUIRING THAT THE AMT BE DEALT WITH BEFORE OTHER TAX CUTS FOR THE WEALTHY.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider a bill, amendment, motion, joint resolution, or conference report that would cut taxes for taxpayers with annual adjusted gross incomes of greater than $250,000 unless that measure or a previously enacted measure permanently reduces the number of taxpayers and families with annual adjusted gross incomes of less than $150,000 that will be subject to the alternative minimum tax over the next decade.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $11,000,000.
On page 3 line 11, increase the amount by $15,000,000.
On page 3 line 12, increase the amount by $10,000,000.
On page 3 line 13, increase the amount by $8,000,000.
On page 3 line 14, increase the amount by $6,000,000.
On page 3 line 19, increase the amount by $11,000,000.
On page 3 line 20, increase the amount by $15,000,000.
On page 3 line 21, increase the amount by $10,000,000.
On page 4 line 1, increase the amount by $8,000,000.
On page 4 line 2, increase the amount by $6,000,000.
On page 4 line 7, increase the amount by $25,000,000.
On page 4 line 16, increase the amount by $6,000,000.
On page 4 line 17, increase the amount by $8,000,000.
On page 4 line 18, increase the amount by $5,000,000.
On page 4 line 19, increase the amount by $4,000,000.
On page 4 line 20, increase the amount by $3,000,000.
On page 4 line 24, increase the amount by $6,000,000.
On page 4 line 25, increase the amount by $8,000,000.
On page 5 line 1, increase the amount by $5,000,000.
On page 5 line 2, increase the amount by $4,000,000.
On page 5 line 3, increase the amount by $3,000,000.
On page 5 line 7, increase the amount by $5,000,000.
On page 5 line 8, increase the amount by $12,000,000.
On page 5 line 9, increase the amount by $17,000,000.
On page 5 line 10, increase the amount by $21,000,000.
On page 5 line 11, increase the amount by $23,000,000.
On page 5 line 15, increase the amount by $5,000,000.
On page 5 line 16, increase the amount by $12,000,000.
On page 5 line 17, increase the amount by $19,000,000.
On page 5 line 18, increase the amount by $21,000,000.
On page 5 line 19, increase the amount by $24,000,000.
On page 23 line 16, increase the amount by $25,000,000.
On page 23 line 17, increase the amount by $6,000,000.
On page 23 line 21, increase the amount by $8,000,000.
On page 23 line 25, increase the amount by $5,000,000.
On page 24 line 4, increase the amount by $1,000,000.
On page 24 line 8, increase the amount by $3,000,000.
On page 30 line 16, decrease the amount by $11,000,000.
On page 30 line 17, decrease the amount by $50,000,000.
On page 48 line 6, increase the amount by $25,000,000.
On page 48 line 7, increase the amount by $6,000,000.
will provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,500 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 5,000 Boys and Girls Clubs of America facilities in operation by December 31, 2010, serving not less than 5,000,000 young people.

SA 238. Mr. LEVIN (for himself, Mr. DeWINE, Ms. STABENOW, Mr. LIEBERMAN, Mr. Bingaman, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $400,000,000.
On page 3, line 11, increase the amount by $102,000,000.
On page 3, line 12, increase the amount by $32,000,000.
On page 3, line 13, increase the amount by $10,000,000.
On page 3, line 14, increase the amount by $400,000,000.
On page 3, line 20, increase the amount by $102,000,000.
On page 4, line 21, increase the amount by $102,000,000.
On page 4, line 1, increase the amount by $32,000,000.
On page 4, line 2, increase the amount by $10,000,000.
On page 4, line 7, increase the amount by $146,000,000.
On page 4, line 16, increase the amount by $21,000,000.
On page 4, line 17, increase the amount by $51,000,000.
On page 4, line 18, increase the amount by $51,000,000.
On page 4, line 19, increase the amount by $150,000,000.
On page 4, line 20, increase the amount by $5,000,000.
On page 4, line 21, increase the amount by $150,000,000.
On page 4, line 22, increase the amount by $377,000,000.
On page 4, line 25, increase the amount by $51,000,000.
On page 5, line 1, increase the amount by $51,000,000.
On page 5, line 2, increase the amount by $150,000,000.
On page 5, line 3, increase the amount by $5,000,000.
On page 5, line 7, decrease the amount by $377,000,000.
On page 5, line 8, decrease the amount by $250,000,000.
On page 5, line 9, decrease the amount by $479,000,000.
On page 5, line 10, decrease the amount by $495,000,000.
On page 5, line 11, decrease the amount by $500,000,000.
On page 5, line 15, decrease the amount by $377,000,000.
On page 5, line 16, decrease the amount by $495,000,000.
On page 5, line 17, decrease the amount by $495,000,000.
On page 5, line 18, decrease the amount by $495,000,000.
On page 5, line 19, decrease the amount by $500,000,000.
On page 5, line 15, increase the amount by $416,000,000.
On page 5, line 16, increase the amount by $21,000,000.
On page 5, line 20, increase the amount by $51,000,000.
On page 5, line 24, increase the amount by $51,000,000.
On page 5, line 3, increase the amount by $150,000,000.
On page 5, line 7, increase the amount by $5,000,000.
On page 5, line 16, decrease the amount by $400,000,000.
On page 5, line 17, decrease the amount by $650,000,000.
On page 5, line 18, decrease the amount by $850,000,000.
On page 5, line 19, decrease the amount by $1,000,000,000.
On page 5, line 16, increase the amount by $1,000,000,000.
On page 5, line 17, increase the amount by $120,000,000.
On page 5, line 21, increase the amount by $260,000,000.
On page 5, line 25, increase the amount by $250,000,000.
On page 5, line 24, increase the amount by $200,000,000.
On page 6, line 8, increase the amount by $150,000,000.
On page 5, line 16, decrease the amount by $240,000,000.
On page 5, line 17, decrease the amount by $2,000,000,000.
On page 5, line 6, increase the amount by $1,000,000,000.
On page 5, line 7, increase the amount by $120,000,000.
On page 6, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—
(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;
(2) with the support of the Community Oriented Policing Services program (hereinafter referred to in this section as the “COPS program”), State and local law enforcement officers have succeeded in dramatically reducing violent crime;
(3) on July 15, 2002, the Attorney General stated, “Since law enforcement agencies began partnering with citizens through community policing, we’ve seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.”;
(4) on February 26, 2002, the Attorney General stated, “The COPS program has been a miraculous sort of success. It’s one of those things that Congress hopes will happen when it sets up a program.”;
(5) the Federal Bureau of Investigation’s Assistant Director for the Office of Law Enforcement Coordination has stated, “The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.”;
(6) a 2005 study of the 45 largest metropolitan police departments found that 27 of them have reduced force levels;
(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices.
And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;
(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;
(9) in addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism;
(10) the continuation and full funding of the COPS program through fiscal year 2010 is
supported by several major law enforcement organizations, including—
(A) the International Association of Chiefs of Police;
(b) the International Brotherhood of Police Officers;
(C) the Fraternal Order of Police;
(D) the National Sheriffs’ Association;
(E) the National Troopers Coalition;
(F) the Federal Law Enforcement Officers Association;
(G) the National Association of Police Organizations;
(H) the National Organization of Black Law Enforcement Executives;
(i) the Police Executive Research Forum; and
(j) the Major Cities Chiefs;
(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2005, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2006, and
(12) the President requested $117,781,000 for the COPS program for fiscal year 2006, $81,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice’s community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 16, line 3 increase the amount by $2,922,000,000.
On page 16, line 7 increase the amount by $2,316,000,000.
On page 16, line 6 increase the amount by $579,000,000.
On page 48, line 7 decrease the amount by $40,372,000,000.
On page 48, line 8, after “outlays for the discretionary category” add the following “and $34,740,000,000 for the highway category and $7,099,000,000 for the transit category”:

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 9, decrease the amount by $0.
On page 3, line 10, decrease the amount by $1,480,000,000.
On page 3, line 11, decrease the amount by $12,500,000.
On page 3, line 12, decrease the amount by $14,000,000,000.
On page 3, line 13, decrease the amount by $15,600,000,000.
On page 3, line 14, decrease the amount by $17,000,000,000.
On page 3, line 15, decrease the amount by $0.
On page 3, line 16, decrease the amount by $1,480,000,000.
On page 4, line 24, decrease the amount by $4,800,000,000.
On page 4, line 25, decrease the amount by $12,500,000,000.
On page 4, line 1, decrease the amount by $14,000,000,000.
On page 4, line 2, decrease the amount by $15,600,000,000.
On page 4, line 3, decrease the amount by $17,000,000,000.
On page 4, line 4, decrease the amount by $0.
On page 4, line 5, decrease the amount by $1,480,000,000.
On page 5, line 8, increase the amount by $31,300,000,000.
On page 5, line 9, increase the amount by $15,000,000,000.
On page 5, line 10, increase the amount by $46,900,000,000.
On page 5, line 11, increase the amount by $63,900,000,000.
On page 5, line 12, increase the amount by $0.
On page 5, line 13, increase the amount by $1,400,000,000.
On page 5, line 14, increase the amount by $0.
On page 5, line 15, increase the amount by $1,400,000,000.
On page 6, line 6, increase the amount by $1,480,000,000.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010, which was ordered to lie on the table; as follows:
At the appropriate place in the bill, insert: “In response to the ongoing drought in certain western states, Congress should allocate $15,000,000 to the Bureau of Reclamation’s Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior.”

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place insert the following:

SEC. 1. SENSE OF THE SENATE ON REDUCING THE TAX ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subjects 85% of certain Social Security benefits to the income tax, provided that the revenue loss to the Medicare Hospital Insurance Trust Fund is fully replaced so that seniors’ access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

SA 244. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mrs. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $72,000,000.
On page 3, line 11, increase the amount by $108,000,000.
On page 3, line 12, increase the amount by $14,000,000.
On page 3, line 13, increase the amount by $14,000,000.
On page 3, line 19, increase the amount by $72,000,000.
On page 3, line 20, increase the amount by $108,000,000.
On page 3, line 21, increase the amount by $14,000,000.
On page 4, line 1, increase the amount by $1,400,000.
On page 4, line 7, increase the amount by $100,000,000.
On page 4, line 8, increase the amount by $36,000,000.
On page 4, line 9, increase the amount by $1,400,000.
On page 4, line 17, increase the amount by $1,400,000.
On page 4, line 18, increase the amount by $7,000,000.
On page 4, line 19, increase the amount by $20,000,000.
On page 4, line 24, increase the amount by $36,000,000.
On page 4, line 25, increase the amount by $54,000,000.
On page 5, line 1, increase the amount by $7,000,000.
On page 5, line 2, increase the amount by $2,000,000.
On page 5, line 7, decrease the amount by $30,000,000.
On page 5, line 8, decrease the amount by $90,000,000.
On page 5, line 9, decrease the amount by $7,000,000.
On page 5, line 10, decrease the amount by $99,000,000.
On page 5, line 11, decrease the amount by $9,000,000.
On page 5, line 15, decrease the amount by $36,000,000.
On page 5, line 16, decrease the amount by $97,000,000.
On page 5, line 17, decrease the amount by $57,000,000.
On page 5, line 18, decrease the amount by $99,000,000.
On page 5, line 19, decrease the amount by $90,000,000.
On page 18, line 16, increase the amount by $100,000,000.
On page 18, line 17, increase the amount by $36,000,000.
On page 19, line 4, increase the amount by $2,000,000.
On page 30, line 16, decrease the amount by $72,000,000.
On page 30, line 17, decrease the amount by $156,000,000.
On page 48, line 6, increase the amount by $36,000,000.
At the appropriate place, insert the following:
SEC. 3. SENSE OF THE SENATE CONCERNING PREVENTIVE HEALTH CARE SERVICES.
(a) FINDINGS.—The Senate makes the following findings:
(1) Although the Centers for Disease Control and Prevention included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.
(2) Increasing access to family planning services will improve women’s health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted infections.
(3) Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $31 in expenditures for pregnancy-related and new-birth care for Medicaid alone.
(4) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.
(5) In 2002, 34,000,000 women—half of all women of reproductive age—were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.
(6) The United States also has the highest rate of infection with sexually transmitted infections of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted infections. According to the Centers for Disease Control and Prevention (November 2004), these sexually transmitted infections impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.
(7) A child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.
(8) Each year, services under title X of the Public Health Service Act enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted infections at one of the X-funded clinics in 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted infection tests, and 526,000 HIV tests.
(9) The number of uninsured individuals, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment technologies for cancer and sexually transmitted infections, have diminished the ability of clinics funded under title X of the Public Health Service Act of adequately serve all those in need. Taking medical inflation into account, funding for the program under such title X declined by 30 percent between 1980 and 2004.
(10) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 28 States without contraceptive coverage policies. These women may still find the most effective forms of contraceptives beyond their financial reach due to a lack of coverage.
(11) Inclusive health care plans in private health care plans saves employers money. Not covering contraceptives in employer health plans costs employers 15 to 17 percent more than providing such coverage.
(12) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted infections.
(13) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.
(14) Thirteen percent of all teens give birth before age 20. Eighty-eight percent of births to teenagers were unintended. Forty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2003).
(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.
(16) Research shows that a range of initiatives, including sex education, youth development, and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal tax dollars are best invested in programs or to disseminate information to educators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only education programs).
(17) The prevention programs described in paragraph (1) are cost effective and will achieve savings by—
(A) reducing the number of unintended pregnancies;
(B) reducing the rate of sexually transmitted infections;
(C) reducing the costs to the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and
(D) providing for the early detection of HIV and early detection of breast and cervical cancer; and
(18) The increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

SA 245. Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:
On page 3, line 10, increase the amount by $90,000,000.
On page 3, line 11, increase the amount by $1,920,000,000.
On page 3, line 12, increase the amount by $780,000,000.
On page 3, line 13, increase the amount by $210,000,000.
On page 3, line 19, increase the amount by $390,000,000.
On page 3, line 20, increase the amount by $1,920,000,000.
On page 3, line 21, increase the amount by $780,000,000.
On page 4, line 1, increase the amount by $210,000,000.
On page 4, line 7, increase the amount by $1,920,000,000.
On page 4, line 16, increase the amount by $45,000,000.
On page 4, line 17, increase the amount by $9,000,000.
On page 4, line 18, increase the amount by $90,000,000.
On page 4, line 24, increase the amount by $45,000,000.
On page 4, line 25, increase the amount by $9,000,000.
On page 5, line 1, increase the amount by $390,000,000.
On page 5, line 2, increase the amount by $105,000,000.
On page 5, line 7, decrease the amount by $45,000,000.
On page 5, line 8, decrease the amount by $1,005,000,000.
On page 5, line 9, decrease the amount by $1,395,000,000.
On page 5, line 10, decrease the amount by $1,500,000,000.
On page 5, line 11, decrease the amount by $1,500,000,000.
On page 5, line 15, decrease the amount by $45,000,000.
On page 5, line 16, decrease the amount by $1,005,000,000.
On page 5, line 17, decrease the amount by $1,395,000,000.
On page 5, line 18, decrease the amount by $1,500,000,000.
On page 5, line 19, decrease the amount by $1,500,000,000.
On page 5, line 21, decrease the amount by $45,000,000.
On page 5, line 23, decrease the amount by $30,000,000.
On page 5, line 24, decrease the amount by $1,005,000,000.
On page 5, line 25, decrease the amount by $1,395,000,000.
On page 5, line 26, decrease the amount by $1,500,000,000.
On page 5, line 27, decrease the amount by $1,500,000,000.
On page 5, line 28, decrease the amount by $30,000,000.
On page 5, line 29, decrease the amount by $1,005,000,000.
On page 5, line 30, decrease the amount by $1,395,000,000.
On page 5, line 31, decrease the amount by $1,500,000,000.
On page 6, line 1, increase the amount by $1,479,000,000.
On page 6, line 2, increase the amount by $1,479,000,000.
On page 6, line 3, increase the amount by $1,479,000,000.
On page 6, line 4, increase the amount by $1,479,000,000.
On page 6, line 5, increase the amount by $1,479,000,000.
On page 6, line 6, increase the amount by $1,479,000,000.
On page 6, line 7, increase the amount by $1,479,000,000.
On page 6, line 8, increase the amount by $1,479,000,000.
On page 6, line 9, increase the amount by $1,479,000,000.
On page 6, line 10, increase the amount by $1,479,000,000.
On page 6, line 12, increase the amount by $1,479,000,000.
On page 7, line 1, increase the amount by $1,479,000,000.
On page 7, line 2, increase the amount by $1,479,000,000.
On page 7, line 3, increase the amount by $1,479,000,000.
On page 7, line 4, increase the amount by $1,479,000,000.
On page 7, line 5, increase the amount by $1,479,000,000.
On page 7, line 6, increase the amount by $1,479,000,000.
On page 7, line 7, increase the amount by $1,479,000,000.
On page 7, line 8, increase the amount by $1,479,000,000.
On page 7, line 9, increase the amount by $1,479,000,000.
On page 7, line 10, increase the amount by $1,479,000,000.
On page 8, line 1, increase the amount by $1,479,000,000.
On page 8, line 2, increase the amount by $1,479,000,000.
On page 8, line 3, increase the amount by $1,479,000,000.
On page 8, line 4, increase the amount by $1,479,000,000.
On page 8, line 5, increase the amount by $1,479,000,000.
On page 8, line 6, increase the amount by $1,479,000,000.
On page 8, line 7, increase the amount by $1,479,000,000.
On page 8, line 8, increase the amount by $1,479,000,000.
On page 8, line 9, increase the amount by $1,479,000,000.
On page 8, line 10, increase the amount by $1,479,000,000.
On page 9, line 1, increase the amount by $1,000,000,000.
On page 9, line 2, increase the amount by $1,000,000,000.
On page 9, line 3, increase the amount by $1,000,000,000.
On page 9, line 4, increase the amount by $1,000,000,000.
On page 9, line 5, increase the amount by $1,000,000,000.
On page 9, line 6, increase the amount by $1,000,000,000.
On page 9, line 7, increase the amount by $1,000,000,000.
On page 9, line 8, increase the amount by $1,000,000,000.
On page 9, line 9, increase the amount by $1,000,000,000.
On page 9, line 10, increase the amount by $1,000,000,000.
On page 9, line 11, increase the amount by $1,000,000,000.
On page 9, line 12, increase the amount by $1,000,000,000.
On page 9, line 13, increase the amount by $1,000,000,000.
On page 9, line 14, increase the amount by $1,000,000,000.
On page 9, line 15, increase the amount by $1,000,000,000.
On page 9, line 16, increase the amount by $1,000,000,000.
On page 9, line 17, increase the amount by $1,000,000,000.
On page 9, line 18, increase the amount by $1,000,000,000.
On page 9, line 19, increase the amount by $1,000,000,000.
On page 9, line 20, increase the amount by $1,000,000,000.
On page 9, line 21, increase the amount by $1,000,000,000.
On page 9, line 22, increase the amount by $1,000,000,000.
On page 9, line 23, increase the amount by $1,000,000,000.
On page 9, line 24, increase the amount by $1,000,000,000.
On page 10, line 1, increase the amount by $1,000,000,000.
On page 10, line 2, increase the amount by $1,000,000,000.
On page 10, line 3, increase the amount by $1,000,000,000.
On page 4, line 25, increase the amount by $1,700,000,000.
On page 5, line 1, increase the amount by $1,700,000,000.
On page 5, line 2, increase the amount by $1,700,000,000.
On page 5, line 3, increase the amount by $1,400,000,000.
On page 5, line 7, decrease the amount by $1,100,000,000.
On page 5, line 8, decrease the amount by $2,800,000,000.
On page 5, line 9, decrease the amount by $4,500,000,000.
On page 5, line 10, decrease the amount by $6,200,000,000.
On page 5, line 11, decrease the amount by $8,000,000,000.
On page 5, line 15, decrease the amount by $1,100,000,000.
On page 5, line 16, decrease the amount by $2,800,000,000.
On page 5, line 17, decrease the amount by $4,500,000,000.
On page 5, line 18, decrease the amount by $6,200,000,000.
On page 5, line 19, decrease the amount by $8,000,000,000.
On page 5, line 16, decrease the amount by $1,100,000,000.
On page 5, line 17, decrease the amount by $5,000,000,000.

SA 251. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5. FUNDING FOR HIDTAS.
(a) FINDINGS.—The Senate finds the following:

SEC. 4. RESERVE FUND FOR EXTENSION OF TREATMENT FOR COMBAT PAY FOR EARNED INCOME AND CHILD TAX CREDIT.
If the Committee on Finance reports a bill or joint resolution, or an amendment thereto or a conference report therein is submitted, it may recommend that the taxpay er election to treat combat pay otherwise excluded from gross income under section 112 of the Internal Revenue Code as earned income credit and make permanent the treatment of such combat pay as earned income for purposes of the child tax credit, the Chairman of the Committee may revise the allocations of budget authority and outlays, the revenue aggregates, and other appropriate measures, provided that such legislation would not increase the deficit for the period of fiscal year 2006 or the total of fiscal years 2006 through 2010.

SA 253. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGMAN, Mrs. MURRAY, Mr. TALENT, Mr. SMITH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. 6. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.
(a) FINDINGS.—The Senate finds the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGMAN, Mr. CRAIG, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 4, line 7, decrease the amount by $5,000,000.
On page 4, line 16, increase the amount by $42,000,000.
On page 4, line 17, decrease the amount by $21,000,000.
On page 4, line 18, decrease the amount by $12,000,000.
On page 4, line 19, decrease the amount by $6,000,000.
On page 4, line 24, decrease the amount by $12,000,000.
On page 4, line 25, increase the amount by $21,000,000.
On page 5, line 1, increase the amount by $12,000,000.
On page 5, line 2, increase the amount by $6,000,000.
On page 5, line 3, increase the amount by $3,000,000.
On page 5, line 7, increase the amount by $47,000,000.
On page 5, line 8, increase the amount by $21,000,000.
On page 5, line 9, increase the amount by $9,000,000.
On page 5, line 10, decrease the amount by $18,000,000.
On page 5, line 15, increase the amount by $42,000,000.
On page 5, line 16, increase the amount by $21,000,000.
On page 5, line 17, increase the amount by $9,000,000.
On page 5, line 18, decrease the amount by $15,000,000.
On page 5, line 19, decrease the amount by $52,000,000.
On page 5, line 16, decrease the amount by $5,000,000.
On page 5, line 20, decrease the amount by $21,000,000.
On page 9, line 19, decrease the amount by $3,000,000.
On page 9, line 20, decrease the amount by $7,000,000.
On page 9, line 7, increase the amount by $2,000,000.
amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $13,000,000.
On page 3, line 11, increase the amount by $31,000,000.
On page 3, line 12, increase the amount by $58,000,000.
On page 3, line 13, increase the amount by $72,000,000.
On page 3, line 14, increase the amount by $28,000,000.
On page 3, line 19, increase the amount by $13,000,000.
On page 3, line 20, increase the amount by $81,000,000.
On page 3, line 21, increase the amount by $98,000,000.
On page 4, line 1, increase the amount by $72,000,000.
On page 4, line 2, increase the amount by $28,000,000.
On page 4, line 7, increase the amount by $150,000,000.
On page 4, line 16, increase the amount by $7,000,000.
On page 4, line 17, increase the amount by $49,000,000.
On page 4, line 18, increase the amount by $49,000,000.
On page 4, line 19, increase the amount by $36,000,000.
On page 4, line 20, increase the amount by $14,000,000.
On page 4, line 24, increase the amount by $6,000,000.
On page 4, line 25, increase the amount by $41,000,000.
On page 5, line 1, increase the amount by $49,000,000.
On page 5, line 2, increase the amount by $36,000,000.
On page 5, line 3, increase the amount by $14,000,000.
On page 5, line 7, decrease the amount by $5,000,000.
On page 5, line 8, decrease the amount by $47,000,000.
On page 5, line 9, decrease the amount by $96,000,000.
On page 5, line 10, decrease the amount by $132,000,000.
On page 5, line 11, decrease the amount by $146,000,000.
On page 5, line 15, decrease the amount by $6,000,000.
On page 5, line 16, decrease the amount by $47,000,000.
On page 5, line 17, decrease the amount by $96,000,000.
On page 5, line 18, decrease the amount by $132,000,000.
On page 5, line 19, decrease the amount by $146,000,000.
On page 5, line 22, increase the amount by $150,000,000.
On page 5, line 22, line 17, increase the amount by $7,000,000.
On page 5, line 22, line 21, increase the amount by $49,000,000.
On page 5, line 22, line 25, increase the amount by $49,000,000.
On page 5, line 23, line 4, increase the amount by $36,000,000.
On page 5, line 23, line 8, increase the amount by $14,000,000.
On page 5, line 30, line 16, decrease the amount by $135,000,000.
On page 5, line 30, line 17, decrease the amount by $292,000,000.

On page 48, line 6, increase the amount by $150,000,000.
On page 48, line 7, increase the amount by $7,000,000.

SA 256. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. Voinovich, Mr. Inhofe, Mr. Jeffords, Mrs. Clinton, Mr. Lautenberg, Mr. Leahy, Mr. Reed, Mr. Levin, Mr. Kennedy, Ms. Snowe, Mr. DeWine, Mr. Lieberman, and Ms. Collins) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WATER INFRASTRUCTURE.

(a) FINDINGS.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development;

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, and relating to clean water and drinking water infrastructure gap analysis found that there will be a $553,000,000,000 gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $30,300,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with States, local government and local communities in maintaining and improving the water infrastructure of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 48, after line 8, insert the following:

SEC. . RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregate allocation, functional totals, and other appropriate levels and limits in this resolution on enactment of legislation that achieves savings under the Medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the Medicare program, that eliminates the plan stabilization fund under section 1886(e) of such Act, and that adjusts the MA area-specific non-drug monthly benchmark amount under part C of such title to exclude payments for the indirect costs of medical education under section 1886(d)(5)(B) of such Act), by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

SA 259. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(3) The Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 258. Mr. FEINGOLD (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 40, after line 8, insert the following:

SEC. . POINT OF ORDER.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, "Paid for by the United States Government.".

(b) SUPERMAJORITY WAIVER AND APPRAIL.—This section may be waived in the Senate only by an affirmative vote of 2⁄3 of the Members, duly chosen and sworn. An affirmative vote of 2⁄3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.
SEC. 250. SENSE OF THE SENATE REGARDING DROUGHT ASSISTANCE PROGRAM.

It is the sense of the Senate that, in response to the ongoing drought in certain western states, Congress should allocate $15,000,000,000 to the Bureau of Reclamation’s Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior.

SEC. 251. SENSE OF THE SENATE REGARDING WATER INFRASTRUCTURE.

It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality and water supply standards and in the maintenance and safety of the water of the United States.

Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. __. SENSE OF THE SENATE REGARDING WATER INFRASTRUCTURE.

(a) FINDINGS.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development; and

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, relating to clean water and drinking water infrastructure gap analysis found that there will be a $350,000,000,000 gap between current spending needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $13,000,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with State and local governments and must remove the burden of maintaining and improving the water infrastructure of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality and water supply standards and in the maintenance and safety of the water of the United States.

SA 252. Mr. GRASSLEY submitted an amendment intended to be proposed by Mr. GRASSLEY to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title V, insert the following:

SEC. __. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times;

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the “PBGC”) demand enactment of pension legislation this year;

(3) Thirty-four million active and retired workers are relying on their defined benefit pension plans to provide retirement security, and a failure by Congress to reform the defined benefit system will place at risk the pensions of millions of Americans;

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate conferees shall insist on the Senate position expressed in the sense of the Senate and the public.

SA 253. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place, insert the following:

SEC. __. SPECIAL RULE WITH RESPECT TO PEN- SION REFORM.

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution that includes pension reform and the committee achieves less than $476 million in net outlay reductions in fiscal year 2006 and $3.306 billion in net outlay reductions for the period of fiscal years 2006 through 2010; which was ordered to lie on the table; as follows:

NOTICES OF HEARINGS/MEETINGS

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 6, at 10 a.m. in 366 Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David Garman to be Under Secretary of Energy.
For further information, please contact Judy Pensabene of the Committee staff at (202) 224-1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 17, 2005, at 9:30 a.m., in an open and closed session to receive testimony on current and future worldwide threats to the national security of the United States.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, at 11 a.m. to mark up an original bill entitled the Federal Public Transportation Act of 2005.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, March 17, 2005, at 2:30 p.m., to consider favorably the nomination of Daniel R. Levinson, to be Inspector General, Department of Health and Human Services, Washington, D.C.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 17, 2005 at 9:30 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 17, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda:


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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, for a committee hearing titled “Back from the Trenches: Are We Providing the Proper Care for America’s Wounded Warriors?”

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Thursday, March 17, 2005, at 10 a.m. on Coast Guard Operational Readiness/Mission Balance/FY 2006 Budget Request in SR–253.

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

SUBCOMMITTEE ON SEAPower

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on March 17, 2005, at 3 p.m., in open session to receive testimony on the posture of the U.S. Transportation Command in review of the Defense Authorization Request for fiscal year 2006.

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

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mindy Lanie, a sign language interpreter from congressional support services, be granted the privileges of the floor during consideration of the budget resolution.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Kathleen Strottman be granted the privilege of the floor during consideration of the budget resolution.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND DISCHARGE

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 27, 28, 29, 31, 32, 33, 34, 36, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, and all nominations on the Secretary’s desk. Further, that Harold Damelin, PN57, be discharged from the Committee on Appropriations, and the Senate also proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

David B. Bolten, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries.

Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State for Near Eastern Affairs.

Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of service as Special Envoy for Burma.

DEPARTMENT OF ENERGY

Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy.

NATIONAL SECURITY EDUCATION BOARD

George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF THE ARMY

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF THE AIR FORCE

To be lieutenant general

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robert R. Allardice, 0000
Colonel C. D. Alston, 0000
Colonel Michael J. Basila, 0000
Colonel Francis M. Bruno, 0000
Colonel Edward L. Bush, 0000
Colonel Thomas K. Andersen, 0000
Colonel Herbert J. Carlisle, 0000
Colonel Charles R. Davis, 0000
Colonel Donald M. Davis, 0000
Colonel James M. Kowalski, 0000
Colonel Frank J. Kisner, 0000
Colonel Jimmie C. Jackson, Jr., 0000
Colonel Joseph T. Kogon, 0000
Colonel Blair E. Hansen, 0000
Colonel Frank Gorenc, 0000
Colonel Gregory A. Feest, 0000
Colonel Daniel R. Dinkins, Jr., 0000
Colonel Robert Yates, 0000
Colonel Janet A. Therianos, 0000
Colonel Mark S. Solo, 0000
Colonel Stephen D. Schmidt, 0000
Colonel Paul G. Schafer, 0000
Colonel Albert F. Riggie, 0000
Colonel Joseph Reynolds, Jr., 0000
Colonel M. Rehberg, 0000
Colonel Robin Rand, 0000
Colonel Ellen M. Pawlikowski, 0000
Colonel Michael C. Petric, 0000
Colonel Joseph F. Mudd, Jr., 0000
Colonel Harold W. Moulton, II5, 0000
Colonel Christopher D. Miller, 0000
Colonel Gary S. Connor, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James J. Dougherty, III, 0000
Col. Patricia C. Lewis, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley E. Green, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Rear Adm. Evan M. Chankin, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Barry M. Costello, 0000

PN149 AIR FORCE nominations (54) beginning Arlene D. * Adams, and ending Robert G. * Young, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN247 AIR FORCE nominations (54) beginning Érik L. Abramse, and ending Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN261 AIR FORCE nominations of Steven F. Reck, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN265 AIR FORCE nomination of Mark D. Miller, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN266 AIR FORCE nomination of Jack M. Davis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN268 AIR FORCE nominations (6) beginning John P. Albright, and ending Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN269 AIR FORCE nominations (6) beginning Lester H. Bakos, and ending Gregory G. Movessian, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN270 AIR FORCE nominations (9) beginning Charles M. Bolin, and ending James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN271 AIR FORCE nominations (14) beginning Bruce Stuart Ambrose, and ending Patricia L. Wildermuth, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN272 AIR FORCE nominations (15) beginning Karen A. Baldi, and ending Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN273 AIR FORCE nominations (19) beginning Vickie L. Beckwith, and ending Gayle Seifert, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN274 AIR FORCE nominations (23) beginning Paul N. Austin, and ending Florence A. Valley, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN275 AIR FORCE nominations (66) beginning Edmond O. Anderson, and ending Scott A. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN276 AIR FORCE nomination of Kenneth M. Francis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN277 AIR FORCE nomination of Vito Manente, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN278 AIR FORCE nominations of Jeffrey H. Wilson, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN280 AIR FORCE nominations (49) beginning Christopher N. * Assefa, and ending Michael J. Zuber, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN282 AIR FORCE nominations (47) beginning Steven G. Allred, and ending John R. Wrocloff, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN287 AIR FORCE nominations (1425) beginning David C. Abiah, and ending Michael P. Johnson, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN288 AIR FORCE nominations (73) beginning Travis R. * Adams, and ending Wendy J. * Wyse, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN289 AIR FORCE nominations (2173) beginning Christopher N. * Assefa, and ending Ronald J. * Zwielick, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN290 AIR FORCE nominations (134) beginning Peter W Aubrey, and ending Jeffrey K Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN40 ARMY nominations (28) beginning Michael J Arnello, and ending James E Whaley III, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN41 ARMY nominations (33) beginning Donna A Alberto, and ending Douglas A Wendt, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.
PN43 ARMY nominations (344) beginning Ronald P. Alberto, and ending X2800, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN216 ARMY nomination of Gerald L. Dunlap, which was received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN217 ARMY nomination of Robert D. Saxon, which was received by the Senate and appeared in the Congressional Record of February 6, 2005.

PN218 ARMY nominations (2) beginning Richard R. Guzzetta, and ending Robert J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN219 ARMY nominations (2) beginning James R. Haššůk, and ending Fritz W. Kirklighter, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN220 ARMY nominations (2) beginning Brian E. Baca, and ending Anthony E. Baker Sr., which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN228 ARMY nomination of William T. Monacci, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN250 ARMY nominations (5) beginning David J. Bricker, and ending Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN251 ARMY nominations (35) beginning Larry D. Landry, and ending David D. Watters, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN252 ARMY nominations (2) beginning Hays L. Arnold, and ending William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN253 ARMY nomination of John P. Guerreiro, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN254 ARMY nomination of Evelyn I. Rodriguez, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN255 ARMY nomination of Demetres William, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN292 ARMY nominations (13) beginning Kenneth A. Beard, and ending Karen E. Semeraro, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN294 ARMY nominations (48) beginning Stanley P. Allen, and ending Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

MARINE CORPS

PN64 MARINE CORPS nominations (127) beginning Larry J. Abbott, and ending Ronald M Zich, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN174 MARINE CORPS nominations (5) beginning Michael D. Abbott, and ending Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN175 MARINE CORPS nominations (79) beginning Donald R. Bennett, and ending George B. Younger, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN256 NAVY nominations (79) beginning Donald R Bennett, and ending George B Younger, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

DEPARTMENT OF THE TREASURY

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

LEGISLATIVE SESSION

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

MEASURE READ THE FIRST TIME—H.R. 841

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read as follows:

A bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

APPOINTMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or other interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY TO FILE LEGISLATIVE AND EXECUTIVE ITEMS ON WEDNESDAY, MARCH 30, 2005

Mr. FRIST. I ask unanimous consent that notwithstanding the recess, committees be allowed to file legislative and executive items on Wednesday, March 30, between the hours of 10 a.m. and 12 noon.

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

NATIONAL ASBESTOS AWARENESS DAY

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 43, and the Senate then proceed to its immediate consideration.

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

The legislative clerk read as follows: A resolution designating the first day of April 2005 as “National Asbestos Awareness Day.”

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

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid on the table. The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The amendment (No. 264) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted; Whereas the inhalation of airborne asbestos fibers can cause significant damage; Whereas these fibers can cause mesothelioma, asbestosis and other health problems; Whereas asbestos-related diseases can take 10 to 50 years to present themselves; Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months; Whereas generally little is known about late stage treatment and there is no cure for asbestos-related disease; Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis; Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation; Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas asbestos-related diseases have killed thousands of people in the United States;

There being no objection, the Senate passed the resolution, with its preamble, as follows:

S. Res. 43

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;
Whereas when airborne fibers are inhaled or swallowed, the damage is permanent and irreversible;
Whereas these fibers can cause mesothelial, asbestos, lung cancer, and pleural diseases;
Whereas asbestos-related diseases can take 10 to 50 years to present themselves;
Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;
Whereas little is known about late stage treatment and there is no cure for asbestos-related diseases;
Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;
Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;
Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;
Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, vehicle body builders (including rail vehicles), pipelayers, carpenters and electricians (including insulation work and stripping), extraction, energy, and water supply, and manufacturing;
Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the Nation;
Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;
Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;
Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;
Whereas asbestos has been the largest single cause of occupational cancer;
Whereas asbestos is still a hazard for 1,900,000 workers in the United States;
Whereas asbestos-related deaths have greatly increased in the last 20 years and are expected to continue to increase;
Whereas victims of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;
Whereas asbestos was used in the construction of office buildings, public schools, and homes built before 1975; and
Whereas the establishment of a "National Asbestos Awareness Day" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it
Resolved, That the Senate designates the first day of April, 2003 as "National Asbestos Awareness Day".

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1270, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund Financing Rate.

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

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

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

The bill (H.R. 1270) was read the third time and passed.

FINANCIAL LITERACY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier today by Senators AKAKA, SARBANES, COCHRAN, Baucus, and others.

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

The legislative clerk read as follows:

A resolution (S. Res. 88) designating April 2005 as "Financial Literacy Month." Wherein a no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to and printed in the RECORD.

The resolution, with its preamble, is so ordered.

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 88
Whereas the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards;
Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;
Whereas Americans consumer credit debt continues to carry a level of excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;
Whereas the United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve Data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;
Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;
Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;
Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;
Whereas through November 2004, 1,869,343 families filed for bankruptcy;
Whereas a 2002 Retirement Confidence Survey found that a significant portion of workers surveyed have calculated how much money they will need to save for retirement;
Whereas only 30 percent of those surveyed in a 2003 worldwide study are confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;
Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;
Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;
Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;
Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;
Whereas the Spring 2004 Student Monitor of the Consumer Federation of America found that 46 percent of college students have a general purpose credit card in their name and 37 percent carry over a credit card balance from month to month;
Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;
Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;
Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors’ scores on an exam about credit cards, retirement funds, insurance, and other personal financial basics for the first time since 1997; however, 65 percent of students still failed the exam;
Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;
Whereas personal financial management skills and life-long habits develop during childhood;
Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and
Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide for a report for the Commission: Now, therefore, be it Resolved, That the Senate—
(1) designates April 2005 as 'Financial Literacy Month' to raise awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and
(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 89 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 89) congratulating the Montana FFA on its 75th anniversary.
There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, this year marks the 75th anniversary of the Montana FFA, an organization near and dear to my heart. As a former blue jacket myself, I know firsthand how much the organization contributes to the development of leadership skills. A number of my staff, including my chief of staff, are former Montana FFA officers. I couldn’t be prouder to introduce today, along with my colleague, Senator Crapo, a resolution congratulating the Montana FFA on its 75th anniversary.

With over 2,500 current members from 75 chapters, the Montana FFA provides outstanding career and technical education to students across the State. Over 40,000 Montanans have participated in FFA programs.

As this resolution states, the mission of the FFA, a federally chartered national organization, is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education. In Montana, that mission is achieved every day. Whether focusing on public speaking skills, or developing business expertise, or learning about horticulture at the new greenhouse at Park High in Livingston, FFA ensures that our students are ready to embrace all the opportunities the future holds for them.

When the national FFA began in 1928, it did so with just 33 members. Today, it has blossomed into a powerful force for career education, with over 475,000 members. Each year, the halls of Congress are filled with the familiar blue-and-gold jackets, as FFA students from across the nation come to share their thoughts and concerns with us.

The contributions of both the Montana FFA and the national FFA are numerous, and I am pleased to have the opportunity to honor this great organization today. I know this program will continue to flourish and offer our youngsters skills in leadership, personal growth, and career options in the agricultural community as it has done every day since its inception back in Kansas City.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution. The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

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

The PRESIDING OFFICER. The resolution (S. Res. 90) was agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

HOLOCAUST COMMEMORATION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as “genocide” and “crimes against humanity”; and

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Resolved—

(1) designates the week of May 1, 2005, as “Holocaust Commemoration Week”;

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

EUROPEAN ARMS EMBARGO ON THE PEOPLE’S REPUBLIC OF CHINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution.

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

The legislative clerk read as follows:

A resolution (S. Res. 91) urging the European Union to maintain its arms embargo on the People’s Republic of China.

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

Mr. SMITH. Mr. President, I rise today to support an updated version of S. Res. 59, which I submitted on February 17 that calls on the European Union to maintain its arms embargo against the People’s Republic of China.

I am pleased that all of the original cosponsors of S. Res. 59 are joining me in submitting this revised legislation. This resolution states our strong support of the United States arms embargo on China and urges the European Union to strengthen, enforce, and maintain its embargo as well. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China in light of serious human rights concerns.

The human rights abuses at Tiananmen Square in 1989 led the United States and the EU to impose this embargo. Now is not the time to lift it. If the EU proceeds down this road, there will be negative consequences to our relationship—an outcome that our officials claim they do not want. This resolution expresses the Senate’s view that maintaining the embargo is in our mutual security interests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and the resolution (S. Res. 91) be printed in the RECORD.
Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) agreed to an embargo on the People's Republic of China in response to the Government of China's brutal repression of protesters calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, "strongly condemn[ed] the brutal military crackdown in Beijing, China," and "solemnly request[ed] the Chinese authorities...to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that "[t]he Chinese Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses";

Whereas the report of the United States-China Economic and Security Review Commission concluded that "there has been a dramatic change in the military balance between China and Taiwan," and that "[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan";

Whereas the United States-China Economic and Security Review Commission Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that "[e]fforts underway to lift the European Union embargo on arms sales to the People's Republic of China, including several European governments to curb the sale of prohibited equipment to China, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology; whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it Resolved, That the Senate—

(1) strongly supports United States embargoes on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union embargo on China to intimidate or attack democratic Taiwan;

(4) encourages the Government of the United States to make clear in discussions with European officials that continued lifting of the European Union's embargo would present significant and adverse implications for transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China, and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and whereas the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;
AUTHORIZATION TO SIGN LEGISLATION

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Wisconsin, Mr. Feingold, and the Senator from New Jersey, Mr. Lautenberg.

MARTINEZ and SANTORUM were on the floor speaking to about 45 minutes ago. I opened with early this morning, about 14 hours ago, an issue which Senators MARTINEZ and SANTORUM were on the floor speaking to about 45 minutes ago. It has to do with the Terri Schiavo case in Florida.

I close this evening speaking more as a physician than as a U.S. Senator and speak to my involvement as a physician and as a Senator and as leader in the Senate in what has been a fascinating and events for the last 48 hours, a saga which has not ended but one which we took major steps toward tonight in seeing that this woman is not starved to death tomorrow beginning at 1 o’clock, about 13 hours from now.

When I first heard about the situation facing Terri Schiavo, I immediately wanted to know more about the case from a medical standpoint. I asked myself, just looking at the newspaper reports, is Terri clearly in this diagnosis called persistent vegetative state. I was interested in it in part because it is a very difficult diagnosis to make and I have been in a situation such as this many, many times before as a transplant surgeon.

When we do heart transplants and lung transplants—and they are done routinely and were done routinely at the transplant center that I directed at Vanderbilt University. We cast at least 50 patients this neurologist would take care of, she was not at the far end of being an extreme patient in terms of her disability. He described it as if there were 100 patients, she might have been the 70th but not the 80th or 90th or 100th.

It was really very unusual for a neurologist who has spent time with her says she is not in a persistent vegetative state but they will begin starving her to death tomorrow at 1 o’clock because of what another neurologist said. I met with her family and her son. Her son says she has a severe disability. A lot of people have severe disabilities, such as cerebral palsy and receptive aphasia, but her brother said that she responds to her parents and to her name, and is not everybody in persistent vegetative state.

I then met in person with the chairman of the Judiciary Committee 2 days ago in Florida to discuss the case. He told me that they had exhausted all options in the State to reverse what was going to be inevitable tomorrow, Friday, the 18th of March; and that is, that feedings and hydration were going to stop, that everything had been exhausted.

He said the courts have been exhausted, and that all of the court decisions and the court cases had not been based on the facts because the facts were very limited and were the conclusions of one judge and two neurologists, and that was it, and that there were, in terms of the affidavits—I will get the exact number that I read—there were something like 34 affidavits from other doctors, who said that she could be improved with rehabilitation. And the question is, what can we do? Here is the U.S. Senate that normally does not and should not get involved in all of these private-action cases. It is not our primary responsibility here in the U.S. Senate. But with an exhaustion of a State legislature, an exhaustion of the court system in a State—yet all of this is based on what one judge had decided on what, at least initially, to me, looks like wrong data, incomplete data. But somebody is being condemned to death—somebody who is alive; there is no question that is alive—is being condemned to death.

It takes an action to pull out a feeding tube. It takes an action to stop feeding. The inaction of feeding becomes an action. And thus, as I started talking about it this morning, the question was, what do we do? Bills had been put forth broadly on the floor, and Senator MARTINEZ had very effective legislation, but it had to do with the habeas corpus, a very large issue that we have not had hearings on and debated.

So what we decided to do was to fashion a bill that was very narrow, aimed
specifically at this case that would say she is not going to be starved to death tomorrow, but let’s go and collect more
information, have neurologists come in and obtain a body of facts before such a decision would be made.
The law was done. As Senator MARTINEZ said, and Senator SANTORUM said, we are not there yet. We have three different tracks going on
that will be going on over the course of tonight. In my office, right now, letters are being written and being sent out, and we are going to come up, and we are not given up. We passed the bill here tonight. The House has a bill. And I am confident if we continue working, and we are going to stay in session—we are not staying in session tonight but we are going to stay in session until we complete action.

Let me just comment a little bit about the Terri Schiavo case because what I said is how we get involved. What I am about to say is a little bit more controversial than we have been able to talk about on the floor today because of the focus on the Budget Committee, although when we were just off the floor in the cloakroom behind us and in my office, we have been going nonstop on this all day long—all day long.

Terri Schiavo is right now in a Florida hospice. She is breathing on her own. So she does not have a ventilator keeping her lungs expanding. She is breathing on her own. She is not a termil case. She is, as I said, disabled. Under court order, this feeding tube was to be removed tomorrow, in about 14 hours from now. When her feeding tube is removed, she does not receive food; she starves to death. She has no hydration and she becomes dehydrated, has cardiovascular collapse, her heart and lungs would work overtime, and, of course, she would die.

Her parents, Bob and Mary Schindler, have fought for over 10 years to prevent her death. Imagine, if you and your spouse had a daughter, and you said: Don’t let her die. We will take care of her. We will financially take care of her. How in the world can you have somebody come in and remove a feeding tube? That is what they have been saying for 10 years. They love her. They say that she responds to them. They would welcome the chance—welcome the chance—to be her guardian.

As I understand it, Terri’s husband will not divorce. Terri and I both believe she has not been aggressive in re-
habilitation, to other reports saying that her husband has thwarted rehabilitation since 1992. I can only report what I have read there because I have not met him.

Persistent vegetative state, which is what the court has ruled, I say that I only because of the video footage on a review of the video footage which I spent an hour or so looking at last night in my office here in the Capitol. And that footage, to me, depicted something very different than persistent vegetative state.

One of the classic textbooks we use in medicine today is called “Harrison’s Principles of Internal Medicine.” And in the 16th edition, which was published just this year, 2005, on page 1625, it reads: . . . the vegetative state signifies an awake but unresponsive state. These patients have emerged from coma after a period of days or weeks to an unresponsive state in which the eyelids are open, giving the appearance of wakefulness.

This is from “Harrison’s Principles of Internal Medicine.”

This “unresponsive state in which the eyelids are open”—I quote that only because of the video footage on which is the actual exam by the neurologist, when the neurologist said, “Look up,” there is no question in the video that she actually looks up. That would not be an “unresponsive state in which the eyelids are open.”

Skipping over that, the Harrison’s textbook says about “vegetative state,” I quote: There are always accompanying signs that indicate extensive damage in both cerebral hemispheres, e.g. decerebrate or decorticate limb posturing and absent responses to visual stimuli.

And then, let me just comment, because it says: “absent responses to visual stimuli.” Once again, in the video footage—which you can actually see on the Web site today—she certainly seems to respond to visual stimuli that the neurologist puts forth.

And lastly—I will stop quoting from the classic internal medicine textbook—one other sentence: In the closely related minimally conscious state the patient may make intermittent rudimentary vocal or motor responses.

I would simply ask, maybe she is not in this vegetative state and she is in this minimally conscious state, in which case the diagnosis upon which this whole case has been based would be incorrect.

Fifteen neurologists have signed affidavits that Terri should have addi-
tional testing by unbiased, independent neurologists. I am told that Terri never had an MRI or a PET scan of her head, and that disturbs me only because it suggests she hasn’t been fully evaluated by today’s standards. You don’t have to have an MRI or a PET scan to make a diagnosis of persistent vegetative state, but if you are going to allow somebody to die, starve them to death, I would think you would want to complete a neurological exam. She has not had an MRI or a PET scan, which suggests she has not had a full neurological exam.

I should also note that the court sided with the testimony of Dr. Ronald Cranford, who is an outspoken advo-

A 1996 British Medical Journal study conducted in England’s Royal Hospital for Neurodisability concluded there was a 43 percent error rate in the diagnosis of persistent vegetative state. It is clear to me that Congress has a responsibility, since other aspects of government at the State level had failed to address this issue, that we do have a responsibility given the uncertainties that I have outlined over the last few minutes.

Remember, she has family members—her parents and brother—who say they love her, they will take care of her, they will be responsible for her, and they will support her. There seems to be sufficient reason to conclude that Terri Schiavo is in a persistent vegetative state. Securing the facts, I believe, is the first and proper step at this juncture. Whoever spends time making the diagnosis with Terri needs to spend enough time to make an appropriate diagnosis.

At this juncture, I don’t see any justification in removing hydration and nutrition. Prudence and caution and respect for the dignity of life must be the underlying principles in this case.

I will close with an e-mail a friend sent me once they saw that we in this body were involved in this case. It read:

I know you are dealing with so many major issues, but I believe this one threatens to send us down another shameful path we will never recover from.

I don’t think I ever had an occasion to tell you that I have a severely brain damaged adult daughter that I cared for in my home for years. Susan is far below Terri’s, but she has been such a blessing in my life. Dietrich Bonhoeffer said, “Not
only do the weak need the strong, but the strong need the weak.” It’s hard to explain that in a day and age where physical perfection is so highly valued, but I know it to be true.

Senator Frist, as you fight this battle today, hold fast. If ever the weak needed a champion, it is now. on behalf of my sweet Sasha . . .

Then the e-mail is signed. I close tonight with those powerful words.

ORDERS FOR MONDAY, MARCH 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, March 21; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. On Monday, the Senate will convene for a short period of morning business. There will be no rollovers, although we hope to finish our business with respect to the legislation relating to my comments on the Theresa Marie Shiavo case.

I want to take this opportunity to thank Chairman Gregg and Senator Conrad for the tremendous, outstanding work on the budget resolution this week. Today alone, we conducted 25 votes to complete this resolution. Although it was not a record in terms of votes in 1 day, I would guess that we broke the land speed record as to the greatest number of votes in the shortest time frame.

We started voting at 1:17 and finished our last vote just after 10 p.m. It is ironic, but last night, I believe, on the floor in the evening we predicted—and it is rare to predict—that we would finish sometime around 10 p.m. tonight, and indeed we may have missed it by a couple of minutes. I thank all of our colleagues for their patience and endurance. I hope we finish our work on the Shiavo issue early next week and, if so, we will begin the Easter break.

ADJOURNMENT UNTIL MONDAY, MARCH 21, 2005 AT 4 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:48 p.m., adjourned until Monday, March 21, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 2005:

CONFFIRMATIONS

Executive nominations confirmed by the Senate March 17, 2005:
To be brigadier general

COL. CHARLES K. ESKER
The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

COL. JAMES O. BARCLAY III
COL. ARTHUR M. BARTHEL, JR.
COL. DENNIS R. ROGERS

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

BRIG. GEN. BYRON S. BABGOY
BRIG. GEN. FRANCIS A. BOSCH
BRIG. GEN. T. THOMAS B. BROMBERG
BRIG. GEN. SHAWN J. BYRNE
BRIG. GEN. CHARLES A. CARTWRIGHT
BRIG. GEN. JIMMY D. CHERNOFF
BRIG. GEN. JOHN DIPRIMAS III
BRIG. GEN. ROBERT F. DURIE
BRIG. GEN. DAVID A. FASTABEND
BRIG. GEN. CHARLES W. FLETCHER, JR.
BRIG. GEN. DANIEL A. HAHN
GEN. S. JOHN HERNANDEZ
BRIG. GEN. MARK P. HIRSHTING
BRIG. GEN. CHARLES H. JACOBY, JR.
BRIG. GEN. JEROME JONHSON
BRIG. GEN. GARY M. JONES
BRIG. GEN. COLONEL M. LACERAS
BRIG. GEN. DOUGLAS E. LUTZ
BRIG. GEN. ROGER A. NADEAU
BRIG. GEN. ROBERT W. D. SCHRISER
BRIG. GEN. CHARLES A. SKEBERG
BRIG. GEN. ROBERT M. WILLIAMS
BRIG. GEN. PAUL M. ZEIGLER

The following named officers for appointment in the Reserve of the United States Army to the grades indicated under title 10, U.S.C., section 625:

To be major general

BRIG. GEN. DONALD L. JACKA, JR.

To be brigadier general

COL. JEREMY D. LA CRUZ, JR.

In the Navy

The following named officers for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

BR. ADM. BARRY M. COSTELLO

In the Air Force

Air Force nominations beginning with Aubreene L. Adams and ending with Yvonne M. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2006.

Air Force nominations beginning with Edik L. Ameoba and ending with Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2005.

Air Force nominations of Steven F. Reck to be Colonel.

Air Force nominations of Nancy B. Grane to be Colonel.

Air Force nominations beginning with Ramon Mario Ballesteros and ending with Frank M. Wood, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2006.

Air Force nominations of Steven F. Reck to be Brigadier General.

Air Force nominations of Mark D. Miller to be Colonels.

Air Force nominations of General Charles T. Gray, Jr. to be Lieutenant General.

Air Force nominations beginning with Philip P. Fawcett and ending with John H. Hauck, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Richard E. Ando, Jr. and ending with Kenneth S. Frazier, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with William T. Moncrief to be Colonels.

Air Force nominations beginning with Brian J. Tesney and ending with Karen T. Widens, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Air Force nominations beginning with Larry K. Baker and ending with Karen T. Widens, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.
ARMY NOMINATIONS BEGINNING WITH HAYES L. ARNOLD AND ENDING WITH WILLIAM C. OTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATION OF JOHN P. GUERRERIO TO BE MAJOR.

ARMY NOMINATION OF EVELYN I. RODRIGUEZ TO BE MAJOR.

ARMY NOMINATION OF DEMETRIS WILLIAM TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KENNETH A. BEARD AND ENDING WITH KAREN E. SEMERARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

ARMY NOMINATIONS BEGINNING WITH STANLEY P. ALLEN AND ENDING WITH HENRY J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT S. ABBOTT AND ENDING WITH RONALD M. ZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.


MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL S. DRIGGERS AND ENDING WITH ROBERT R. SOMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE NAVY


NAVY NOMINATION OF MATTHEW S. GILCHRIST TO BE LIEUTENANT.
HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCIL-MAN JOHN THOMAIDES

HON. HENRY CUellar of Texas
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUellar. Mr. Speaker, I rise today to honor the important contributions of San Marcos City Councilman John Thomaides, of my Congressional District.

In 2003 John Thomaides was elected to San Marcos City Council. Mr. Thomaides was chosen to represent the Council on the Convention and Visitors Bureau Board of Directors. He has been active in city affairs since he came to San Marcos ten years ago. John has served on the City’s Drainage Advisory Board, the Citizen Review Commission, and as chair to the Transportation Advisory Board.

After arriving in San Marcos John opened Alpha Pure Water Company, and has quickly become a leader in business and community organizations. In January 2003 the Area Chamber of Commerce awarded him “Small Business Person of the Quarter” and in October 2003 he was honored again with “Small Business Person of the Year.”

John Thomaides has consistently worked to improve the quality of life for his constituents, and is a 2003 graduate of the Leadership Academy of Public Service. He has served as president of the San Marcos Tennis Association, and as Ambassador for the Area Chamber of Commerce.

Mr. Speaker, John Thomaides serves as an example of what discipline, courage, and dedication can accomplish, and I am proud to have had this opportunity to thank him.

A TRIBUTE TO ADELE ANDRADE-STADLER, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation’s women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Adele Andrade-Stadler. For many years, Adele has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Adele instantly recognize her enthusiasm and commitment to education and children.

A native of Southern California, Adele was raised in Monterey Park. She attended Alhambra public schools, graduated from East Los Angeles College and attended California State University, Los Angeles. While attending college she worked part time for the Los Angeles Unified School District as a bi-lingual instructional aide. She also studied early childhood development at Pacific Oaks College in Pasadena.

Adele was the Director of the Foothill Developmental School, a non-profit pre-school that provided special services for disabled and non-disabled children in Monrovia, California. During the 1990s, she developed and implemented a curriculum for the Union Bank Child Care Center, one of the first centers in the San Gabriel Valley area to provide on-site childcare to its employees. In 1999, Adele became a Field Representative for then State Senator Hilda Solis, continuing on as a Field Representative and Caseworker, then District Director for Congresswoman Solis. In that capacity, Adele advocated for children, families, women, immigrants, senior citizens, veterans, and other constituents that needed federal assistance.

Ms. Andrade-Stadler’s volunteer record in education is truly impressive. She has been in the Alhambra Parent Teacher Association (PTA) for nearly ten years, serving as PTA Council President. She has volunteered in the Alhambra Unified School District, at the Methodist Cooperative Preschool, and has been a long-time Sierra Club member and volunteer.

Adele was a key organizer for the Alhambra School Bond Measures A and AA and led and coordinated the School Traffic Safety Plan at Fremont Elementary School. Currently, she is an advisor to the School Site Title I Council and Chair of the Traffic Commission for the City of Alhambra. In 2004, Adele was elected to the Alhambra Unified School Board.

I ask all Members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Adele Andrade-Stadler. The entire community joins me in thanking Adele for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

REMEMBERING THE LIFE OF JACK HOLMES THOMAS

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 11, 2005, I moved to suspend the rules and agree to H. Res. 214, which would have recalled Delegate Thomas of the Virgin Islands to the House of Representatives. The motion was tabled. I wish to take this opportunity to recognize Delegate Thomas and to submit to the CONGRESSIONAL RECORD for the record the text of a statement I made May 3, 2005, which I have been permitted to make a part of the record of the House.

Let me mention a few highlights.

In the course of its development, Kazakhstan has achieved tremendous results despite some ups and downs. In fact, the people of Kazakhstan have gained long awaited freedom thirteen years ago and have chosen the right path consistently moving towards their ultimate goal of building a democratic and civil society with a strong market economy. The recent state of the nation address by President Nursultan Nazarbayev of Kazakhstan is strong proof of that.

I have read this document and must note that it is indeed a milestone for the country. It provides an outstanding description of the state and perspectives of the development of Kazakhstan’s society. It is a comprehensive address which I kindly ask, Mr. Speaker, to submit to the CONGRESSIONAL RECORD for those of my colleagues who follow the development of this young and promising country.

Let me mention a few highlights.

It is amazing how this country, which for many years existed under a totalitarian regime without any idea of market reforms has managed to achieve tremendous results in a very short period. Average income has grown almost fivefold during the last ten years, monthly salaries have increased by about 6 times, the minimum wage has gone up 25 times, average monthly pensions have increased by 4.6
times, and personal and average per capita bank deposits by 35 and 37 times. Compared to 2003, state expenditures on guaranteed free health care have risen 1.7 times. The most impressive part of the message is the massive social component of the Kazakh leader’s program aimed at significant improvement of wellbeing of society, especially the poor, elderly, disabled and children.

The President’s annual address also reflects the desire of a young nation to become a bulwark of democracy in a vitally important region. Since gaining independence from the Soviet Union in 1991, Kazakhstan has become a leader in promoting political and democratic transformations in the post Soviet states. Most importantly, Kazakhstan is not going to stop half way to this goal, but is eager to deepen this process based on Western standards of democracy. I support President Nazarbayev’s initiative to create a National Program of Political Reforms in which the key player will be the people. I strongly believe that the evolution of Kazakh society inevitably will lead to a triumph of democracy. It is dictated by the will and aspirations of the people. I also agree with President Nazarbayev when he said that today “Kazakhstan is regarded in the world as a regional power possessing a strong economy, and a solid position in the international community.”

I congratulate the people and the Government of Kazakhstan for their achievements and am sincerely happy for them. I am very glad that the United States has been instrumental in aiding the development of Kazakhstan. Our bilateral relations have gained the status of a strategic partnership. I am absolutely convinced successful cooperation between the U.S. and Kazakhstan is the cornerstone of stability in a crucial region and it is in the interest of both our countries and the world as a whole.

Today, it is vital for America to demonstrate its gratitude to the people of Kazakhstan who stood side by side with us after 9/11 and is today living up to its commitment in helping to build a free Iraq. I urge my colleagues and the administration to render them assistance and support their endeavors to be among the truly democratic countries of the world.

CONGRATULATING MRS. MARIETTA MURRAY URQUHART ON RECEIPT OF THE MOBILE CITY COUNCIL OF BETA SIGMA PI INTERNATIONAL SORORITY’S 2004 “FIRST LADY OF THE YEAR” AWARD

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mrs. Marietta Murray Urquhart on the occasion of her being honored by the Mobile City Council of Beta Sigma Pi International Sorority with the organization’s 2004 “First Lady of the Year” Award.

Beta Sigma Pi International Sorority was founded in 1931 for the purpose of providing women with opportunities for community service and as an outlet for cultural and social activities. Seven local chapters of the organization are currently active in Mobile, and since 1945 one woman has been selected each year for the “First Lady of the Year” Award. This honor is bestowed to an individual based on her contributions to the business, cultural, and civic life of the community.

Mrs. Urquhart is a distinguished and active member of the Mobile, Alabama, community for over two decades. In 1982, she and her husband, Bill, chose to make Mobile their home upon Bill’s completion of medical school. Almost immediately, she took a strong role in the life of her city, with special emphasis on issues involving children and education.

Over the next 22 years, she became extremely involved in several local organizations. She has served as president of the board of directors of Leadership Mobile and as a member of the board of Volunteer Mobile. Additionally, she was selected to serve as president for the St. Paul’s Episcopal Church Women of the Church. Her strong interest in the development and growth of the Mobile community also led her to serve on the board of directors for the Providence Hospital Foundation, the Providence Foundation Flower Show, and for the Maritime Museum and the Mobile Tri-centennial Commission.

Mrs. Urquhart has also devoted a tremendous amount of time and effort to expanding opportunities for children in the Mobile community. She has served on the Mobile Advisory Board for the Department of Human Resources, and has been actively involved with the Salvation Army. As president for the Junior League of Mobile, she was committed to establishing wide-ranging community goals for children and worked extensively with the Mobile County School System, the United Way, and the Greater Mobile Area Chamber of Commerce. Finally, she served with distinction on the UMS-Wright Preparatory School Board of Trustees and was the first woman ever selected to chair that organization.

Finally, Mrs. Urquhart has served on the boards of the Medical Alliance of Mobile County, Mobile 2000, and the Alabama State Commission for Voluntary and National Service. Most recently, she was nominated to serve as a member of The University of Alabama Board of Trustees. The nomination submitted by the Medical Society of Mobile County for this award included the following passage: “Our Nominee lives by the philosophy: ‘Commitment is what transforms a promise into reality. Words speak boldly of intentions. Actions speak louder than words. It is making time when there is none. It is coming through time after time, year after year. Commitment is the stuff character is made of, the power to change the face of things. It is the daily triumph of integrity over skepticism.’”

Over the years, I have seen Marietta put this philosophy into action time and again and make one significant and meaningful contribution after another for her community. Our city and our state are richer because of her work, and I am proud and honored to call her my friend.

Mr. Speaker, there are few individuals more dedicated or more committed to helping their community than Mrs. Marietta Murray Urquhart, and I would like to offer my congratulations on both the “First Lady of the Year” Award and for her many personal and professional achievements. I know her husband, Bill, and her many family and friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile and the state of Alabama.

TRIBUTE TO CAPTAIN RAY COTA
HON. MIKE ROGERS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and selflessly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community’s economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Captain Ray Cota.

On the 19th of March, Ray will be honored with the Ira D. “Cal” Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, “Cal” Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Ray for his exceptional devotion to developing community volunteerism.

Ray has been a police officer with the Corona Police Department for over 25 years. Throughout his career, he has been involved in the community and specifically with youth service organizations. He has served as President of the Circle City Kiwanis, helped organize an annual golf tournament that raises money for at-risk youth, and participated in the Corona High Parent Teacher Student Association. Additionally, Ray has served with the Corona Police Activities League, which provides sports and recreational activities to neighborhood youth and seeks to reach out to other deserving youth in the community.

Ray and his wife Rebecca have been married for 21 years. They have a 13 year old son, Raymon, who attends Corona Fundamental Intermediate School. Ray’s tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Ray has been the heart and soul of many community organizations and events and I am proud to call Ray a fellow community member, American and friend.

IN RECOGNITION OF COACH FRANK TOLBERT
HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Coach Frank Tolbert of Auburn High School in Auburn, Alabama. Coach Tolbert is a man of great accomplishment—a highly respected mentor for our youth who was recently inducted into the Alabama High School Sports Hall of Fame after leading the boys’ basketball team to victory at the Class 6A State Championship.
BLACK AND YOUTH UNEMPLOYMENT IN NEW YORK CITY

Mr. RANGEL. Mr. Speaker, today we come before this chamber to be heard on an issue of national consequence and one that is particularly Black Americans. While we are being told that the economy is showing signs of recovery, that point of view is not reflected in what I, and many of my colleagues in the House, see in our districts. In fact, conditions appear to be consistently bad as more people face extended periods of joblessness—and Blacks remain at a disadvantage to whites in the labor market.

Black Americans have continued to endure chronic unemployment relative to whites in the nation. The Department of Labor Bureau of Labor Statistics Employment Situation Summary for February reveals that while the Nation’s unemployment rate is 5.4 percent, Black unemployment is 10.9 percent.

The BLS data confirms what has become a long-term trend of Black Americans exclusion from the labor market. The disparity is all the more glaring given that White unemployment was only 4.6 percent last month. Unemployment for Black women hovered at 9.1 percent and for teenagers, age 16 to 19, unemployment was 31.5 percent; a numbing statistic considering economic conditions in our community.

Though the economy gained 262,000 jobs last month it was of little benefit to Blacks seeking work, considering much of the gains were in the construction trades—an area from which Blacks have historically been excluded. A staffing shortage means that White unemployment was only 4.6 percent last month. Unemployment for Black women hovered at 9.1 percent and for teenagers, age 16 to 19, unemployment was 31.5 percent; a numbing statistic considering economic conditions in our community.

We know there are a number of factors fueling this crisis. Many of our public schools serving the population of young people the CSS report identified as disconnected are not equipped to prepare them for the realities of today’s work world. And while we all advocate for higher standards, improved test scores aren’t enough. We need to ensure that young people are exposed to quality vocational and technical education so students who do not see college as an immediate option will have the opportunity to earn a living.

Likewise, we are aware of traditional barriers that have historically excluded Black Americans from economic opportunity. In the spirit of bipartisanship I recently accepted an invitation by the mayor of our city, Mayor Michael Bloomberg, a Republican, to serve on a city commission charged with identifying good wage and benefits that will only widen the gap I have described. The President proposed to cut the Workforce Investment Act $61.5 million, and end the program to reintegrate young offenders in communities, and reduces federal student loans by $10.7 billion over 10 years. Our president has also proposed eliminating the Perkins Vocational and Technical Education Act—a program that means an estimated loss of $65 million to New York State.

And New Yorkers most affected by these proposed cuts are clear on their priorities. In a survey of low-income New Yorkers commissioned by the Community Service Society, and tied to their labor market research, respondents expressed support for job training and education, and the upgrading of vocational and technical education.

It is a significant snapshot of the opinions of the city’s working poor—the first of its kind in the nation that I know of that seeks to ferret out the views of the economically disadvantaged.

None of this is good news for New Yorkers or most residents of our nation’s large urban centers. And most certainly for Black Americans in general, and Black men specifically.

Combined with the risk that the President’s misguided Social Security proposal poses for Black seniors, President Bush’s budget has placed us on the cusp of an economic disaster of cataclysmic proportion in the Black community. We are not alone in New York City facing this crisis. Many American cities, big and small, are experiencing the same problems to different degrees.

HONORING MR. RANDY TEGEAU
OF MABANK, TEXAS

Mr. Speaker, today I would like to honor Mr. Randy Teague of Mabank, Texas for his longtime support of agriculture in and around Henderson County of
Texas. From 2000 to 2004, Mr. Teague served on the Henderson County Beef Committee, serving as its chairman in 2004. He has been an organizer of the Henderson County Livestock Show since 2000, and is a member of the Henderson County Show Board.

As a father, a husband, a devout churchgoer, and a community leader, Mr. Randy Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

SALUTE TO LIEUTENANT COLONEL ANDREW LOTWIN ON HIS RETIREMENT

HON. ELLEN O. TAUSCHER OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mrs. TAUSSCHER. Mr. Speaker, I rise today to salute Lieutenant Colonel Andrew Lotwin on his retirement after 20 years of distinguished service in the United States Army. I had the good fortune to have Lt. Col. Lotwin serve as a Military Fellow in my office for a year, and the further good fortune of developing a lasting friendship with him and his wonderful family. I can say without reservation that Lt. Col. Lotwin truly exemplifies what it means to wear the uniform of our great nation. His patriotism, intelligence and integrity and service are an example to all.

Lt. Col. Lotwin began what would become a distinguished military career more than twenty years ago when he entered the United States Military Academy at West Point. During his military career he also received master’s degrees from the University of California at Los Angeles and Webster University, and studied national security at Georgetown University. He also served as a faculty member at the United States Military Academy and at other prestigious military schools and conferences.

Throughout his career, Lt. Col. Lotwin specialized in intelligence issues, military procurement and relations with Congress. He served as a program manager in the Joint Program Office for the Predator UAV. He formed a joint government-industry team to support a fielding plan for the JSTARS program. And as the U.S. Army representative to the NATO Alliance Ground Surveillance Steering Committee, Lt. Col. Lotwin saved the U.S. Government millions of dollars by establishing the JSTARS Common Ground Station as the baseline architecture for this NATO initiative.

Early in his career, Lt. Col. Lotwin served as a special agent in the Pentagon’s Counterintelligence Detachment. He returned to the field of intelligence in recent years in his capacity as Special Assistant to the Assistant Secretary of Defense for Legislative Affairs. Lt. Col. Lotwin represented the Department of Defense in the areas of Intelligence, Space, Special Access Programs, and Information Technology critical to the Global War on Terrorism. Lt. Col. Lotwin displayed his trademark skills of leadership, management, professionalism and discretion. The Pentagon him well on Capitol Hill, where he became a vital link between Congress and the Pentagon and helped facilitate a better understanding of complicated matters vital to our national security.

Mr. Speaker, I got to know Lt. Col. Lotwin best during the year he served as my Military Fellow. He was an invaluable and truly wonderful presence in my office. He’s the kind of guy who instantly earns your friendship with his humor and your respect with his intelligence. He brought not just a career-long knowledge of the Army and our Armed Forces, but his interest and aptitude in a wide array of issues made him a valuable member of my team. His insight and advice helped me represent and serve the people of the Tenth Congressional District in California.

Andrew and his wife Holly are blessed with three wonderful children—Amanda, Dana, and Noah. I really believe that military families are one of our country’s most precious military resources, and this is certainly the case with the Lotwins. Holly’s devotion to Andrew, their family and our country is the perfect example. Like Andrew, she is a great American hero.

As Andrew Lotwin begins what is sure to be a remarkable second career, I wish him and his family all the best. America has been a remarkable second career, I wish him and his family all the best. America has been blessed to have him in our Armed Forces, and I applaud him for his continued service to our country.

HONORING JERRY KALOV

HON. DARRELL E. ISSA OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, on February 28 we lost a great American when Jerry Kalov passed away after a long battle against leukemia. Jerry Kalov was a great American because his riches were not his degrees or his money. Jerry had no college degree and he died without a fortune. Jerry was one of America’s richest men because of the huge number of lives he affected, including mine.

Jerry’s passion was helping people become leaders. He took so many under his wing and he mentored us without judging us but always making us better.

For me, he took a successful businessman and taught me about humility, diplomacy and patience. He continued to mentor me even after I entered Congress and helped keep me grounded in what is a rare and heavy atmosphere.

For Consumer Electronics Association president Gary Shapiro he took a brash lawyer and instilled business savvy and people skills. Jerry taught him that if you care about your employees, results will follow. He mentored Gary and several volunteer CEA chairmen and helped transform a sleepy small association into a top 20 economic and political powerhouse.

Among the CEA leaders he mentored was Kathy Gornik. Kathy owns a small Kentucky loudspeaker company. Jerry convinced her that she could lead a major national association and with Jerry’s help, Kathy tripled the association’s membership and created a special focus on smaller entrepreneurial companies.

Mr. Speaker, Jerry mentored several others including JEDEC president John Kelly, NARDA president Elly Valas and Casio president John McDonald. We have lost a friend, an influencer of people and a model for sharing through mentoring. Jerry reminds me that a man’s worth is measured by the people he affected. Jerry helped shape many of us and we will miss him.

INTRODUCING THE NATIONAL DROUGHT PREPAREDNESS ACT

HON. ALCEE L. HASTINGS OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 2005

Mr. HASTINGS. Mr. Speaker, I rise today with Representatives Ruhberg, Herseth, and Osborne to introduce the National Drought Preparedness Act. The companion to our bill is also will be introduced in the other body by Senators Pete Domenici and MAX BAUCUS in the near future.

In 1998, Congress passed legislation creating the National Drought Policy Commission. The Commission was tasked with the responsibility to examine current U.S. policy on drought. To summarize the Commission’s fifty-page report in a few short words, “The U.S. does not have a policy on drought.” I wish I had just made a joke. The fact that we don’t have a drought policy, however, is a joke—and not a good one at that.

Drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, crop yields decrease, and in many instances, people die.

In my home state of Florida, we are always taking steps to mitigate the affects of hurricanes and floods—regardless of what season it is. In the Midwest, similar efforts are made to plan for tornadoes, and in the West, the same could be said for wildfire prevention and earthquakes.

It is time for America to move away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more proactive approach that focuses on preparation and planning. Coordination between federal, state, and local governments, in addition to watershed groups, farmers and ranchers, and resource dependent businesses, is the only way we will successfully curb the effects of drought before we find ourselves in one. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

Our bill accomplishes four major goals.

First, the bill begins to move the country away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach focused on preparation and planning. The new national policy will
provides the tools and focus for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

Second, the bill will improve the delivery of Federal drought programs. To ensure improved program delivery, integration and leadership, the National Drought Preparedness Act establishes the National Drought Council under the direction of the Secretary of Agriculture. The Council will coordinate and integrate funding for the more than 80 Federal drought programs currently in existence.

Third, the bill establishes new tools for drought preparedness planning. Building on current water policy, the Drought Council will assist states, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate state and local planning, but is intended to facilitate the development and implementation of drought plans through the establishment of a Drought Assistance Fund. Importantly, the bill also preserves state authority over water allocation.

Fourth, the bill improves the forecasting and monitoring abilities. Under our legislation, the Drought Council will facilitate the development of the National Integrated Drought Information System in order to improve the characterization of current drought conditions and the forecasting of future droughts, as well as provide a better basis to trigger federal drought assistance.

Mr. Speaker, the creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between federal agencies in preparing for and responding to droughts, as well as assist Congress in identifying our immediate and long term needs in providing drought relief.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country because of water shortages and prolonged droughts. Congress must act immediately, and time is of the essence. I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF 2005

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1286) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

Mrs. MALONEY. Mr. Chairman, the $81 billion that the president is requesting for the war in Iraq is his 3rd request for emergency spending—and still there is no exit strategy and no plan for success in Iraq. This is a war that was sold to the American people and Members of Congress under false pretenses, and the American people cannot continue to fund indefinitely this administration's gross incompetence, particularly without any real oversight tied to it. The administration is rapidly bankrupting this country for this war, while starving our most important priorities here at home, such as homeland security, social security and education.

The administration has raised the debt ceiling three times to a record $7.6 trillion, grown the largest budget deficit in our history, $412 billion last year, and expanded a record trade deficit of $619 billion.

Mr. Speaker, I urge the House leadership to bring this bill to the floor as soon as possible because of water shortages and prolonged droughts. I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

Despite the billions already allocated for Iraq, these photos show humvees with metal sheets slapped on to their sides like makeshift armor; with engineers being used to anchor the soldiers' weapons; with junkyard quality doors. You can view these pictures for yourself on my website. I want to know, why hasn't every cent we have appropriated so far been properly equipped the troops until they are all safe and secure? Mr. Speaker, the lack of equipment for our troops is the most awful example of misspending of the money we have already allocated, but it is not the only one.

And then there are billions of dollars that we either can't find or that were spent unwisely. The Coalition Provisional Authority completely lost $9 billion in Iraq. And now we have reports that the administration actually assisted Halliburton in getting at least multimillion dollars in overcharges out of its $7 billion in no-bid contracts.

We must have stronger oversight. The administration should be able to tell the American taxpayer what is going on with its money in Iraq. There should be open and honest accounting. But even though previous spending bills set out specific requirements for reporting how the money is being spent and for an estimate of future costs, we have yet to receive either.

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We must have stronger oversight. The administration should be able to tell the American taxpayer what is going on with its money in Iraq. There should be open and honest accounting. But even though previous spending bills set out specific requirements for reporting how the money is being spent and for an estimate of future costs, we have yet to receive either. How do mismanagement, poor decisions and no-bid contracts help our troops?

Certainly, there are parts of this supplemental spending bill that I strongly support. The $650 million for tsunami relief and reconstruction is very important, and my amendment that was accepted will designate $3 million specifically for the UNFPA's efforts to aid maternal health in the tsunami-stricken areas. I also support the provisions to aid the peace in the Sudan, as well as development assistance for the West Bank and Gaza.

Still, it is encouraging to know that we cannot get an honest accounting of the billions we are spending on this war. I'm deeply disappointed that the Republican House voted down an earlier amendment that would have ensured proper accounting of the money we spend. This will limit oversight and accountability, but it fails to do so. Before I can vote for another enormous expenditure of the American taxpayers' money for this war, I must be convinced that this administration will keep tabs on the money and make sure it benefits our troops. Doing so is good for the war effort, and it's good for the troops.

We cannot continue to hemorrhage the hard-earned money of American taxpayers when the troops need it, and we need it here at home. There is no end in sight to the loss of lives on all sides, and this administration still has no answers.

RECOGNIZING THE WORK OF DR. FRANK SPLITT

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to call attention to the work of Dr. Frank Splitt, a McCormick Faculty Fellow at Northwestern University. As a member of The Drake Group, Dr. Splitt has worked to bring attention to the need for reform in college athletics. I would like to submit this article, “Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports” for the review of my colleagues. I hope that during this session of Congress we can begin to work to improve the way in which we support our athletes, teachers, fans, and entire educational system.

“Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports” by Dr. Frank Splitt

Despite many wake-up calls and learnings over the years, the situation with big-time college sports is much worse than many could ever have imagined. Two questions loom large: What’s going on? And, where are the people who are willing to speak the truth about the academic corruption behind the college-sports entertainment colossus and to do something about it? To find the answer to the first question, one need only look at the usual suspect—money. Big money, together with greed, avid sports fans, an apathetic public, and governmental policies make college sports a lucrative and growing tax-free business enterprise.

Key enablers for the continuing growth of this business are higher education professionals in a state of denial over the flattering reality of academic corruption, a relatively ineffectual NCAA, and facilitating government policies involving privacy law and the subsidy of athletic departments and favorable tax treatment of related projects.

The Drake Group (TDG), a grass-roots faculty organization, provides a partial answer to the second question. It works on the premise that college sports aren’t themselves evil, but rather, it’s the related academic corruption that should be exposed and eliminated. TDG has sponsored the publication of two papers on college-sports reform, “Reclaiming Academic Primacy in Higher Education,” and a sequel, “The Faculty-Driven Movement to Reform Big-Time College Sports.”

The Drake Group (TDG) or “The Faculty-Driven Movement to Reform Big-Time College Sports,” see http://www.northwestern.edu/EXTERNAL/Splitt/.
The first paper served as another wakeup call to university presidents, trustees, administrators and faculties. The sequel focused on a TDG initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy Act (FERPA)—also known as the Buckley Amendment.

As an unintended consequence of the Buckley Amendment, evidence of academic corruption and shenanigans in big-time college sports is hidden from real public scrutiny and accountability, but it fails to do so. Before I can vote for another enormous expenditure of the American taxpayers’ money for this war, I must be convinced that this administration will keep tabs on the money and make sure it benefits our troops. Doing so is good for the war effort, and it’s good for the troops.

We cannot continue to hemorrhage the hard-earned money of American taxpayers
In their Wisconsin Law Review article, “Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics,” Matthew Salzwedel and Jon Ericson make a compelling case for simple changes that would permit an appropriate level of disclosure. It is my view that those changes would lead to exposure of institutional misconduct via publication of information about the academic courses that athletes take, as well as their choice of professors and academic majors. Over time, that disclosure would work to ensure that college athletes are getting a legitimate college education.

Changes to the Buckley Amendment require governmental intervention. TDG made a formal request for a review of the amendment to LeRoy S. Rooker, Director of the U.S. Department of Education Family Policy Compliance Office. In his response, Director Rooker stated that TDG’s concerns were largely those that can only be addressed by Congress. Follow up with the chairs of the appropriate Congressional Committees has been initiated by TDG.

It should be clear that, no matter how bad college sports related scandals may become, how inappropriate any one of a number of reform measures may be, or, how intense the urging of the Knight Commission, there is little likelihood that these kinds of measures would be adopted on a voluntary basis. The reason is simple: Universal adoption would likely prove to be successful in curbing the rampant excesses of the college sports and level the playing field, but put at risk the big, tax-free money flow into the NCAA cartel. Substantive reform measures all seem to make sense to the reform minded, but not to those that are to be reformed—setting the stage for endless debate. Nothing of consequence happens.

The NCAA’s proposed reforms in the wake of the University of Colorado-Boulder recruiting scandal came under critical review at a House Energy and Commerce subcommittee on May 18, 2004. That hearing, titled “Supporting Our Intercollegiate Student-Athletes: Proposed NCAA Reforms” was called to examine the NCAA response to the recruiting practices and polices of intercollegiate athletics. The Subcommittee expressed concern that some of the NCAA’s new proposals don’t go far enough and mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. Those remarks spawn hope that the NCAA and its members will be forced to pay serious attention to reform and enforcement as well as tell the truth about their financial operations.

With a public now fatigued with terrorist related threats and numbed by grievous wrongdoings, scandals, and cover ups in their financial and political worlds, the challenge for Congress is to take on the tasks of working for disclosure via “cleaning up Buckley”—penetrating the closed society of higher education and its “See no evil, Speak no evil, Hear no evil,” modus operandi—and calling for an IRS audit of the NCAA cartel. When buttressed by compelling arguments for reform and intense scrutiny by the media, these efforts can surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

IN MEMORY OF HON. GLENN BOX
HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. SESSIONS. Mr. Speaker, Mr. HENSARLING and I rise to honor the memory of the late Honorable Glenn Box. Glenn served his fellow citizens with distinction on the Dallas City Council from 1991 to 1995. Upon his retirement from public service, Glenn joined the Coca-Cola Company and most recently served as a regional vice-president for Coke sales throughout eleven Midwestern states.

Glenn was born and raised in Dallas, graduating from W.T. White High School and then attended Southern Methodist University for his undergraduate degree. After earning his law degree from the University of Texas at Austin, he returned to Dallas to join the law firm of Jackson & Walker.

In addition to his loving wife and mother, Glenn is survived by his two sons and his brother and sister. We join the Box family in honoring the memory of Glenn’s life and his tireless service to improving the lives of the citizens of Dallas.

RECOGNIZING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCILMAN JOHN A. DIAZ
HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. CUELLAR, Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman John A. Diaz, of my Congressional District.

John Diaz is lifelong resident of San Marcos and has been an active participant in the community throughout his life. He is a proud graduate of San Marcos High School, and also attended the Austin School of Fine Arts. He is an inspiring businessman, and is the self-employed owner of Sign-Arts.

Mr. Diaz works constantly to ensure the people of San Marcos, Texas get the services they need from the local government. John is a board member of the San Marcos Area Chamber of Commerce and San Marcos Hispanic Chamber Board of Directors.

John has served on the City Planning and Zoning Commission, the Central Texas Higher Education Authority, and the San Marcos School Board. He has been a constant fixture of the League of United Latin American Citizens (LULAC). Throughout his years with the organization he has served as President, State Secretary, and District Director.

Mr. Speaker, Councilman John A. Diaz understands the concerns of the citizens, small businesses and everything else that is the great city of San Marcos. It is because of this connection with the populace and his long standing record of public service that I am proud to let the people know of the commitment of John Diaz to the community.

A TRIBUTE TO ALICE LAN-HUA HWANG 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005
HON. F. JAMES SENSENBRENNER, JR.
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to complete the codification of title 46, United States Code “Shipping”.

CODIFICATION OF TITLE 46 OF THE UNITED STATES CODE “SHIPPING”
HON. F. JAMES SENSENBRENNER, JR.
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives in accordance with 2 U.S.C. 258b(1). That Office received comments on the predecessor bill and made appropriate changes which are reflected in this bill.


HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. SCHIFF. Mr. Speaker, I rise today, in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation’s women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Alice Lan-Hua Hwang. For many years, Alice has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Alice instantly recognize her dedication and commitment to education.

Raised in a diplomatic family, Alice lived in Asia and Latin America before coming to the United States in 1967 when her father was assigned to the Los Angeles Chinese Consulate. He was a diplomat, who were educators, instilled in Alice the spirit of altruism and the importance of education. Alice received her education under 5 different educational systems on 3 continents.
Alice moved to South Pasadena, California in 1983. In 1989, Alice was elected to the South Pasadena Board of Education and was the first Asian American woman to be elected to that body. She served on the board for 8 years, serving as President for one term, until her retirement in 1997. Together with her late husband, Dr. Karl J. Hwang, and former South Pasadena City Councilman Paul Zee, Alice co-founded the South Pasadena Chinese American Club. The club has been successful in fostering understanding between the Chinese American community and other ethnic groups, raises funds to provide grants to South Pasadena teachers, and awards college scholarships.

After her husband’s untimely death, Alice returned to school and earned a multiple subjects and bi-lingual teaching credential in 1993. Currently an ESL teacher in the Adult Division of the Alhambra School District, she is also a member of the California Teachers of English to Speakers of Other Languages and a presenter at their annual state conference in 2003.

Alice has served as a board member of the Young Men’s Christian Association, the South Pasadena Educational Foundation and the South Pasadena Chinese American Club, and on the committee to protect the South Pasadena Public Library system. She is also a volunteer for the Pacific Asia Museum and serves as an interpreter for parents in the local schools. In 1993 she received the Outstanding Woman of the Year Award from the Kiwanis Club and an award from the Los Angeles County Commission on the Status of Women in 1996. In addition to her service to the community, Alice sings in her church choir, is a classical pianist and guitarist and a former member of the Arroyo Singers. She is the proud mother of Alice’s daughter, and the proud mother of her two children born to Booker T. Johnson and Ina L. Johnson.

At age 16, Pamela graduated a year early from high school and Long Island University. Later, she transferred to John Jay College of Criminal Justice and majored in Criminal Justice Administration and Planning. Pamela learned at an early age the importance of community involvement and as a teenager, she became actively involved in her Block Association. Soon thereafter, she was elected President of the Teenage Association of the 500 Decatur Street Block Association. However, her interests in politics extended beyond the local level. When Jesse Jackson ran for the Presidency of the United States, she took a two month leave of absence from her position as a Legal Assistant at one of Wall Street’s top law firms, where she had been employed for over 16 years, to volunteer her services at Jesse Jackson’s Bedford-Stuyvesant based campaign headquarters. Nearly twenty years later, Pam continues to maintain a 50+ hour work week at the firm.

REMEMBERING THE LIFE OF MERTIS LOUISE FLOYD SCOTT

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, Mertis Louise Floyd Scott, Deputy Chief Nurse of the G.V. “Sonny” Montgomery Veterans Administration Medical Center in Jackson Mississippi, passed away unexpected after a very short illness on October 15, 2004 at the young age of 48. She dedicated her life to the care of others and I take this opportunity to remember that life so blessed us.

Mertis exemplified the meaning of nursing and received numerous professional awards during her twenty-six years of service at the VA Medical Center. In May of 1989, Mertis was named recipient of the Secretary’s Award for Excellence in Nursing, presented to her by Secretary of the Department of Veterans Affairs Edward J. Derwinski in Washington, DC. She also received a citation from President George H.W. Bush. Mertis held high the values of leadership and exhibited a continual quest for knowledge. She had a commitment to service through any challenge with a positive attitude.

Mr. Speaker, Mertis always remembered her faith and commitment to a loving God and man. She defined her humanity by her service to patients and health providers alike. Her colleagues defined her life with these words: loving, caring, nurturing, generosity, patience, angelic personality. She was an inspiration to the lives she touched both personally and professionally. We mourn her passing, but we remember and celebrate her life.

A TRIBUTE TO PAMELA M. JUNIOR

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Pamela Mary Johnson-Junior who has committed herself to strengthening her community through her work on the Community Planning Board.

Pamela was born in the Bedford-Stuyvesant section of Brooklyn and still resides there today. Pamela and her twin brother are the last of 10 children born to Booker T. Johnson and Ina L. Johnson.

At age 16, Pamela graduated a year early from high school and Long Island University. Later, she transferred to John Jay College of Criminal Justice and majored in Criminal Justice Administration and Planning. Pamela learned at a very early age the importance of community involvement and as a teenager, she became actively involved in her Block Association. Soon thereafter, she was elected President of the Teenage Association of the 500 Decatur Street Block Association. However, her interests in politics extended beyond the local level. When Jesse Jackson ran for the Presidency of the United States, she took a two month leave of absence from her position as a Legal Assistant at one of Wall Street’s top law firms, where she had been employed for over 16 years, to volunteer her services at Jesse Jackson’s Bedford-Stuyvesant based campaign headquarters. Nearly twenty years later, Pam continues to maintain a 50+ hour work week at the firm.

In the 1990’s, Pamela became actively involved in Bedford-Stuyvesant community affairs and began attending monthly community meetings at Community Board No 3 and at the 81st Precinct. This opportunity provided her with first-hand experience and knowledge of the needs of the community. In 1996, she was appointed to Community Planning Board No 3 by then Borough President Howard Golden. In 2000, she was elected to the position of 2nd Vice President of the Board and in 2001 she was elected to the position of 1st Vice President of the Board, which she has held for several years.

During her tenure as Economic Development Chairperson of the Board, Pamela has spearheaded the 1997a Plan for Bedford-Stuyvesant, coordinated with professional individuals, churches, tenant associations, community activists, block associations, and Pratt Institute. She also solicited and helped raise over $250,000 to fund the 197a Plan. Pamela has forged relationships between the Community Planning Board and various New York City agencies in an effort to build the commercial corridors in Bedford-Stuyvesant and has worked closely with the Brooklyn Chamber of Commerce and elected officials in the development of the Fulton F.I.R.S.T. Initiative. Finally, she has held weekly meetings during the summer months to ensure that community residents were informed of new and upcoming developments.

Mr. Speaker, Pamela Mary Johnson-Junior has dedicated herself in her community through her efforts to improve our educational system and serve those in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING THE WORK OF QUIN HILLYER OF THE MOBILE REGISTER

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, I rise today to recognize a recent contribution of Mr. Quin Hillyer, editorial writer for the Mobile Register. As many in this chamber are aware, former Alabama Attorney General and current 11th Circuit Court of Appeals Judge William Pryor has faced numerous difficulties with his nomination to a full-time position on that court by the President. As I speak today, it is my understanding that Judge Pryor’s nomination to a lifetime appointment will again come up for consideration within the next few months.

During introductory remarks I delivered at the original confirmation hearing for then-Attorney General Pryor, I stated that he has earned the political respect of many, including his political foes. He has consistently sided with constitutional precedent in making his decisions, and throughout his career he has received very high ratings for his legal ability and very high ethical standards. Judge Pryor has received the backing and strong support for a lifetime appointment to the 11th Circuit from men and women from all across Alabama’s political spectrum.

Mr. Speaker, I am hopeful Judge Pryor will receive a favorable and impartial decision on the matter of a permanent appointment to the 11th Circuit Court of Appeals, and I would encourage those involved in that process to take a fair and unbiased look at his record. To that end, Mr. Hillyer has written what I feel is a very impassioned and well-reasoned argument for why Judge Pryor should receive this appointment. This article appeared in the Wall Street Journal on March 3, 2005, and I ask my colleagues to carefully consider the comments he makes here.

CROSS COUNTRY: PRIOR IMPRESSIONS
(By Quin Hillyer, Mobile Register)

If judicial nominations represent the spear-point of all of the partisan battles in Washington, former Alabama Attorney General Bill Pryor is the poison on the spear. Judge Pryor, whose renomination to the 11th Circuit Court of Appeals was denied a Senate hearing as early as March 9, has become a folk hero to conservatives nationwide while
Tom was born in Pennsylvania, but moved to California during his service with the Navy. He met and married Barbara Keith, a school teacher in the Corona-Norco Unified School District, attended Riverside Community College and graduated from the University California, Riverside. After 12 years with Prudential Insurance Company and earning an M.B.A. from University of Southern California, Tom moved to take what became a series of executive jobs. In 1995, Tom and Barb, with their sons Christopher and Patrick, took the opportunity to purchase the Key-Freeman Agency, and move back to their California home. Tom has been involved in many community organizations, serving on the boards of Corona-Norco United Way, the Corona Rotary Club, the Corona Library Foundation, and the Corona Chamber of Commerce.

Tom’s tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Tom has been the heart and soul of many community organizations and events and I am proud to call Tom a fellow community member, American and friend.

IN RECOGNITION OF MR. ROSS DUNN

HON. MIKE ROGERS
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the late Ross Dunn, a longtime Chambers County Commissioner who recently passed away. In January, Mr. Dunn was honored for his service to the community and to the state. He was always eager to serve mankind.

After graduating from Lanier High School, he pursued his dream of serving in the military by enlisting in the Army. Following his service to the nation, Mr. Dunn earned his degree at Alabama State University.

Throughout his life, Mr. Dunn exemplified his ability to promote change by becoming the first African American to serve in many organizations. Among his many achievements, he was the first to serve on the Chambers County Pension and Security Board, the first to serve as principal of two schools in Harris County, and the first to be elected to the Chambers County Commission. He has been listed in “Men of Achievement,” “Personalities of America,” and all the editions of “Who’s Who Among Black Americans.”

Words cannot express the sense of sadness we have for his family, and for the gratitude our community feels for his service. Our community will remember him for years to come, and I am honored to be able to recognize his achievements on this day.

JUSTICE FOR THE VICTIMS OF THE TULSA RACE RIOTS

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RANGEL. Mr. Speaker, I rise today to discuss a matter of justice. The Tulsa Race
The 10th Circuit Court of Appeals upheld that ruling in September 2004, but argued that the case should have been brought during 1980s, when a book about the Riots was published—thus giving the plaintiffs the evidence they needed in bringing the case.

Prof. Ogletree has argued that not all the victims knew about the book, and that the government still had not acknowledged its culpability until the state commission report in 2001. Furthermore, until the state commission's report, the official stance of the State of Oklahoma was that the Black citizens of Tulsa were responsible for the Riots.

As a result of the recent decision against the plaintiffs by the 10th Circuit Court of Appeals, Prof. Ogletree and his legal team are now seeking to have the case brought before the United States Supreme Court. The Court received a petition brief from Prof. Ogletree and his team on March 9th, and a decision is pending.

Millions of children around our nation recite a daily pledge, an oath of allegiance to a nation which promises "justice for all." Unfortunately, our country does not always fulfill the national virtues described in that pledge. The victims of the Tulsa Race Riots have undoubtedly been denied justice, and now a legal technicality threatens to ensure that they will never obtain it. Let us not allow this to happen.

TIME TO FIX RIOT'S WRONGS

By E.R. Ship

[From the Daily News, Mar. 13, 2005]

To white folks back in the day, it was Niggertown. To black folks during that same time, it was called Greenwood. That's the Greenwood section of Tulsa, Okla. And the gap in perception is the frame of the issue that might be decided ultimately by the U.S. Supreme Court: reparations.

Reparations make sense when one can demonstrate that one has suffered a loss. That is not the case for most black folk who, when they hear politicians and college professors say "reparations," are hoping that the government will become their Lotto ticket to wealth.

If the high court agrees to take on the Tulsa case, laid out in a petition led last week by lawyers—led by Harvard's Charles Ogletree—the justices might see that Tulsa is a whole different matter.

The 1921 Tulsa race riot began when police arrested a black youth for allegedly assaulting a white woman, a charge later dismissed. A crowd of whites gathered outside the courthouse where the youth was being held, calling for his lynching.

A white mob then marched to the Greenwood neighborhood armed themselves and went to the courthouse to defend the young man. After an initial period of confusion, a shot was fired and a gunfire ensued. A white mob then marched to the Greenwood area of the city and began to destroy the 40-block neighborhood. Left unobstructed by police and Oklahoma National Guard troops, the white mob burned nearly all of Greenwood to the ground, leaving nearly 9,000 people homeless. A total of 1,256 homes were destroyed, along with virtually every other structure, including churches, business, schools, even a hospital and a library.

The mob also killed many Black citizens in the process. Officially, the death count for the Riots had been put at 38 people, but the 2001 Oklahoma State report put the figure closer to 300 individuals.

In the immediate aftermath of the destruction, more than 100 Greenwood residents unsuccess fully attempted to cover damages. A grand jury convened to determine the cause of the riot and actually faulted the city's African-American residents. Subsequently, the issue would seemingly disappear for nearly eighty years.

However, after the publication of the 2001 Oklahoma state report, a group of 150 Riot survivors and their descendants, represented by Harvard law professor Charles Ogletree, sued the state of Oklahoma, the city of Tulsa, the city's police department and its police chief.

Lower courts dismissed the case on the grounds that a two-year statute of limitations on the 1921 incident had long since passed. Prof. Ogletree has argued that the statute of limitations should not have started until 2001, when in his opinion appointed to investigate the riots completed its report, and revealed the culpability of state and local government.

In March 2004, U.S. District Court Judge James Janvey dismissed the case for the victims, saying that the state's limitations should extend to a time when the defendants could receive a fair hearing in court, but he also argued that such an opportunity was present as early as the 1960s.

HONORING THE 65TH ANNIVERSARY OF THE MINEOLA ROTARY CLUB

HON. JEB HENSARLING
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, to encourage high ethical standards in all vocations, and help build goodwill and peace in the world.

Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Mineola, Texas, for their sixty-five years of service to Wood County. Throughout its sixty-five year history, the Mineola Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Mineola Rotary Club has raised money to provide scholarships to local students, sponsored a reading program at the public library for students trying to learn English, and planted trees throughout the county. In addition, the club is an active fundraiser for the local library, has sponsored programs to teach students Spanish, and has been active with the Meals on Wheels program that brings food to the elderly population in the area.

Through these actions, the Rotary Club of Mineola, Texas, has exemplified the values of service and charity that lie at the heart of American society. As the congressional representative of the members of this outstanding organization, it is my distinct pleasure to be able to honor them today on the floor of the United States House of Representatives.

HONORING BEVERLY HANSON

HON. DARRELL E. ISSA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor the work of one of my constituents, Ms. Beverly Hanson of Oceanside.
Several months ago, Southeast Asia was devastated by a tsunami. This terrible tragedy claimed the lives of countless thousands of people and caused horrific damage to the lives of those who survived it. Ms. Hanson was deeply touched and saddened by the lives of the children affected. Seeking to make a difference in the lives of these traumatically impacted children, she started a toy drive she called “Teddy Bears for Tsunami Children.”

Ms. Hanson set up boxes with signs at local retail establishments, banks, and nonprofit organizations requesting donations of new and previously loved clean teddy bears and small plush toys. The first shipment of 240 stuffed animals left San Diego for India, tightly packed into the suitcases and duffle bags of 62 doctors and nurses with Project Compassion. Approximately 300 more animals were sent in a package to Sri Lanka by Debbie and Mano Appapillai of Carmel Valley, California. Ms. Hanson is currently collecting 500 or more toys which will find their new homes this month. Ms. Hanson has worked very hard to publicize her project into North San Diego County. She utilized newspapers, drop off points, and television to get her message out. Her determination and effort are rare and worthy of the highest praise. Mr. Speaker, I am honored to have Beverly Hanson as a constituent.

OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate and commend Mr. George K. Lai on being named 2005 Guam Small Businessperson of the Year by the United States Small Business Administration. George Lai’s hard work and perseverance embody the spirit of the American Dream, and the SBA could not have selected a more worthy recipient.

Like many of this Nation’s great entrepreneurs, George came to the United States as an immigrant. Having grown up in Hong Kong with very little formal education in the English language, he worked hard to take advantage of opportunities for formal secondary education in Guam. After graduating from Guam’s John F. Kennedy High School with honors, George gained admission to Texas Agriculture and Mining University, where he earned a B.S. in Petroleum Engineering in 1982. After several years of working for Dower Schlumberger, a Houston-based oil service company, he and his wife, Deborah Larsen Lai, moved back to Guam and established Quality Distributors in 1986. Quality Distributors has since become the largest food wholesaler on the island.

George has provided sound leadership for Quality Distributors, which led to its awarding of “New Contractor of the Year” by the Defense Logistics Agency in 2002. Quality Distributors was subsequently awarded “Prime Vendor of the Year” by the Defense Supplies Center of Philadelphia in 2003 in recognition of its outstanding performance in the Pacific Region. Under George’s leadership, Quality Distributors has continued to provide efficient wholesale services to local retailers and value to Federal procurement officers. Because of this sound business leadership, Quality Distributors helps foster local economic growth and new jobs.

In addition to providing business leadership, George is an active participant in local trade organizations that work to enhance the overall competitiveness of firms located in Guam. He has served as President of the Guam Hotel and Restaurant Association and for the Guam Environmental Protection Agency; as Vice President of the Chinese Merchant Association; and has maintained an active role in the Guam Chamber of Commerce and Guam Visitors Bureau. He has also supported the Guam community by serving as Treasurer and Director of Finance for the Guam Football and Soccer Association and as Chairman of the Wounded Warriors Football League. George has also been generous in providing corporate sponsorships for important programs supporting public education, youth sports, and disaster relief in the Pacific Region.

George is a business leader, an inspiration for us all, and an individual deeply committed to utilizing his talents for the benefit of the entire Guam community. I congratulate George for being selected as the 2005 Guam Small Businessperson of the Year. Our island celebrates his national recognition with his wife Deborah and daughters Samantha and Breanna. George, we are all proud of you and wish you continued success.

PERSONAL EXPLANATION
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CONYERS. Mr. Speaker, yesterday, I inadvertently voted “yes” on H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. My intention was to vote “no” for the following reasons:

The President is asking for another blank check, despite the fact that its policies in Iraq have made our country and the world less safe.

The President has neither accounted for the funds spent pursuing these unsuccessful policies nor have they offered the American people a plan to stabilize the situation in Iraq and bring our troops home.

March 19, 2005, is the second anniversary of the war in Iraq and the world is a more dangerous place. To date 1,500 American troops have died in Iraq and 11,000 have been wounded.

I want to make clear that I support the courageous men and women in combat and I think it is imperative that we bring our troops home as quickly and safely as possible.

HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCIL MEMBER GAYLORD BOSE

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUellar. Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman Gaylord Bose, of my Congressional District.

Gaylord Bose was born near Avoca, Nebraska near Cass County, and graduated in 1957 from Avoca High School. In 1958 he enrolled at the University of Nebraska, and in 1960 he began his own business. Mr. Bose was involved in many community activities in their hometown, he served on the school board, as a member of the Weeping Water Co-op Association, Secretary of the Volunteer Fire Department, president of the local sports program for young people, a 4–H club leader, church council, Sunday school teacher, and member of the Cass County 4–H Board.

In 1992 Mr. and Mrs. Bose family moved to Waller, Texas to work for Star of Hope Rescue Mission, a substance abuse rehabilitation program. Wanting to expand his ability to help others, he enrolled at the University of Houston and studied chemical abuse counseling program. He later earned a license as a chemical dependency counselor. In 1999 he was offered a job with the Wackenhut Corporation and became the Center Director of the Kyle facility.

After Gaylord Bose moved to San Marcos he became an active member Greater Castle Forest Neighborhood Association, and he was appointed by the San Marcos City Council to the Transportation Committee.

Mr. Speaker, I am proud to have this opportunity to recognize Gaylord Bose for his dedication and contributions in the community.
in 1978. She has been a parent/student advocate, a youth mentor, Etiquette Institute volunteer, and has served on PUSD’s Youth Motivational Task Force—in fact, she has volunteered at nearly all of PUSD’s elementary, middle and high schools. Additionally, Debra has volunteered for South Pasadena High School serving as a swim/track team motivator and the historian for the Parent Teacher Student Association.

In 1992, Debra founded SMILE Productions Inc., a 501(c)3 organization dedicated to supporting, motivating, investing, loving and educating youth. Her goal is to help youth fulfill their dreams and to express themselves in creative ways through poetry, music, drama and dance, and to teach them basic etiquette, oral communication, job grooming, interviewing skills and self-esteem. Ms. Johnson also produces her own SMILE cable television talk show.

Debra is active in numerous organizations, including the Altadena Branch of the NAACP, Black Child Development Institute Inc. Pasadena, the Pasadena Tournament of Roses Association, Rosemary Children’s Services, HearZero Deaf Advocates, Los Angeles County Probation Department’s Operation Read, NewCo Youth Pasadena, and St. Mark’s Episcopal Church, where she teaches Sunday School.

In addition to her service to the community, Debra attends Pasadena City College, working to obtain her degree in forensic social work and public relations. She and her husband Landy reside in Altadena and together they have five children and four grandchildren.

I ask all Members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Debra A. Johnson. The entire community joins me in thanking Debra for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

HONORING THE 50-YEAR MINISTRY OF KERMIT MCGREGOR

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 12, the First Baptist Church of Starkville celebrated Dr. Kermit McGregor’s 50 years in the ministry. Fifty years in service to any calling is noteworthy, but it is my particular pleasure to honor him for his decades of dedication to God...Dr. McGregor is currently serving as the transitional pastor in Starkville, but he has been a blessing to many congregations across Mississippi. Since beginning the ministry at age 16—the same year he and his wife Phyllis were married—he has preached the Gospel in Pontotoc, Dumas, Smithdale, New Albany, Bruce, Winona, Hattiesburg, Clinton, Mendenhall and now in Starkville. Additionally, he has served as director of public relations at the Baptist Children’s Village in Clinton, and as a trustee and chairman of the Board of Midwest Baptist Theological Seminary in Kansas City, Missouri. A graduate of Blue Mountain College, New Orleans Baptist Theological Seminary and Wil-
As a father, a husband, a devout churchgoer, and a community leader, Mr. Larry Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

This facility symbolizes a commitment from the community to ensuring that girls have a place to feel safe and to call their own. In June 1931, the residents of the City of Fairfield and Solano County came together to dedicate a building for the Girl Scouts of their community. Today, 75 years later, they have joined together again to reaffirm their pledge to the Girl Scouts and to dedicate a new facility. This new building replaces the old, which made way for modernization and offers the community hope and vision for the future.

“A Girl’s Place” will stand as an icon in the community, offering a safe haven for girls ages 5–17 and a place for adults who give freely of their time and love to come together to gain knowledge of our ever-changing young women.

The Girl Scouts of Napa-Solano serve 4,500 girls and 1,300 adult volunteers; nearly 1 in every 10 girls is a Girl Scout. Today Girl Scouts are reaching out into the community to provide a solid foundation for every girl, everywhere. Girls are participating in Girl Scouting in homes, schools, boys and girls clubs, juvenile halls, low-income housing complexes, emergency women’s shelters, foster care programs, and churches. Girl Scouting helps girls mold their values and teaches self-confidence, leadership, teamwork and pride in her community. This collaboration inspires us all.

As the Girl Scouts’ Honorary Congressional Co-Troop Leader, I am honored to recognize “A Girl’s Place” as a proud addition to our community and I look forward to the generations of strong women who will spring from its steps.

INTRODUCING A RESOLUTION SUPPORTING THE GOAL OF INCREASED HOMEOWNERSHIP IN THE UNITED STATES AND RECOGNIZING THE IMPORTANCE OF HOMEOWNERSHIP PROGRAMS, FAIR LENDING LAWS, AND FAIR HOUSING LAWS IN ACHIEVING THIS GOAL

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution that supports the goal of increased homeownership in the United States and recognizes the importance of homeownership programs, fair lending laws, and fair housing laws in achieving those goals.

This resolution specifically urges the President to designate April 2005 as National Fair Housing Month. It also urges the House of Representatives to reauthorize fair housing and homeownership a legislative priority in the 109th Congress.

We owe it to our constituents and the American people to support first-time homeowner-ship programs, which help families who have never owned a home experience the benefits of homeownership.

Mr. Speaker, this resolution contains the importance of first-time homeownership, combating disparities in minority home ownership, and fighting the scourge of predatory lending. As the land of opportunity, we must ensure that all U.S. citizens are given a fair opportunity to achieve the American Dream, a significant component of which is homeownership.

Mr. Speaker, I urge my colleagues to support this resolution. As Members of Congress, it is our moral responsibility to ensure that all citizens have the opportunity to purchase a home, no matter their ethnicity, race, or religion. I look forward to working with my colleagues and moving this promising resolution forward.

IN RECOGNITION OF RABBI ARTHUR SCHNEIER ON HIS 75TH BIRTHDAY AND 50TH YEAR AS RABBI

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Rabbi Arthur Schneier, a tireless public servant, friend to all New Yorkers and one of our Nation’s foremost spiritual leaders. On Sunday, March 20, 2005, Rabbi Schneier will celebrate his 75th birthday and 50th year as Rabbi at a dinner benefiting the Rabbi Arthur Schneier Center for Inter- national Affairs at Yeshiva University, which was established in 2004 to promote international peace and the exchange of ideas across cultural divides.

As a young man, Rabbi Schneier was a resident of Nazi-occupied Bucharest, where he experienced firsthand the depths of mankind’s capacity for evil. Throughout his distinguished career, Rabbi Schneier has turned his experiences as a Holocaust survivor into an incredible drive to stamp out hatred and intolerance throughout the world. In 1965, Rabbi Schneier founded the Appeal of Conscience Foundation, which works to foster religious freedom and human rights and to end ethnic conflicts.

During the long and bloody war in the former Yugoslavia, Rabbi Schneier convened the Religious Summit on the Former Yugoslavia in Switzerland and the Conflict Resolution Conference in Vienna, Austria, mobilizing religious leaders to help end the ethnic violence plaguing the region. Additionally, in Sarajevo, Rabbi Schneier met with top government and religious leaders to promote healing and conciliation among the Serbian Orthodox, Muslim, Catholic and Jewish communities.

Rabbi Schneier has also served our Nation in an official capacity as an Alternate U.S. Representative to the U.N. General Assembly. Additionally, as Chairman of the U.S. Commission for the Preservation of America’s Heritage Abroad, Rabbi Schneier was one of three American religious leaders appointed by President Bill Clinton to initiate a dialogue on religious freedom with Chinese President Jiang Zemin. Recently, Rabbi Schneier was a member of the U.S. delegation to the Stock- holm International Forum for the Prevention of Genocide.

Rabbi Schneier’s accomplishments here at home have been equally impressive. He is the Senior Rabbi of the Park East Synagogue, established in 1890 to serve the Jewish community of the Upper East Side of Manhattan. Centered in the heart of the largest Jewish population outside of Israel, the Synagogue has expanded significantly under Rabbi Schneier’s leadership and is an invaluable part of New York City’s spiritual and cultural life. Additionally, Rabbi Schneier, recognizing the growing desire among the American Jewish community to provide their children with a strong Jewish education, initiated and led a successful effort to establish a Jewish day school in New York. In 1977, both the Minks Cultural Center and the Park East Day School opened, furthering the Synagogue’s ability to meet the Upper East Side’s educational and social needs.

Mr. Speaker, I request that my colleagues join me in paying tribute to Rabbi Arthur Schneier and wishing him a wonderful 75th birthday celebration. Rabbi Schneier’s dedication to tolerance and international peace serves as an inspiration to us all.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER WELDON P. CUDE

HON. HENRY CUellar
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the distinguished public service of Commissioner Weldon P. Cude.

A seventh generation Atascosa resident, Mr. Cude started his career as a Texas water well driller in 1984. In 1998 he became Pleasanton’s “Young Citizen of the Year,” and later became the youngest person elected as an Atascosa County Commissioner.
Commissioner Weldon P. Cude is no stranger to the needs of his community. In 1996, he was elected Pleasanton’s “Business Person of the Year,” and has served as Director of the “County Bank,” the “Atascosa County Economic Development Corporation,” and the Atascosa County Appraisal Board.

Since 1983 Mr. Cude has served as a pillar of the business community. As an independent business person, he has contributed as President of both Premium Well Drilling Incorporated and the Fat Cowboys Steakhouse. He has also served his community as Vice President of U.S. Wells Investments Incorporated. Employing over 150 employees, he understands the values of hard work and dedication.

Commissioner Weldon P. Cude lives in Atascosa with his wife Gayla Cude, and his five daughters: Aubry, Stephanie, Jennie, Lindsey, and Jessica. It is a pleasure to recognize the accomplishments of Commissioner Cude, his dedication to the community has helped to make Atascosa a better place to live and work.

Mr. Speaker, I rise today to honor the life and sacrifice of Sergeant Michael Espisito, U.S. Army. On March 18, 2004, SGT Espisito made the ultimate sacrifice for his Nation—gave his life while fighting on the frontiers of freedom in the small town of Miami, Afghanistan. Referring to heroes of World War II, Sir Winston Churchill once stated, "Never in the field of human conflict was so much owed by so few to so many." I believe that Churchill’s sentiments reign truer then ever when applied to today’s historically small contingent of service men and women. The challenge facing us is similarly great: the defeat of terrorism. But the number bearing that burden has never been so small.

Michael Espisito not only recognized that challenge, he embraced it. He volunteered to serve, to bear that burden, and he loved it. In a letter to Michael’s parents, Captain Jorge Cordeiro, Michael’s Company Commander, reflected back on the first battle he fought in Afghanistan, he successfully evacuated two women from the same building in which he was fighting. Those women were on SGT Espisito’s team and they were wounded in the firefight. Leader: In the U.S. Army infantry there is a short slogan that is often repeated: “Follow me!” Michael Espisito didn’t just say “follow me,” he lived it. He led his men from the front in every combat maneuver they took part in. So doing, he earned the trust, the respect, and the confidence of all around him. As his Battalion Commander wrote of him, “He was a shining example of a soldier and non-commissioned officer to the end.” SGT Espisito was leading from the front when he breached a door in an enemy compound and was mortally wounded in an exchange of fire.

Michael Espisito was a special human being. He was different. He was a hero. You get the feeling he was put on this earth to serve. He knew his mission, he understood his sacrifice, he did his work and executed his missions with dignity, vigor and excellence. Our world is better because of his sacrifice but it is poorer because of his loss.

Churchill reminds us how much we owe to those few men and women like Michael Espisito. We owe Michael our commitment to a better world. We owe Michael our commitment to living better, more principled, more service oriented lives. And we owe Michael the memorializing of his life and his sacrifice, best completed by living the lives he would have wished for had Michael is gone but he will never be forgotten.

HONORING THE LIFE AND SACRIFICE OF SERGEANT MICHAEL ESPISITO

HON. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life and sacrifice of Sergeant Michael Espisito, U.S. Army. On March 18, 2004, SGT Espisito made the ultimate sacrifice for his Nation—he gave his life while fighting on the frontiers of freedom in the small town of Miami, Afghanistan. Referring to heroes of World War II, Sir Winston Churchill once stated, "Never in the field of human conflict was so much owed by so few to so many." I believe that Churchill’s sentiments reign truer then ever when applied to today’s historically small contingent of service men and women. The challenge facing us is similarly great: the defeat of terrorism. But the number bearing that burden has never been so small.

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HON. BENJAMIN L. CARDIN
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CARDIN. Mr. Speaker, I rise today to honor the life and sacrifice of Sergeant Michael Espisito, U.S. Army. On March 18, 2004, SGT Espisito made the ultimate sacrifice for his Nation—he gave his life while fighting on the frontiers of freedom in the small town of Miami, Afghanistan. Referring to heroes of World War II, Sir Winston Churchill once stated, "Never in the field of human conflict was so much owed by so few to so many." I believe that Churchill’s sentiments reign truer then ever when applied to today’s historically small contingent of service men and women. The challenge facing us is similarly great: the defeat of terrorism. But the number bearing that burden has never been so small.

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HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation’s women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Donna Anderson. For many years, Donna has brought an abounding energy and skill to her service in the community. Those fortunate enough to meet and work with Donna instantly recognize her joy, enthusiasm and passion for helping others.

Donna was born in Glendale and grew up in the Glendale/Burbank area along with her 11 sisters and brothers. As a young mother of Angela and Mark, Donna volunteered as a teacher’s aide at Mountain View Grade School, as an office worker at Our Lady of Lourdes Grade School, and visited patients twice weekly at Queen of Angels Hospital in Los Angeles. She was a co-leader of her daughter’s Girl Scout troop and a co-leader of her son’s Cub and Boy Scout troops for many years.

Donna began working for the City of Burbank in 1986, and in 2001 was elected as Burbank’s City Treasurer, a position she holds today. She returned to college during this time and received her Bachelor of Arts in Business Finance. A long-time board member of the Burbank National Management Association, she is active in the Burbank Sunrise Kiwanis Club, where she is currently Vice President-Elect, and in the Zonta Club of Burbank, where she will become President in May of 2005. In 2001 Donna received the Hixon Fellowship Award from the Burbank Sunrise Kiwanis Club for her service to the community.

Ms. Anderson actively participates in the annual Burbank Police Officers’ Relay for Breast Cancer Walk and walks for the ALS Foundation of Los Angeles. Other organizations that Donna supports are the Guide Dogs of America’s, the Burbank Family Service Agency, Friends of the Griffith Park Observatory, and the John Burroughs High School Vocal Music Association.

I ask all Members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Donna Anderson. The entire community joins me in thanking Donna for her vast and commendable efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.
RECOGNIZING CHARLES E.
“CHARLIE” WEATHERLY

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on February 11, Mississippi State University named Charles E. “Charlie” Weatherly the 2005 National Alumnus of the Year. This is the highest honor that the MSU Alumni Association can bestow. It is the second time Charlie out of the nearly 100,000 alumni in the association.

I know of no one in the Mississippi State family more deserving for this award than Charlie Weatherly. He has devoted 43 years of his life to the university and it is my distinct pleasure to honor him for that service today.

Charlie graduated from Mississippi State College (now Mississippi State University) with a degree in industrial management in 1959.

He was a star football player for the Bulldogs and active in campus activities. In 1962, he became the first full time field representative for the alumni association and served in this capacity until 1967, when he was appointed the association’s executive secretary. In 1976, he was named Director of Alumni Affairs and served admirably in this position until 1986, when he became coordinator of special projects for both the Alumni Association and the MSU Foundation. Charlie was the prime fundraiser and coordinator for constructing the Eugene Butler Guest House, as well as serving as director of the first constituency based fund drive. Prior to retirement, he served as director of development for Agriculture, Forestry, and Veterinary Medicine and remains a member of the board of directors of the MSU Alumni Foundation, a scholarship assistance program for deserving MSU students.

Mr. Speaker, our university experiences educate and shape our lives for many years to come. They are not just sources of academic expansion but also economic engines for communities like Starkville and states like Mississippi. It is notable to give back in some capacity to an institution that provides an improved quality of life for so many. For Charlie Weatherly, this was not a one time gift or occasional favor, but a lifetime of service and commitment that continues today. I am proud that the Mississippi State University Alumni Association has so properly bestowed this honor on him.

TWO SIHKs ACQUITTED IN AIR INDIA CASE

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I was pleased to learn that this past Wednesday, two Sikhs named Ajaib Singh Bagri and Ripudaman Singh Malik, who were accused of carrying out the 1985 Air India bombing, were acquitted. The book titled “Target”, which is the definitive account of the Air India case, quotes a Canadian Security Investigative Service investigator as saying, “If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.”

This would turn out to be Lal Bhat’s offer to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.”

The book shows that within hours after the flight was blown up, the Indian Consul General in Toronto called in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information? How did he know so much? Why was the Consul General later expelled?

His successor as Consul General was named Ajaib Singh Bagri and Ripudaman Singh Malik, called in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information? How did he know so much? Why was the Consul General later expelled?

The book titled “Target”, which is the definitive account of the Air India case, quotes a Canadian Security Investigative Service investigator as saying, “If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.”

The acquittal of the Sikhs accused just proves that the Indian government to blame Khalistan, the independent Sikh homeland, are terrorists, but the movement for Sikh independence is led by the Council of Khalistan, which is committed to achieving an independent Khalistan by peaceful, democratic, nonviolent means.

The people who approached Paszkowski were not believable. Why did India grant a loan of $2 million to the main financial backer of the organization that carried out the bombing? Why did Indian operatives approach Paszkowski by giving him “2 million dollars and settlement in a nice country” if he would offer false testimony against the two accused Sikhs? Why did the Consul General of India in Toronto call in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information? How did he know so much? Why was the Consul General later expelled?

His successor as Consul General was quoted as saying that Sikhs who support Khalistan, the independent Sikh homeland, are terrorists, but the movement for Sikh independence is led by the Council of Khalistan, which is committed to achieving an independent Khalistan by peaceful, democratic, nonviolent means.

The book that was supposed to investigate the two accused Sikhs had received a $2 million loan from the State Bank of India just before the plane was attacked, according to Soft Target. The year after the bombing, three Indian consuls general were asked to leave the country. At the time of the bombing, the Congress Party needed the Sikhs as scapegoats to win votes in the next election. The people who approached Paszkowski were not believable. The book was titled “Target”, which is the definitive account of the Air India case, quotes a Canadian Security Investigative Service investigator as saying, “If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.”

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The acquittal of the Sikhs accused just proves that the Indian government to blame Khalistan, the independent Sikh homeland, are terrorists, but the movement for Sikh independence is led by the Council of Khalistan, which is committed to achieving an independent Khalistan by peaceful, democratic, nonviolent means.
V.P. Singh, who was the Indian Consul General in Toronto when Soft Target came out, was quoted in the June 22, 1989 issue of the Washington Times, as saying that Sikhs who support Khalistan are terrorists. The Council of Khalistan, which leads the Sikh struggle to liberate Khalistan, openly repudiated India's claim and has an 18-year record of working to free Khalistan by peaceful, democratic, nonviolent means.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police neither released him nor the body of former Jathedar of the Akal Takht Gurdev Singh Kauke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kauke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 rupees for Khalra, buying his death with the blood of all Sikhs.

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of fundamentalist Hindu nationalists who set fire to the jeep, surrounding it, and chanted “Victory to Hanuman,” a Hindu god. None of the people involved in the killing have been charged or tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984.

India is not one country; it is a polyglot thrown together for the convenience of the British colonialists. It is doomed to break up under the weight of its own cultural diversity. Without political competence, and dedication, India cannot be a division of the British empire. It is the driving force for hegemony over all of South Asia, as the Indian regime stands exposed for the daylight robbery of Punjab river water. The Assembly explicitly stated the need to build complexes of water reservoirs.

“India is not for Khalistan, it is not for Pakistan. The Indian regime stands exposed for the bloody tyranny that it is,” said Dr. Aulakh. “This would be a major setback to their repressive drive for hegemony over all of South Asia,” he said. “This is a victory not only for the Sikhs, but for freedom-loving people everywhere.”

“I urge the international community to help us free Khalistan from Indian occupation,” Dr. Aulakh said. “Freedom is the birthright of all people and nations,” he said. “As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, ‘If a Sikh is not for Khalistan, he is not a Sikh.’” Dr. Aulakh noted. “We must continue to press for freedom,” he said. “Without political power, religious powers cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion and the Sikh Nation.”

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER FREDDIE OGDEN

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Atascosa County Commissioner Freddie Ogden for his dedicated service to the people of Texas.

Mr. Ogden was born in Poteet, TX, in 1950. He attended Poteet High School, and began his career in public service soon after, working for the Atascosa County Sheriff's Office as a motor grader operator. Beginning in 1975, he worked for the Atascosa County Sheriff's Office, and in 1976, he graduated from the Alamo Area Law Enforcement Academy and became Police Chief for the city of Poteet.

While continuing his career as a law enforcement officer, Freddie Ogden also married Danna Roby, moved to Charlotte, TX, and raised two sons, one of whom has continued the family tradition of law enforcement as a corrections officer. Mr. Ogden began working for the Atascosa County Sheriff’s Office in 1978, and was promoted to Assistant Chief Deputy and Chief Deputy Sheriff in 1982 and 1984. He was recognized for his extraordinary service, winning Law Enforcement Officer of the Year in 1985.

Mr. Ogden was rewarded for his service with an appointment as County Commissioner of Atascosa Precinct 3, a post which he still holds. He further contributes to the public good through his work as a volunteer deputy for the Atascosa County Sheriff.

Mr. Speaker, Freddie Ogden remains a tireless public servant, and I applaud his energy, competence, and dedication.

HONORING THE 75TH ANNIVERSARY OF THE ATHENS ROTARY CLUB

HON. JEB HENSLARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. HENSLARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world.

Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Athens, Texas, on the occasion of their 75th anniversary. On December 1, 2004. Throughout its seventy-five year history, the Athens Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Athens Rotary Club has raised money to combat Polio, provided scholarships to two seniors from each high school in Henderson County; sponsored exchange students from around the world in addition, the club is active with the Boy Scouts of America, the Henderson County 4H club, the YMCA, the local Food Pantry, and numerous other charitable and civic organizations in and around Athens, Texas.
SUPPORTING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 135, the House Democracy Assistance Commission Resolution. This Resolution forms a commission within the House of Representatives to assist emerging democracies around the world. As the standard-bearer for a modern democratic nation, it is only fitting that Congress and its expertise to all countries attempting to follow our example.

In the previous decade, Congress formed a task force to provide equipment and technical assistance to emerging democracies in Eastern and Central Europe. The results of that assistance to emerging democracies in Eastern Europe lend its expertise to all countries attempting to follow our example.

Mr. Speaker, in 1990–91, the United States reconquered its former territories. In 2003–04, the United States, and the United States, in the words of President George W. Bush, is leading the charge to spread democracy to all countries in the world.

The recent elections in Ukraine are a perfect example of how democracy is beginning to take hold in these nations. One of the hallmarks of a truly democratic nation is the smooth transition of power from one political party to another. While democracy eventually prevailed in Ukraine, the political turmoil during its elections serves as a reminder of how new and fragile these democracies are. It is crucial that we, as a nation, continue to support all countries in their progress towards maintaining a stable democracy.

The establishment of a commission to lend assistance to these emerging democracies is an important and common-sense action Congress can take to support and foster the global spread of democracy. This commission will lend experience and expertise to nations around the world. It will further allow members and staff of parliament of selected countries to visit the House of Representatives and its support agencies in order to gain first-hand knowledge. This commission is a valuable and cost-effective diplomatic tool our nation can employ to assist in spreading the freedom of democracy around the world.

Mr. Speaker, I am pleased to support the formation of this commission to assist emerging democracies. I urge my colleagues' support for this important legislation.

RECOGNITION OF BATON ROUGE MAGNET HIGH SCHOOL AS A WINNER OF THE KENNEDY CENTER CREATIVE TICKET NATIONAL SCHOOL OF DISTINCTION AWARD

HON. WILLIAM J. JEFFERSON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. JEFFERSON of Louisiana. Mr. Speaker, I rise today to recognize a valued educational institution—Baton Rouge Magnet High School—a 2003–04 school year Winner of the Kennedy Center Alliance for Arts Education Network Creative Ticket National School of Distinction Award. This school is an institution that combines academic excellence with tradition, achieving excellence in the arts.

The John F. Kennedy Center for the Performing Arts has recognized five schools as recipients for the 2003–04 award. The Creative Ticket National School of Distinction Award recognizes schools that have done an outstanding job of making the arts an essential part of the education of its students.

In addition to their recognition of excellence in the Performing Arts by the Kennedy Center, Baton Rouge Magnet High School held its Blue Ribbon award ceremony on Thursday, October 23, 2003. The Blue Ribbon Schools Programs honors public and private K–12 schools which are academically superior in their states or that demonstrate dramatic gains in student achievement. BRMHS is one of only two public high schools, and five total schools in Louisiana, and one of 248 nationally recognized as Blue Ribbon schools. It is the second time Baton Rouge Magnet High has been recognized with the honor. It is an award colleges look favorably in when reviewing students' resumes.

Thank you, Baton Rouge Magnet High School for your many years of dedication to quality education, arts programs and your outstanding representation of Louisiana.

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. KAPTUR. Mr. Speaker, I rise tonight to honor the Farm Labor Organizing Committee (FLOC) and their historic achievements.

For more than 35 years, FLOC has represented the guest workers who labor in our fields and farms bringing food to our tables. They are striving to achieve the American dream, a good-paying job in a safe workplace and the ability to provide for their families.

Something that everyone in America can understand.

Under the leadership of FLOC's president, Baldemar Velasquez, the organization has achieved historic gains—including the first labor agreement in U.S. history to cover guest workers. Other significant achievements include increasing workers wages, improving worker housing, and protection against harmful pesticides. FLOC's actions will provide a safer working environment for its members and a better product for the consumer.

Today, FLOC will open an office in Monterey, Mexico, its first outside the U.S. The office will help oversee the recruitment and transportation of guest workers. All of us have heard the nightmarish stories of coyotes smuggling workers across the border only to have the workers trapped in de-facto indentured servitude or perish in the unsafe crossing.

FLOC has worked to bring workers to the U.S. legally, informing them of their rights as guest workers.

Without FLOC's assistance, so many workers would fall through the cracks. Today I celebrate FLOC's accomplishments and success. Their legacy is worth the efforts that are signed.

Their legacy is a workforce that is paid a living wage and laboring in a safe environment. Their legacy is hope.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER DAVID CABALLERO

HON. HENRY CUellar
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR, Mr. Speaker, I rise to recognize Atascosa County Commissioner David Caballero for undertaking a lifetime of distinguished public service.

Commissioner Caballero has followed in the footsteps of his father, who was once a long-serving Atascosa Constable, in seeking an elected position of leadership. After serving his first term, his tireless devotion to ensuring that Atascosa County continues to develop economically, creating more jobs for the constituents he serves, led him to pursue and win the position of County Commissioner.

Most importantly, Commissioner Caballero has continued to hold the values of community, faith and family in the highest regard. Nothing exemplifies this more than his committed participation with the Pleasanton Little League, St. Andrews Catholic Church of Pleasanton, Our Lady of Guadalupe Church of Lemoine, and the Verdell Community Center.

He has spearheaded and now hosts an Annual Easter Egg Hunt that serves as an excellent opportunity to draw the entire community of families together in his precinct. Commissioner Caballero most deserves recognition for choosing to be an agent for real change, focusing on making government smarter and serving his constituency while saving his County money.

Mr. Speaker, I am proud to stand in recognition of the dedication of Atascosa County Commissioner David Caballero.

A TRIBUTE TO FLORA DUNAIANS,
29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Flora Dunaia. For many years, Flora has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Flora instantly recognize her enthusiasm and passion for helping others, especially on behalf of the Armenian American community and the arts.

Born and raised in Pasadena, Flora Jane Calusdian married George Dunaia in 1958 and they had 2 daughters, Gigi and Suzie. In 1968 the Dunaia's formed their own business, Western Medical Supply, Inc., where Flora is currently the Vice President and Secretary.

Flora is devoted to her church and community. For over 40 years, Flora has been active at St. Gregory the Illuminator Armenian Apostolic Church, serving as Trustee and member
of the St. Gregory Auxiliary. On the occasion of the visit of His Holiness Vasken I, Catholics of All Armenians to the United States in 1987, Flora and George donated to the new cathedral fund for the Diocese. In 1988 following the devastating earthquake in Armenia, the Dunainals arranged for donated emergency goods to be flown to Yerevan on Armand Hammer’s private plane. She has been involved in many church-related projects throughout the Diocese, such as the Operation Karabakh Fund, Operation Winter Rescue and Operation Fuel, and continues to support various projects throughout the Diocese and the Holy See of Etchmiadzin.

Constantly finding ways to improve the social condition for children in Armenia, Flora co-founded Development Services for Armenia, a non-profit organization that helps schools, orphanages and short term projects. She also established and continues to support a dental clinic at the Nork Military Academy in Yerevan. Flora and George are both founding members of the Consulate of the Republic of Armenia in Los Angeles. Flora is also a board member of the Armenian Assembly of America, the National Board of Team Armenia, and the Armenian Professional Society, where she and her husband have opened their home to raise funds for student scholarships for the last 25 years.

In addition to her extensive community service, Flora is a supporter of the Arpa Foundation for Film, Music and Art, the Pasadena Playhouse, and the New York Foundation for the Arts.

I ask all Members to join me today in honoring Coach Ron Polk, Mississippi State University, and beyond, the king of college baseball.

RECOGNIZING THE 1000TH VICTORY OF COACH RON POLK

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker: On February 25, Coach Ron Polk achieved another impressive milestone at Mississippi State University. With the Bulldogs defeat of the Eastern Illinois Panthers in a 3–1 game, Coach Polk marked his 1000th win in 26 seasons at Mississippi State University.

Before a crowd of about 2,400 fans in the Polk-DeMent Stadium—which honors Coach Polk—the Bulldogs won their season opener and then celebrated this Mississippi State icon at a post game ceremony. Coach Polk, in his usual humble and humorous manner told reporters on scene, “It’s just a number. All 1,000 wins means is that you haven’t died yet and you’ve coached a long time. We have some really great players here but I haven’t had time to reflect back on that success yet.” Bulldog pitcher Alan Johnson said, “We didn’t feel any added pressure. Coach Polk didn’t mention it to us once. He told us we were at 999, going for the big win. It feels good to win the first game but it also feels really good to be a part of Coach Polk’s 1000th win.”

Coach Polk is the all-time most winning coach in Southeastern Conference history and began the 2004 season as Number 12 among Division I’s all-time coaching ranks. His record now stands at 1234–602–2 in 32 seasons as a collegiate head coach and 1000–490–2 in 26 seasons as an assistant. Coach Polk has been honored as the National Coach of the Year (1973 and 1985) and was also honored by his peers as the recipient of the ABCA’s Lefty Gomez Award. Coach Polk has earned his place in the American Baseball Coaches Hall of Fame (1995), the State of Mississippi and the Mississippi State University Sports Hall of Fame (1998), and the Georgia Southern University Hall of Fame (1990). He also rates as one of only three head coaches in the history of college baseball to guide three different schools to the NCAA College World Series.

Ron Polk authored “The Baseball Playbook”, the Nation’s leading college textbook for baseball, and is featured in a recently published book, “6 Psychological Factors for Success: America’s Most Successful Coaches Reveal the Path to Competitive Excellence.”

Coach Polk has also been actively involved with coaching in international baseball. He has completed seven tours as a member of the USA Baseball Coaching Staff. In 1995, the State of Mississippi and the Mississippi State University Sports Hall of Fame, twice serving as the head coach (1991 and 1998) and five times as assistant coach. Two of his teams represented the United States in the Olympic Games. He was an assistant coach on the gold medal-winning U.S. team in 1984 and on the bronze medal-winning U.S. team in the 1996 Olympics. Coach Polk has also skippered Mississippi State teams in international competition including a goodwill summer tour of West Germany in 1976 and in 1982 and competition at the World Amateur Tournament in the Netherlands.

And Mr. Speaker, these numbers and records and achievements do not include his 1997 victory as Honorary Coach of the Republicans in the Annual Congressional Baseball Game, which I will remind my colleagues, we won. I take this opportunity to salute and honor Coach Polk’s achievements at this 1000 MSU win milestone. As this and other seasons continue, I know we will see the steady hand and experienced leadership of Coach Ron Polk. He is the lead spokesman for baseball at Mississippi State University, and beyond, the king of college baseball.

A TRIBUTE TO ANITA BURSON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Anita Burson who has dedicated her life to empowering disenfranchised citizens, improving her community and strengthening her church.

The first child of a distinguished Baptist minister and church leader, Anita was born at the segregated Jubilee Hospital in Henderson, North Carolina, on the Fourth of July at the conclusion of Sunday services, to Rev. Dr. O. B. J. Burson and Katie Leah Burson, an educator and engineer. Her late parents were college sweethearts at Shaw University. Anita is a direct Native American descendant.

A child of the parsonage during the turbulent last days of de facto segregation, Anita was privileged to witness daily the planning and activities involved in the fight for desegregation. She was also privileged to meet and hear some of the great pulleitors and civil rights leaders of the era who often were guests in the family home. Anita was immersed in religious activity, as well as education and civic awareness. One of her strongest memories of the struggle for civil rights was the evening while supremacist terrorists fired bullets into the church where her father pastored in Coley Springs, North Carolina, while an integrated prayer rally and training sessions for voter registration and civil demonstrations were in progress. Those bullets remain lodged in the doors of that church sanctuary today.

Anita attended public schools in North Carolina and Virginia, where she was one of the first students to integrate a Summer Enrichment Program for gifted students. Later the family moved to Brooklyn, New York where she completed high school. While still a high school student, she ran on-site voter registration campaign for 18-year-olds, at her high school. During her college career, she became the first Black woman to serve as an elected student officer at Finch College, and the first to earn a position on the Academic Council. Anita attended public schools in North Carolina and Virginia, where she was one of the first students to integrate a Summer Enrichment Program for gifted students. Later the family moved to Brooklyn, New York where she completed high school. While still a high school student, she ran on-site voter registration campaign for 18-year-olds, at her high school. 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communities around the nation. She is to begin her own seminary training later this year.

Mr. Speaker, Anita Burson has been a leader in her community through her commitment to her church, civic organizations and coalition building. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

VETERANS SELF-EMPLOYMENT ACT OF 2005
HON. RICHARD H. BAKER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. BAKER. Mr. Speaker, I rise today to introduce the “Veterans Self-Employment Act,” legislation to establish a five-year pilot program that allows our Nation’s servicemembers, veterans, national guardsmen, reservists, and qualified others to use part of their VA educational assistance programs to defray legitimate training costs associated with obtaining a business franchise.

Mr. Speaker, franchising is an enormous component of the United States economy. According to a study conducted by International Franchise Association Educational Foundation, nearly 760,000 franchised businesses generate jobs for more than 18 million Americans annually, comprising nearly 14 percent of the Nation’s private-sector employment and accounting for $1.53 trillion in economic output. Over 400 industries utilize the franchise system for distribution of products and services, ranging from familiar restaurants and hotels to home movers, tax preparers, personnel providers and so on. Clearly, franchising is a critical engine of America’s economic growth.

When an individual acquires a franchise, the individual must first undergo various types of training, depending on the specific franchise he or she wishes to acquire. Training can include education on specialized knowledge of goods, services, policies and practices of the individual franchise system. Training may also include customer service, daily operational management, business computer systems, inventory control, costing and pricing as well as regulatory obligations.

At the same time, Mr. Speaker, American military members, whether as active duty servicemembers or veterans, possess a wealth of experience and abilities. Their training in the armed forces has provided them with high-end skill sets that employers are looking for in the future workforce. Yet outside of what has been provided during their tenure with the military, statistics show that many of our young military men and women have had no formal education or training beyond their high school years.

Mr. Speaker, the “Veterans Self-Employment Act” will allow more veterans to take advantage of the opportunities in franchising by allowing servicemembers, veterans, national guardsmen, reservists, and eligible dependent spouses or children to apply a portion of his or her educational benefit to defray the portion of a franchise purchase cost attributable to training. Specifically, in a one-time lump sum payment, beneficiaries will be able to use the lesser of 1/2 of the remaining Montgomery GI Benefit entitlement or 1/2 the franchise fee.

In addition, the bill provides the Secretary of Veterans Affairs proper authority to oversee and avoid any possible abuse of this program; submit to the Secretary a detailed description of the training program; two year operating rule for franchise businesses; and provide individual progress reports regarding successful completion of individual training, among other things.

Mr. Speaker, I urge my colleagues to support our Nation’s veterans and thus urge floor consideration for the “Veterans Self-Employment Act.”

HONORING THE MEMORY OF DR. JAMES W. LANE
HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the memory of Dr. James W. Lane.

Last month, he lost his battle to a long-term illness. Dr. Lane was a Charleston urologist, former U.S. Army captain, and civic leader. As Chief of Staff of the Charleston Memorial Hospital, he eased a hospital merger that resulted in the creation of Charleston Area Medical Center, which is the premier medical facility in the Kanawha Valley.

Dr. Lane was also a teacher of his trade. As the chairman of the Department of Urology at CAMC and a clinical professor of urology at the Charleston Division of the West Virginia University School of Medicine, he trained hundreds of young doctors.

Dr. Lane was a member of several local service and community organizations including the Kanawha Medical Society, the Mid-Atlantic section of the American Urology Association, and the West Virginia Health Right, where he was named volunteer of the year in 2002.

Dr. Lane was instrumental in improving the availability of health care in West Virginia. His legacy of humility and compassion for others was attributed to how he lived every day of his life.

Dr. Lane was a pillar of the community and his memory will resonate in the minds of those fortunate enough to have known him and his countless accomplishments.

RECOGNIZING THE DEDICATION OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER GRACIE A. ACUNA
HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Gracie Acuna of my Congressional District.

Gracie Acuna was first elected as Board Member of District four in 1987, and currently serves as Vice President. During her time on the Board she has served in a variety of capacities including President, Vice President, and Secretary.

Gracie holds the honor of being the first Hispanic woman to serve as President of the Board, which she held for four terms. She has assisted the Board further by serving as Chair of the Finance Committee and Curriculum Committee.

Ms. Acuna is actively involved in organizations that affect our community. She has served as President of the Bexar County Federation of School Boards, San Antonio Federation of School Boards, San Antonio Transit Board Member, President of the Harlandale Lions Club, TASB Legislative Advisory Council, and a Life Member of State PTA.

Gracie Acuna is grateful for being elected and feels honored by the confidence the voters have demonstrated in her. She has two sons with her husband Willie, and attends San Jose Mission Church.

Mr. Speaker, I am proud to have had this opportunity to recognize the dedication of Gracie A. Acuna to Harlandale Independent School District.

A TRIBUTE TO GLORIA GUERRERO
29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005
HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation’s women during the month of March. To pay homage to outstanding women who are making a difference in my Congressional District, I would like to recognize an outstanding woman in my Congressional District, Ms. Gloria Guerrero. For many years, Gloria has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Gloria instantly recognize her joy, enthusiasm and passion for community service.

Raised in a politically active and community-minded family, Gloria began volunteering with her mother youth in Monterey Park. Although she was employed full time working for Medicare/Occidental-Transamerica for 25 years, then later at the Chino Valley Independent Fire District for 13 years, she always found time for her community.

Gloria is a 51-year resident of Monterey Park and her involvement with the city of Monterey Park is extensive and impressive. She served on the city’s Community Relations Commission for 7 years, serving as chair and vice chair, and on the Arts and Culture Commission for 6 years. She has served on several city committees, including the City with a Heart Committee, Cinco De Mayo Committee, Budget Task Force Committee, Harmony Month Committee and the Fourth of July Committee. In addition, she served as a Panel Judge for the city’s Crystal Youth Awards event and an Essay Contest Judge for the Cherry Blossom Festival. She is a long-time member of the Los Angeles Monterey Park Optimist Club, having served as president and vice president. In addition, Gloria volunteered for the House of Ruth and Para Los Ninos.

The history of Monterey Park Public Library is evident. She is currently a Library Board of Trustees Member of the Bruggemeyer Memorial Library and a board
member of the Friends of the Monterey Park Library.
I ask all Members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Gloria Guerrero. The entire community joins me in thanking Gloria for her work and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

COMMENDING MIKE EAVES FOR HIS WORK AND DEDICATION TO AGRICULTURE AND RURAL DEVELOPMENT FOR THE 8TH DISTRICT OF NORTH CAROLINA

HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HAYES. Mr. Speaker, today I rise to congratulate and praise an individual who has dedicated himself to improving North Carolina. Mike Eaves is a remarkable person in many ways, and I want to acknowledge him for his accomplishments and efforts towards promoting agriculture and rural development.

Mike grew up in Epson, North Carolina located in Vance County. He is a proud graduate of North Carolina State University.

Mike began his work in government when he accepted a job with the Farmers Home Administration. Mike soon moved on to the Farm Service Agency in 1984 where he served as Executive Director of the Richmond County Farm Service Agency. In 2002, due to his strong knowledge of the farm programs and the people, he became the Director, overseeing 13 county offices as well as being a liaison between the State Office and the County Office. Most recently, Mike has been selected to be the Administrative Officer of North Carolina State FSA Office, effective April 3rd, 2005.

Anyone knows that long-term success depends on future leadership. It will not surprise you to know has a strong record of leadership and achievements. He has received the Distinguished Service Award for Community Service from the North Carolina Association of County Office Employees. Mike has also received the Distinguished Service Award for Community Service for the Southeast Area and the National Distinguished Service Award for Community Service from the National Association of County Office Employees. Mike’s determination to help build and create a better community and a better North Carolina is commendable.

I am very happy for Mike and his new position in the State Office, but I will tell you that Richmond County and the 8th District of North Carolina will miss his leadership. Although I know you will be watching over us from Raleigh and keeping a close eye on Richmond County, I can tell you how much I have appreciated your steadfast dedication towards promoting and advancing agriculture and rural communities in North Carolina. Personally, I can’t thank you enough for your friendship and the kindness you have shown me since I have been in office. Your assistance has been invaluable to me and my staff.

Mr. Speaker, I cannot tell you how much I appreciate Mike Eaves’ tireless dedication and his desire to increase the quality of life for Richmond County, the 8th District, and North Carolina as a whole. He has gone above and beyond the call of duty to help create and sustain a strong agriculture community, and as a citizen of North Carolina, I join many in sincerely thanking him.

I would also like to acknowledge Mike’s family that has been there backing him in his efforts and successes. Mike has a very loving family. Mike’s wife, Susan, makes a mean lemon meringue pie. I am sure she is as proud as I am of his many accomplishments and his dedication to his profession.

TRIBUTE TO JONATHAN Stubbs

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BERRY. Mr. Speaker, I am honored to rise today on behalf of Congress to commend Captain Jon Stubbs of Searcy, AR, commanding officer of Charlie Company of the 39th Infantry Brigade’s 3rd Battalion for his leadership in Iraq over the past year.

Managing a delicate balance between ambulance and soldier, Captain Stubbs has served his nation by bringing hope to a country encompassed by war. He led his company with the strength necessary to win the trust of those in his command and with the compassion needed to bring aid to the Iraqis he bravely protected.

From Searcy and Little Rock, Arkansas to Camp Taji and Adriannah, Iraq; amidst machine gun fire, roadside bombs, rocket propelled grenades, the loss of fellow soldiers and friends, Captain Stubbs served as a faultless exemplar of what it means to be a soldier, a leader and an American.

Focused under pressure and diplomatic with the Iraqi people and the media, we could ask for no better ambassador in these most trying times than Jon Stubbs. His efforts led the 39th to reconstruct Iraqi schools, hospitals, irrigation and sewage systems, and new recreational projects for children; none of this would have been possible without Captain Stubbs’ leadership.

As Jon Stubbs’ wife Jane and daughter Susannah welcome him back, his community has also regained a strong leader. The son of a Methodist preacher, Jon Stubbs epitomizes his faith through his involvement in church youth programs, Sunday school and his continued participation in the education of his daughter and her fellow students. While the men and women in his company willingly follow him into battle, his community can look to him again as a friendly and optimistic voice in their lives.

On behalf of the Congress, I thank Captain Stubbs, Charlie Company and the entire 39th Infantry Brigade for their bravery, diplomacy and strength on behalf of the Iraqi people. The courage demonstrated by Charlie Company reflects considerably on their commanding officer; America’s debt to Captain Stubbs is immeasurable and will never be fully repaid.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

SPEECH OF
HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for Iraq and Afghanistan and Tsunami Assistance bill.

In March 2003, before the war began, I wrote to the President with 22 of our colleagues to ask him to specifically define our objectives and to provide an exit strategy. We repeatedly asked the President a number of questions including: “Under what circumstances will our military occupation of (and financial commitment to) Iraq end? And how will we know when these circumstances are present?” We and the American people never received an answer to these crucial questions. Even today, the Administration is unwilling or unable to answer. This is simply unacceptable.

Time and again, the President has requested money to fund the war in Iraq while refusing to answer our questions about this war and provide a comprehensive strategy for bringing our troops home. In our democracy, the Congress controls the purse strings. Before allocating additional funds, we must insist that the administration articulate the conditions necessary to bring our troops home, and push them to do that as soon as possible. The administration’s refusal to address that is quite astounding to me and should be of great concern to all Americans who believe in principles of accountability and checks and balances. In addition to my concerns about a lack of overall strategy and benchmarks for success in Iraq, I am very disappointed with the administration’s handling of Iraq spending, in both process and substance. Emergency supplemental spending should be reserved for true emergencies, those instances in which the need for expenditures is unforeseen or unforeseeable. The vast majority of funds in this supplemental fail to meet that criterion. Both last year and this year, the Administration excluded Iraq costs from their budget requests, although many in the House on the State of the Union had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for Iraq and Afghanistan and Tsunami Assistance bill.

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Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 70th anniversary of the creation of Coronado State Monument in my home state of New Mexico. At Coronado State Monument, visitors can learn about the Conquistador Francisco Vasquez de Coronado and his interaction with the indigenous people of the Rio Grande Valley. This monument was created to commemorate Coronado’s entry into New Mexico but stands today as a celebration of both Spanish Colonial and Native American history and culture.

On March 7th, 1935, Commissioner of Public Lands, Frank Vesaly, signed the proclamation authorizing the creation of Coronado State Monument under the 1931 New Mexico Session Laws. Located at the ruins of ancient Kuaua Pueblo, this monument is situated on the banks of the Rio Grande adjacent to the majestic Sandia Mountains, where Coronado and his troops are thought to have spent the winter of 1540. Inhabited at the time of Coronado’s visit, Kuaua Pueblo was the intersection of two major pre-European trade routes. The immense archaeological value of the pueblo ruins and the indigenous murals which are considered the best pre-contact art in North America.

Mr. Speaker, Coronado Monument is open to the public throughout the year. A small museum houses both Spanish and indigenous artifacts where visitors can try on conquistador armor, grind corn on a slab, and beat on a drum. The past comes alive on the 15 excavaed mural panels that represent pueblo life around the time of Coronado. A self-guided interpretive trail winds through the pueblo ruins to the replica of a ceremonial Native American kiva. An integral part of the heritage tourism industry, Coronado State Monument promotes history, preservation, and cultural education through diverse lectures and events where adults and children alike learn about New Mexico, past and present.

Mr. Speaker, despite this administration’s current focus on Iraq and terrorism, the U.S. cannot solve our security problems alone. Increasingly, being safe at home means making others feel secure in their homes.

Failing states quickly become failed states. This provide breeding grounds for terrorism and international crime. It is, therefore, in the United States’ security interests to prevent destabilizing events from causing the collapse of states.

The creation of an Emergency Peace Service is also in our financial interest. The fact is: It is much cheaper to prevent an emergency by intervening early in its development than it is to respond after an emergency has reached its tipping point.

According to the Carnegie Commission on Preventing Deadly Conflict, the international community could have saved nearly $130 billion of the $200 billion it spent on managing conflicts in the 1990’s by focusing on prevention rather than reconstruction.

The United Nations Emergency Peace Service would be cost-effective ‘‘burden-sharing’’. This would reduce the amount the U.N., and by extension the U.S., spends on post-conflict reconstruction.

This would not solve all our global problems and it will not solve genocide and other atrocities worldwide. Rather, the Emergency Peace Service would supplement the U.N.’s capacity to provide stability, peace, and relief in deadly emergencies.

Rwanda, Haiti, Sierra Leone, Bosnia and Kossovo, Liberia, the Democratic Republic of Congo, and now Darfur; these are just a few of the places where the U.N. and its member states should have responded more rapidly and robustly. As a result, more people died, and more people suffer. The world can do better.

The United Nations Emergency Peace Service has the potential to save millions of lives and billions of dollars. This principle has been endorsed by organizations such as Citizens for Global Solutions and Human Rights Watch. I strongly urge my colleagues on both sides of the aisle to join with Congressman LEACH and me to support this important resolution.
commercial to avoid having to explain to their children the possible side effects of a life-enhancement drug. A parent should never have to be forced to confront these issues with their children during family viewing hours.

These advertisements run frequently during all hours of the day and last year nearly $300 million dollars were spent advertising for the three most popular erectile dysfunction drugs: Viagra, Cialis and Levitra. While the pharmaceutical companies will tell you that they run these advertisements during television programs that appeal to the population that they are trying to target, these are the same television programs that parents like to view with their children, including the Super Bowl and college basketball games.

As you may know, the new Medicare Part D Prescription Drug benefit will begin covering ED prescription drugs when it starts in 2006. This means that the cost of advertising these ED drugs is going to be passed on directly to American taxpayers.

Mr. Speaker, I would like to remind all Members of Congress that it is time for us to do our job and address the concerns of millions of American families who do not want to see these ads during family viewing hours. Corporate profits should never trump family values.

We urge all Members of Congress, from both sides of the aisle, to support the "Families for ED Advertising Decency Act" and restore decency standards to the American airwaves.

CONGRATULATIONS TO THE FIRST BAPTIST CHURCH IN HAMMOND, INDIANA

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. VISCOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the First Baptist Church in Hammond, Indiana as they celebrate the grand opening of their new auditorium. They will be celebrating this very momentous and special occasion on Sunday, March 20, 2005.

Allen Hill founded the First Baptist Church of Hammond, Indiana in 1887. The church has since met for services in five different auditoriums. The first auditorium was built in 1888 under Pastor Hewitt, and doubled in size under Pastor Carter in 1900. The third auditorium was constructed in 1913 under Pastor Adams. In 1959, Pastor Hyles became pastor, and under his leadership, in 1964, a new auditorium was constructed seating approximately 2000. The auditorium doubled in 1975. Throughout the years Pastor Hyles dreamed of building a new auditorium. Sadly, he passed away in 2001. However, the determination of the church proved that although Pastor Hyles was now in heaven, the Lord of the Harvest was still alive and well. Pastor Schaap took the helm in March 2001, and he immediately led First Baptist Church to the next level. With the increased attendance, once again the congregation began to outgrow the auditorium. Ground was broken for the new auditorium on November 3, 2004.

From its modest beginning, First Baptist Church has emerged as a cornerstone of the community. Under Pastor Schaap’s guidance, First Baptist continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the First Baptist Church of Hammond, Indiana on the grand opening of its new auditorium. They have provided support and guidance for all those in the community, and will continue to serve their community through their selfless dedication and commitment.

HONORING MT. JULIET HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JIM COOPER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of young women from Mt. Juliet High School in Mt. Juliet, Tennessee, who are the 2004–2005 Class AAA Girls Basketball State Champions. The Lady Bears capped off their season by winning the state championship on March 12, 2005, finishing the season with a 37–1 overall record. I am proud of these outstanding young athletes for this great accomplishment.

Winning a state championship in any sport not only takes great athletic ability, but also hard work, dedication and hours of practice. I admire these girls for their commitment to their team, their school and their community.

These student-athletes should be honored not only for the feat of winning the Tennessee State Girls Basketball Championship but for being recognized nationally for their remarkable talent and skill. The Lady Bears finished the 2004–2005 season ranked 10th on the USA Today’s Super 25 list, making them one of the top girls basketball teams in the entire country. It goes without saying that this is an incredible and well-deserved honor and I am proud that they have represented their hometown and Tennessee so well.

On behalf of the Fifth Congressional District of Tennessee, I extend my heartiest congratulations to the Lady Bears, Coaches Chris Fryer and John Simms.

A TRIBUTE TO JUDY S. WONG, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation’s women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Judy S. Wong. For many years, Judy has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Judy instantly recognize her dedication and passion for helping others, especially women and children.

Born in Taiwan, Judy moved to the United States in 1977 and to Temple City in 1986. She was an active member of the Temple City Chinese American Association for several years, serving as President for 2 terms. For several years, Ms. Wong has been a member of the Gang Advisory Committee and the Asian Community Advisory Committee for the Los Angeles County Sheriffs Department, Temple City station. Also a volunteer at the Asian Pacific Family Center, she works with parenting classes.

In 2003, Judy was elected to the City Council of the City of Temple City and is the first...
As we approach the 90th commemoration of the Armenian Genocide, we must ensure that we do not forget the lessons of the past. Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: "It is sadly true what a cynic has said, that we learn from the history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world."

Mr. Speaker, let us never forget and let us affirm the truth.

A TRIBUTE TO JACK NICKLAUS' ILLUSTROUS CAREER IN GOLF AND LIFE

HON. CHARLIE NORWOOD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to Jack Nicklaus for his service to our Nation, the game of golf and the Masters Tournament. His contributions to this country are unmatched. He has collected more than 100 professional victories worldwide. This includes 73 PGA Tour victories and 10 more on the Champions Tour. He has won a record 20 major championships: 6 Masters, 5 PGA Championships, 4 U.S. Open Championships, 3 British Opens, and 2 U.S. Amateur titles. In his career he has been the top money-winner 8 times, number one in scoring 8 times, and has recorded 20 holes in one. Jack Nicklaus has been a member of six Ryder Cup teams, captained two others, and this fall, he will serve for the third time as captain of the U.S. Presidents Cup team.

Many things have been said about Jack Nicklaus. At the 1962 World Series of Golf, Arnold Palmer rose to make the following statement, "Jack Nicklaus is just a youngster and a newcomer to the professional ranks. But you gentlemen saw one of the greatest out there today. He'll be a headliner for a long time and will be a headliner for the past twenty-six years. "Ni dheantaidh smaoinneann an treabhadh duit—You'll never plough a field by turning it over in your mind”—Old Irish Proverb.
HAPPY BELATED BIRTHDAY TO KAREN PETROSYAN

HON. CURT WELDON
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a very happy belated birthday to Karen Petrosyan, son of my good friend Vladimir Petrosyan. Karen celebrated his 19th birthday on March 14.

Karen is known for his loyalty to friends and his commitment to his family, a warm smile and good sense of humor. Karen is an excellent student currently studying in Seattle, Washington. Vladimir tells me that very early in life, Karen displayed a rigorous intellect and good judgment. When not absorbed in academics, Karen enjoys sports, particularly basketball.

For these reasons and more, I would like to extend the warmest best wishes to Karen Petrosyan for whom the future holds great promise.

A TRIBUTE TO U.S. ARMY CAPTAIN DAVID ROZELLE

HON. FRANK R. WOLF
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. WOLF. Mr. Speaker, it is an honor to recognize U.S. Army Captain David Rozelle for his brave service to our country. Captain Rozelle, of the 3rd Armored Cavalry, was injured in June 2003 while serving in Hit, Iraq. His Humvee hit an anti-tank mine, which severely injured his right foot and leg and later had to be amputated. Captain Rozelle earned the Bronze Star with Valor and the Purple Heart for his bravery and courage through this ordeal.

Captain Rozelle returns to active duty in Iraq this month as the first amputee in recent history to reenter the battlefield. Captain Rozelle suffered through many months of rehabilitation and has recently released a book describing his trials called Back in Action: An American Soldier's Story of Courage, Faith and Fortitude.

Captain Rozelle, now 32 years old, grew up in Texas with his parents John and Judy Rozelle. Always an active athlete, he graduated from Davidson College in Davidson, North Carolina, where he left the football team to participate in the Army ROTC program. His wife, Kim, and 18-month-old son Forrest are currently residing in Colorado.

Captain Rozelle is a man worthy of great honor. He has overcome many challenges through his recovery from his injury and his strength and courage is shown in his willingness to return to the same battlefield where he was first injured. I hope all our colleagues will join in honoring and thanking Captain Rozelle for his valiant service to our country.

IN RECOGNITION OF JAMES McMANUS AND THE McMANUS DEMOCRATIC ASSOCIATION ON ST. PATRICK’S DAY

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of James McManus, a tireless public servant, legendary New Yorker and very good friend of mine. Additionally, I am pleased to offer my personal wishes to the McManus Democratic Association for another year of outstanding service to New York City residents.

St. Patrick’s Day is a time when Americans of all ethnicities gather with friends and relatives to have fun and to celebrate the Irish-American community’s many contributions to our nation and culture. On this happy occasion, it is fitting to honor Jim McManus, who has never forgotten his Irish roots and who continues to be the driving force behind one of New York City’s most effective public service organizations.

The McManus family has been a fixture of New York City politics for more than one hundred years. For the past three decades, Mr. McManus has been an advocate, ombudsman and friend to residents of midtown Manhattan. It is a testament to Jim McManus’s leadership that the McManus Democratic Association is just as vibrant and strong an organization as when his great-uncle Thomas founded it.

Throughout his career, Mr. McManus has strived to strengthen the McManus Association’s tradition as a center of service to the community. The Association’s dedication to public service is perhaps best demonstrated by its efforts to welcome immigrants to New York and help them integrate into the life of the City. Mr. McManus has organized citizenship drives and helped immigrants prepare to take the test to become American citizens—so that they can take full advantage of the benefits and responsibilities of living in the United States.

The McManus Association, an active social-service organization, has also conducted registration drives that have helped thousands of New Yorkers register to vote; works with seniors who are having difficulty finding housing; helps its members locate jobs, educational opportunities and quality medical care; and strives to promote the interests of working-class New Yorkers through collective action. Furthermore, the Association has made a longstanding commitment to young New Yorkers, introducing students to the political process and to government service.

I commend James McManus for his lifelong dedication to improving the well-being of New York City residents. Time and again, the McManus Association exemplifies the notion that we work best when we work together.

Mr. Speaker, I request that my colleagues join me in paying tribute to James McManus and the McManus Democratic Association. To Mr. McManus, to his dedicated professionals, volunteers and friends of the McManus Association, I offer my continuing admiration, respect and support.

IN HONORING EUGENE PARKS

HON. TAMMY BALDWIN
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable citizen, Mr. Eugene Parks of Madison, Wisconsin.

Eugene Parks was a complicated man who confronted complicated issues head on, no holds barred. He was the outspoken conscience of our community and he wasn’t afraid to remind us of our shortcomings. He is remembered as a man who worked passionately against the racism and injustice he saw and felt in our community and in the world. “As a black man,” he told his nephew, “you aren’t going to be heard unless you say it like you mean it.” Gene Parks was never afraid to say it and he always, always, meant it.

Most important, no matter how contentious his relationship with his community and its government, Gene never abandoned either. As Madison’s first African-American alderman, Gene was a role model and catalyst for change by the age of 21. Decades later, as the city’s first African-American candidate for mayor, he showed the same commitment to civic responsibility.

Most in our city knew Gene as a firebrand, but he was also a devoted father, a music lover, and even an actor. I still have the Playbill from a UW-Madison Theatre Department production of the musical “Finnian’s Rainbow” in which I was a five year old member of the chorus and Gene Parks played a lead role.

I think Gene would have been humbled by the many heartfelt tributes and the overflow crowd at his memorial service in Madison’s Memorial High School auditorium. Our city was shaken by the depth of the void left by his passing.

Of all the descriptors by which we remember Gene Parks, there is none more accurate nor more honorable than that of “citizen.” Thank you, Gene.

LEGISLATION TO IMPROVE DEBT COLLECTION

HON. TODD RUSSELL PLATTS
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce important legislation that will improve the way the Federal government collects delinquent non-tax debts.

This legislation would amend the Debt Collection Act to eliminate the 10-year limitation on the collection of delinquent federal debts through the Treasury Offset Program, which is maintained by the Financial Management Service at the U.S. Department of the Treasury. A request for this legislation was transmitted as part of President Bush’s Fiscal Year 2006 Budget request. It is estimated that this provision would return $6 million to the Treasury in the first year of implementation, and at least $11 million in future years.

Non-tax debt would include defaulted loans or overpayments to vendors. Under current law, the only type of non-tax debt not subject
to the 10-year limitation is defaulted student loans owed to the U.S. Department of Education. This legislation would bring all other types of debt in line with the requirements for repaying student loans.

The U.S. government should have the ability to collect each and every debt. This money belongs to the taxpayers. No one should be able to avoid responsibility simply by waiting for an arbitrary time limit to expire. In times of tightening budgets, we cannot afford to allow delinquent debtors to shift their burdens onto taxpayers.

HONORING THE CONTRIBUTIONS OF RETIRED SGT. MAJOR BENITO V. GUERRERO

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize retired Sergeant Major Benito V. Guerrero and his many years of service in our United States Army.

Mr. Guerrero was born north of New Braunfels, Texas on April 3, 1935. He began his military career very early as the Advisory President of his Junior ROTC Program at Jef ferson High School in San Antonio, Texas.

Upon graduating high school, Guerrero joined the army in 1956. By 1959 Mr. Guerrero’s airborne unit was deployed to Germany and became part of the 8th Infantry Division. Because Mr. Guerrero graduated in the top ten percent of his class at the 7th U.S. Army Noncommissioned Officer Academy, he was selected to attend the Federal Republic of Germany Airborne School in 1962.

Throughout his many years of service Mr. Guerrero has served all over the world and has received such awards as the Purple Heart with 1st Oak Leaf Clusters, the Meritorious Service Award, the National Defense Medal, and the Outstanding Noncommissioned Officer Award, just to name a few.

Retired Sergeant Major Benito V. Guerrero retired from the United States Army after over 30 years of honorable service to our Country. He is the epitome of dedication and professionalism.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements and service of Retired Sergeant Major Benito V. Guerrero.

A TRIBUTE TO LOUISE WILSON LEWIS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women’s History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation’s women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Louise Wilson Lewis. For many years, Louise has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Louise instantly recognize her dedication toward helping others.

Born and raised in the Glendale area, Louise worked at Walt Disney Studios for 14 years until she cofounded Iwerks Entertainment. She was able to retire at an early age, which gave her more time to devote to her real career—helping other people.

Louise’s description of herself as a “professional volunteer” is an apt one. She began her volunteer career while in elementary school as a math and reading tutor, and an assistant in the Vice Principal’s office. At age 12, she started teaching Sunday School and continues to do so today. At age 16, Louise began volunteering as a candy stripper at Glendale Memorial Hospital and Health Center. This year she is celebrating 42 years of continuous service, having served several terms as President of the hospital’s Guild, on the hospital’s Community Board of Directors, and is the first woman to chair the hospital’s Foundation Board. In addition, she served 2 terms as President of the San Gabriel Area Council of Hospital Volunteers and 2 years on the Volunteer Board of the California Association of Hospitals and Health Systems. Louise also volunteers for Las Candelas, an organization which assists emotionally disturbed children.

Devoted to her church, St. Francis Episcopal Church, Louise has volunteered in every volunteer capacity—the Altar Guild, the Thrift Shop, Girl’s Youth Group, Vacation Bible School, Rose Garden, Junior Warden and Senior Warden and is currently Bishop’s War den. She is also a Lay Eucharist Minister, a Stephen Minister, and in her spare time visits shut-ins and the elderly in retirement homes and convalescent hospitals.

Louise has received several awards over the years including the First Volunteer at Glendale Memorial Hospital to serve 500 hours at age 17, Uni-Health Hospital System Volunteer of the Year in 1997, recognition from the Episcopal Diocese of Los Angeles, and the Glendale Young Women’s Christian Association Woman of Heart and Excellence in 2004.

During the last few years, Louise has managed to maintain her active volunteer work while battling cancer. Her courage and determination is an inspiration to us all. Louise and her husband Tim have been married for 32 years and reside in Glendale.

I ask all Members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Louise Wilson Lewis. The entire community joins me in thanking Louise for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

HON. LOUISE MCINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Canisius College Golden Griffins Women’s Basketball Team on winning the 2005 Metro Atlantic Athletic Conference (MAAC) Tournament on March 7, 2005. Their victory over Marist College gives the “Griffs” its first-ever MAAC Championship and their first bid to the Division I NCAA Tournament.

The “Griffs” have had a truly remarkable season. After narrowly missing out on the MAAC Championship last season, Canisius capped their first 20-win season with a nail-biter in the MAAC Championship game. Their victory, like their entire season, was exemplified by a total-team effort. In the biggest game of her career, Becky Zak scored 12 points, three assists and two steals, and was named the tournament’s Most Valuable Player. Megan Lyte tallied 10 points and 11 rebounds, her seventh double-double of the season, and Jessie Stevens posted eight points, five rebounds and a blocked shot en route to joining Zak on the all-tournament accolades.

The accomplishment of the Canisius College Golden Griffins Women’s Basketball team demonstrates the profound impact that Title IX has had in increasing opportunities in sports for women and girls. Title IX, part of the Education Amendments of 1972, required that public schools and colleges provide equal educational and athletic opportunities for girls and women. It has unquestionably been a tremendous factor in the lives of the talented members of this team.

It is important for girls and women to have every opportunity to succeed, especially when it comes to athletics. That is why I have introduced H.R. 595, the High School Athletics Accountability Act. This bill will require schools to report to the Department of Education basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. Currently, high schools are not required to disclose any data on equity in sports, making it difficult for schools and parents to ensure fairness in athletics programs. Better information can help high schools and parents of school children foster fairness in athletic opportunities for girls and boys.

Mr. Speaker, I cannot be prouder of the Canisius Women’s Basketball team. I especially want to applaud coach Terry Zeh. As a first year coach, he demands accountability from his players both on and off the court, and is a strong role model for the entire college community. I wish to also commend college president Rev. Vincent M. Cooke, S.J., the coaching staff and players, and the student body for this Championship season. These women continue to be role models for young girls, and their wonderful accomplishment will inspire more girls to increase participation in athletics. We will eagerly watch the team’s first round game in the NCAA tournament as they proudly represent Canisius College on the national stage.
Mr. FORD. Mr. Speaker, I rise today to pay well deserved tribute to one of the great religious leaders of our time, Pastor Adrian Rogers of Tennessee.

In the words of Billy Graham, “We need for ministers of the Gospel to defend the Bible as the infallible Word of God . . . I believe in my heart that Adrian Rogers is such a man. I know him personally. I have walked with him and prayed with him . . . I know God’s hand is upon Adrian Rogers as he proclaims the Bread of Life from his church and through radio and television . . . I praise God for his ministry.’’

These comments echo the sentiment of millions who’ve been touched and inspired by the life-changing ministry of Pastor Rogers. The high regard in which he is held is translated to his three elections as President of the Southern Baptist Convention—the world’s largest Protestant denomination with 16 million members. With a passion and gift for applying the gospel message to everyday life, he has also shared the “good news” as a noted author with scores of books and instructional material to his credit; as a featured speaker at a number of historic conferences and international crusades; and as the founder and broadcaster with Love Worth Finding ministries which is played on over 14,000 broadcast and cable programs across the nation. Today, American’s will use thirty thousand units of donated blood. One out of seven hospital patients will require blood transfusions. One out of three people in this chamber will need donated blood at least once in their lifetime. Technological and scientific advancements in the medical field continue to rapidly develop, but there remains no substitute for the blood transfusion. Blood cannot be manufactured nor reproduced. This life sustaining substance can only be transfused from one person to another. Life-saving blood remains a gift from one person to the rest of society. Through blood donations we help each other to survive and overcome medical hardships. Blood donations connect and unify us as a people who care.

Today I stand to recognize America’s Blood Centers, our nation’s largest not-for-profit, community-based network of blood centers that keep on giving the gift of life. America’s Blood Centers, founded in 1962, has grown to include seventy-two independent, community owned blood centers, which collect nearly half of the nation’s blood supply. This June marks 10 years that Southwest Missouri’s own Community Blood Center of the Ozarks has been providing blood to all Sevent District hospitals under the national guidance of America’s Blood Centers. America’s Blood Centers operate more than 600 collection sites that give the gift of blood to more than 150 million people in hospitals and medical centers throughout the United States. Not only do America’s Blood Centers give blood, but they also ensure that their gift is safe and adequate by developing new tests and technologies as well as actively engaging in biomedical research in the area of transfusion medicine. Members of America’s Blood Centers ardently work together to share resources and best practices, rising to meet increased demands of hospitals to keep on giving the gift of life. America’s Blood Centers are the first to respond to the Oklahoma City bombing, Columbine shootings, and 9/11, and have since worked with the Department of Homeland Security and Health and Human Services to ensure adequate blood supply and rapid response in times of national disaster or acts of terrorism.

Additionally, America’s Blood Centers continue to support U.S. military operations around the globe. Together the centers promote donor recruitment and societal awareness of blood donations as a top priority, working to guarantee that America will have the blood it needs to continue to live and thrive. I recognize and commend America’s Blood Centers on transfusing life into our nation whenever and wherever needed.
Mr. Speaker, I urge my colleagues to support this legislation so that the National Fish and Wildlife Foundation can continue its worthwhile conservation efforts in the future.

Additional co-sponsors of National Fish and Wildlife Foundation Reauthorization Act of 2005: Congressman NORMAN D. DICKS.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

SPEECH OF HON. DIANA DeGETTE OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

Ms. DeGETTE. Mr. Chairman, despite many reservations, I am supporting the bill before us today because I believe it is essential that this body unequivocally supports our troops in the field and their families here at home. By providing $2 billion more than the President’s request for equipment and munitions, this bill will help to ensure that soldiers in the field finally have the body armor, night vision equipment, and vehicle armor they should have had since military operations began in Iraq. Additionally, by significantly increasing the Military Death Gratuity and the Subsidized Life Insurance benefit, this bill will help to guarantee that the families of deceased soldiers will have adequate financial resources in their time of need.

While it is critical that this bill provides soldiers and their families with the protection and benefits they so rightfully deserve, I remain deeply concerned that it continues to leave the Administration and the Department of Defense unaccountable for the expenditures in Iraq. I am distressed by the alleged reports of waste, corruption and mismanagement of previous funds earmarked for the military operations and reconstruction in Iraq. Further, I am troubled to learn that, according to several studies, only a portion of every dollar spent on re-building Iraq has gone to improving the lives of Iraqis. Unfortunately, the efforts made by me and other Members of Congress to insert accountability and transparency into the funding process, including the most recent bipartisan effort to establish a commission to investigate the costs of the reconstruction in Iraq, have been repeatedly rejected by the Majority in Congress.

I am similarly disappointed that this Administration insists on funding the war in Iraq using the emergency appropriations process—a process that should be reserved for true emergencies, like tsunami relief. While the Bush Administration claims that it excludes these costs from the annual budget process because it cannot anticipate future war costs, the true reason for this exclusion is to make the already massive deficit look slightly, albeit artificially, lower. This Administration is therefore abusing the emergency appropriations process in order to help obscure and hide the extent of its fiscal recklessness from the American people. This is the same sort of fuzzy accounting that was employed by the likes of Enron and WorldCom, and yet, while those corporations were ultimately held accountable, this Administration continues not to be.

While I have significant ideological problems with this bill, I cannot in good faith turn my back on the courageous men and women who have so valiantly served to preserve the peace in Iraq. They deserve to enter the battlefield with adequate armor and equipment and are similarly entitled to an increase in benefits for them and for their families. However, I vote in favor of this bill with the sincere hope that this is the last time the Administration abuses the emergency appropriations process and comes to this body with such a request.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

SPEECH OF HON. MICHAEL E. CAPUANO OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

Mr. CAPUANO. Mr. Chairman, I voted against H.R. 1268 “The Emergency Supplemental Bill for Fiscal Year 2005.” While it contained some good measures, humanitarian assistance for Darfur, funds for tsunami relief and aid to support the newly elected leadership of the Palestinian Authority, like many pieces of legislation these days, it also contained an egregious and completely non-germane addition, the REAL ID Bill. I already voted against this bill. It fails to make us safer and it does nothing to reform our immigration laws in useful ways. Instead of focusing on meaningful reform, this bill makes it much more difficult for an immigrant fleeing persecution to find asylum in our country, and essentially mandates a national identity card.

This vote was primarily about our ongoing military operations in Afghanistan and Iraq. I supported the use of force in Afghanistan. The Taliban regime sheltered and supported al Qaeda terrorists who attacked our country and made plain its determination to continue. I wish we had committed sufficient troops and resources to complete our mission in Afghani- stan, kill or capture Osama bin Laden, and commit to the country’s reconstruction. I voted against the use of force in Iraq. I wish I had been wrong, but all that I feared has come to pass. Weapons of mass destruction have not been found. Terrible slaughter continues and civil war may yet break out. But the ongoing violence in Iraq does not constitute a budg- etary emergency and should not have been unforeseen. We were at war when the FY05 budget was proposed. Why then the pretense of a Supplemental Budget?

I honor the sacrifice of our soldiers and their families and the courage of the millions of Iraqis who risked their lives to vote in a free election. I hope that their elected leaders will deserve their trust and that they will negotiate an inclusive government and draft a constitu- tion that respects human rights. I hope they can demonstrate a prudence and foresight that our own government has not shown. I voted for the FY05 Department of Defense appropriations bill and I hope that I will be able to vote for the FY06 Defense appropriations as well. My vote was a vote of no confidence in the President and in his conduct of foreign affairs.

REMEMBRANCE OF TILLIE K. FOWLER
SPEECH OF HON. JOHN L. MICA OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 2005

Mr. MICA. Mr. Speaker, along with my fellow Members of Congress, it is my honor to pay tribute to my friend and former colleague, Tillie Fowler. I extend my very deepest sympathy to Tillie’s husband, Buck, to her daughters, Tillie and Elizabeth, and to Tillie’s family on the great personal loss of their loved one. It was my privilege to call Tillie Fowler my colleague in Congress and know her as a friend. Tillie always had her priorities in order. I always recall her first concern in all matters was for Buck, her husband, and her daughters. Tillie as I knew her also had a great love of our country. She ran for office to make her community, our State of Florida and our nation a better place for all. And she never stopped or hesitated in that effort.

Because of the public service of Tillie Fowler, many lives in the Jacksonville area and across our great land have been changed. Tillie and I were elected to Congress together in 1992. With Tillie’s leadership the Congress was reformed, people who only had welfare as a choice had their lives changed and our nation’s military found a new, strong advocate at their side. Many lives have been affected by the efforts and determination of Tillie Fowler.

It was my honor to serve with her for eight years and share borders of our Congressional Districts over the years, it was my honor to have her at my side during congressional redistricting in 2002, when I inherited a large portion of her old district and faced a formi- dable reelection challenge. Her support and
friendship will always have a fond place in my heart and memories.

So, like many, I have lost a great friend. Unfortunately our nation has lost a great leader and patriot. We will all miss Tillie. But each day now without her, we can celebrate her life and better appreciate her many contributions that helped to make our country a better America for all.

HALABJA REMEMBERED

HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. ROHRABACHER. Mr. Speaker, on March 16, 1988 Saddam Hussein brutally attacked Halabja, Kurdistan in Iraq. When the bombing attacks were completed, over 5,000 were dead and over 8,000 injured.

The injured people were civilians. Families died together that day, orphans were made that day, a day that the Kurdish people will never forget.

As the poison gas largely cleared by noon that day, the deadly smoke lay close to the ground, sinking into the basements of the homes where people had gone to seek shelter.

They watched as their skin burned. Some were immediately blinded. Some took shelter among the corpses of their family members. The ones who were able to run, ran, stopping only when they were overcome with pain or exhaustion.

Today, I honor those men, women, and children who lost their lives at the hands of a ruthless killer, Saddam Hussein. The Halabja massacre represents 5,000 of the 200,000 Kurdish people who died or are missing during the genocide campaigns of the Saddam Hussein regime. Hundreds of thousands of other Iraqis were also killed or are missing.

Mr. Speaker, as our Armed Forces battle to build a democratic future for the people of Iraq, we should recall the horror of Halabja, and acknowledge that the hellish tyranny that shackled all but a few Baathist thugs is part of Iraq history and not part of its future. Let’s recall the suffering of all Iraqis, especially the Kurds in Halabja, and honor our Armed Forces for the better future they are building in Iraq.

VERNIA KING—AN INSPIRATION TO SAN DIEGO

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. FILNER. Mr. Speaker, Verna Lee St. Clair King, born and reared in Berwick, Louisiana, is the daughter of John Westley St. Clair and Florence Ellen Calvin St. Clair. Educated in Louisiana and Texas, she earned her A.B. degree from Wiley College in Marshall, Texas and later an M.A. from San Diego State University.

Verna grew up determined to make life better for others. She eventually became a teacher, making politics and helping others through community service her lifelong hobbies. Her intelligence and insight led her to the political arena and the fight for equal education.

A professional educator in San Diego for thirty years, Verna has a long history of involvement with the San Diego Teachers’ Association (SDTA). Through the SDTA, she represented her membership on the association and served as a member of the National Women’s Caucus and Black Caucus.

Verna’s unsellish nature led her to become increasingly involved in a wide array of civic activities: She was vice-chair of the 79th Assembly District Committee, served on the 44th Congressional Advisory Committee, and was a charter member of the San Diego Council of Democratic Women. In addition, she is a charter member and past president of Women Inc. She is also involved with Alpha Kappa Alpha, CTA, the YWCA, her church, and the Democratic Party. In addition, she has recently served on the Community Service Association Board as well as the San Diego Historical Site Board.

Verna’s involvement in the community and politics has allowed her to interact and work with individuals such as Coretta Scott King, Andrew Young, Jimmy and Rosalyn Carter, Alan Cranston and Tom Bradley.

Verna is listed in prominent annuals and has received many awards in recognition of her professional and community service. In the past, she has been the recipient of the Democratic Committee’s Golden Key Award and received a Key to the City of San Diego for her outstanding work in the field of human relations. For bridging the gap between parents and teachers, Verna was honored with an Honorary Service award by the Ninth District P.T.A. Her current honors reflect the esteem in which she is held by her fellow professionals and by those who have had the pleasure of working with her in both political and community activities.

Verna’s husband, Alonzo King, now deceased, shared her interests both politically and professionally. In addition, Verna and Alonzo were blessed with a close family that included five children: Joyce L. King Thomas, Verna Lee E. Bickstaff, St. Clair King, Alonzo King, and Reginald King, the latter two of whom are deceased.

Verna has always been gracious in all of her endeavors, and her knowledge and experiences have been invaluable to professionals, friends, fellow committee members and the community.

She truly has been an inspiration to all San Diego.

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE TRACY O. KING

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Texas State Representative Tracy King for his many accomplishments in business and in government.

Mr. King was born in Baytown, Texas, in 1960. After graduation from Conroe Springs High School, he attended Southwest Texas Junior College for a year, and then transferred to Texas A&M University, where he completed his B.S. in Agricultural Engineering.

Upon his graduation, Representative King began working at the Beltone Hearing Aid Center in San Antonio. He moved up quickly, and was responsible for opening the branch office in Uvalde. In 1987, he became owner of the local Beltone Hearing Aid Center, serving 16 counties in South Texas. He is a member of the San Antonio Chamber of Commerce, where he’s brought her homemade minestrone soup for.
Business and Professional Women of Achievement, and a National Lifetime Membership in the Parent Teacher Association, as well as many others.

Mary and her husband Mike have been married for 47 years, have 5 children, and 11 grandchildren.

I ask all members to join me today in honoring an outstanding woman of California’s 29th Congressional District, Mary Cammarano. The entire community joins me in thanking Mary for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

IN HONOR OF JFK HIGH SCHOOL

HON. ELIOT L. ENGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ENGEL. Mr. Speaker, I rise to today to honor the boy’s basketball team, at John F. Kennedy High School in Kingsbridge, NY. These fine young men, whom critics called the underdogs, won the PSAL tournament in New York, defeating Lincoln High School at Madison Square Garden 62-57.

It has not been an easy season for the Knights, which makes their victory all the sweeter. Midway through the season, Coach Johnny Mathis nearly had to quit the team. In the past year, Coach Mathis, who has led the team for 18 years, lost three toes to diabetes and underwent three circulatory bypass surgeries on his legs. Yet, this dedicated coach and underwent three circulatory bypass surgeries. The past year, Coach Mathis, who has led the team for 18 years, lost three toes to diabetes and underwent three circulatory bypass surgeries on his legs. Yet, this dedicated coach

Mary Lou Keener watched her father die intesting town of Libby, Montana, breathing in asbestos fibers stirred up by the street traffic as they road buses to school, now, as adults, are experiencing asbestosis symptoms. Under the current system, they have no hope of compensation.

Ron Huber, who worked 35 years in a steel mill, joined an asbestos suit in 1995 although he had no symptoms of asbestos related illness. His attorney accepted a small settlement which, according to Huber, was wholly applied to legal fees. By 2002, he was truly experiencing symptoms of asbestos-related disease. He is suing the only person not released by settlement of the 1995 case—the attorney who recruited him for that suit.

Drew Anders, who spent 15 years working for a company that was forced to declare bankruptcy in reaction to growing asbestos litigation, watched his $50,000 retirement account fall to $1,500.

A small business owner in Louisiana who never manufactured anything containing asbestos once used a asbestos-threaded nut in a piece of machinery. Although there is no evidence that this nut causes asbestos related disease, this man’s company pays $75,000 to $100,000 a year in asbestos-related claims.

A research company that released one of the first studies establishing the health risks of asbestos—a report that saved lives and improved working conditions—is named in over 60,000 cases every year. The principals of this firm, which never used or manufactured asbestos products, spend hundreds of thousands of dollars annually in settlements.

Today, I am introducing the FAIR Act of 2005. This bill is based on bipartisan asbestos trust fund negotiations carried out during the last months of the 108th Congress. It puts patients ahead of plaintiffs and would dramatically reduce the cost of asbestos litigation. I call on us to work together and pass a bill that helps victims and companies affected by asbestos litigation, while benefitting the economy and boosting the stock market.

INTRODUCTION OF THE “CLEAN SMOKESTACKS ACT OF 2005”

HON. HENRY A. WAXMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the “Clean Smokestacks Act of 2005.” This important legislation will finally clean up the Nation’s dirty, antiquated power plants.

When I originally introduced the “Clean Smokey Stacks Act” with Representative BOEHLERT in the 106th Congress, we had a modest beginning. We had a total of 15 cosponsors and little attention.

But in the 107th and 108th Congresses, the bill’s supporters grew to over 100 House members. During that time, Senator JEFFORDS successfully reported the companion legislation, the “Clean Power Act” from Committee. And even the Bush Administration, at least in rhetoric, recognizes that we urgently need to clean up these power plants.

Electricity generation is our Nation’s single largest source of air pollution, including greenhouse gas emissions. Nationally, power plants

Mr. KIRK. Mr. Speaker, for almost two decades, Congress has unsuccessfully grappled with the challenge of assuring fair and timely compensation to workers who have become sick after being exposed to asbestos fibers. The pioneering work done by litigation reform advocates like Rep. HENRY HYDE laid the foundation for ongoing negotiations in the other body that may finally result in legislation that assures compensation to sick plaintiffs and allows defendant companies to move beyond the uncertainty of decades-long mass tort litigation.

In his State of the Union address, President Bush told us, “Justice is distorted, and our economy is held back, by irresponsible class actions and frivolous asbestos claims and I urge Congress to pass real reforms this year.” It is time for the House to enter the debate.

Many of you have heard how asbestos litigation has hurt workers and our economy. Over 8,000 defendants must spend time and money responding to asbestos lawsuits. Since the mid-1980’s, 730,000 asbestos claims have been filed—and over 100,000 asbestos suits were filed in 2003 alone. Defendants point to examples of clever attorneys “working the system” to benefit certain plaintiffs, escalating the cost of litigation beyond reliable measure. For example, in 1998, a Fayette, Mississippi jury awarded $2 million each to five plaintiffs who had been exposed to asbestos fibers but had little or no symptoms of illness. In 2003, the Supreme Court has upheld a $5.8 million award to plaintiffs with lung x-rays showing evidence of asbestos exposure, who successfully argued that they deserved compensation for living with fear of contracting an asbestos-related disease—or “asbestophobia,” as some call it. The uncertain cost of asbestos litigation has driven at least 74 companies into bankruptcy. Employees of these bankrupt firms have watched the value of their 401(k) accounts drop by 25 percent. As many as 60,000 workers have lost their jobs.

This focus on numbers can make us forget that asbestos litigation reform is about people: Mary Lou Keener watched her father die painfully from mesothelioma, a cancer he contracted from exposure while he served in the Navy during World War II. He filed legal claims years before he died, yet his widow has received almost nothing. Workers who are sick from years of exposure to asbestos while working for Johns Manville Corporation might be told that approved compensation for their mesothelioma is $700,000; however, since the bankruptcy trustee pays only five cents on the dollar, their claim is worth $35,000.

David Coleman, exposed to asbestos as an infant when he inhaled fibers embedded in his father’s work clothes, died of mesothelioma in 2002, at the age of 19. His family’s lawsuit sits on the court docket in Cuyahoga County, along with another 34,000 claims.

The value of their 401(k) accounts drop by 25 percent. As many as 60,000 workers have lost their jobs.

This focus on numbers can make us forget that asbestos litigation reform is about people: Mary Lou Keener watched her father die painfully from mesothelioma, a cancer he contracted from exposure while he served in the Navy during World War II. He filed legal claims years before he died, yet his widow has received almost nothing. Workers who are sick from years of exposure to asbestos while working for Johns Manville Corporation might be told that approved compensation for their mesothelioma is $700,000; however, since the bankruptcy trustee pays only five cents on the dollar, their claim is worth $35,000.

David Coleman, exposed to asbestos as an infant when he inhaled fibers embedded in his father’s work clothes, died of mesothelioma in 2002, at the age of 19. His family’s lawsuit sits on the court docket in Cuyahoga County, along with another 34,000 claims.

Children who grew up in the asbestos mining town of Libby, Montana, breathing in asbestos fibers stirred up by the street traffic as they road buses to school, now, as adults, are experiencing asbestosis symptoms. Under the current system, they have no hope of compensation.

Ron Huber, who worked 35 years in a steel mill, joined an asbestos suit in 1995 although he had no symptoms of asbestos related illness. His attorney accepted a small settlement which, according to Huber, was wholly applied to legal fees. By 2002, he was truly experiencing symptoms of asbestos-related disease. He is suing the only person not released by settlement of the 1995 case—the attorney who recruited him for that suit.

Drew Anders, who spent 15 years working for a company that was forced to declare bankruptcy in reaction to growing asbestos litigation, watched his $50,000 retirement account fall to $1,500.

A small business owner in Louisiana who never manufactured anything containing asbestos once used a asbestos-threaded nut in a piece of machinery. Although there is no evidence that this nut causes asbestos related disease, this man’s company pays $75,000 to $100,000 a year in asbestos-related claims.

A research company that released one of the first studies establishing the health risks of asbestos—a report that saved lives and improved working conditions—is named in over 60,000 cases every year. The principals of this firm, which never used or manufactured asbestos products, spend hundreds of thousands of dollars annually in settlements.

Today, I am introducing the FAIR Act of 2005. This bill is based on bipartisan asbestos trust fund negotiations carried out during the last months of the 108th Congress. It puts patients ahead of plaintiffs and would dramatically reduce the cost of asbestos litigation. I call on us to work together and pass a bill that helps victims and companies affected by asbestos litigation, while benefitting the economy and boosting the stock market.
are responsible for about 39 percent of carbon dioxide emissions, 67 percent of sulfur dioxide emissions, 22 percent of nitrogen oxides emissions and 41 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems we face today, including acid rain, smog, respiratory illnesses, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these power plants.

Earlier this week, EPA took a first step toward reducing emissions of sulfur dioxide and nitrogen oxides emissions from some of these old plants, but EPA’s regulation would still allow huge quantities of pollution from these plants and leave many plants operating without any modern pollution controls. On mercury, EPA’s regulation would allow most old power plants to avoid ever installing pollution controls to reduce mercury emissions. And EPA has done nothing to address increasing carbon dioxide emissions from these plants.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls should not be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these incentives and shielded old power plants from the law’s requirements, many of these facilities—which were already old in 1970—are still in use. There are many power plants from the 1950’s that are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much NOx pollution as the entire state of Massachusetts.

The Clean Smokestacks Act says it is time to clean up these aging plants. The Act sets strong emissions reduction requirements for all four of the key pollutants from power plants, and it finally sets a deadline for old plants to avoid ever installing pollution controls to reduce mercury emissions. And EPA has done nothing to address increasing carbon dioxide emissions from these plants.

Moreover, unlike the Clean Smokestacks Act, S. 131 does not guarantee that all outdated power plants will ever install modern air pollution controls. And because S. 131 does not address carbon dioxide emissions, it cannot promise to give industry certainty regarding future federal or state emissions reductions requirements.

So let there be no mistake—the Clean Smokestacks Act, the Clean Power Act in the Senate, are the proposals to strengthen the Clean Air Act by finally closing the loophole for old dirty power plants and addressing all four pollutants they emit.

In conclusion, let me commend Rep. Boehner and all of the supporters of this legislation. I am pleased that this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

HONORING THE TONAWANDA NEWS

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I was unavoidably delayed.

Since we first introduced this bill, the President has unveiled a competing proposal, which has been introduced as S. 131 in the Senate. The President’s proposal claims that S. 131 targets the same goal of cleaning up power plants. It’s important to recognize, however, that the Clean Smokestacks Act and S. 131 are not similar proposals with different levels of stringency. Rather, they have fundamentally different purposes and effects.

The Administration’s proposal aims to help the energy industry escape tough enforcement of the Clean Air Act. It does this by rewriting significant portions of the Clean Air Act to weaken or delete key environmental protections that are cleaning up the air.

For example, S. 131 would give power plants an extra 10 years to avoid reducing toxic mercury emissions. S. 131 would also allow power plants to operate at unsafe levels for years longer, limit the rights of states to protect themselves against out-of-state pollution, and weaken protections for national parks, among other changes to the Clean Air Act. Not surprisingly, industry is spending millions to urge Congress to adopt S. 131, while advocates for public health and the environment, such as the American Lung Association, almost universally oppose the bill.

Moreover, the Clean Smokestacks Act and S. 131 do not guarantee that all out-dated power plants will ever install modern air pollution controls. And because S. 131 does not address carbon dioxide emissions, it cannot promise to give industry certainty regarding future federal or state emissions reductions requirements.

Mr. Speaker, I ask that this Congress join me in celebrating the 125th Anniversary of the Tonawanda News.

INTRODUCING THE “SMALL BUSINESS EXPensing PERMANENCY ACT OF 2005”

HON. WALLY HERGER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005
Mr. HERGER of California. Mr. Speaker, 2 years ago Congress, working together with President Bush, enacted into law the Jobs and Growth Tax Relief Reconciliation Act of 2003. Among other provisions, the law strengthened and expanded the expensing provisions afforded to small businesses under Section 179 of the Internal Revenue Code. As such, the law encouraged small businesses to make new capital investments, thus spurring our economy and creating jobs. I believe Congress should make this provision permanent and today I am introducing the “Small Business Expensing Permanency Act of 2005” to do just that.

Specifically, the Jobs and Growth Act increased from $25,000 to $100,000 the amount of new investment a business can expense—or deduct from income—in a given year. The law also increased—from $200,000 to $400,000—the amount of total investment a business can make in a year and still qualify for expensing under Section 179. Unfortunately, under current law, these provisions are set to expire after 2007.
My legislation will repeal the 2007 sunset. If the higher expensing limits are good for our nation’s small businesses over the next two years, they should be good for small businesses indefinitely.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

Mr. Speaker, in difficult economic times, we must do all we can encourage new investment and job creation by creating certainty and predictability for America’s small business owners. The “Small Business Expensing Permanency Act of 2005” will help accomplish this worthy goal. I applaud the Administration for its consistent leadership on this issue, and I look forward to working with my colleagues to enact this much needed legislation.

RECOGNIZING THE LIFE OF MRS. BOY JIN WONG

HON. HILDA L. SOLIS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Boy Jin Wong who passed away on Saturday, March 12, 2005. A resident of West Covina for nearly 50 years, Mrs. Wong was a businesswoman, breast cancer survivor, mother, grandmother, great-grandmother and wife.

Mrs. Wong and her husband, Bing Tew Wong, opened the Great Wall restaurant in the 1950s just as West Covina was growing and we will remember being warmly greeted by her and her enduring smile.” When the Great Wall closed its doors in 2001, then Executive Director of the West Covina Chamber of Commerce, Fred Burkhardt, stated “the Great Wall is an institution of West Covina that is going to be severely missed.”

Mrs. Wong is remembered as a generous person and someone who treated everybody as if they were honored guests. Mrs. Wong and her husband donated money for scholarships and to build a school in their home village in China. She was an active member of the community, participating and contributing to numerous local organizations and charities.

It is with pleasure that I honor the life of Mrs. Boy Jin Wong. She will be greatly missed to numerous local organizations and charities. Our community, participating and contributing is enriched by her and her enduring smile.

As Co-Chair of the Congressional Vision Caucus, I join my colleagues in the constant effort to help individuals who suffer from vision loss.

My home state of Florida has the highest proportion of senior citizens in the United States, and it ranks fifth regarding the number of people at highest risk of developing blinding eye disease.

Vision impairment is a very significant health problem in our nation, despite being a preventable condition in half of the cases. It has been estimated that the cases of vision impairment and blindness can double by the year 2030 if there is no intervention.

We, as a society, have a profound responsibility to intervene and to take action in order to enrich the lives of those currently suffering vision impairment and to prevent others from developing visual problems in the future.

We must continue to raise public awareness about the dimension of this problem, and to encourage prevention. In addition, we need to improve access to quality vision care, treatment, and rehabilitation services. We need to support continued education, research, and advocacy efforts.

We have had tremendous breakthroughs in research leading to improvements in the treatment of certain visual conditions, which improve the quality of life for many visually impaired patients. More research can be done, and we will enjoy more success. The National Eye Institute has been committed to promoting research since its creation in 1968, and we are grateful to its scientists for their achievements in the advancement of research for new treatments and cures.

I ask my colleagues to join me in commending those who work tirelessly to fight blindness in America.
improper positioning or poor technique. Repeated imaging examinations cost the U.S. health care system millions of dollars annually in needless medical bills.

Millions of Americans every year depend upon medical imaging exams to diagnose disease and detect injury, and those who rely on radiation all treat and cure their cancers. But remember, any radiologic procedure is only as effective as the person performing it. No matter how expensive or sophisticated the equipment, an imaging exam will not reveal a broken bone or a diseased organ if the person using the equipment does not know the basics of radiographic positioning, exposure and technique.

By regulating the personnel responsible for performing those procedures, the CARE bill will mean improved care for patients—higher quality images, improved accuracy, and less exposure to radiation.

I urge all my colleagues from both sides of the aisle to support this legislation and enact it in a timely manner so American patients will receive the best care possible, provided by the best caregivers possible.

URGING ADDITION OF HEZBOLLAH TO EUROPEAN UNION’S TERRORIST ORGANIZATION LIST

SPEECH OF
HON. ROBERT WEXLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 2005

Mr. WEXLER. Mr. Speaker, I want to thank Mr. SAXTON and Mr. ENGEL for joining with me in introducing this critically important resolution, urging the EU to add Hezbollah to its terrorist list.

For 23 years, Hezbollah has led a global campaign of terror aided by Syria and Iran that has targeted American, Israeli, European, South American, Asian and Arab citizens alike. Dubbed the “A-team of terror” by former Deputy Secretary of State Richard Armitage, the global security threat posed by Hezbollah nears—if not surpasses—that of Al Qaeda.

Since its inception in 1982, Hezbollah has carried out the bombings of the American Embassy in Lebanon, the Israeli Embassy in Argentina and the U.S. and French Marine bases in Beirut, among others. Hezbollah still has a formidable presence in Lebanon, as demonstrated by last week’s raily organized by Hezbollah in Beirut, where half a million people gathered to express their support for Syria, while chanting “death to America; death to Israel” and waving pictures of Syrian President Bashar Assad. This position openly defies international demands, as well as that of an American and French-initiated U.N. Security Council Resolution, which calls for a Syrian withdrawal from Lebanon and the disarmament of Hezbollah.

In past years, Hezbollah has increasingly supported groups designated by the EU as terrorist organizations, including the Al Aqa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine.

Moreover, EU Member States such as France and Germany have taken recent legal action against Hezbollah, including the German deportation of a Hezbollah agent and the French banning of Hezbollah television, Al Manar. The EU has also included several officials affiliated with Hezbollah on its terrorist list, thereby precluding the transfer of funds to these individuals from EU Member States. Finally, the European Parliament voted overwhelmingly last Thursday to make a resolution urging the EU Council to “take all necessary steps to curtail Hezbollah” due to “clear evidence of terrorist activity.”

It defies logic that the EU would take such action and, at the same time, omit Hezbollah from its terrorist list.

In fact, an EU official recently affirmed that Palestinian officials are increasingly concerned about the enhanced presence of Hezbollah in the West Bank and Gaza Strip. Palestinians fear that Hezbollah will undermine a negotiated cease-fire and target Abu Mazen, who has faced severe criticism from Hezbollah, in addition to assassination threats. A Palestinian official recently cited an intercepted email and bank transaction indicating that Hezbollah has increased its payments to Palestinian terrorists from $20,000 to $100,000 per attack. If the EU was to add Hezbollah to its terrorist list, such transactions may be impeded by an EU financial block.

In past years, EU Member states have sought to distinguish between the political and military wings of Hezbollah. However, Hezbollah officials themselves do not believe this distinction can be made—proving the futility of such claims. This was reiterated by Mohamad Raad, one of Hezbollah’s representatives in the Lebanese Parliament, who stated that “Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.”

Hezbollah does not discriminate in its targeting of innocent civilians, and the EU should not discriminate in its classification of terror. As such, the European Union must join the ranks of America, Canada, Israel, Australia and all others in taking firm action against Hezbollah and adding them to its terrorist list. I urge my colleagues to support this resolution.

IN MEMORY OF LOWELL C. “BUTCH” SPIRES, JR.

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, Monday, March 14, 2005, a great Statesman, friend and father passed away quietly. Known as “Butch” to those who loved him, he was Lowell Colquitt Spires, Jr. of Cayce. Outside of his many accomplishments, one of the great assets he had was his family and friends. He lived his life with honor, dignity and character. Opinionated and forthright in his beliefs, Butch was friendly and easy to get along with. He did not let the man next to him talk louder than anything else. He worked for the betterment of his community and the impact it would accomplish for future generations.

Butch set a mark in which his friends and family will always be honored for and grateful. Though he was too short for those of us who are left, his strength and love will always be a constant in our lives. The list of accomplishments in no way reveal the impact he has had on many people. He used to say, “The utmost a man can do is to give without hesitation. The character of our life is defined by how we love and live, not by what we personally obtain.”

Born in Columbia on May 12, 1941, Butch was a son of the late Lowell C. and Margaret Estelle Love Spires, Sr. A lifelong resident, he was a member of KIJI Wake Baptist Church. Married to Jillian Spires since August 26, 1960, Butch was employed as president with WestBank Consultants, LLC, and was Special Projects Coordinator for the Town of Lexington. He was tireless in his accomplishments over the years. He served on the Lexington County Council from 1971–1995, and chairman in 1979, 1991 and 1993. He was one of Lexington County’s representatives to CMCOG 1977–1983, 1993–present. Butch was vice-chairman of Central Midlands Council of Governments in 1978–79 and 1993–94, and chairman in 1979–80 and 1994–95. He served ten years on the CMCOG Transportation Planning Committee, which included the Transportation Planning Subcommittee. This committee facilitated formation of the Central Midlands Regional Transit Authority from 1999–2002, of which he was chairman from 2002–present. On this committee and the development of the Columbia Convention Center. He originated CMCOG Wetlands Mitigation Bank, currently under development.

A charter member of Central Carolina Economic Development Alliance, Butch was also past president of the South Carolina Association of Regional Councils, past chairman of the South Carolina Community Affairs Commission, and past president of the S.C. Association of Counties. He was currently a board member of the River Alliance since 1994, of which he originated the concept of 3-Rivers Greenway, member of West Metro and Greater Columbia Chambers of Commerce, served on the boards of Lexington Medical Center and the Wil Lou Gray Opportunity School.

His honors include: Recipient of Order of Palmetto, first recipient of the CMCOG Regional Leadership Award in 2005, Transportation Association of SC Outstanding Achievement Award in 2003 for his support and advocacy of public transportation, named SC Ambassador for Economic Development by Governor Carroll Campbell in 1994, President’s Cup for Distinguished Service in 1986, Woodrow Wilson Award in 1986, and recipient of the District Lay Award for SC Recreation and Parks Society in 1980.

Surviving, besides his wife are, daughter and son-in-law, Mindy and Chuck Miller of Mt. Pleasant; sons and daughters-in-law, Lowell C. “Corky” and Cindy Spires, III of West Columbia, Randall “Randy” and Corrine Spires of Greenwood Village; CO; brothers, Nash Lagrand Spires of Birmingham, AL, Zane Erwin Spires of West Columbia; grandsons, Brittany Spires, Bradford Spires, Christopher I., Meagan Noel Spires, Ian Juliano Spires, Katherine Rose Fallon Spires, Garrett Lowell Lacy, and Addy Marie Brooks Lacy.
Mr. LANTOS. Mr. Speaker, this month marks the two-year anniversary of the brutal crackdown on political opposition by the Cuban regime. In partial commemoration of this ignoble milestone, my dear friend and colleague LEANA ROS-LEHTINEN and I have launched an “adopt a political prisoner” initiative to help focus the spotlight of international attention on those suffering in Cuban jails because of their unimpeachable faith in the power of democratic liberty.

I rise today to inform my colleagues that I stand shoulder-to-shoulder with the Cuban political prisoner Regis Iglesias Ramirez.

Mr. Speaker, as an outspoken advocate of human rights in Cuba, Mr. Iglesias is a member of the Coordinating Board for the Christian Liberation Movement. He is also a principal organizer of the Varela Project, a grassroots, civic movement that petitions the Cuban government to allow its citizens to exercise their fundamental rights. To date, this project has collected and presented over 25,000 signatures to the proper Cuban authorities. Because of his admirable efforts and political activism, Mr. Iglesias was arrested on March 20, 2003, during a wave of repression which was directed against the peaceful Cuban opposition. After weeks of interrogations and psychological torture, he was sentenced to 18 years in prison for the alleged crime of “acts against the independence or territorial integrity of the state”—a common charge that dictatorial states have levied against democracy and human rights advocates for far too long.

Mr. Iglesias was born in Havana on September 18, 1969. He loves to read classical literature and admires leaders of peaceful yet forceful advocacy such as Mahatma Gandhi and Martin Luther King, Jr. He is an educated, hard-working man who lives with passion—a passion to live in a democracy where basic civil and political liberties are respected. It is because of his uncompromising commitment to fight for these democratic freedoms that Castro has imprisoned him of his liberty.

Mr. Speaker, the abuses against Regis Iglesias Ramirez are horrendous. He has been repeatedly imprisoned for promoting the very ideals that we hold self-evident, and for calling out to his neighbors and fellow citizens to join him in a cry for freedom from a cruel, totalitarian regime. As Members of Congress, we must take the lead to ensure that these atrocities are stopped. I call upon the Cuban government to release Mr. Iglesias and to end human rights abuse. Let freedom be felt not only in the halls of Capitol Hill, but also in the prison cells of Havana.

Mr. Speaker, this courageous man has been in Castro’s gulag since 1990, for failing to respect the territorial integrity of the state. He has been tortured, his family has been harassed, and his community has been monitored and kicked by the Castro regime. Antunez always rose up and calls out, demanding human rights and freedom for the people and the nation of Cuba.

After 15 years in the gulag, Antunez is still feared and relentlessly attacked by the dictatorship. According to the Department of State’s Country Reports on Human Rights Practices for 2004, “on July 6, family members of political prisoner Jorge Luis Garcia Perez, reported being beaten along with Garcia during a prison visit. Authorities handcuffed and beat Garcia and later punched his sister and kicked his girlfriend’s 9 year old son after the visitors protested the harsh treatment.”

No matter how intense the repression, no matter how horrifically brutal the consequences to him and his family, Antunez will not waiver in his conviction that Cuba should be and will be free. He is a symbol of dignity and heroic resistance to tyranny.

Mr. Speaker, this courageous man has been in Castro’s gulag since 1990, for failing to respect the territorial integrity of the state. He has been tortured, his family has been harassed, and his community has been monitored and kicked by the Castro regime. My Colleagues, Antunez is the face of the real Cuba. We must demand the immediate and unconditional release of Jorge Luis Garcia Perez and every prisoner of conscience in totalitarian Cuba.

Mr. Speaker, I ask my colleagues to join me in honoring this good and great woman for her lifetime of remarkable achievements and in extending to her family our deepest sympathy. Our community and our country have lost a true friend and an extraordinary leader.

CPL. CHARLES W. LINDBERG AND THE 60TH ANNIVERSARY OF IWO JIMA

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to commemorate the 60th Anniversary of the Battle of Iwo Jima and pay tribute to a fellow Minnesotan and true American hero, Cpl. Charles W. Lindberg. In a manner that is so characteristic of our veterans, Cpl. Lindberg put his life in harm’s way so that future generations may live in a world free of the oppression of tyranny. On the morning of the fifth day of this historic battle, six courageous young Marines—Jim Michels, Hank Hansen, Louis Charlo, Boots Thomas, Harold Schrier, and Charles Lindberg—were able to climb atop the slopes of Mt. Suribachi on Iwo Jima, in the thick of intense enemy fire and destroy a Japanese outpost, marking the first plot of native Japanese soil captured by the Americans during World War II. It was here that these five brave soldiers planted the first
American flag on Iwo Jima. Later, this scene was recreated by the rising of a second American flag on Iwo Jima, forever to be remembered in our nation's history by Joe Rosenthal's Pulitzer prize-winning photograph and the famous statue in Arlington National Cemetery. Unfortunately, CPL Lindberg is the sole remaining survivor of this fearless group of initial Marines. However, as is the case with so many of our veterans, CPL Lindberg has and continues to be devoted to veterans, veterans' organizations, and his community. With much admiration, I salute this American patriot for his valiant spirit and actions on and off the battlefield.

HONORING THE NATIONAL BETA CLUB FOR ITS 75TH ANNIVERSARY

HON. BOB INGLIS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. INGLIS of South Carolina, Mr. Speaker, please join me in congratulating the National Beta Club as it completes its celebration of its 75th anniversary. The organization was formed by the late Dr. John West Harris in 1934 in Spartanburg County, SC and is still headquartered there in the Fourth District of South Carolina.

Over the years, the National Beta Club has provided the catalyst for teenagers of good character to develop leadership skills and channel their energy into productive service to others. By maintaining its high standards and worthy goals and acting through its outstanding local chapters across the country, the organization has had a positive impact on the success and accomplishments of our great nation for the past seven decades.

The National Beta Club's celebration of its seventy-first anniversary is an occasion highly deserving of recognition. Therefore, please join me in honoring this organization and its efforts and contributions, especially to the educational process. Let us honor and leading early in the lives of the young people whose lives it impacts.

EMERGENCY SUPPLEMENTAL AP-PROPRIATIONS ACT FOR DE-FENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

SPEECH OF
HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1288) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes:

Mr. HOLT. Mr. Chairman, I rise in opposition to passage of this bill.

There are large amounts of funding in this bill that I support for pressing commitments and to meet urgent national and international needs. For example, I absolutely support getting our troops in Iraq, Afghanistan and elsewhere all that they need and deserve in order to protect themselves and carry out their very difficult and dangerous missions. I was among the first to speak out and support legislation in January 2003, when it became apparent that Secretary Rumsfeld and his advisors had seriously underestimated the types of body armor, up- armored Humvees and other equipment that would be needed by our forces in Iraq. I have voted for the additional funding in prior measures to correct for these miscalculations, as a matter of the utmost urgency, and I will continue to do so.

Similarly, I support the additional funding in this bill for enhancing nuclear nonproliferation efforts to help prevent weapons of mass destruction from getting into the wrong hands. I also support the additional funds for tsunami relief. There is also another down payment in this bill toward improving homeland security efforts in the Coast Guard, FBI, and other front-line agencies, but we need to do more much in this regard.

However, on balance I must oppose this legislation. I’ve talked to many executive branch officials, civilian and military, and the simple reality is that they cannot plan in a coherent fashion when they are forced to deal with the uncertainty over how much money they will get and when they will get it. This bill denies them the ability to plan and the result is that our servicemen and women in the field are put in greater jeopardy. This is not a bill to support our troops.

By way of illustration, I serve on the House Permanent Select Committee on Intelligence. A substantial portion of the annual intelligence budget is now funded through supplemental and/or so-called “emergency” appropriations. Both civilian and military intelligence officials have told me and my colleagues on the committee that this process wreaks havoc with their ability to plan and execute their assigned responsibilities. There is simply no excuse for this state of affairs.

We have soldiers in the field, and we know that we’ll be continuing military operations against al Qaeda and its surrogates for the foreseeable future. We know that as long as we’re in Iraq at our current force level, we’ll be spending about $7 billion a month for the effort. That’s not unforeseen. We should not be funding these operations through emergency supplemental appropriations. It certainly appears that the only reason the Bush Administration continues to try to fund current operations through supplements is to avoid any kind of substantive review of its budgetary and procurement policies. The entire Haliburton episode is a prime example of how dysfunctional this process has become, and it’s also why we must force the administration to provide us with honest budgets and honest estimates on what current and future operations are likely to cost. In fact, the leadership here turned down a bipartisan amendment that would simply have formed a commission to look at the awarding and carrying out of Government contracts to conduct military and reconstruction activities in Iraq and Afghanistan.

It has become painfully apparent that the path toward a free, democratic and fully reconstructed Iraq will be long and treacherous. If and when this bill is enacted, the cost for the war in Iraq and the ongoing military occupation of that country will exceed $220 billion. In fact, the true costs of this effort are underestimated and masked, as evidenced by the fact that they are not accounted for in the new Fiscal Year 2006 budget that President Bush submitted to Congress last month. Some projections suggest that the cost will top $300 billion before the end of this year. And as far as taking care of the wounds of war—physical and psychological—of our latest generation of veterans, neither this supplemental nor the administration’s FY06 VA budget request come remotely close to meeting the expected need . . . undoubtedly one of the many reasons that most of the military services are falling short of their recruiting targets this year.

Rather than continue the status quo on an open-ended, costly basis and to vote ever-increasing amounts in “emergency spending,” Congress must demand much greater transparency in the management and spending for ongoing U.S. military operations in Iraq. Even more important, we need a thorough policy review that will help bring internal stability and security throughout Iraq while the conditions under which the long-suffering people of Iraq can regain full control of their own affairs and make rapid progress in rebuilding their war-torn nation in a new era of peace, security, and democratic self-governance. This supplemental request does not achieve that, and I urge my colleagues to work with me to craft one that does.

PERSONAL EXPLANATION

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PORTMAN. Mr. Speaker, today I was absent at a previously scheduled commitment and missed the recorded votes on Roll Call Number 82, the Obey Amendment to H. Con. Res. 95; Roll Call Number 83, the Hensarling Amendment to H. Con. Res. 95; and Roll Call Number 84, on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

Had I been present, I would have voted “No” on Roll Call Number 82; “No” on Roll Call Number 83; and “Yes” on Roll Call Number 84.
Mr. DAVIS of Florida. Madame Speaker, today, I rise before this House as a sad Floridian.

Along with millions of Americans, I am hoping and praying for the best for Terri Schiavo and her family.

Fifteen years ago, Terri and her family had so many things in life to look forward to. Never in their wildest dreams would they have ever expected that they would be forced to foresee the tragic events that would raise a conflict so heated that the federal government would reach into their lives and alter their future.

As Terri’s family works through their differences in court, one of the few things that could make this terrible situation worse is for Congress to turn this family’s case into a political football.

But today, that is exactly what Congress is doing and it is exactly what the Florida Legislature is doing as well.

There are already laws in place dealing with both the guardianship rights granted to spouses under marriage and the terrible end-of-life choices that so many families must make. Since the beginning of our nation, our federal and state constitutions have provided the judicial branch the authority to determine if these laws are being fairly applied.

If the laws governing end-of-life cases need to be improved, the Florida Legislature and Governor should have an open, honest debate about the issue and how any problems can be fixed for all families who struggle with these tough choices.

The U.S. House Republican Leadership only made the situation worse by refusing to hold hearings and bring this bill to the floor before my colleagues have even learned who Terri Schiavo, her husband and her family are, let alone the impact of the bill on other families.

In what only can be described as a stunning abuse of power, with little debate and zero representation of the American people, I want the politicians in Washington or Tallahassee to make decisions for me.

At Terri’s family right to make end-of-life decisions for his or her spouse.

So today, I have to ask my colleagues, “Do YOU think Congress is better suited to make an end-of-life decision for your or her spouse?”

I’ve spoken to a lot of my fellow Floridians about this tragic situation, but I don’t think any of them have a Living Will in place that states “I want the politicians in Washington or Tallahassee to make decisions for me.”

With every fiber of my being, I oppose this legislation. Congress’ job is to fix problems with the law for all Americans. If Congress intervenes in this family matter, where will they stop?

Sadly, regardless of what we do today, no one wins. A husband may lose his wife and parents may lose their daughter. My heart and prayers go out to Terri and her family.
Mr. Speaker, I ask my colleagues to join me in thanking FS2 Andrea Bisignani for her service and honoring her for being named the 2005 Baltimore Area Coast Guard Person of the Year.

HONORING THE SERVICE OF RETIRED MASTER SERGEANT JOHN IRVIN ROWLAND

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor Retired Master Sergeant John Irvin Rowland of Montross, Va., who died on March 6th at the Virginia Veterans Care Center in Roanoke at the age of 87. John’s daughter, Michelle served on my staff and Michelle often spoke of her father and his commitment to his country.

Sgt. Rowland was born September 1, 1917 in Fayette, Alabama and spent most of his childhood in Westbrook, Texas. After graduating from Westbrook High School in 1934, he worked the oil fields of Western Texas for Standard Oil.

John Rowland enlisted in the Army in 1940 and served with the 36th ID, 142nd Infantry, Antitank Company (the T-Patchers) until June 1945. In World War II, he fought with allied forces in the Italian/Southern France campaigns and was awarded his first Bronze Star and a Purple Heart for injuries he received while fighting in France. While in Germany, his unit liberated German concentration camps Dachau, Hurlach and Landsberg, and captured Nazi Luftwaffe Commander and war criminal, Hermann Goering. At the end of the war, he returned to Texas and continued working for Standard Oil.

But when his country needed him again, John re-enlisted in the Army and earned his second Bronze Star fighting in Korea. Following his training at the Intelligence School at Fort Hollabird in 1951, he served as a special agent in the Army Intelligence Corps in both Okinawa and then Berlin. He was one of the first Americans to observe East German activity as they began construction of the Berlin Wall in 1961. In Berlin, he met Ingrid Anna Zilenski and the two were married on December 30, 1962 and shortly thereafter retired from the Army and returned to Monahans, Texas.

After his discharge, he attended electrician training at the National Technical School in Los Angeles. In 1964, John took a job with the Social Security Administration in San Francisco and then for the Department of Defense in Philadelphia. He would eventually retire in 1984 from the DoD Logistics Agency where he inspected support systems for DoD contractors.

In all of his 40 years of service to our country, Sgt. John Rowland exemplified the virtues of honor, dignity, and leadership. He is being buried today at Arlington National Cemetery and I join the Rowland family in mourning Sgt. Rowland’s passing.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. GUTIERREZ. Mr. Speaker, on March 14, 2005, I was unavoidably absent from this chamber. I would like the record to show that, had I been present, I would have voted “yea,” on rollcall votes 66, 67 and 68.

STATEMENT IN HONOR OF JUDI KANTER

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Ms. LOFGREN of California. Mr. Speaker, on behalf of the women of the California Democratic Congressional Delegation, I am proud to pay tribute to our friend Judi Kanter on her retirement from EMILY’s List. It is a pleasure and an honor to recognize Judi Kanter for fifteen years of outstanding work with EMILY’s List, where she has been a leader in changing the face of politics today. She has truly made a difference in our lives and in the political life of our nation. Judi’s work will have a lasting impact on the face of power in California.

Judi Kanter’s tenure with EMILY’s List began in the Bay Area and Northern California where she concentrated on expanding EMILY’s List’ presence and membership base. Over the years, however, her influence and reach grew exponentially. From San Diego to the Central Valley, from Los Angeles to Sacramento, Judi has become a key ally of pro-choice Democratic women.

The fruits of Judi’s hard work are most evident with the development of the EMILY’s List Majority Council, a powerful network of committed and generous activists. Through the Majority Council Judi has coordinated her immense talents to supporting women candidates, helping them organize strong campaigns, and mobilizing women voters to elect progressive women.

The clearest example of Judi’s effectiveness is the changing face of our Congressional delegation. When Judi began at EMILY’s List in 1989 there were only seventeen women in the U.S. Congress. Today, the California Democratic Congressional Delegation alone includes two female Senators and eighteen women Members of Congress. There are a total of eighty-three women in Congress. And we know that Judi is not alone. As we state that California’s Democratic women in Congress represent the richness of California’s diversity in background and political persuasion.

Outside the political arena, Judi has been an equally strong advocate for women. She serves on the board of the Family Violence Prevention Fund and other nonprofit organizations that empower women in our society. She has an unmatched talent for getting people involved and inspiring them to act.

Judi Kanter is smart, tough and elegant. She is a model for the women she inspires.

For fifteen years, she has devoted herself to cultivating and investing in the next generation of pro-choice Democratic women leaders.

My colleagues NANCY PELOSI, LOIS CAPP, SUSAN DAVIS, ANNA ESHOO, JANE HARMAN, DORIS MATSUI, JUANITA MILLER-McDONALD, GRACE NAPOLITANO, LUCILLE ROYBAL-ALLARD, LINDA SANCHEZ, LORETTA SANCHEZ, HILDA SOLIS, ELLEN TAUSCHER, MAXINE WATERS, DIANE WATSON and LYNN WOOLSEY join me in thanking Judi for her support, encouragement and friendship over so many years. We are proud that she will still serve EMILY’s List in an advisory capacity, and offer her our best wishes as she begins this new chapter in her life.

NATIONAL EYE DONOR MONTH—MARCH, 2005

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 2005

Mr. UPTON. Mr. Speaker, I rise today to bring to the attention of my colleagues and to all of our constituents across the Nation that March, 2005, is National Eye Donor Month. As a member of the House Energy and Commerce Committee’s Health Subcommittee, I have long been a champion of the cause of donation and particularly the needs of our nation’s eye banks. But it was a special honor to be asked this year to participate in this proclamation, for 2005 marks the centennial of the first corneal transplant performed in 1905 by Dr. Eduard Zirm.

Since Dr. Zirm performed that first corneal transplant one hundred years ago, and in partnership since 1944 with our nation’s eye banks, we have made tremendous progress. Each year in the United States, more than 46,000 people, ranging from nine days to 107 years old, have had their sight restored through corneal transplants, and hundreds of thousands are helped through important research to find cures for other blinding diseases.

But we cannot rest on our laurels. The purpose of Eye Donor Month is to educate each and every American individual and family about giving the gift of sight and to make a terrific difference in someone’s life. This month marks an opportunity to raise public awareness and to honor past donors and their families. The process to become a donor takes just a few minutes. All donors need to do is sign a card, and, most importantly, discuss their donation wishes with their families. Our eye banks across the nation, in partnership with the Eye Bank Association of America, will continue to work to ensure that all Americans will receive the tissue they need and that this tissue will be safe and effective.

As National Eye Donor Month proceeds, I encourage my colleagues to work with their local eye banks to increase awareness of corneal transplantation and the continuous need for donors, and I encourage all Americans to sign a donor card and speak with their families about their desire to give the gift of sight.
Mr. AKIN. Mr. Speaker, in December, the Standing Committee of the Chinese National People's Congress announced its intention to include an "anti-secession law" in its legislative agenda. This law would define China and Taiwan as a unified country, and unilaterally change mainland China's legal approach to status of Taiwan. This is an unwelcome and provocative action that would increase, rather than calm, tensions in the region.

In 1949, China and Taiwan were separated by civil war, each establishing its own form of government. Taiwan has never been a part of the People's Republic of China, much to the dismay of Beijing.

If the legislation passes, Beijing will be usurping all diplomatic efforts and simply declaring that its desired outcome is the only acceptable alternative to the current impasse. China has been claiming that this legislation is a reflection of its sincere desire to solve this dispute peacefully, and to maintain Taiwan's stability and prosperity. But Beijing real motivation is clear: China is laying the legal groundwork for forcible unification. And far from solving the dispute peacefully, passage of this law is tantamount to a demand. If unification is to occur, it must be through peaceful negotiation and without the threat of military action.

Understandably, the Taiwanese people are alarmed by China's action. Self-ruled Taiwan cannot be expected to accept such an affront to the legitimacy of its government and the self-determination of the Taiwanese people. Taiwan's government has said that if the anti-secession law passes, Taiwan would be forced to respond with a law against annexation by the People's Republic of China. This is entirely reasonable, as any free people would affirm their opposition to the imperialistic claims of another power.

Our country must make its deep displeasure with an "anti-secession law" known to the world and, most specifically, to the Communist leaders on the mainland. In The Taiwan Relations Act of 1979, the United States committed to aiding Taiwan against any unilateral attempt by China to unify Taiwan with the mainland. This responsibility is not only a legal one. Taiwan is a budding democracy, and the people have participated in multi-party democratic elections since 1996. By contrast, China is a repressive regime that denies its citizens the essential freedoms of religion, political dissent and representative self-government. It is our responsibility, morally and legally, to stand with Taiwan against Communist aggression and unsound Chinese law.
Thursday, March 17, 2005

Daily Digest

HIGHLIGHTS

Senate agreed to S. Con. Res. 18, Concurrent Budget Resolution.
The House agreed to H. Con. Res. 103, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S2875–S3094

Measures Introduced: Forty bills and eleven resolutions were introduced, as follows: S. 646–685, S. Res. 84–91, and S. Con. Res. 20–22. Pages S2994–96

Measures Reported:

S. 48, to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, with amendments. (S. Rept. No. 109–41)

S. 182, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, with an amendment. (S. Rept. No. 109–42)

S. 188, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 589, to establish the Commission on Freedom of Information Act Processing Delays.

S. 667, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care. Page S2993

Measures Passed:

Condemning Violence and Criminality by the Irish Republican Army: Senate agreed to S. Res. 84, condemning violence and criminality by the Irish Republican Army in Northern Ireland. Pages S2910–11

Private Relief: Senate passed S. 653, for the relief of the parents of Theresa Marie Schiavo. Pages S2926–29

Concurrent Budget Resolution: By 51 yeas to 49 yeas (Vote No. 81), Senate agreed to S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010, after taking action on the following amendments proposed thereto: Pages S2875–97, S2899–S2910, S2911–26, S2929–67

Adopted:

By 52 yeas to 48 nays (Vote No. 58), Bingaman (for Smith) Amendment No. 204, to create a reserve fund for the establishment of a Bipartisan Medicaid Commission to consider and recommend appropriate reforms to the Medicaid program, and to strike Medicaid cuts to protect states and vulnerable populations. Pages S2875–86, S2919–20

Hutchison Amendment No. 218, to fully fund the level of Border Patrol Agents authorized by the National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission. Pages S2875, S2922

Salazar/Conrad Amendment No. 215, to provide additional funding for rural education, rural health access, and rural health outreach programs. Pages S2875, S2922

By a unanimous vote of 100 yeas (Vote No. 62), Landrieu Amendment No. 219, to establish a reserve fund in the event that legislation is passed to provide a 50 percent tax credit to employers that continue to pay the salaries of Guard and Reserve employees who have been called to active duty. Pages S2875, S2922

Vitter Amendment No. 223, to express the sense of the Senate that Congress should provide dedicated funding for port security enhancements. Pages S2875, S2922

Subsequently, the amendment was modified. Page S2923

By 63 yeas to 37 nays (Vote No. 64), Collins (for Lieberman/Collins) Amendment No. 220, to protect...
the American people from terrorist attacks by restoring $565 million in cuts to vital first-responder programs in the Department of Homeland Security, including the State Homeland Security Grant program, by providing $150 million for port security grants and by providing $140 million for 1,000 new border patrol agents.

Vitter Amendment No. 224, to restore funding for Corps of Engineers environmental programs to fiscal year 2005 levels.

By 68 yeas to 31 nays (Vote No. 66), Coleman Amendment No. 230, to fully fund the Community Development Block Grant (CDBG) program.

By 73 yeas to 26 nays (Vote No. 67), Cochran Amendment No. 208, to modify the designation authority for an emergency requirement.

By 51 yeas to 49 nays (Vote No. 68), Kennedy Modified Amendment No. 177, relative to education funding.

Feinstein Amendment No. 188, to express the sense of the Senate that Congress should enact a long-term reauthorization of the State Criminal Alien Assistance Program and appropriate $750,000,000 for the program in fiscal year 2006.

Obama Amendment No. 159, to prevent and, if necessary, respond to an international outbreak of the avian flu.

Leahy Amendment No. 160, to increase funding for the United Nations Children’s Fund (UNICEF) and other international organizations.

Grassley/Kennedy Amendment No. 164, to provide a reserve fund for the Family Opportunity Act.

Hatch Amendment No. 194, to provide a deficit-neutral reserve fund for the restoration of SCHIP funds.

Cochran/Byrd Amendment No. 209, to modify a provision defining advance appropriations subject to limit.

Thomas/Conrad Amendment No. 226, to restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, tele-health, trauma programs, and rural AED programs to fiscal year 2005 levels.

Mikulski Modified Amendment No. 180, to provide a deficit neutral reserve fund for the Hope credit.

Allen Amendment No. 198, to express the sense of the Senate regarding funding for the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research.

Lincoln Modified Amendment No. 192, to restore funding the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels.

Baucus Amendment No. 253, to support full funding for High Intensity Drug Trafficking Area.

Clinton Amendment No. 155, to establish a deficit neutral reserve fund for influenza vaccine shortage prevention.

Snowe/Kerry Modified Amendment No. 216, to increase funding for Small Business Administration’s programs.

Bayh Modified Amendment No. 157, to express the sense of the Senate regarding the amount of United States debt that is foreign-owned.

Santorum Amendment No. 163, to express the sense of the Senate regarding tax relief to encourage charitable giving incentives.

Chafee Amendment No. 261, to express the sense of the Senate on the acquisition of the next generation destroyer (DDX).

DeWine/Dodd Modified Amendment No. 153, to express the sense of the Senate concerning the care and treatment of children with HIV/AIDS.

By 81 yeas to 19 nays (Vote No. 72), Talent Amendment No. 225, to provide the flexibility to consider all available transportation funding options.

By 94 yeas to 6 nays (Vote No. 73), Conrad Amendment No. 243, to express the sense of the Senate that the tax cuts assumed in the budget resolution should include the repeal of the 1993 increase in the income tax on Social Security benefits.

By 55 yeas to 45 nays (Vote No. 74), Bunning Amendment No. 241, to repeal the 1993 tax increase on Social Security benefits.

Boxer Amendment No. 259, to express the sense of the Senate regarding the need for a comprehensive, coordinated, and integrated national ocean policy.

Leahy Amendment No. 203, to express the sense of the Senate in support of full funding and availability of the Crime Victims Fund.

Santorum Amendment No. 169, to reaffirm that the United States maintain a one-to-two ration for contributions to the Global Fund, that the United States not exceed contributing more than 33 percent of the Global Fund’s revenue.

Lincoln Modified Amendment No. 192, to restore funding the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels.
States from the Water Pollution Control State Revolving Fund should be increased to $1,350,000,000.  
Baucus Amendment No. 167, to express the sense of the Senate that the full amount of the President’s request for the administrative costs of the Social Security Administration for fiscal year 2006 should be funded.  
Pages S2941–42

Clinton Modified Amendment No. 154, to express the sense of the Senate concerning comparative effectiveness studies.  
Kohl Modified Amendment No. 217, to restore $1 billion to juvenile justice and local law enforcement programs funded by the Department of Justice.  
Salazar Modified Amendment No. 254, to restore funding for the payment in lieu of taxes program (PILT), in order to compensate rural counties for decreased tax revenues as a result of non-taxed federally owned county lands.  
Pryor Modified Amendment No. 252, to create a reserve fund for extension of the treatment of combat pay as earned income for purposes of the earned income tax credit and the child tax credit.  
By 53 yeas to 46 nays (Vote No. 80), Levin Modified Amendment No. 238, to promote innovation and U.S. competitiveness by expressing the sense of the Senate urging the Senate Committee on Appropriations to make efforts to fund the Advanced Technology Program, which supports industry-led research and development of cutting-edge technologies with broad commercial potential and societal benefits.  
Leahy Modified Amendment No. 237, to increase funding for Boys and Girls Clubs.  
Gregg (for Grassley) Amendment No. 262, to express the sense of the Senate with respect to pension reform.  
DeWine/Leahy Modified Amendment No. 161, to increase funding for Child Survival and Maternal Health Programs.  
Rejected:  
By 49 yeas to 51 nays (Vote No. 57), Gregg (for Frist) Amendment No. 229, to express the sense of the Senate regarding Medicaid reconciliation legislation consistent with recommendations from the Secretary of Health and Human Services.  
By 49 yeas to 51 nays (Vote No. 59), Carper Amendment No. 207, to provide for full consideration of tax cuts in the Senate under regular order.  
By 49 yeas to 50 nays (Vote No. 60), Snowe Amendment No. 214, to ensure that any savings associated with legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon request of a prescription drug plan or an MA–PD plan, is reserved for reducing expenditures under such part.  
By 44 yeas to 56 nays (Vote No. 61), Harkin Amendment No. 172, to restore the Perkins Vocational Education program and provide for deficit reduction paid for through the elimination of the phase out of the personal exemption limitation and itemized deduction limitation for high-income taxpayers now scheduled to start in 2006.  
By 40 yeas to 59 nays (Vote No. 63), Conrad (for Dorgan) Amendment No. 210, to repeal the tax subsidy for certain domestic companies which move manufacturing operations and American jobs offshore.  
By 49 yeas to 51 nays (Vote No. 65), Sarbanes Amendment No. 156, to restore funding for the Community Development Block Grant (CDBG) program.  
By 46 yeas to 54 nays (Vote No. 69), Baucus/Conrad Amendment No. 234, to ensure that legislation to make cuts in agriculture programs receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures.  
By 45 yeas to 55 nays (Vote No. 70), Biden Amendment No. 239, relative to funding to the Office of Community Oriented Policing Services.  
By 45 yeas to 54 nays (Vote No. 71), Byrd/Baucus Amendment No. 240, relative to transportation funding.  
By 47 yeas to 53 nays (Vote No. 75), Reid (for Clinton) Modified Amendment No. 244, to expand access to preventive health care services that reduce unintended pregnancy (including teen pregnancy), reduce the number of abortions, and improve access to women’s health care.  
By 45 yeas to 54 nays (Vote No. 76), Lautenberg Amendment No. 187, to strike the debt ceiling reconciliation instruction.  
By 44 yeas to 54 nays (Vote No. 77), Boxer Amendment No. 257, to establish a point of order.  
By 45 yeas to 55 nays (Vote No. 78), Dorgan Amendment No. 211, to restore funding for tribal
programs and provide necessary additional funding based on recommendations from Indian country.

Pages S2936–37

Feingold Amendment No. 258, to ensure that savings associated with legislation that reduces over-payments to Medicare Advantage plans is reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

Page S2937

By 37 yeas to 63 nays (Vote No. 79), Dayton Amendment No. 202, to provide full funding for the Individuals with Disabilities Education Act (IDEA) part B grants over five years.

Pages S2940–41

Pryor Amendment No. 213, to increase funding for the Low-Income Home Energy Assistance Program.

Page S2943

Withdrawn:

Allen Modified Amendment No. 197, to increase by $1,582,700,000 over fiscal years 2006 through 2010 funding for Transportation (budget function 400) with the amount of the increase intended to be allocated to the Vehicle Systems account of the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research.

Pages S2875, S2939

**National Asbestos Awareness Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 43, designating the first day of April 2005 as “National Asbestos Awareness Day”, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Pages S3086–87

Frist Amendment No. 264, to amend the preamble.

Leaking Underground Storage Tank Trust Fund: Senate passed H.R. 1270, to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate, clearing the measure for the President.

Page S3087

**Financial Literary Month:** Senate agreed to S. Res. 88, designating April 2005 as “Financial Literacy Month”.

Page S3087

**Montana Future Farmers of America:** Senate agreed to S. Res. 89, congratulating the Montana FFA on its 75th Anniversary and celebrating the achievements of Montana FFA members.

Pages S3087–88

**Holocaust Commemoration Week:** Senate agreed to S. Res. 90, to designating the Week of May 1, 2005, as “Holocaust Commemoration Week”.

Page S3088

**Arms Export Embargo on China:** Senate agreed to S. Res. 91, urging the European Union to maintain its arms export embargo on the People’s Republic of China.

Pages S3088–90

**Concurrent Budget Resolution:** A unanimous-consent agreement was reached providing that when the Senate receives H. Con. Res. 95 from the House, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal years 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, the Senate begin its consideration; that all after the resolving clause be stricken and the text of S. Con. Res. 18, Concurrent Budget Resolution, as agreed to be inserted in lieu thereof; that the resolution then be agreed to as amended, the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferences on the part of the Senate.

Page S2971

**Authorizing Leadership to Make Appointments—Agreement:** A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S3086

**Authority for Committees:** A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive matters on Wednesday, March 30, 2005, between the hours of 10 a.m. and 12 noon.

Pages S3086–87

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Assistant Majority Leader and Senator Warner, to be authorized to sign duly enrolled bills or joint resolutions.

Page S3090

**Appointments:**

United States Holocaust Memorial Council: The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appointed the following Senators to the United States Holocaust Memorial Council: Senators Feingold and Lautenberg.

Page S3090

**Nominations Confirmed:** Senate confirmed the following nominations:

George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.
James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

David B. Balton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries.

Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

John Thomas Schieffer, of Texas, to be Ambassador to Japan.

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

C. David Welch, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs).

Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy.

Christopher R. Hill, of Rhode Island, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

35 Air Force nominations in the rank of general.

37 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy.

Nominations Received: Senate received the following nominations:

Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration.


Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

John D. Negroponte, of New York, to be Director of National Intelligence.

Routine lists in the Air Force, Army, Marine Corps.

Messages From the House: Pages S2991–92

Measures Referred: Page S2992

Measures Read First Time: Page S2992

Executive Communications: Pages S2992

Executive Reports of Committees: Pages S2993–94

Additional Cosponsors: Pages S2996–98

Statements on Introduced Bills/Resolutions: Pages S2998–S3073

Additional Statements: Pages S2989–91

Amendments Submitted: Pages S2073–83

Notices of Hearings/Meetings: Pages S3083–84

Authority for Committees to Meet: Page S3084

Privilege of the Floor: Page S3084

Record Votes: Twenty-five record votes were taken today. (Total—81) Pages S2919–26, S2929–30, S2932–37, S2941, S2944, S2965

Adjournment: Senate convened at 9 a.m., and adjourned at 11:48 p.m., until 4 p.m., on Monday, March 21, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S3092.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL SECURITY THREATS

Committee on Armed Services: Committee concluded open and closed hearings to examine current and future worldwide threats to the national security of the United States, after receiving testimony from Porter J. Goss, Director of Central Intelligence; and Vice Admiral Lowell E. Jacoby, USN, Director, Defense Intelligence Agency, Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, James William Carr, of Arkansas, George M. Dennison, of Montana, and Kiron Kanina Skinner, of Pennsylvania, each to be a Member of the National Security Education Board, Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission, and 5,664 nominations in the Air Force, Army, Navy and Marine Corps.
BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill entitled “The Federal Public Transportation Act of 2005”.

COAST GUARD BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Fisheries and Coast Guard concluded a hearing to examine the President’s proposed budget request for fiscal year 2006 for the Coast Guard Operational Readiness/Mission Balance, after receiving testimony from Admiral Thomas H. Collins, Commandant, and Master Chief Petty Officer Franklin A. Welch, both of the United States Coast Guard, Department of Homeland Security; and Margaret T. Wrightson, Director, Homeland Security and Justice Issues, Government Accountability Office.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

- S. 188, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program;
- S. 589, to establish the Commission on Freedom of Information Act Processing Delays; and

Also, committee announced the following subcommittee assignments:

Subcommittee on Administrative Oversights and the Courts: Senators Sessions (Chairman), Specter, Grassley, Kyl, Schumer, Feinstein, and Feingold.

Subcommittee on Antitrust, Competition Policy and Consumer Rights: Senators DeWine (Chairman), Specter, Hatch, Grassley, Graham, Brownback, Kohl, Leahy, Biden, Feingold, and Schumer.

Subcommittee on Constitution, Civil Rights and Property Rights: Senators Brownback (Chair), Specter, Graham, Cornyn, Coburn, Feingold, Kennedy, Feinstein, and Durbin.

Subcommittee on Corrections and Rehabilitations: Senators Coburn (Chairman), Specter, Sessions, Cornyn, Brownback, Durbin, Leahy, Biden, and Feingold.

Subcommittee on Crime and Drugs: Senators Graham (Chairman), Grassley, Kyl, DeWine, Sessions, Coburn, Biden, Kohl, Feinstein, Feingold, and Schumer.

Subcommittee on Immigration, Border Security and Citizenship: Senators Cornyn (Chairman), Grassley, Kyl, DeWine, Sessions, Brownback, Coburn, Kennedy, Biden, Feinstein, Feingold, Schumer, and Durbin.

Subcommittee on Intellectual Property: Senators Hatch (Chairman), Kyl, DeWine, Graham, Cornyn, Brownback, Coburn, Leahy, Kennedy, Biden, Feinstein, Kohl, and Durbin.

Subcommittee on Terrorism, Technology and Homeland Security: Senators Kyl (Chairman), Hatch, Grassley, Cornyn, DeWine, Sessions, Graham, Feinstein, Kennedy, Biden, Kohl, Feingold and Durbin.

VETERANS

Committee on Veterans’ Affairs: Committee concluded a hearing to examine the report entitled, “Back from the Battlefield: Are we providing the proper care for America’s Wounded Warriors?”, after receiving testimony from Jonathan B. Perlin, Acting Under Secretary of Veterans Affairs for Health; Major General Kenneth L. Farmer, Jr., Commanding General, North Atlantic Regional Medical Command and Walter Reed Army Medical Center, United States Army; Cynthia A. Bascetta, Director, Health Care—Veterans’, Health and Benefits Issues, Government Accountability Office; Major Tammy Duckworth, United States Army National Guard; Joseph J. Costello, Vista Vet Center, Vista, California; and David J. Hosking, Vet Center, Madison, Wisconsin.
House of Representatives

Chamber Action

Measures Introduced: 96 public bills, H.R. 1356–1451; and 34 resolutions, H.J. Res. 38–39; H. Con. Res. 103–120, and H. Res. 167–180, were introduced.

Additional Cosponsors:

Reports Filed: Report were filed today as follows:

H. Con. Res. 53, expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office (H. Rept. 109–22);

H. R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, amended (H. Rept. 109–23);

H. R. 1038, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial (H. Rept. 109–24);

H. R. 366, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, amended (H. Rept. 109–25); and

H. R. 185, to require the review of Government programs at least once every 5 years for purposes of evaluating their performance (H. Rept. 109–26).

Budget Resolution for Fiscal Year 2006: The House passed H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, by a yeo-and-nay vote of 218 yeas to 214 nays, Roll No. 88. The bill was also considered yesterday, March 16.

Agreed by unanimous consent that a final period of general debate be in order at the conclusion of consideration of amendments.

Yesterday it was agreed that during further consideration of the bill, the Hensarling amendment (No. 2 printed in H. Rept. 109–19) may be considered out of the specified order.

Rejected:

Obey amendment, No. 1 printed in H. Rept. 109–19, that increases $15.8 billion in FY06 new BA and outlays for veterans, education, health care needs, homeland security, the environment and infrastructure; and reduces the FY06 tax benefit for those earning more than $1 million; (by a recorded vote of 180 ayes to 242 noes, Roll No. 82);

Debated Wednesday, March 16: Hensarling amendment in the nature of a substitute (Republican Study Committee), No. 2 printed in H. Rept 109–19, that replaces the current 19 functional categories with four functions: Defense, Homeland Security, Non-Defense Discretionary and Mandatory Spending, and Interest; and accepts the Iraq Operations Reserve Fund and creates a new “rainy day” fund for non-military emergencies (by a recorded vote of 102 ayes to 320 noes, Roll No. 83).

Watt amendment in the nature of a substitute (Congressional Black Caucus), No. 3 printed in H. Rept. 109–19, that calls for an additional $36.3 billion in spending and a $4 billion deficit reduction for FY 2006 (by a recorded vote of 134 ayes to 292 noes and 3 voting “present”, Roll No. 85);

Spratt amendment in the nature of a substitute, No. 4 printed in H. Rept. 109–19, that projects spending and revenue levels that would eliminate deficits and result in a balanced budget by FY 2012 (by a recorded vote of 165 ayes to 264 noes with 1 voting “present”, Roll No. 87);

Motion to rise: Rejected the Blumenauer motion that the Committee rise by a recorded vote of 101 ayes, to 313 noes and 1 voting “present”, Roll No. 86.

H. Res. 154, the rule providing for consideration of the measure was agreed to yesterday, March 16.

Suspensions—Proceedings Postponed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, March 16:

Expressing concern regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic: H. Con. Res. 32, amended, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic, by a 2/3 yea-and-nay vote of 419 yeas to 1 nay and 4 voting “present”, Roll No. 84; and

Expressing concern regarding the continued violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic: H. Con. Res. 18, amended, expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese
people by the Government of the Syrian Arab Republic, by a 2⁄3 yea-and-nay vote of 402 yeas to 3 nays, Roll No. 89.

Spring District Work Period: The House agreed to H. Con. Res. 103, providing for a conditional adjournment of the House and a conditional recess or adjournment of the Senate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 6.

Meeting Hour: Agreed that when the House adjourned today, it adjourn to meet at 2 p.m. on Monday, March 21, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf, or if not able to perform this duty, Representative Tom Davis (VA) to sign enrolled bills and joint resolutions through April 5.

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H1632, H1639–40, H1640, H1653, H1654, H1664–65, H1674, and H1674–75. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 6:15 p.m., pursuant to the provisions of H. Con. Res. 103, it stands adjourned until 2 p.m. on Monday, March 21, unless it sooner has received a message from the Senate transmitting its adoption of the concurrent resolution, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 5, 2005.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Under Secretary for Rural Development. Testimony was heard from Gilbert Gonzalez, Acting Under Secretary, Rural Development, USDA.

DEFENSE APPROPRIATIONS
Committee on Appropriations: Subcommittee on Defense held a hearing on Air Force Posture. Testimony was heard from the following officials of the Department of the Air Force: Peter B. Teets, Acting Secretary; and GEN John P. Jumper, Chief of Staff.

The Subcommittee also met in executive session to hold a hearing on Air Force Acquisition. Testimony was heard from the following officials of the Department of the Air Force: Peter B. Teets, Acting Secretary; and LTG John D. W. Corley, Principal Deputy Assistant Secretary, Acquisitions.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS
Committee on Appropriations: Subcommittee on the Department of Homeland Security held a hearing on Citizenship and Immigration Services. Testimony was heard from Eduardo Aguirro, Jr., Director, Bureau of Citizenship and Immigration Services, Department of Homeland Security.

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on the Secretary of Labor. Testimony was heard from Elaine L. Chao, Secretary of Labor.

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, JUDICIARY, D.C., AND INDEPENDENT AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the Secretary of Housing and Urban Development. Testimony was heard from Alphonso R. Jackson, Secretary of Housing and Urban Development.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Bureau of Indian Affairs. Testimony was heard from James Casen, Assistant Deputy Secretary, Bureau of Indian Affairs, Department of the Interior.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, Commerce, and Related Agencies held a hearing on the SBA. Testimony was heard from Hector V. Barreto, Administrator, SBA.
The Subcommittee also held a hearing on the Federal Prison System. Testimony was heard from Harley G. Lappin, Director, Bureau of Prisons, Department of Justice.

IRAQ—CURRENT OPERATIONS AND POLITICAL TRANSITION
Committee on Armed Services: Held a hearing on current operations and the political transition in Iraq. Testimony was heard from public witnesses.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FOR FISCAL YEAR 2006
Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2006 National Defense Authorization budget request—United States Special Operations Command policy and programs. Testimony was heard from officials of the Department of Defense: Thomas W. O’Connell, Assistant Secretary, Special Operations/Low Intensity Conflict; and GEN Bryan D. Brown, USA, Commander, U.S. Special Operations Command.

HIGHER EDUCATION—TRACKING INTERNATIONAL STUDENTS
Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education held a joint hearing entitled “Tracking International Students in Higher Education: A Progress Report.” Testimony was heard from Victor X. Cerda, Counsel to the Assistant Secretary, Immigration and Customs Enforcement, Department of Homeland Security; Stephen A. Edson, Managing Director, Visa Services Directorate, Bureau of Consular Affairs, Department of State; Randolph C. Hite, Director, Information Technology Architecture and Systems Issues, GAO; and public witnesses.

NIH PORTFOLIO MANAGEMENT
Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Setting the Path for Reauthorization: Improving Portfolio Management at the NIH.” Testimony was heard from Elias Zerhouni, M.D., Director, NIH, Department of Health and Human Services.

SECURITIES ARBITRATION SYSTEM
Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “A Review of the Securities Arbitration System.” Testimony was heard from William Francis Galvin, Secretary, MA; and public witnesses.

DEPOSIT INSURANCE REFORM ACT
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 1185, Deposit Insurance Reform Act of 2005. Testimony was heard from Donald E. Powell, Chairman, FDIC.

STEROID USE IN BASEBALL
Committee on Government Reform: Held a hearing entitled “Restoring Faith in America’s Pastime: Evaluating Major League Baseball’s Efforts to Eradicate Steroid Use.” Testimony was heard from Senator Bunning; Nora D. Volkow, M.D., Director, National Institute on Drug Abuse, NIH, Department of Health and Human Services; the following officials of Major League Baseball: Allan H. Selig, Commissioner; and Elliott J. Pellman, M.D., Medical Advisor for Major League Baseball, Office of the Commissioner; Sandy Alderson, Executive Vice President of Baseball Operations, Major League Baseball; the following Major League baseball players: Curt Schilling, Frank Thomas, Sammy Sosa, and Rafael Palmeiro; and the following former Major League baseball players: Jose Canseco and Mark McGuire.

AFGHANISTAN—U.S. COUNTERNARCOTICS POLICY
Committee on International Relations: Held an oversight hearing on U.S. Counternarcotics Policy in Afghanistan: Time for Leadership. Testimony was heard from Maureen E. Quinn, Coordinator on Afghanistan, Department of State; Mary Beth Long, Deputy Assistant Secretary, Counternarcotics, Department of Defense, and Michael A. Braun, Special Agent, Chief of Operations, DEA, Department of Justice.

HUMAN RIGHTS—GLOBAL VIEW
Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held an oversight hearing on A Global Review of Human Rights: Examining the State Department’s 2004 Annual Report. Testimony was heard from Michael G. Kozak, Acting Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State; and public witnesses.

OVERSIGHT—U.N. AND THE FIGHT AGAINST TERRORISM
Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held an oversight hearing on the United Nations and the Fight Against Terrorism. Testimony was heard from public witnesses.

The Subcommittee also held a briefing on this subject. Testimony was heard from Stephen J. Stedman, Special Advisor to Secretary-General United Nations.

OVERSIGHT—U.N. OIL-FOR-FOOD PROGRAM
Committee on International Relations: Subcommittee on Oversight and Investigations held an oversight hearing on The United Nations Oil-for-Food Program: The Cotecna and Saybolt Inspection Firms. Testimony was heard from public witnesses.
CHILD INTERSTATE ABORTION NOTIFICATION ACT; OVERSIGHT—U.S. COMMISSION ON CIVIL RIGHTS

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action, as amended, H.R. 748, Child Interstate Abortion Notification Act.

The Subcommittee also held an oversight hearing on the U.S. Commission on Civil Rights. Testimony was heard from the following officials of the U.S. Commission Civil Rights: Russell Redenbaugh, and Michael Yaki, both Commissioners; Kenneth Marcus, Staff Director; and George Harbison, Director, Human of Resources and Active Chief of Budget and Finance.

OVERSIGHT—PATENT APPEALS

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Holmes Group, the Federal Circuit, and the State of Patent Appeals. Testimony was heard from public witnesses.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT; ORGANIZED CRIME


The Subcommittee also held an oversight hearing on Responding to Organized Crimes Against Manufacturers and Retailers. Testimony was heard from Chris Swecker, Assistant Director, Criminal Investigative Division, FBI, Department of Justice; and public witnesses.

OVERSIGHT—OFF RESERVATION GAMING RESTRICTIONS

Committee on Resources: Held an oversight hearing on a measure to amend the Indian Gaming Regulatory Act to restrict off-reservation gaming. Testimony was heard from public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE BUDGET

Committee on Resources: Subcommittee on National Parks held an oversight hearing on the Fiscal Year 2006 National Park Service Budget. Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior.

MISCELLANEOUS MEASURES


NATURAL GAS PRICES

Committee on Natural Resources: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled “The High Price of Natural Gas and its Impact on Small Businesses: Issues and Short Term Solutions,” Testimony was heard from Representative Terry; and public witnesses.

OVERSIGHT—COMMUNITY ECONOMIC DEVELOPMENT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on The Administration’s “Strengthening America’s Communities” Initiative and its impact on economic development. Testimony was heard from David A. Sampson, Assistant Secretary, Economic Development, Department of Commerce; and public witnesses.

MEDICAL IMAGING SERVICES

Committee on Ways and Means: Subcommittee on Health held a hearing on Managing the Use of Imaging Services. Testimony was heard from Mark Miller, Executive Director, Medicare Payment Advisory Commission; and public witnesses.

GLOBAL UPDATES; BUDGET HEARING

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Global Updates. Testimony was heard from departmental witnesses.

The Committee also met in executive session to hold a hearing on the Budget. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 18, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, hearing on Quality Teachers, Principals and High Schools, 10 a.m., 2358 Rayburn.

Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia and Independent Agencies, on Secretary of Transportation, 10 a.m., 2358 Rayburn.

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