House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. Price of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, April 26, 2005.
I hereby appoint the Honorable Tom Price to act as Speaker pro tempore on this day.
J. Dennis Hastert.
Speaker of the House of Representatives.

MORNING HOUR DEBATES
The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. Blumenauer) for 5 minutes.

LEMELSON FOUNDATION AND INTRODUCTION OF WATER FOR THE POOR ACT OF 2005
Mr. BLUMENEAUER. Mr. Speaker, last Friday evening I had the opportunity and the honor of attending a ceremony where the Lemelson Foundation awarded the annual Lemelson-MIT Prize for Innovation, held for the first time in Portland, Oregon.

The foundation was established by one of the most prolific American inventors, the late Jerome Lemelson, and his family.

Although located in Portland, the foundation is truly international in scope. Jerome Lemelson endowed the foundation to promote innovation and to ensure that its application benefited humankind.

In the United States, their unique foundation supports several grantees whose programs celebrate extraordinary inventors as role models, illustrate the value of invention in the evolution of a great society, and nurture young adults to solve pressing social problems by pursuing careers in invention.

This year the foundation awarded a $500,000 Lemelson-MIT Prize, the largest cash award for innovation, to Elwood “Woody” Norris for revolutionizing acoustics.

Internationally, the Lemelson Foundation nurtures individual creativity to transform fundamental challenges into opportunities for sustainable progress. Its Invention for Sustainable Development program recognizes inventors and innovators in developing countries, fostering the institutions that support them, and applies their inventions to meet basic human needs and advance sustainable development.

Last week, foundation board member Eric Lemelson discussed foundation initiatives dealing with low-tech, high-impact innovation dealing with drip irrigation, an example of a cost-effective application of new technology to save scarce water resources, save money in a developing country while improving agricultural yields.

This is the type of commonsense approach of applied technology to sustainability that can truly transform people’s lives.

I would hope that we in government can undertake the same spirit of innovation in our approach to USAID.

I was pleased to see Senator Frist return from his trip to Africa convinced that the United States needs to do more with water innovation and has introduced legislation in the Senate. I applaud his bill, the Safe Water Currency for Peace Act, S. 492. By the same token, I am offering complementary legislation in the House, the Water for the Poor Act of 2005.

This bill will make access to clean water and sanitation a major U.S. foreign policy objective and requires the USAID to develop a strategy to carry out this objective. It supports innovative financing mechanisms that can create additional resources for water and sanitation, while ensuring access and affordability to the very poor.

This legislation is critically needed. The lack of clean water and sanitation is perhaps the world’s greatest single health need. More than 1 billion people worldwide lack access to safe drinking water. More than twice as many, 2.3 billion people, one in every three people on the planet, lack access to adequate sanitation, and the consequences are devastating.

Water-related diseases are a human tragedy, killing up to 5 million people every year. At any given time, half the population in the developing world is sick from water-related disease. Tragically, one child dies every 15 seconds for lack of water and sanitation.

At a time when people in every corner of the globe understand the importance of water and the problems of its misuse, I was pleased that the United States and the Bush administration joined 185 other nations committed to cutting in half the percentage of people in the world without access to water and sanitation. I was there in Johannesburg in 2002, watching that consensus come together. I am hopeful that we will be able to follow through.

As Eric Lemelson pointed out in his remarks, the Lemelson Foundation does not have to be responsive to shareholders or the voters so they can afford to be cutting-edge, innovative, and creative. I would like to think that they are pointing the way to more liveable communities around the globe where all our families can be safe.
healthy, and more economically secure; and they are pointing the way for the Federal Government to follow their lead.

My congratulations to the foundation; and I look forward to working on their innovations, integrating them with U.S. Government policy around the globe.

WHY THE F/A-22 RAPTOR

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently I had the opportunity to visit Langley Air Force Base in Virginia and spend time with the commander of the Air Combat Command, Lieutenant General William Fraser, and many dedicated, indeed dedicated, members of the United States Air Force. As part of the Air Force Caucus trip, we had almost 50 people participating in the trip.

Much of this trip focused on the F/A-22 Raptor and its importance to the future of the United States Air Force. After meeting General Fraser and seeing the Raptor up close, I am more convinced and I think the participants who went on this trip are also convinced that the F/A-22 will become an integral part of future military successes.

Mr. Speaker, during my visit I was briefed not only about the warfighting capabilities of this plane but about the maintenance program as well. The Air Force uses cutting-edge technology to maintain this plane; and, of course, leads to more efficient maintenance. It is the first jet to use an entirely paperless maintenance program, allowing new parts to be ordered or changes to be made significantly faster.

The engine also utilizes new technologies. Its design allows it to be maintained. This is not the case for F/A-22s. The U.S. has not lost a soldier due to an air attack since 1952. The Air Force has made air superiority look so easy that we have begun to take it for granted, but maintaining this air dominance is not easy.

For now, the United States Air Force is the best trained, the best equipped in the world; but Russia, China, India have made huge strides in achieving parity, and, in some cases, have even surpassed yesterday’s equipment.

Our current, but badly aging, fighters no longer enjoy technological or aero-dynamic superiority when compared to the modern aircraft of potential adversaries. It is Members recent exercises pitting the F-15s, which the F/A-22 Raptor will replace, against one of Russia’s primary export fighters, resulting in kill ratios favoring the SU-30.

In contrast, on a recent training mission where a single F/A-22 went against five F-15s, the Raptor killed all the F-15s within 3 minutes. Additionally, due to a lack of stealth assets, the ability of our aircraft to operate in environments were threats exist is inadequate. The only way to address these shortcomings, which will only worsen, I tell my colleagues, is with sufficient numbers of the F/A-22 Raptor. We cannot fight tomorrow’s war with yesterday’s equipment.

That is why America needs the Raptor. With a variety of internal weapons, the Raptor can destroy or negate the most capable future threats: advance fighters; surface-to-air missile systems; and high-value, mobile ground targets.

The F/A-22’s combination of speed, stealth, and integrated avionics bring unmatched capabilities to cope with the 21st-century threat environment. Air dominance gives the joint force freedom from attack, freedom to maneuver and, of course, freedom to succeed. No substitute exists for the F/A-22’s unique capabilities.

With the international proliferation of sophisticated aircraft, and air defense systems, U.S. fighters are losing their ability to leverage access for U.S. forces in hostile regions. The F/A-22 changes this equation with its revolutionary design and potent array of systems.

Mr. Speaker, that is why we need to fully fund the F/A-22 Raptor over the next 5 years.

ETHICS CHANGES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, since the beginning of the year, the House of Representatives conducted without an organized Committee on Standards of Official Conduct in place to investigate possible unethical behavior by Members of Congress. Republicans have tried to blame Democrats on the Committee on Standards of Official Conduct for this standoff, but the fact is they have nobody to blame but themselves.

At the beginning of this year, the Republican leadership went ahead and changed the way the Committee on Standards of Official Conduct does its business. In the past, whenever ethics changes were being considered, they were addressed in a bipartisan fashion, with both Democrats and Republicans at the table. That is the only way ethics reform can honestly be addressed, but the Republican leadership ignored that protocol and strong-armed enough of its own Members into passing new and weakened ethics rules.

The American people need to understand that these new rules will allow either party, Democrat or Republican, to protect its own Members. Under the new Republican rules, if the majority of the committee cannot determine whether or not an investigation should proceed, after 45 days of receiving a complaint, the complaint would simply be dropped. No action would take place.

Since the Committee on Standards of Official Conduct is made up of five Members from each party, either side could prevent an ethics investigation from moving forward against one of its Members. Now, this is not the way the Committee on Standards of Official Conduct is supposed to work. Under the old bipartisan rules, if the committee could not come to an agreement on how to proceed after 45 days, an investigative subcommittee was created.

The weakening of the ethics rules by House Republicans did not fool editorial writers, both liberal and conservative, who follow House proceedings closely; and I just wanted to give some examples.

The conservative Chicago Tribune recently said, How do House Republicans respond to ethical lapses? By trying to bury them.

The Hartford Courant concluded, “The committee has been careening toward ethical oblivion in recent years, as the majority Republicans have relaxed the standards, eased up on investigations, and created a trapdoor through which alleged transgressors could escape.”

The Republican leadership did not stop at just weakening the ethics rules, the Republican leadership also purged the Republican Members of the Committee on Standards of Official Conduct, three Members who were not in the pockets of the leadership.
After losing his chairmanship of the Committee on Standards of Official Conduct, the gentleman from Colorado (Mr. HEFLY) told The Washington Post that there is “a bad perception out there that there was a purge in the committee and that people were put in that position to protect our side of the aisle better than I did. Nobody should be there to protect anybody. They should be there to protect the integrity of the institution.”

Mr. Speaker, congressional Republicans should listen to their former ethics chairman, the gentleman from Colorado (Mr. HEFLY). The integrity of the House of Representatives is much more important than any one Member.

These actions by the Republican majority really make one wonder why the changes are necessary now. It seems clear to me that the Republican leadership went to all of this trouble to protect one of its leaders. Last month the Wall Street Journal, which has a conservative editorial page, charged there is an “odor,” an “unsavory whiff” at the very highest reaches of this House. Every single day, it seems, more revelations come out about questionable actions by a member of the Republican leadership. These daily revelations should concern every Member of the institution.

My Democrat colleagues and I realize the integrity of the House is at stake. We cannot allow weakened ethics rules to move forward to protect anyone, and it is critical that the Committee on Standards of Official Conduct be allowed to do its job and that is impossible under the new Republican rules.

Mr. Speaker, as the majority leader, the gentleman from Texas (Mr. DELAY) said back in November 1995, “The time has come that the American people know exactly what their representatives are doing here in Washington, are they feeding at the public trough, taking lobbyist-paid vacations, getting their services for open seats in any U.N. bodies and agencies.

The 1975 United Nations resolution equating Zionism, the national liberation movement of the Jewish people, to racism stands out as an example of this bias and outright bigotry. While this was the most notorious illustration of its anti-Jewish sentiment at the U.N. there are many, many others.

During the 1991 session of the United Nations Commission on Human Rights, for example, the Syrian representative to the United Nations charged that Jews killed Christian children to use their blood to make Matzoth. In 1997, the Palestinian representative charged that the Israeli Government had injected 300 Palestinian children with the AIDS virus.

The goals of the 2001 U.N. World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israeli political agendas, prompting both Israel and the United States to revisit their delegations from the conference.

In the United Nations General Assembly, we must look no further than the over 20 resolutions introduced by the Palestinian delegation each and every year against Israel, challenging Israel’s policies and her very right to exist. During the 59th session of the U.N. General Assembly for 2004, close to 30 percent of all resolutions considered by this body were measures condemning Israel.

At the U.N. Commission on Human Rights, there is an entire agenda item, item 8, that is dedicated to attacking and criticizing Israel. Countries that are gross human rights violators, such as Libya, Indonesia, and Egypt, have introduced resolutions under this category that criticize Israel for alleged human rights abuses in the West Bank and the Gaza Strip.

An additional resolution was introduced at this year’s Human Rights Commission regarding what was termed the Palestinian right of self-determination for the Palestinians, as well as another one on Israel and Lebanon. Yet there was not a single measure on the Syrian regime’s gross violations of the rights of the Syrian and the Lebanese people or on the deplorable acts committed by the Iranian regime against its people.

Israel is a democracy and yet its sovereignty and its right to defend itself are frequently called into question in the United Nations system. The ruling last summer by the International Court of Justice on Israel’s security fence is a case in point. Not only was Israel’s inherent right to self-defense branded illegitimate by the United Nations, but terrorists and suicide bombers remain uncensored.

In addition, the failure of the U.N. system to fulfill its mandate is illustrated by the limitations placed on Israel’s membership. Israel is denied the ability to serve or run for leadership positions in multiple U.N. bodies and its affiliated agencies. While Israel was accepted as a temporary member of the Western European and Others Group, it is not allowed to present candidates for open seats in any U.N. body and is not able to compete for major U.N. bodies.

Israel is excluded from consultations at the U.N. offices in Geneva, Nairobi, Rome and Vienna. By contrast, there is a separate “U.N. Division For Palestinian Rights,” a “Committee on the Extermination of the Alienable Rights of the Palestinian People” and a U.N. Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestinian Liberation Organization and the Palestinian Authority, and “NGO Network on the Question of Palestine.”

There is also an entire agency, the United Nations Relief and Works Agency, specifically designated for Palestinian refugees at a cost of over $800 million in the year 2004, yet all other refugees and internally displaced persons throughout the world are covered by the Office of the U.N. High Commissioner for Refugees.

Mr. Speaker, I include the remainder of my statement for the RECORD, and close by saying any effort at reforming the United Nations must include an end to the anti-Israeli and anti-Semitic sentiment that has infected the U.N. organization for far too long.

I held a hearing last week to evaluate United Nations programs related to the Middle East, with special emphasis on the anti-Israel discrimination and anti-Semitic attacks.

I have undertaken various initiatives to correct this injustice and ensure full membership and participation for Israel in all U.N. forums.

Most recently, I introduced H. Res. 54: calling on the United Nations to hold countries accountable for anti-Semitic statements and anti-Israeli incitement and calling for U.N. entities, such as UNESCO, to develop and implement Holocaust education programs throughout the world as part of an effort to combat such religious intolerance and anti-Israeli bias.

I ask my colleagues to render their support to these efforts and to co-sponsor this resolution.

The goals enshrined in the U.N. Charter—the promotion of international peace and security, and the respect for fundamental human rights—have never been more significant for the Jewish people and the State of Israel, which was founded on the ashes of the Holocaust.
BIPARTISAN LEGISLATION IN 109TH CONGRESS

The SPEAKER pro tempore, Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. Dreier) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, Republicans and Democrats alike in this House can take a great deal of pride in the work product that has come forward in the 109th Congress. We know that for 8 years there has been an attempt at bankruptcy reform legislation, to finally bring some common sense to our bankruptcy law. With a strong bipartisan vote, Democrats joining with Republicans, we finally have been able to bring about bankruptcy reform.

We know that frivolous lawsuits have been a tremendous problem, and class action reform is again another very important bipartisan victory that we have been able to bring about.

Securing our borders. Our national security is our number one priority in this country. It has to be constitutional, but securing our borders is very important. With a strong, bipartisan vote, we have been able to pass the Real ID legislation which has now been attached to the very supplemental appropriations bill which also enjoyed very strong bipartisan support.

The highway bill enjoyed strong bipartisan support with Democrats and Republicans coming together to work on this important issue.

We also know that trying to save small businesses and family farms has been very important, and that is why Democrats and Republicans came together to go to work on this important issue.

So again, our Nation turns to You in this new, exciting, and positive initiative. It is indivisible, with liberty and justice for all.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. McNulty) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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


HEALTH INSURANCE PATIENT-OWNERSHIP PLAN

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

Mr. Speaker, I am a third-generation physician. Both my father and grandfather were doctors, and I practiced medicine for over 20 years before coming to Congress. I can tell my colleagues that without a doubt, the doctor-patient relationship is far from what it used to be, or ought to be.

Today, our health care system is big business. The doctor-patient relationship is often obstructed by insurance companies, the government, and employers. The result is a system that prevents people from having control and ownership of critical health care decisions in their own lives.

Today, employers or the government most often determine what health insurance coverage a person receives, they dictate what the copays and the deductibles are, and they hold the contract with the insurance company.

I believe that the person most affected by health care decisions should be the one who has the most control over those decisions, and that is the patient.

Mr. Speaker, it is time we started thinking about health care in a new way. We should put health care choices in the patient’s hands, not the employer’s, not the insurance company’s, and certainly not the government’s.

H. Res. 215, the Health Insurance Patient-Ownership Plan, is a good way to begin, and I ask my colleagues for their support on this new, exciting, and positive initiative.
Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to reiterate my emphatic opposition to the privatization of Social Security. This program would not only hurt millions of elderly Americans but, ultimately, the whole country. For women and working families especially, Social Security is a lifeline, and they need to know that they can rely on a guaranteed benefit.

Social Security was never intended to be a roll-the-dice stock market gamble. Social Security was never meant to be an elaborate investment scheme geared to maximizing returns. Social Security was designed as a simple, straightforward social insurance program that ensures all of us to spend our golden years in a basic level of dignity, independence, and security.

Mr. Speaker, privatization is also not good for young workers. A 30-year-old worker making $40,000 a year will lose 27 percent of their benefits under this plan. That is almost $6,000 a year.

I urge all of my colleagues, let us work together and solve a manageable problem.

PARENTS DESERVE THE RIGHT TO KNOW

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

Mr. PITTS. Mr. Speaker, a woman from my district came to Washington last month to tell Congress about how her daughter was taken to New Jersey for an abortion without her knowledge. This mom knew about her 14-year-old daughter's pregnancy. Her daughter had chosen to keep the baby and was attending prenatal classes. But the boyfriend's family, according to her testimony, "planned, paid for, coerced, harassed, and threatened her into having an abortion. They left her alone during the abortion and went to eat lunch."

About 80 percent of the public favors parental notification laws. Over 30 States have enacted such laws. As in the case of my constituent, these laws are often evaded by interstate transportation of minors, and it is often openly encouraged in advertising by abortion providers.

The Speaker, the House will consider legislation that merely says that in States that protect a parent's right to know, taking a young girl across State lines will not keep the parent in the dark. The bill would make it a Federal offense to transport a minor across State lines to circumvent that State's abortion parental notification laws. In addition, the bill requires that in a State without parental notification, abortion providers are required to notify a parent.

I urge support of the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAUTHORIZING THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY ACT OF 1988

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1158) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, as amended.

The Clerk read as follows:

H.R. 1158
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2006 through 2010."

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting ", beginning with fiscal year 2006," after "close of each fiscal year".

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

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1158, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois? There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I would like to commend my colleague, the gentlewoman from Pennsylvania (Ms. HART), for reintroducing this important legislation, which had initially introduced and which passed the House in the 106th Congress.

There are many reasons why we should pass this legislation today.

First of all, the metals industry is highly energy-intensive. Taken together, the steel, aluminum, and copper industries account for more than 10 percent of industrial usage in the United States. President Bush's national energy plan recognized that improving energy efficiency in our most energy-intensive industries could yield large improvements in productivity, product quality, safety, and pollution prevention.

Second, we have a strategic national interest in helping our metals industry remain competitive. For any industry, energy efficiency means increased production without increased energy consumption or costs. Improving energy efficiency helps the bottom line, making American metal products more competitive on the global market. That means more jobs here at home.

But energy efficiency is more than that. Reducing energy use means reducing our emissions of pollutants and greenhouse gases, and increasing our energy security. In this way, energy efficiency just makes sense, dollars and cents, for the Nation.

H.R. 1158 recognizes this fact and puts in place a new requirement that program managers consider the potential for technologies to reduce greenhouse gas emissions when developing their research plans. In this way the bill updates the plan to address current concerns about the impact of energy-intensive industries.

For these reasons, both the Committee on Science and the full House passed a similar bill by voice vote in the 108th Congress, and the Committee on Science approved H.R. 1158 by voice vote in March.

I encourage my colleagues to demonstrate support for this bill again today.

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

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

Mr. Speaker, I want to join the gentlewoman from Illinois (Mrs. BIGGERT) in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I voted for her for her support today, and I also commend the gentlewoman from Pennsylvania (Ms. HART) for taking a leadership role in pursuing this
legislation dating back to the last Congress.

This bill will benefit our constituents, Democrat and Republican alike. It has been a pleasure to have this opportunity to work in a bipartisan effort to bring this measure to the floor today.

Today, almost one-quarter of the steel production in the United States is in the Chicago, northern Indiana region. But, unfortunately, our country no longer hails as the world’s leading producer. My constituents in the Third District of Illinois have been especially impacted by the changes that have come from increased foreign competition. In my area, families and communities have been badly hurt by job losses. But the impact has also been felt in other places around the country.

My father-in-law in Johnstown, Pennsylvania lost his job as a steelworker when his plant was forced to close. This bill will help prevent further losses of good American jobs as well as our national security. For these reasons, I strongly support this bill, which has become known as the metals initiative.

I also strongly believe that the overall prospects for the American steel industry have an important bearing on our future economic security as well as our national security. For these reasons, I strongly support this bill, which has become known as the metals initiative.

This bill, improving upon a program which was originally passed by the 108th Congress, authorizes Federal cost-sharing of research. The goals of this research are threefold: increased competitiveness for the U.S. metals industry, energy efficiency, and a cleaner environment.

The development of technologies that will increase energy efficiency as well as improve our international competitiveness is key to maintaining our national security, both from an economic and a national security perspective. Likewise, the implementation of more environmentally friendly technologies that reduce emissions or reduce demand for petroleum will result in both a public benefit, a cleaner environment; and a private benefit, a cut in the cost of production.

The metals initiative has three very important provisions that make it a common sense vehicle for pursuing cooperation between government and industry. First, there is a payback provision which requires that the Federal investment be repaid out of net proceeds of commercialization once the technology is developed. This provision prevents the program from taking on the negative connotations of a mere Federal subsidy. Instead, it provides a framework for these domestic companies, their employees, and the communities that rely upon the revenue bases to benefit from the new technologies that are made possible through this public-private partnership.

The second provision that makes this partnership work is the 70 percent/30 percent government-industry cost-share. When industry puts their own money at risk, the projects get senior management attention. Historically, these types of steel research and development projects have yielded results that meet national needs and are highly marketable, producing a win-win situation.

The third provision calls for industry ownership of intellectual property produced from the research. Twenty-five years of experience under the Bayh-Dole Act has shown that when ownership of patents is left with inventors, the likelihood that patents will be put to commercial use dramatically increases. This factor creates opportunities for economic growth and better job security for hard-working Americans.

The Metals Initiative is simply a great example of how public-private partnerships can benefit both taxpayers and share holders. It will help enrich the overall economy, offer much needed stimulation for the growth of technology in key industries, and protect the environment. With recent changes in trade laws and other international forces at work, we owe it especially to the people who work in these industries. All Americans benefit from such commonsense programs. I urge my colleagues to support H.R. 1158 today and vote "yes" on this bill.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), who is the sponsor of this legislation.

Ms. HART. Mr. Speaker, I thank the gentlewoman from Illinois (Chairwoman Biggert) and ranking member (Mr. HONDA) of the Energy Subcommittee for working together to make sure that this bill moved forward; I am pleased for their support and also for the support of the Science Committee chairman, the gentleman from New York (Mr. BOEHLERT), and ranking member, the gentleman from Tennessee (Mr. GORDON), for moving the bill through committee and also for their support. I especially thank the gentleman from Illinois (Mr. LIPINSKI), who just spoke, for working with me on this legislation, H.R. 1158, the bill to reauthorize the Steel and Aluminum Energy Efficiency and Technology Competitiveness Act.

The steel industry is one of the most energy-intensive industries with energy accounting for a major portion of the cost of production. Improvement in energy efficiency is therefore an important component to reducing the cost of steel and thereby making us more competitive.

Recent experiences have shown that energy costs per unit of output of steel can be reduced significantly through capital-intensive investments in modifications to existing plants and equipment and conversion to more energy-efficient processes.

Investment made at the government level in partnerships with industry to stimulate achievement of this increased energy efficiency has shown great results over the years.

This bill will result in improved energy efficiency in the domestic metals industries, thereby improving our competitiveness and also improving the cost and quality of the actual product. This efficiency offers environmental benefits through reduced emissions per unit of steel and aluminum produced. It can also help reduce the future demand for energy in this industrial section.

The steel industry and the Department of Energy continue this partnership under the Metals Initiative and its predecessor, the Steel Initiative, even after the authorization expired; so, therefore, it is something that is successful enough to have provided with its funding.

For fiscal year 2006, the administration has only recommended $6.5 million. That is $3.8 million for steel and $2.7 million for aluminum, which is slightly more than half of the $11.1 million provided in 2004.

This legislation would reauthorize the 1988 act through 2010. Over the years, 58 steel companies and 23 research organizations participated in and benefited from this program. Two of those companies, INTEG Process Group and U.S. Steel from my area, participated in a subcommittee hearing on this bill last year and testified regarding the benefits this initiative has had. I am pleased to see it obviously preserved and provided; the opportunity that it has provided in those industries as well.

The bill authorizes $12 million for this program for fiscal years 2006 through 2010, for a total of $60 million over 5 years. It is an investment that is well worth it to preserve and grow an industry that is so important to our country.

This bill is right for this industry, it is right for energy security, and it is right for our competitiveness, and it is good for the environment.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I want to thank my friend and colleague from Illinois, Representative BIGGERT for her leadership, as well as Representative MELISSA HART, for her persistence in introducing this legislation in the 108th Congress and again in the 109th Congress.

I am pleased Chairman BOEHLERT and Ranking Member GORDON acted quickly in the House Science Committee to mark-up this bill and bring it to the floor today because it helps our steel, aluminum, copper, and other metal
The domestic steel industry alone has come a long way since the steel crisis began in 1988. In my home state of Illinois, the crisis has resulted in four steel companies filing for bankruptcy, including Laclede Steel and the parent company for Granite City Steel, which are in my Congressional District. Approximately 5,000 steel workers lost their jobs in Illinois alone.

Now, prices are stabilizing and the industry is restructuring and consolidating. All of this has happened without hampering the availability of competitively priced steel products. However, aggressive trade laws and other international pressures can damage the progress that was made. Therefore, it is important we continue down the path of successful recovery because the overall prospects for our steel industry can affect our future economic and national security.

As a member of the Congressional Steel Caucus, I am deeply committed to making sure the metals industries stay competitive and for these reasons, I support this bill. I urge my colleagues to do the same.

Mr. LIPIŃSKI. Mr. Speaker, I have no more speakers. I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 1158, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2005

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 28) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 28

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 “High-Performance Computing Revitalization Act of 2005”.

SEC. 2. FINDINGS.

The findings of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by adding at the end the following new paragraph:

“(10) Commercial application of the results of Federal investment in basic and computing science is consistent with longstanding United States technology transfer policy and is a critical national priority, particularly with regard to cybersecurity and other homeland security applications, because of the urgent needs of commercial, academic, and individual users as well as the Federal and State Governments.”

SEC. 3. DEFINITIONS.


(1) in paragraph (2), by inserting “and multi-disciplinary teams of researchers” after “high-performance computing resources”;

(2) in paragraph (3)—

(A) by striking “specific workstations”;

(B) by striking “(including vector supercomputers and large scale parallel systems)”;

(C) by striking “and applications” and inserting “applications”;

and

(D) by inserting “, and the management of large data sets” after “systems software”;

(3) in paragraph (4), by striking “packet switched”;

and

(4) by amending paragraphs (5) and (6) to read as follows:

“(5) ‘Program’ means the High-Performance Computing Research and Development Program described in section 4.

(6) ‘Program Component Areas’ means the major subject areas under which are grouped related individual activities and activities carried out under the Program.”

SEC. 4. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROVISIONS.


(1) in the title heading, by striking “AND THE NATIONAL RESEARCH AND EDUCATION NETWORK” and inserting “AND NETWORKING”;

(2) in section 101—

(A) by striking “NA- TIONAL HIGH-PERFORMANCE COMPUTING” and inserting “HIGH-PERFORM- ANCE COMPUTING RESEARCH AND DEVELOPMENT”;

(B) in subsection (a)—

(i) in the subsection heading, by striking “NA- TIONAL HIGH-PERFORMANCE COMPUTING” and inserting “HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT”;

(ii) by striking paragraphs (1) and (2) and inserting the following: 

‘(I) The President shall implement a High-Performance Computing and Networking Development Program, which shall—

(A) provide for long-term basic and applied research on high-performance computing;

(B) provide research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

(C) provide for sustained access by the re- search community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in scientific and engineering problems, including provision for technical support for users of such systems;

(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstra- tion of, advanced applications enabled by such networks;

(F) provide for computational science and engineering research and development, including mathematical modeling and algorithms for applications in all fields of science and engineering;

(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathe- matics and information science, and computational science; and

(I) provide for improving the security of computing and networking systems, including Federal systems, including those required to es- tablish security standards and practices for these systems.”;

(iii) by redesigning paragraphs (3) and (4) as paragraphs (2), (3), and (4), respectively;

(iv) in paragraph (2), as so redesignated by clause (ii) of this subparagraph—

(I) by striking subparagraph (B);

(II) by redesigning subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as so redesigned by subsection (I) of this clause, the following new subparagraph:

‘(A) establish the goals and priorities for Fed- eral high-performance computing research, de- velopment, networking, and other activities;’;

and

(IV) by redesigning subparagraph (D), as so redesignated by subsection (I) of this clause, the following new subparagraph:

‘(B) develop and maintain a research, develop- ment, and deployment roadmap for the pro- vision of high-performance computing systems under paragraph (1)(C);’;

and

(v) in paragraph (3), as so redesignated by clause (ii) of this subparagraph—

(1) by striking “paragraph (3)(A)” and insert- ing “paragraph (2)(D)”;

(2) by amending subparagraph (A) to read as follows:

‘(A) provide a detailed description of the Pro- gram Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;

(3) by striking “paragraph (1)(C)” and inserting the following:

‘(C) by striking “specific activities” and all that follows through “the Network” and inserting “each Program Component Area”;

(4) by redesigning subparagraph (D), as so redesignated by subsection (I) of this clause, the following new subparagraph:

‘(D) by inserting “and for each Program Component Area” after “participating in the Program”;

(V) in subparagraph (D), by striking “ap- plicability” and inserting “high-performance comput- ing and networking”;

(VI) by striking subparagraph (E) and redesign- ing subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (G), as so redesignated by subsection (I) of this clause, by inserting “and the extent to which the Program incor- porates the recommendations of the advisory committee established under subsection (b)” after “for the Program”;

(C) in subsection (b)—

(i) by redesigning paragraphs (1) through (3) as subparagraphs (A) through (E), respectively;

(ii) by inserting “(I)” after “ADVISORY COM- MITTEE”;

(III) in paragraph (1)(C), as so redesignated by clauses (i) and (ii) of this subparagraph, by inserting “, including funding levels for the Pro- gram Component Areas” after “of the Pro- gram”;

(iv) in paragraph (1)(D), as so redesignated by clauses (i) and (ii) of this subparagraph, by striking “computing” and inserting “high-per- formance computing” and “applications” and;

(v) by adding at the end the following new paragraph:
“(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph; and

(D) by redesignating subsection (c)(1)(A) by striking “Program or” and inserting “Program Component Areas or”; and

(3) by striking sections 102 and 103.

SEC. 2. AGENCIES ACTIVITIES.


(1) by amending subsection (a) of section 201 to read as follows:

“(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Science Foundation shall—

“(1) support research and development to generate fundamental scientific and technical knowledge with the potential of advancing high-performance computing and networking systems and their applications;

“(2) provide computing and networking infrastructure support to the research community in the United States, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines; and

“(3) support basic research and education in all aspects of high-performance computing and networking.

(2) by amending subsection (a) of section 202 to read as follows:

“(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing and networking, with emphasis on—

“(1) computational fluid dynamics, computational thermal dynamics, and computational aerodynamics;

“(2) scientific data dissemination and tools to enable data to be fully analyzed and combined from multiple sources and sensors;

“(3) remote exploration and experimentation; and

“(4) tools for collaboration in system design, analysis, and testing.;

(3) in section 203.

(A) by striking subsections (a) through (d) and inserting the following:

“(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

“(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

“(2) provide computing and networking infrastructure support, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines related to energy applications;.”; and

(B) by redesignating subsection (e) as subsection (b); and

(4) by amending subsection (a) of section 204 to read as follows:

“(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

“(1) the National Institute of Standards and Technology shall—

“(A) conduct basic and applied metrology research needed to support high-performance computing and networking systems;

“(B) develop benchmark tests and standards for high-performance computing and networking systems and software;

“(C) develop and propose voluntary standards and guidelines, and develop measurement techniques and fabricate interoperable high-performance computing systems in networks and for common user interfaces to high-performance computing and networking systems; and

“(D) work with industry and others to develop, and facilitate the implementation of, high-performance computing applications to solve scientific and technical problems that are relevant to industry; and

“(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research in high-performance computing applications, with emphasis on—

“(A) improving weather forecasting and climate prediction;

“(B) collection, analysis, and dissemination of environmental information; and

“(C) development of more accurate models of the ocean-atmosphere system.; and

(5) by amending subsection (a) of section 205 to read as follows:

“(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward advancement and dissemination of computational techniques and software tools for high-performance computing systems with an emphasis on modeling to—

“(1) develop robust decision support tools;

“(2) predict pollutant transport and the effects of pollutants on humans and on ecosystems; and

“(3) better understand atmospheric dynamics and chemistry.;

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

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 28, as amended, the bill now under consideration.

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

There was no objection.

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

As part of H.R. 28, the High-Performance Computing Revitalization Act of 2005, will ensure that America remains a leader in the development and use of supercomputers.

To achieve this aim, the bill does four things. First, it requires that Federal agencies provide the U.S. research community access to the most advanced high-performance computing systems and technical support for their users.

Second, there is more to computing than building big machines. That is why the bill requires Federal agencies to support all aspects of the high-performance computing disciplines related to scientific and engineering applications.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a national road map provision of high-performance computing resources for the U.S. research community.

The original legislation that the bill amends, the High-Performance Computing Act of 1991, gave rise to an interagency planning process that has lost the vitality it once had. This provision will help ensure a robust planning process so that our national high-
performance computing effort is not allowed to lag in the future.

Finally, the bill clarifies the mission of each of the Federal agencies that have a role in developing or using high-performance computing.

Mr. Speaker, this bill was the subject of a full committee hearing in May of 2004. At that hearing, Dr. John Marburger, director of the White House Office of Science and Technology Policy, communicated the administration’s support for this bill. The bill is also consistent with a report written by the High End Computing Revitalization Task Force and released by OSTP on the day of the hearing.

More recently, the President’s Information Technology Advisory Committee, known as PITAC, on April 14 approved the recommendations for a report on computational science they will issue shortly. Designed to ensure U.S. preeminence and competitiveness in the computational science, these recommendations include sustained access for the research community to the highest end supercomputers, devotion of resources to software development and data management, and creation of a multidecade road map for computational science and the fields that require it. In other words, the actions this report recommends are exactly what today’s bill requires the Federal Government to do.

The Nation’s experts on PITAC, Dr. John Marburger, and the Bush administration all recognize that we cannot imagine the kinds of problems that the supercomputers of tomorrow will be able to solve, but we can imagine the kinds of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world-class.

This bill will guide Federal agencies in providing needed support to high-performance computing and the communities. Our Nation’s scientific enterprise and our economy will be stronger for it. I urge my colleagues to support this bill.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to commend my colleague, the gentlewoman from Illinois (Mrs. Biggert), for her constant work on the Science Committee and these particular areas for the work that she has done over the last several years and her consistent leadership in support of the high-end computing.

I also thank my colleagues in the House in passing the previous version of this bill in the 108th Congress, and hopefully the Senate will pass this bill also in a timely manner.

H.R. 28 aims to restore U.S. world leadership in the realm of high-performance computing. Supercomputers is a large national effort spread out over seven Federal agencies. This resolution seeks to better coordinate those agencies’ efforts and to improve both short-term and long-term planning.

The Oak Ridge National Laboratory near my district is a center of national leadership and high-performance computing. Oak Ridge is the Department of Energy’s largest science and energy laboratory. This lab is involved in many innovative research projects, including renewable energy, materials science, national security, and bioscience.

I am proud that the Oak Ridge National Lab near my district stands to become the home of the world’s most powerful supercomputer.

I envision thousands of scientists traveling to Oak Ridge to use the computing facilities. The discoveries they make will change how we diagnose and cure diseases, heat and cool our homes, travel from place to place, and defend our liberties in time of warfare.

H.R. 28 will strengthen and streamline our national efforts in the areas of science and technology. I encourage my colleagues to support this bill.

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

Mrs. Biggert. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Science Committee, the gentleman from New York (Mr. Boehlert).

Mr. Boehlert. Mr. Speaker, this is a very important legislation. It deals with the competitiveness of the United States of America in the global marketplace. This is something that too many take for granted that we are going to continue to be preeminent in the competitive world. We are not going to be preeminent in the competitive world if we do not invest wisely, if we do not direct our resources in the proper way, because the competition is all over the place. It is not just one State against another. It is the United States against the world. We are ahead. That is a position I like. I like to be ahead of the parade.

But I will tell you, when we look back, we see a lot of people following closely behind. So it is critically important that we do things like investing in high-performance computing. And among other things, this bill directs the director of the Office of Science and Technology Policy, that is the science advisor to the President of the United States, to develop and maintain a research development and deployment road map for the provision of high-performance computing systems for use by the research community in the United States of America.

Now, that is a very important assignment.

And we want Dr. Marburger down at the White House to know that those of us in the legislative branch are determined to give the resources necessary, the direction necessary to enable him to go forward, confident that he has the support, the bipartisan support of the Congress of the United States. So I commend this bill to my colleagues. I commend this bill to the other side of the Capitol, our colleagues in the Senate.

This is important business and let us get on with it. I thank my chairwoman, the gentlewoman from Illinois (Mrs. Biggert) for the outstanding leadership she has provided and I thank my colleagues for their support.

Mr. Davis of Tennessee. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Sherman).

Mr. Sherman. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I believe I am the only one to come to this floor to oppose this bill. I will try to yield back at least a few minutes to the gentleman and hopefully they will be available should any comments result in comments of others that need rebuttal.

I support science. It is important to America. It is important to my district. But as we look at what we can accomplish, we also have to examine what we should try to accomplish. While we expand the tools of the human race, we must also look at the pitfalls.

This is an issue that I have been talking about for a long time. I first brought it to the floor 5 years ago and that is best illustrated by the fact that roughly 50,000 years ago was the last time that a new level of intelligence came to this planet. It was our ancestors, who said hello to Neanderthal, the only other intelligence on the planet that we were aware of at the time. It did not work out so well for the Neanderthal.

Today we are as a species looking at two exciting new technologies, each of which is likely to create an entirely, a life form, with a higher level of intelligence than human beings; and, in fact, a higher level by a differential that exceeds whatever differential there was between human beings and Neanderthal.

One of these technologies is genetic engineering. And if this was a genetic engineering bill, I would not get to speak on it as long because there would be more members to speak against it, worried about the societal implications. Genetic engineering raises questions that should also be raised by computer engineering, because the kind of high-technology, high-performance computer which is the subject of the bill is an important step towards the development of an artificial life form that will exceed human intelligence.

We had hearings 2 years ago in the Committee on Science where the consensus of experts and I did not invite any of these experts, senior committee members did, (chiefly the chairman) they testified that we are roughly 25 years away from a computer that exceeds human intelligence.
Now, I do not know whether it is 25 years or whether it is a bit longer or a bit less, but should we go headlong into developing the next intelligent species on this planet without even including, in the slightest, in our legislation something to say ‘‘let us examine whether this is something we want to do, and whether we want to have any controls?’’

The truth is, Mr. Speaker, we do not know whether we are creating Data from ‘‘Star Trek, The Next Generation,’’ or whether we are creating Hal from ‘‘2001: A Space Odyssey.’’ We know that the future will look like science fiction. We just do not know which science fiction book or movie.

Last year when the Committee on Science considered this same bill as H.R. 4218, the gentleman from New York (Mr. BOEHLERT) and I reached an agreement on an amendment that would provide for looking at the societal implications of future advances in information technology. That amendment was included in the bill that passed this House. Specifically, it directed the National Science Foundation to support research into the implications of computers, both hardware and software, that are capable of mimicking human ability to learn to reason and to make decisions. Likewise, the nanotechnology bill which passed both houses, and is now law, provided for even more extensive review of the societal implications, including explicitly the implications of developing levels of intelligence that exceed those of human beings. But H.R. 28 strips out the provisions that were included in prior legislation. This draft says we will do nothing to look at the implications.

Mr. Speaker, as I mentioned earlier in my testimony, our panelists of the gentlewoman from California (Mrs. BIGGERT) asked the ex- visor, Dr. Marburger, the President’s Science Advisor, responded, ‘‘Not very. We are quite far from that in terms of number of components measured in neurons; for example, the interconnectivity of the human brain far exceeds anything that we can currently build or foresee in the immediate future with computer hardware.’’

Dr. Rick Stevens, a renowned computer scientist from Argonne National Laboratory, responded to the same question saying, ‘‘My personal view is that I would be much more concerned with near-term issues associated with large-scale computing or the use of large-scale data systems to collect information. Right now, if you had to es- timate what is the most intelligent de- vice we can build, it is roughly between a worm and an insect in terms of what it can do.’’

I think it is exceedingly inappro- priate for this bill to impose a require- ment on our Federal agencies to focus on the societal implications of hypo- thetical human-mimicking computers. Doing so would suggest that we as a body fundamentally misunderstand the nature and focus of high-performance computing research.

In conclusion, as Dr. Stevens pointed out at our hearing last year, informa- tion technology has societal implica- tions for privacy, for workplace col- laboration and for many other areas. Our Federal agencies should focus any resources for societal studies on these real and immediate issues.

Finally, NSF already has the ability to conduct research generally into so- cial, economic, and work-force implica- tions of information technology. We should allow the research community, via the peer review process, and the agency to determine if this sort of re- search becomes necessary. This should not be a mandate in this bill.

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

Mr. DAVIS of Tennessee. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Ten- nessee (Mr. DAVIS) has 9 minutes remain- ing.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for his additional gen- erosity. I wish to respond to the com- ments of the gentlewoman.

Mr. Speaker, I will submit for the RECORD the section of DARPA’s mis- sion statement that I referred to pre- viously where DARPA itself indicates that its mission, using the funds pro- vided by this Congress, is to create a computer that is self-aware and able to reflect on its own behavior.

Mr. Speaker, we have thrown around terms as to what is close and what is not. It just comes down to whether 25 to 30 years is either close enough for us to be concerned about, or should we be concerned about only the immediate future? I would point out
that we are not going to have self-aware computers for at least 10, maybe 15 or 20 congressional elections. And so if that is how we measure time, self-aware computers are a long way away. But when we approve construction projects and roads, we do not build bridges designed to last 50 or 100 years. We assume that human beings will be the only intelligent species using those bridges.

If we are concerned when we build infrastructure for things 20, 30, 50, 100 years down the road, then we should be even more concerned with this bill. And we should not pass this bill in this form and say, well, we will worry about these issues when they come up in some subsequent decade.

In addition, it is put forward that we will just have the scientists and the research community figure out how to deal with these issues. That is perhaps the problem, because if we provide the support exclusively to the hardware and software scientists and nothing to those who will consider the societal implications, the ethical implications, the philosophical implications—then no one will be looking at those issues, then we will not have done our job to provide a balanced, scientific research bill. That is why I am voting ‘no.’

The material I referred to previously is as follows:

DARPA STRATEGIC PLAN: SECTION 3.7: COGNITIVE COMPUTING (RELEASED FEBRUARY 2005)

Many elements of the information technology revolution that have vastly improved the effectiveness of the U.S. forces and transformed American society (e.g., time-sharing, personal computers, and the Internet) were given their impetus by J.C.R. Licklider, a visionary scientist at DARPA some 40 years ago. Licklider’s vision was of people and computers working symbiotically. He envisioned computers that were adaptively designed to people as partners that would handle routine information processing tasks, thus freeing the people to focus on what they do best—think, reason, and create—and greatly extend their cognitive powers. As we move to an increasingly network-centric military, the vision of intelligent, cooperative computing systems responsible for their own maintenance is more relevant than ever.

Despite the enormous progress in information technology over the years, information technology still falls well short of Licklider’s vision. While computing systems are critical to U.S. national defense, they remain exceedingly complex, expensive to create, insecure, frequently incompatible, and prone to failure. And, they still require the user to adapt to them, rather than the other way around. Computers have grown ever faster, but they remain fundamentally unintelligent and difficult to use. Something dramatically different is needed.

In DARPA, we are revisiting Licklider’s vision as its inspiration for the strategic thrust, “Cognitive Computing.” Cognitive computers can be thought of as systems that know what they are doing. Cognitive computing systems “reason” about their environments (including other systems), their goals, and their own capabilities. When both from experience and by being taught. They will be capable of natural interactions with users, and will be able to “explain” their reasoning in natural terms. They will be robust in the face of surprises and avoid the brittleness and fragility of expert systems.

The benefits from this cognitive computing thrust will be profound. The increasing complexity of military systems means that the level of expertise needed to maintain them in a trained workforce is actually increasing. Increased staffing requirements for virtually every military function that uses computing and communications technology. By creating systems that know what they are doing, and that can configure, maintain, and adapt themselves, we will be able to drastically reduce the staff needed for operations centers, and forward communities. We want to see support of small dismounted units and special operations teams. Cognitive computing technology will also help us to deal with the increasing tempo of operations and the complexity of plans, such as Air Tasking Orders and joint hostage rescue operations plans, by allowing computers to tap into the accumulated knowledge of past experience on behalf of their human partners.

Along these lines, DARPA’s Personalized Assistant that Learns (PAL) program will create intelligent personal assistants for many tasks, such as a commander’s assistant, an intelligence analyst’s assistant, or a decision-maker’s executive assistant. These assistants will be designed to work with human partners by accepting direct, naturally expressed guidance to learn their partner’s preferences and procedures. Then, they will be able to anticipate the human’s needs and prepare materials to be ready just in time for them. These new and unprecedented artificial helpers should reduce military staffing needs in key places and will help ensure decisions are made in a timely fashion and with the best possible preparation.

To meet these challenges and seize these opportunities, DARPA has structured its work in cognitive computing to catalyze innovative work in single cognitive systems, collaborative teams of cognitive systems, and collective cognition from large numbers of small non-cognitive elements. Each area will demonstrate the power of merging reasoning, learning, perception, and communication technologies. These areas will be supported and complemented by broad-based technology efforts in the hardware, software, and integrated science and technology.

The strategic thrust of cognitive computing is a template shaping DARPA’s core technology foundation work in information technology.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I certainly understand the gentleman from California’s (Mr. SHERMAN) efforts in an attempt to amend this bill in the committee process. As the gentlewoman from Illinois (Mrs. BIGGERT) has explained, however, there are other areas today in the policy of NSF that literally would look into the particular issues that he has raised with his amendment.

As a result of that, both the ranking member and the chairman agreed that this legislation is what we need to be considering today. So I strongly support this bill. I think that it is good for America. I think perhaps even for the world; but, certainly, it is good in the areas where research and science is a major part of offering opportunities and options for those of us who live in this country.

So on that effort, I again make my comments of being sorry that the gentleman from California’s (Mr. SHERMAN) efforts were not successful in the committee. Actually, last year, we did offer an amendment that somewhat, I actually passed the House floor; but I recommend strongly to the Members of the House passage of this bill, strongly support this bill.

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

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

I would agree with the gentleman from Tennessee that we really do have the means to conduct research generally and to the social, economic and workforce implication of information technology, and NSF has that ability; and I think that that is all that is necessary. We do not want a mandate in this bill.

In closing, Mr. Speaker, I want to recognize the bill’s chief cosponsor, the gentleman from Tennessee (Mr. DAVIS), and thank him for all the great work he has done on this bill. It is a very important bill to his district, to my district, and to all of the Nation.

I would also like to thank the other cosponsor of this important legislation, including the gentleman from New York (Mr. BOEHLENT), the distinguished chairman of the Committee on Science; along with the gentleman from Tennessee (Mr. GORDON), the ranking member; the gentleman from South Carolina (Mr. INGLIS); the gentledwoman from Oregon (Ms. HOOLEY); and the gentleman from Illinois (Mr. JOHNSON), and I thank them all for their support.

With that, I would also like to thank my colleagues in this body for supporting an identical bill to this one in the 108th Congress; and, finally, I would like to extend my thanks to the Committee on Science staff, majority and minority, for their hard work to bring this bill to the floor today.

As I said earlier, we must commit to providing sustained support for high-performance computers at our Federal civil science agencies. H.R. 28 represents just such a commitment. Our Nation’s scientific enterprise and our economy will be the stronger for it. I would urge my colleagues to support the bill.

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

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 28, as amended.

The question was taken; and (two-thousand having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.
RECOGNIZING THE SIGNIFICANCE OF AFRICAN AMERICAN WOMEN IN THE UNITED STATES SCIENTIFIC COMMUNITY

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) recognizing the significance of African American women in the United States scientific community, as amended.

The Clerk reads as follows:

H. Con. Res. 96
Whereas African American women, once considered peripheral participants in the United States scientific community, have become an indispensible part of the new technology society; Whereas although women comprise approximately 25 percent of the 427,740 individuals employed in the United States workforce who hold a science and engineering doctorate, African American women comprise less than one percent of such individuals; Whereas a skilled workforce is the essential fuel to propel the United States economy and ensure a high quality of life, and it is absolutely critical to the success of the economy to produce a scientifically literate workforce; Whereas for these reasons, it is crucial for the United States to continue to aggressively recruit and retain more women and students into careers in science and technology; Whereas to improve the numbers of African American youth pursuing science, especially young women, it is crucial to provide strong scientific minds for them to look up to and emulate; Whereas very little literature documents African American women and their place in science; Whereas commemorating the achievements of African American women at the very top of the performance curve demonstrates to the world the importance of diversity in the workforce; and Whereas Dr. Ruthella Moore (who in 1963 became the first African American woman to earn a Ph.D. in natural science from the Ohio State University), Dr. Roger Arliner Young (who in 1949 became the first African American woman to receive a Ph.D. in zoology from the University of Pennsylvania), Dr. Euphemia Lofton Haynes (who in 1943 became the first African American woman to receive a Ph.D. in mathematics from the Catholic University of America), Dr. Shirley Ann Jackson (who in 1973 became the first African American woman to receive a Ph.D. in physics from the Massachusetts Institute of Technology), and Dr. Mae Jemison (a physicist and the first African American woman in space) represent only a few of the African American women who have broken through many barriers to achieve greatness in science: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress acknowledges and recognizes the significant achievements and contributions of African American women scientists, mathematicians, and inventors and supports the establishment of a special day on which those great minds may be honored and esteemed.

IN THE UNITED STATES CONGRESS, IN CONGRESS OF THE UNITED STATES ASSEMBLED, THE HOUSE OF REPRESENTATIVES DO UNANIMOUSLY RESOLVE, AND IT IS ORDERED

That the concurrent resolution of H. Con. Res. 96, a resolution to recognize the significant contributions of African American women to the U.S. scientific community,

In recent history, it has become almost ordinary for talented individuals from diverse backgrounds to pursue educational opportunities in fields that were previously considered all white male domains. Yet today’s women and minorities could never have succeeded in the once male-dominated fields of science, engineering, and mathematics had it not been for the courage of their predecessors.

For today’s young women, it is difficult to appreciate how exceptional it was for African American women in particular to pursue a career in science. For those born in the early 20th century, they were told that they did not belong; and they felt lucky if they found work as research assistants to, or unpaid volunteers for, male scientists.

Yet the grit and perseverance of women like Ruth Ella Moore, the first African American woman to receive a Ph.D. in natural science from Ohio State University, as well as civil rights legislation and the women’s movement, help to overcome these obstacles. They also helped pave the way for the successes of women like Shirley Ann Jackson, the first African American woman to receive a Ph.D. from MIT, and Mae Jemison, the first African American woman in space as a crew member of the shuttle Endeavor.

Today, African American women scientists hold positions at all levels of universities, government laboratories, and industry. They chair departments and scientific societies; and they serve on peer review committees, something that was unthinkable just 25 years ago.

The women we are honoring in House Concurrent Resolution 96 are more than role models for a new generation of women who are just beginning to think about their life’s work and future ambitions and explore their many opportunities. Yet, despite these successes, women and minorities are still under-represented in undergraduate and graduate science and engineering education. As national demographics shift, we simply cannot rely only on our traditional science, mathematics, engineering and technology workforce, which is overwhelmingly white and male, and not only will it not provide the needed workforce to fuel the United States workforce, African American women comprise less than 1 percent of the 427,740 employed science and engineering doctorate holders in the United States workforce, African American women comprise less than 1 percent in 1995 to 26 percent in 2050. Looking at these numbers, it is obvious that this group will not provide the needed scientists and engineers, particularly women, to keep America competitive and growing. Clearly, it will be necessary to attract greater numbers of women and minorities to careers in science and engineering in order to avoid devastating consequences for the future. Efforts to increase the presence of Americans in science are incomplete unless they have a women’s component. Some progress has been made, but much remains to be accomplished. Women comprise half the population, but only 24 percent of the science and engineering workforce. African Americans, Hispanics, and Native Americans as a group constitute 24 percent of the U.S. population, but only 7 percent of the total science and technology workforce.

African American women have an especially difficult time bridging the technology divide when it comes to their representation in the science fields. While women make up about 25 percent of the 427,740 employed science and engineering doctorate holders in the United States workforce, African American women comprise less than 1

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New York (Chairman BOEHNER) and the gentleman from Tennessee (Mr. GORDON) for their bipartisan support of this resolution and in our Committee on Science markup last month during Women’s Month. I also want to commend the gentlewoman from Illinois (Mrs. BIGGERT) for her willingness to help us move this bill forward here today.

As this Nation faces a shortage of qualified scientists, it is appropriate that we discuss the significant contributions that African American women have made to the scientific community. Most people that know me know that this has been a passion of mine for many years.

In the past, most of the U.S. scientists and engineers were white males. According to Census Bureau projections, this segment of the workforce population will decline from 37 percent in 1995 to 26 percent in 2050. Clearly, it will be necessary to attract greater numbers of women and minorities to careers in science and engineering in order to avoid devastating consequences for the future. Efforts to increase the presence of Americans in science are incomplete unless they have a women’s component. Some progress has been made, but much remains to be accomplished. Women comprise half the population, but only 24 percent of the science and engineering workforce. African Americans, Hispanics, and Native Americans as a group constitute 24 percent of the U.S. population, but only 7 percent of the total science and technology workforce.

African American women have an especially difficult time bridging the technology divide when it comes to their representation in the science fields. While women make up about 25 percent of the 427,740 employed science and engineering doctorate holders in the United States workforce, African American women comprise less than 1

Ms. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 96, as amended, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 96, a resolution to recognize the significant contributions of African American women to the U.S. scientific community.

In conclusion, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her leadership on this very important issue. I urge my colleagues to support this resolution.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New York (Chairman BOEHNER) and the gentleman from Tennessee (Mr. GORDON) for their bipartisan support of this resolution and in our Committee on Science markup last month during Women’s Month. I also want to commend the gentlewoman from Illinois (Mrs. BIGGERT) for her willingness to help us move this bill forward here today.

As this Nation faces a shortage of qualified scientists, it is appropriate that we discuss the significant contributions that African American women have made to the scientific community. Most people that know me know that this has been a passion of mine for many years.

In the past, most of the U.S. scientists and engineers were white males. According to Census Bureau projections, this segment of the workforce population will decline from 37 percent in 1995 to 26 percent in 2050. Clearly, it will be necessary to attract greater numbers of women and minorities to careers in science and engineering in order to avoid devastating consequences for the future. Efforts to increase the presence of Americans in science are incomplete unless they have a women’s component. Some progress has been made, but much remains to be accomplished. Women comprise half the population, but only 24 percent of the science and engineering workforce. African Americans, Hispanics, and Native Americans as a group constitute 24 percent of the U.S. population, but only 7 percent of the total science and technology workforce.

African American women have an especially difficult time bridging the technology divide when it comes to their representation in the science fields. While women make up about 25 percent of the 427,740 employed science and engineering doctorate holders in the United States workforce, African American women comprise less than 1
percent employed as science and engineering doctorate holders. Many African American women who pursue science education experience isolation both in their graduate departments and in their communities.

So who are their mentors? One of the first pioneers was Dr. Ruth Ella Moore, the first African American woman to receive a doctoral degree in natural science in 1933. Dr. Moore graduated in 1933 from Ohio State University with a doctorate degree in bacteriology and was a member of the bacteriology department at Howard University’s Medical School from 1947 to 1958.

In the field of space exploration, while most are familiar with Dr. Mae Jemison, few are aware that Katherine Coleman Goble Johnson was a key member of the control room during the Apollo 13 crisis. Katherine Johnson, a physicist, space scientist and mathematician, was instrumental in formulating calculations that helped the Apollo 13 return home safely in 1970 after a fuel tank explosion and computer system failure. That was detailed in Tom Hank’s film, “Apollo 13.”

Unfortunately, many young African Americans are unfamiliar with these facts. Very little literature documents African American women and their place in science. To increase the number of African American youth pursuing science, especially young women, it is critical that we provide them strong science role models for them to admire and emulate.

In addition, commemorating the achievements of African American women at the very top of the performance curve demonstrates to the world the importance of diversity in the workforce, especially in the scientific community.

That is why I ask my colleagues to join me today by honoring our great African American women pioneers who helped pave the way for current science stars, like Dr. Mae Jemison and Dr. Shirley Ann Jackson.

As a medical doctor and the first African American woman in space, Dr. Jemison continues to inspire young people in the science field with her program, The Earth We Share International Camp, called TEWS, T-E-W-S, which is an acronym. It is designed to promote science literacy for all students.

Dr. Shirley Ann Jackson was not only the first African American to receive a Ph.D. in physics from MIT but was also the first African American woman to receive a doctorate in any field from that school.

This resolution recognizes their achievements in science and technology and encourages a new generation of young women to continue in their legacies.

Again, I wish to thank the gentlewoman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Ranking Member GORDON) for working with me in a collegial manner, as we always do on the Committee on Science, and for allowing quick passage of the resolution and speedy action to the floor.

I urge my colleagues to vote “yes” on H. Con. Res. 96. This resolution represents our most needed commitment to supporting the continued progress of women and minorities and, in particular, African American women in the sciences. Full participation by all of our diverse population in an endeavor or this important will be our key to future success as a world leader in science and technology.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.
are more likely to have strong relationships with their families.

Today, the House specifically recognizes the thousands of mentors who have made a difference through Big Brothers Big Sisters during its first century. Mentoring a child requires no special training or experience, just a willingness to spend time with a child during his or her formative years. We salute their compassion.

Mr. Speaker, along with my distinguished colleagues, the gentleman from California (Mr. SCHIFF) and the gentleman from Nebraska (Mr. OSBORNE), I commend Big Brothers Big Sisters for its commitment to helping children in need reach their potential, and I urge the adoption of House Concurrent Resolution 41.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleague, the gentleman from Ohio (Mr. LATOURETTE) by stating my strong support for H. Con. Res. 41. It represents the second century of Big Brothers Big Sisters and supporting the mission and goals of that organization.

Mr. Speaker, 2004 marked the 100th anniversary of Big Brothers Big Sisters, one of the Nation’s greatest civic programs. Big Brothers Big Sisters is the oldest and largest youth-mentoring organization in the United States. As of last year, the organization served an astounding 225,000 youth between the ages of 5 and 18 in 5,000 communities across the country.

Research has demonstrated that mentoring helps at-risk youth overcome the many obstacles they face in their lives. Youths in the program, or “Littles” as they are called, are less likely to use illegal drugs, consume alcohol, skip school, or engage in acts of violence.

I want to thank the gentleman from California (Mr. SCHIFF) for introducing this important legislation. Big Brothers Big Sisters has made a positive impact on the lives of impoverished young people, especially, and others throughout the Nation. We owe them a great debt of gratitude, and I trust they will have success as they continue in their work.

On a very personal note, Mr. Speaker, I had the good fortune to serve as a Big Brother for the last 4 years. My wife, who then went on to become a staff person and work for the Mayor, Sharon Pratt, of Washington, D.C., and then went on to work for Vice President Al Gore, eventually becoming, and he is now, the minister and pastor of a church out in Maryland. So I know that the Big Brothers program is a good program; that it does work, because Reverend Courtney Miller is a prime example of that. And I certainly wish Courtney well as we wish the children in the Big Brothers Big Sisters program.

Mr. Speaker, I reserve the balance of my time.
recognizing the second century of Big Brother Big Sisters, the oldest and largest youth mentoring organization in the United States which celebrated its 100th anniversary last year.

I want to thank Representative Tom Osborne for joining me in introducing this resolution and for his strong advocacy of mentoring. I also want to thank Chairman Tom Davis and Ranking Member Henry Waxman of the House Government Reform Committee for their diligence and helpfulness in getting this resolution to the Floor today. And I also appreciate and thank Senator Ensign and Senator Christopher Dodd for their leadership in introducing this resolution in the Senate.

But the big heroes are the untold thousands of volunteers—Big Brothers and Big Sisters throughout the country—who for the last one hundred years have played critical roles in the mentoring of our nation’s youth. Lastly and most of all, I would like to thank all of the Little Brothers and Little Sisters because they have been the ones to enrich our lives.

As you know, when Representative Osborne and I introduced this resolution in February, I came to the Floor to speak about my almost two decades of experience being a Big Brother, and my accomplished, now not-so-Little Brother, David. I was a young prosecutor in Southern California when I first became a Big Brother, and David was just seven years old. Through fun outings, good talks and merely spending time together, we learned a lot about each other and a lot about ourselves. He is now a Yale and USC film school graduate, but I have no doubt he will embark upon a wonderful career and many new adventures. Because of Big Brothers Big Sisters, the oldest and largest youth mentoring organization in the United States, David and I have contributed greatly to society.

Kids need to learn and mature in safe and nurturing environments, yet so many face difficult circumstances through broken families, poverty or simply a lack of opportunities. These situations create an emotional burden very heavy to bear at any age, but especially upon children. In some cases, these burdens are too much to bear, and a child who could have contributed greatly to society takes a much more destructive path. We can prevent this from happening. Through Big Brothers Big Sisters and like-minded organizations, we can reach those at risk of delinquency, and help them lead productive lives. Our children truly are an investment in the future, and all of those who have participated in mentoring know that it is an investment that pays off greatly.

Since 1904, Big Brothers Big Sisters has been enabling Americans to make this investment—hundreds of thousands of times over, one child at a time. We thank Big Brothers Big Sisters for the magnificent contribution they have made to our country and we look forward to many more years of serving our young people.

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

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

The Speaker pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. Latourette) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Latourette).

General Leave

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1236, the bill under consideration.

The SPEAKER pro tempore. The SPEAKER pro tempore, pursuant to the rule, the gentleman from Ohio (Mr. Latourette) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this post office is named in honor of a wonderful civic leader. Tony Armstrong had served as mayor of Sparks, Nevada, since being first elected in 1989. Sadly, Mayor Armstrong passed away on January 29 from complications due to a December surgery to remove his spleen. He was 59 years of age. H.R. 1256 will name a post office in his honor in his hometown of Sparks, and I support its passage.

Mr. Speaker, with the exception of a 6-year stint in the Nevada Air National Guard during the 1960s, Tony Armstrong had lived in Sparks since the age of 4. In 1989, he was elected to the Nevada Board of Regent, where he served until becoming mayor in 1999. He was a man whose passionate principles shaped his leadership. As his former colleague on the city council, Councilman Mike Carrigan said, “Mayor Armstrong’s priorities were God first, his family second, and the City of Sparks third.”

Mayor Armstrong is survived by his beloved wife, Debby, and his adult children, Keith and Misti. Our hearts and prayers go out to the entire Armstrong family.

Mr. Speaker, I know that my distinguished colleague, the gentleman from Nevada (Mr. Gibbons) was very close with Mayor Armstrong. They grew up together and they have served the people of Nevada together. I thank the gentleman for honoring his friend, Tony Armstrong, with this post office in his honor, and I urge all my colleagues to join me in supporting H.R. 1236.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 1236, legislation designating the post office facility in Sparks, Nevada, after the late Tony Armstrong, mayor of Sparks. This measure, which was introduced by our colleague, the gentleman from Nevada (Mr. Gibbons) on March 2005, enjoys the support of the Nevada State delegation.

Tony Armstrong grew up in Sparks, Nevada, and after serving in the Nevada Air National Guard and opening a general contracting business, he was elected in 1989 to the Sparks City Council, representing Ward Three. Ten years later, in 1999, he was elected mayor of Sparks. During his tenure as mayor, he worked hard to promote the image of his city. Sadly, he passed away on January 29, 2006. Mayor Armstrong left behind his wife, two sons, and a daughter.

Mr. Speaker, I urge swift passage of this bill and note that it is definitely a way to honor the work of the mayor of Sparks, Nevada.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
We both graduated from Sparks High School, and while I served in the United States Air Force, Tony Armstrong served in the Nevada Air National Guard during the Vietnam War. Tony Armstrong served his country honorably and then turned his efforts to serving his beloved hometown of Sparks, Nevada.

In 1970, Tony Armstrong served as the chief deputy building inspector for Washoe County, Nevada, and later opened a contracting business, which would become the largest and oldest home inspection service in Nevada.

In 1983, Tony was fortunate: he married Debbie Rimbey and was later blessed with two sons and a daughter. After a successful business career, Tony Armstrong turned his attention to becoming a public servant. He was elected to serve on the Sparks City Council in 1989 and was elected mayor a decade later. Over the years, he has worked harder or loved that community more than Tony Armstrong.

The post office that will receive this greeting is a different place today from City Hall, the place where Mayor Armstrong died, he was awarded Civic Leader of Commerce.

Ed Eilert and urge the swift passage of H.R. 1524, which was introduced by the gentleman from Ohio (Mr. Latourette) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Clerk reads as follows: H.R. 1524

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

SECTION 1. ED EILERT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, shall be known and designated as the “Ed Eilert Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Ed Eilert Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. Latourette) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The CHAIR recognizes the gentleman from Ohio (Mr. Latourette).

Mr. Latourette. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker. H.R. 1524 designates this postal facility in Overland Park, Kansas, as the Ed Eilert Post Office Building. The four members of the Kansas State congressional delegation have all endorsed this legislation, and I join them in support of the bill.

After more than a quarter of a century, Ed Eilert stepped down from being a leader in Overland Park government on Monday, April 11. Ed Eilert’s public service career began when he was elected to the Overland Park City Council in 1977. In 1981, he was elected to the first of six terms as mayor of Overland Park that spanned 24 years. Overland Park has doubled in population and become Kansas’ second largest city. Its population has nearly doubled to over 165,000. The number of people working within the city limits has more than tripled with roughly 120,000 jobs in Overland Park today, and hotel capacity has increased from 800 rooms to 5,100 rooms.

Recently, an era came to an end in Overland Park. Mayor Ed Eilert was sworn into office in 1981. As mayor of Overland Park for 24 years, he worked hard to improve the condition of his city. The population has doubled, the number of projects tripled, and the number of hotels has increased dramatically. Business and opportunities have also grown. A convention center is now home to Overland Park, and more hospitals have been added. Overland Park is now Kansas’ second largest city.

The growth occurred under the leadership and vision of Mayor Eilert. This week Mayor Eilert steps down from his position, and what a wonderful way to honor the achievements of Ed Eilert. I join my colleagues in honoring Mayor Ed Eilert and urge the swift passage of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. Moore).

Mr. Moore of Kansas. Mr. Speaker, I rise today in support of legislation designating the United States Postal Service facility located at 12433 Antioch Road in Overland Park, Kansas, as the Ed Eilert Post Office Building. I was joined in sponsoring this legislation by the gentleman from Kansas (Mr. Tiahrt), the gentleman from Kansas (Mr. Ryun), and the gentleman from Kansas (Mr. Moran); and I am grateful for their support.

Recently, an era came to an end in Overland Park. Mayor Ed Eilert was sworn into office in 1981. As mayor of Overland Park, which to which he was elected six times and held for a total of 24 years. Since he was sworn into office in 1981, Overland Park has grown to become Kansas’ second largest city. Its population has nearly doubled to over 165,000. The number of people working within the city limits has more than tripled with roughly 120,000 jobs in Overland Park today, and hotel capacity has increased from 800 rooms to 5,100 rooms.

During his tenure, 21,000 single-family and 19,000 multi-family residences have been added in Overland Park, along with 23.7 million square feet of office, retail, and industrial space.
Over the years, the city has seen the arrival of the Sprint campus, three new hospitals, the University of Kansas Edward campus, the Carlsen Center at Johnson County Community College, and a city convention center.

Additionally, under Ed Eilert’s leadership, the city added the landmark Clock Tower Plaza and the Farmers Market in the downtown area, a neighborhood conservation program, and Arboratum and Botanical Gardens, the International Trade Center, the W. Jack Carter Justice Center, and interchanges at I-435 at both Nall Avenue and Quivira Road.

Mayor Eilert also supported construction of the Fire Training Center which has been used by many other cities and county fire departments in the Kansas City metropolitan area, and he worked with Johnson County Community College to create a training facility for Burlington Northern Santa Fe Railway employees on the college campus.

And during Mayor Eilert’s tenure, the city’s land area expanded by 36 percent to nearly 62 square miles. Finally, Overland Park enjoys a top rating for a solid financial condition. It has received numerous awards as an outstanding city. For years, Overland Park has had the lowest property tax rate of any first-class city in Kansas.

Ed Eilert was first elected to Overland Park City Council in 1977 and became council president in 1980. He formerly taught at Shawnee Mission North High School and knows firsthand how Overland Park has benefited from its nationally recognized school systems.

He made his first visit to the city in 1960 because it was the home of Jan Bush, whom he met while studying at Emporia State University and would marry 2 years later. The Eillerts moved to Overland Park in 1965 when he completed law school. In 1977, he began his first campaign for political office and has been a public servant since then. He has also been a financial consultant with A.G. Edwards & Sons and serves on the board of directors of Metcalf Bank.

When we consider the array of challenges that Ed Eilert faced, we cannot help but agree with Bob Sigmund, the opinion page editor of the Kansas City Star, who recently wrote that “Ed Eilert provided the vision and leadership in shaping Overland Park’s success as an ideal place to live, work and raise a family. Eilert’s political skills have been especially useful in easing tensions and maintaining an acceptable balance between the older, established neighborhoods in northern Overland Park and the rapidly expanding new subdivisions in the south.”

I would like to call Ed Eilert my friend. While we are members of different political parties, I have always been impressed by his sound judgment, diligence, and dedication to his community and to the public welfare. When he sought the Republican nomination for the House in 1996, he lost narrowly to then-State Representative Vince Snowbarger for the nomination to succeed Representative Jan Meyers. I often tell third district residents that I voted for Congress myself had Ed Eilert been elected 2 years before I became a candidate for the office.

Dedication of this postal service facility in Overland Park is a small, but fitting, tribute to a man who has dedicated most of his adult life to public service at the community level. He has worked tirelessly to bring people together while ensuring quality economic development and competence in the delivery of local services. I commend Mayor Ed Eilert and again thank my colleagues in the Kansas House delegation for their support. I urge my colleagues to approve this legislation today, and I hope the other body will follow suit quickly so we can see it signed into law.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H.R. 1524. I thank my colleague, Mr. MOORE, for sponsoring this legislation to name the post office at 12433 Antioch Road in Overland Park, Kansas, after Mayor Ed Eilert. The job of mayor is a challenging position. Each day they are tasked with the responsibility of making their community, their home, a better place to live. They do this with the eye of the public always on them as they live and lead. The fact that Mayor Eilert was re-elected six times speaks volumes of his dedication and character. During his over 24 years in office, Mayor Eilert worked hard to improve Overland Park, and his leadership is well respected.

Mr. MOORE spoke of the infrastructure improvements that Mr. Eilert helped bring to Overland Park—the Clock Tower Plaza, KU’s Edwards Campus and the Fire Training Center, to name a few. I want to emphasize that these centers and buildings are much more than physical structures. They are symbols of economic development, job creation and improvements in quality of life. During the time Ed served as Mayor, Overland Park grew to be the second-largest city in Kansas. Ed’s vision helped to ensure that the city is both bigger and better for the businesses, individuals and families who are proud to call Overland Park their home.

Mayor Eilert’s commitment to Overland Park extended beyond his role as mayor. He was an active member of many civic organizations, including the Municipal League of Johnson/Wyandotte Counties, and the National League of Cities. He has also served as secretary and treasurer of the Johnson/Wyandotte Counties Council of Mayors. He currently serves as a commissioner of the Kansas and Missouri Metropolitan Cultural District, a board member of Services for Seniors and Advocates for Victims with Retardation, a member of the advisory council for Emporia State University’s school of business and a member of the advisory council for United Community Services and Temporary Lodging for Children.

For Mayor Eilert is a charter member of the South Overland Park Rotary Club, the Overland Park Historical Society, the Overland Park Arboretum and Friends of Johnson County Developmental Supports. He also is a member and elder, and a former chairman of the board, of Overland Park Christian Church. I commend Ed for his service to the community and his contributions to improving the quality of life in Overland Park.

I recognize that Kansas is home to many leaders who work to make our state a great place to live and work. I also acknowledge that our growth and prosperity is possible because of the efforts of local leaders like Mayor Eilert who are willing to serve our communities. Mayor Eilert touched lives every day. He directly affected the residents of Overland Park in a positive way. I am grateful for his hard work and dedication, and I join with my fellow Kansas representatives in honoring Mayor Eilert.

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

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Kansas (Mr. MOORE) for his reflections of his friend, urge passage of the bill; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1524.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL RECORD—HOUSE

RECOGNIZING AND HONORING CONTRIBUTIONS OF INDIAN AMERICANS TO ECONOMIC INNOVATION AND SOCIETY GENERALLY

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 227) recognizing and honoring the contributions of Indian Americans to economic innovation and society generally.

The Clerk read as follows:

H. Res. 227

Whereas the United States is deeply enriched by its Indian American residents; Whereas the Indian American community and the graduates of the Indian Institutes of Technology (IIT) in the United States have made valuable and significant contributions to society in every profession and discipline; and Whereas IIT graduates are highly committed and dedicated to research, innovative and promotional of the rule and international cooperation between India and the United States: Now, therefore, be it

Resolved, That the House of Representatives—
(1) recognizes the valuable and significant contributions of Indian Americans to American society;
(2) honors the economic innovation attributable to graduates of the Indian Institutes of Technology; and
(3) urges all Americans to recognize the contributions of Indian Americans and have a greater appreciation of the role Indian Americans have played in helping to advance and enrich American society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.
The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 227, which I introduced to recognize the contributions to our Nation of Indian Americans, and specifically the graduates of the Indian Institutes of Technology.

After winning independence in 1947, India began building a democratic nation that provides its citizens with equal opportunities.

One of the successes of the new nation was the Indian Institute of Technology, or IIT, which was established in Kharagpur in May, 1950. Today there are seven IIT campuses across India. IITs have become synonymous with excellence in technology and engineering education.

Since the inception of IIT, thousands of graduates have sought and achieved the highest levels of professional successes in the United States and indeed throughout the world. IIT graduates are everywhere, leading or having some hand in the creation of over 150,000 jobs in the U.S. Most Silicon Valley firms have at least one IIT graduate among their top executives. In my district in Northern Virginia, we literally have dozens of IIT executives running their own companies, including thousands of jobs. Almost all IIT alumni attribute their success to the rigorous educational foundation they received at IIT.

Mr. Speaker, the U.S. has attracted more IIT graduates than any other country because we remain on the cutting edge of the science and technology fields. In recognition of IIT graduates’ contributions to our Nation, the second Global IIT Alumni Conference will be held in nearby Bethesda, Maryland from May 20 through 22. The conference will attract over 1,500 attendees from all over the United States and around the world.

Mr. Speaker, I am pleased that the House is recognizing the achievements of Indian Americans and IIT graduates in helping to make the United States the global leader it is. Indian Americans are wonderful ambassadors of their homeland, and they strengthen the strong friendship between India and the United States, the two largest democratic countries in the world.

Mr. Speaker, I urge all my colleagues to join me in recognition of the important contributions made by Indian Americans and IIT graduates to our national economy. I thank the House Indian Caucus and all the cosponsors for their support of this resolution.

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

Mr. DAVID of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important that we acknowledge from time to time our individual histories and what makes us unique. I believe that one of the differences that make our Nation strong. Therefore, I am very happy to join the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the House Committee on Government Reform, in support of H. Res. 227, recognizing and honoring the contributions of Indian Americans to economic innovation and to society generally.

According to a 2000 census, the Indian American population stands at over 1.6 million. This represents a 106 percent increase over the 1990 census figures. In fact, Indian Americans are the largest-growing Asian American community in the United States.

In addition to being a growing community within our society, the Indian American community also is a wonderful contributor to our Nation’s well-being. The Indian American median family income is $60,093, which is significantly higher than the national median family income of $38,885. This helps bolster our economy as the example of their determination and hard work, but it is also a testament to the strong regard they hold for education. More than 87 percent of Indian Americans have completed high school, while at least 62 percent have completed some college. The value that members of the Indian American community place on education allows them and helps them to succeed in this country and to become positive role models and economic leaders of the future.

As our Nation struggles to teach the value of education to our young, I strongly believe that we should hold in high regard the Indian American community’s commitment to higher education. It is indeed inspirational. So once again, Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) for his leadership on this issue and reiterate my strong support for H. Res. 227.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I rise in strong support of what I think is a very appropriate resolution.

I am very proud to be the son of Indian immigrants to this country. Though born and raised in Louisiana, I am proud of my background. Certainly I think not only my parents but the interior Indian American community is a great example of living the American dream. And so many stories have been told, and there are so many wonderful examples.

Certainly we can talk in terms of numbers. We can talk in terms of the IIT graduates who are now doing so well on the Fortune 500 top corporations in this country. Certainly we can talk about the academic achievements. We can talk about the contributions to our high-tech industry in this country. We can talk about the contributions in medicine, small business ownership.

And the numbers are phenomenal. One of the most successful, if not the most successful, immigrant group. But I do not think the numbers tell the entire story. I think sometimes we have to look beyond the numbers and hear the personal stories.

My father, for example, is one of nine children, the first one in his family and the only one to go to high school, much less beyond high school. I am certainly very proud of everything my father has accomplished in this country, but it is not just my father. I am very proud of all the different Indian Americans I have the privilege of meeting who have achieved so much in their respective fields, and again I think a wonderful example is the story of the Indian American community. And the numbers do not tell the entire story. I think sometimes we have to look beyond the numbers and hear the personal stories.

My father, for example, is one of nine children, the first one in his family and the only one to go to high school, much less beyond high school. I am certainly very proud of everything my father has accomplished in this country, but it is not just my father. I am very proud of all the different Indian Americans I have the privilege of meeting who have achieved so much in their respective fields, and again I think a wonderful example is the story of the Indian American community. And the numbers do not tell the entire story. I think sometimes we have to look beyond the numbers and hear the personal stories.

Again, Mr. Speaker, I yield such time as he may consume.

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

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I rise in strong support of what I think is a very appropriate resolution.

I am very proud to be the son of Indian immigrants to this country. Though born and raised in Louisiana, I am proud of my background. Certainly I think not only my parents but the interior Indian American community is a great example of living the
Virginia (Chairman TOM DAVIS) for think it is a wonderful success story. In communities, the most rural parts of my biggest cities to the smallest commu-
dian Americans own businesses in the April 26, 2005
this generation, but the next, as well. An extraordinary commitment will benefit not only
extraordinary commitment will benefit not only
families that brought my parents and oth-
ners like him, who have not only done so
ers like them here in the first place.
ners like them in the
versus other purposes, as amended.
H.R. 902
2005

PRESIDENTIAL $1 COIN ACT OF 2005
Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 902) to improve circulation of the $1 coin, create a new bullion coin, and for other purposes, as amended.
The Clerk read as follows:

Be it enacted by the Senate and House of Repre-
entatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE. This Act may be cited as the “Presidential $1 Coin Act of 2005”.

TITLE I—PRESIDENTIAL $1 COINS

SEC. 101. FINDINGS.
The Congress finds as follows:

(1) There are sectors of the United States economy, including public transportation, parking mechanisms, and low-dollar value transactions, in which the use of a $1 coin is both useful and desirable for keeping costs and prices down.

(2) For a variety of reasons, the new $1 coin introduced in 2000 has not been widely sought after by the public, leading to higher costs for merchants and thus higher prices for consumers.

(3) The 50 States Commemorative Coin Program for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner that is not done so.

(4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.

(5) A national survey and study by the Government Accountability Office has indicated that winners do not seek, or if they do not, the new $1 coin for use in commerce would act in a manner that is not sought after.

(6) The President is the leader of our tripartite government and the President’s spouse has often set the social tone for the White House while spearheading and highlighting important issues for the country.

(7) Sacagawea, as currently represented on the new $1 coin, is an important symbol of American history.

(8) Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in American history.

(9) First Spouses have not generally been recognized on American coinage.

(10) In order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce but also as an object of aesthetic value, if one does not seek, or if they do not, the new $1 coin for use in commerce would act in a manner that is not sought after.

(11) Placing inscriptions on the edge of coins, as the 2,700,000,000 2-Euro coins in circulation, known as edge-incusing, is a hallmark of modern currency.

(12) Continuity provision.—Notwithstanding subparagraph (1), the Secretary shall continue to mint and issue $1 coins which bear the design on $1 coins being minted and issued before the issuance of coins as required under this subsection.

(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1) shall meet the following design requirements:

(A) Coin reverse.—The design on the reverse shall bear—

(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty while not being large enough to create the impression of a "headless coin.

(ii) the inscription "LIBERTY"—Notwithstanding the 24th sentence of subsection (d)(1), because the use of a design bearing the likeness of the Statue of Liberty on the reverse of the coins issued under this subsection adequately conveys the concept of Liberty, the inscription of "Liberty" shall not appear on the coins.

(E) PROHIBITION ON SITTING PRESIDENT IN SCHOOL Curricula.—Each coin issued under this subsection may bear the image of a President who, at the time of issuance, is currently serving as President.

(3) I SSUANCE OF COINS COMMEMORATING PRESIDENTS.

(A) ORDER OF ISSUANCE.—The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the periods of service of each President, beginning with President George Washington.

(B) TREATMENT OF PERIOD OF SERVICE.—Except as provided in subsection (2), only 1 coin design shall be issued for a period of service for any President, no matter how many consecutive terms of office the President served.

(C) TERMINATION OF PROGRAM.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in unincirculated and proof qualities as the Secretary determines to be appropriate.

(6) TERMINATION OF PROGRAM.—The issuance of coins under this subsection shall terminate when each President has been honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

(7) REVERSION TO PRECEDING DESIGN.—Upon the termination of the issuance of coins under this subsection, the design shall revert to the so-called "Sacagawea-design $1 coin".

SERC. 102. FIRST SPouse BULLION COin PROgRAM.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (n) (as added by the preceding section of this title) the following new subsection:

(1) First Spouse Bullion Coin Program.—

(A) In general.—During the period in which the $1 coin is under the design selection (n) which are emblematic of the Presidents of the United States, the Secretary of the Treasury shall issue bullion coins under this subsection with designs that are emblematic of the spouse of each such President.

(B) SPECIFICATIONS.—The coins issued under this subsection shall—

(i) have the same diameter as the $1 coins described in subsection (n);

(ii) weigh 0.5 ounce; and

(iii) contain 99.99 percent pure gold.

(2) DESIGN REQUIREMENTS.—

(A) Coin obverse.—The design on the obverse of each coin issued under this subsection shall contain—

(i) the name and likeness of a person who was a spouse of a President during the President’s period of service;

(B) Coin reverse.—The design on the reverse of each coin issued under this subsection shall contain—

(i) a likeness of the years during which such person was the spouse of a President during the President’s period of service; and

(ii) the inscription "United States of America.".

(3) DESIGNATED DENOMINATION.—Each coin issued under this subsection shall, on the reverse, an inscription of the nominal denomination of the coin which shall be "$100".

(D) DESIGN IN CASE OF NO FIRST SPouse.—In the case of any President who served without a spouse—

(i) the image on the obverse of the bullion coin corresponding to the $1 coin relating to such President shall be an image emblematic of the life and work of the First Spouse whose image is borne on the obverse; and

(ii) the inscription "United States of America".

(4) T方向ED DENOMINATION.—Each coin issued under this subsection shall bear—

(A) a likeness of the years during which such person was the spouse of a President during the President’s period of service;

(B) coin reverse.—The design on the reverse of the facility issued under such subsection shall bear—

(i) a likeness of the years during which such person was the spouse of a President during the President’s period of service;

(ii) the reverse of such bullion coin shall be of a design representative of themes of such President, except that in the case of the bullion coin issued during the term of President Arthur; and

(iii) the reverse of such coin shall be representative of the suffrage movement.
"(E) Design and Coin for Each Spouse.—A separate coin shall be designed and issued under this section for each spouse who was the spouse of a President during any portion of a term of office of such President.

"(F) Inscriptions.—Each bullion coin issued under this subsection shall bear the inscription of the year of minting or issuance of the coin and inscriptions as the Secretary may determine to be appropriate.

"(4) Sale of Bullion Coins.—Each bullion coin issued under this subsection shall be sold for an amount not less than the price of the coin at the United States Mint facility at which the coin was struck, on terms and conditions determined by the Secretary.

"(5) Reissue of Bullion Coins.—The Secretary may reissue bullion coins that have been sold under section 512(n) of title 31, United States Code (as added by section 2 of this Act) after consulting with the Board of Governors of the Federal Reserve System and the submission of notice to the Congress, the Secretary shall determine an appropriate time in which to begin reissuing such bullion coins.

"(6) Inscription of Coins Commemorating First Spouses.—(A) In General.—The coins issued under this subsection shall continue to bear the inscription of the name of the spouse referred to in subsection (a)(2), and the following inscriptions: the original, featuring 2 lilies, and the current representation of the Lincoln memorial in Washington, D.C., to encourage operators of vending machines and other persons to accept the coins, 

"(B) the Director of the United States Mint should take such reasonable steps to ensure that all $1 coins minted and issued remain tarnish-free for as long as possible without incurring undue expense.

"(7) Source of Bullion Coins.—The Secretary shall acquire gold for the coins issued under this subsection with respect to any spouse covered under the subsection by purchase of gold mined in the United States, or in foreign countries, and in the State of Hawaii, and shall continue to bear the Victor David Brenner inscription referred to in subsection (a)(2) beginning immediately before the issuance of coins with the design referred to in section 512(n)(1) of title 31, United States Code; and

"(8) in connection with the introduction of the $1 coins under the Presidential $1 Coin Program;-

"(9) the Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall take steps to ensure that an adequate supply of $1 coins are available for commerce and collectors at such places and in such quantities as are appropriate by—

"(A) meeting, from time to time but no less frequently than quarterly, with a coin users group that includes representatives of merchants who would benefit from the increased usage of $1 coins, vending machine operators, coin acceptor manufacturers, vending machine owners and operators, and schools to ensure an adequate amount of news coverage about the start of the coin program so consumers will know of the availability of the coins;

"(10) the Board of Governors, in consultation with the Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall take steps to ensure that an adequate supply of $1 coins are available for commerce and collectors at such places and in such quantities as are appropriate by—

"(A) meeting, from time to time but no less frequently than quarterly, with a coin users group that includes representatives of merchants who would benefit from the increased usage of $1 coins, vending machine operators, coin acceptor manufacturers, vending machine owners and operators, and schools.

"(B) submit a semiannual report to the Congress containing an assessment of the reissue program, including information on the supply of $1 coins as well as other circulating coins;

"(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-operating devices in the United States to accept coins issued under the Presidential $1 Coin Program and the so-called Sacagawea-design $1 coins, and to include notices on the machines and devices of such acceptability;

"(D) ensuring that during an introductory period, all institutions that want unmixed supplies of each newly-issued design of $1 coins are able to obtain such unmixed supplies; and

"(E) consulting with representatives of depositary institutions and armored-car operators to support the availability of $1 coins in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins; and

"(F) the Director of the United States Mint should take all steps necessary to expand the marketing of these coins and reduce barriers to the sale of bullion coins, by ensuring that—

"(A) the greatest number possible of reputable, reliable merchants in the private sector are qualified to offer for sale all bullion coins struck and issued by the United States Mint; and

"(B) all such dealers and their customers have equal and timely access to all new issues of such bullion coins.

TITLE II—ABRAHAM LINCOLN BICENTENNIAL 1-CENT COIN DESIGN S. 291. FINDINGS.

The Congress finds as follows:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County (present-day LaRue County), Kentucky, on February 12, 1809, Abraham Lincoln went to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men are created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with a moral compass that shone with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the American dream through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(8) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

"(9) Abraham Lincoln, the 16th President of the United States, grew up in Hardin County, Kentucky, to achieve fame in Indiana, and led the nation in Washington, D.C."

(10) "The Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln’s birth, making the obverse design the most enduring on the nation’s currency.

(11) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

"(12) In the nearly 100 years of production of the "Lincoln cent", there have been only 2 designs on the reverse: the original, featuring 2 wheat-heads in memorial style enclosing mottoes, and the current representation of the Lincoln Memorial in Washington, D.C.

"(13) On the occasion of the bicentennial of President Lincoln’s birth and the 100th anniversary of the production of the Lincoln cent, it is entirely fitting to issue a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of President Lincoln’s life.

SEC. 102. REDESIGN OF LINCOLN CENT FOR 2009.

(a) In General.—During the year 2009, the Secretary of the Treasury shall issue 1-cent coins in accordance with the following design specifications:

"(1) Reverse.—The reverse of the 1-cent coin shall continue to bear the Victor David Brenner likeness of President Abraham Lincoln.

"(2) Reverses.—The reverse of the coins shall bear 4 different designs representing a different aspect of the life of Abraham Lincoln, such as—

"(A) his birth and early childhood in Kentucky;

"(B) his formative years in Indiana;

"(C) his professional life in Illinois; and

"(D) his presidency, in Washington, D.C.

"(3) Bicentennial 1-Cent Coin Redesign.—The Congress finds that—

"(1) Order.—The 1-cent coins to which this section applies shall be issued with 1 of the 4 designs referred to in subsection (a)(2) beginning at the start of each calendar quarter of 2009.

"(2) Number.—The Secretary shall prescribe, on the basis of such factors as the Secretary deems appropriate, the number of 1-cent coins that shall be issued with each of the designs selected for each calendar quarter of 2009.
The design on the reverse of the 1-cent coins issued after December 31, 2009, shall bear an image emblematic of President Lincoln, on the 1-cent coins issued in 2009.

The Speaker pro tempore. Is there any objection to the request of the gentleman from Delaware? There was no objection.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to include extraneous material thereon.

The Speaker pro tempore. The request is granted.

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

I am pleased that the House will consider today the Presidential $1 Coin Act of 2005 I authored with the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

**General Leave**

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to include extraneous material thereon.

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

I am pleased that the House will consider today the Presidential $1 Coin Act of 2005 I authored with the gentlewoman from New York (Mrs. MALONEY). This legislation honors each U.S. President by placing him on the 1-cent coin on a rotating basis. By doing so it aims to improve circulation of the 1-cent coin, which will lower costs to businesses and thus restrain price increases. I believe this program is a great opportunity for educating both children and adults about the history of our country. In addition, although it is not the goal of the program, these new coins will likely generate as much as $5 billion for the government.

Concurrently with this program, the current Sacagawea coin will also be minted. I am pleased that we will be able to work with the gentleman from North Dakota (Mr. POMEROY) to address his concerns and continue the Sacagawea program, which will now hopefully be stronger than ever.

In many ways this legislation is modeled after the successful “50 State Quarter Program.” The 50 State Quarter Program, which I was also proud to have authored, issues five quarters a year bearing images connected with one of the States, so that over a decade each State will have been honored. Before the State quarter program started, the U.S. Mint was making about 400 million quarters a year, but in the first year of the program it minted approximately 1.2 billion quarters. The Mint estimates that one person in each household is collecting the quarters and they are collecting a full set, not just their own State. Accordingly to my gentlewoman from New York the Mint, nearly $5 billion worth of savings have been created for the Federal Government.

It is important to note that this program is likely to be more accepted by the public than previous dollar coin programs. In a 2002 General Accounting Office report to Congress, 25 percent of respondents stated that they would use the dollar coin for more purchases if there was a rotating design similar to the 50 State Quarter Program. Additionally, nearly 50 percent of respondents stated they would collect the new coin if it featured a changing design. And 69 percent of respondents favored U.S. Presidents as the choice for the new rotating design on the dollar coin.

Under the program, the images on the front and back of the coin temporarily would be replaced beginning in 2007 with images of the United States Presidents. Four Presidents a year will be honored under their service, with a likeness of the President, his name and dates of service, and a number signifying the order in which he served, on the front of the coin. The image on the reverse would be that of the Statue of Liberty, large enough to be dramatic but not so large as to create a so-called “two-headed” coin. The date, Mint mark, and other important mottos on the coin would be on the edge of the coin, leaving room on the faces for more dramatic artwork.

Working through concerns, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Ohio (Mr. NEY) raised last year, there is language that was drafted in consultation with the National Federation of the Blind to ensure seeing-impaired individuals would be able to distinguish the dollar coin from a quarter.

The educational aspects of this program are immense. We all know George Washington was the first President, but how many can tell the exact dates of his service to the country? How about the dates of service of the famous Civil War General Ulysses S. Grant, who later became President? And how many in this Chamber can name the only President who would end up with two coins in the series because he served twice, in terms separated by another President’s term?

This legislation also seeks to honor the First Spouse by creating a nearly puregold investment-grade bullion coin, the same diameter as the dollar coin, and half an ounce in weight, honoring the First Spouses who have done so much for our country. The U.S. Mint will also be able to make bronze medal replicas of the First Spouse gold bullion coin. This will enable school children and ordinary citizens an affordable option for collecting the First Spouse series. The bronze metal replicas will cost just a few dollars.

For the First Spouse coin, the obverse, as for the Presidential coins, would be the likeness of the spouse, terms of service, and the order in which they served. The reverse would be images emblematic of the spouse’s works. In the five instances to date in which Presidents had no spouses while in office, the educational part again, the bill calls for the image on the front of the coin to be that of an image, that of “Liberty,” as used on a U.S. coin circulating that President’s term, and the reverse of the coin to carry images related to the President’s term.

During President Chester Arthur’s term, the image of Liberty would be represented by Alice Paul, a leader in the women’s movement, who was born during Arthur’s term. Other Presidents, such as President Wilson, have had more than one spouse while in office due to the death of a spouse and subsequent remarriage while still in office.

Finally, this legislation includes H.R. 767 as a second title. This legislation, introduced by the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Illinois (Mr. JACKSON) and cosponsored by the entire Illinois delegation, will redesign the Lincoln penny in 2009 in celebration of the 200th anniversary of President Lincoln’s birth. The redesign will feature four designs, each representing a different aspect of his life: first, his birth and early childhood in Kentucky; second, his years in Indiana; third, his professional life in Illinois; and, finally, his Presidency in Washington, DC.

Mr. Speaker, I would like to thank the gentlewoman from New York (Mrs. MALONEY) for her work on this legislation. Indeed there was a great deal of work, as well as the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), for their support.

I urge my colleagues to support this fun and educational program.

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

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

Mr. Speaker, I rise in support of the bill that the gentleman from Delaware (Mr. CASTLE) and I have offered that is a win-win for taxpayers and the economy.

The Presidential Dollar Coin Act builds on the remarkable success of the 50 State Quarter Act of the gentleman from Delaware (Mr. CASTLE), which is well into its 10-year run and has earned...
praise from educators and coin collectors and benefited the Treasury. My daughters, like many young people across America, enjoy collecting this popular coin.

Like the State quarter bill, the President's bill will educate Americans about our Presidents and our first ladies while making money for the taxpayers. In addition, this bill will encourage use of the Sacagawea dollar coin, which will continue to be issued throughout the program and will be the silver dollar coin after the program ends. Thanks to discussions with the gentleman from North Dakota (Mr. POMEROY), Indian tribal chiefs and women's groups, the provisions of the bill relating to the Sacagawea dollar coin have been clarified and strengthened to assure that Sacagawea, the only woman on our currency at this present moment, will continue to be honored on the dollar coin.

In a similar vein, the bill also provides commemorative coins honoring each first lady to be issued during the period that their husbands were President. These will be issued both as gold bullion collectors' items and also in a bronze version, making them more accessible to school children and the public.

I am particularly pleased that the bill provides for a coin to be issued in honor of the noted suffragette Alice Paul at the same time as the coin commemorating President Chester Arthur, who served without a spouse. As a New Yorker, I am particularly pleased that Lady Liberty, the international symbol of the United States, will be on the back of the coin.

The General Accounting Office has estimated that general use of dollar coins could save the government as much as $500 million per year because they last longer than the dollar bill. Boosting usage of the dollar coin in everyday commerce also helps small businesses and provides consumers with faster and better service.

At the halfway point of issuance, the 50-State Quarter program had made the government over $1 billion primarily from collectors taking the coins out of circulation so that the Federal Reserve then buys more from the Mint. We have similar expectations for the effect of individuals collecting the dollar coins.

This bill earns money for the government, benefits small businesses and consumers, educates all users of American currency about our Presidents and first ladies, and encourages wider use of the Sacagawea dollar coin. I would call that a bill that deserves our full support.

I particularly want to thank the gentleman from Delaware (Mr. CASTLE) and also many discussions with the gentleman from Massachusetts (Mr. FRANK).

I particularly thank Joe Pinder of the committee staff, who is really an expert on coins and has put a great deal of time and effort on this, along with Emily Pfeiffer from the staff of the gentleman from Delaware (Mr. CASTLE) and Eleni Constantin, my financial services counsel.

Mr. Speaker, I hope that this will pass overwhelmingly and be circulating soon.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY). Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time, and I am rising today in support of H.R. 902. I congratulate the gentleman from Delaware and the gentlewoman from New York (Mrs. MALONEY) for having worked long and hard on this legislation.

In a Chamber where we find so much to fight about, you might think that a dollar coin commemorating former Presidents would be the ultimate no-brainer, but had very deep troubles with this legislation. You see, I represent the State of North Dakota, home of Sacagawea, as we say in Hidatsa, Sacagawea as she is known in the Shoshone language. This coin, the Presidential coin, will come in addition to the existing dollar coin which bears the likeness of Sacagawea.

This occurs at a time when we are recognizing the 200th anniversary of the Lewis and Clark Expedition and commemorating, in accordance with that remembrance, the role Sacagawea had in this very important expedition. The State of North Dakota feels very deeply about Sacagawea and about her role in U.S. history. We commemorated not long ago our second statue in Statuary Hall in Sacagawea's likeness. We were concerned that the move to the Presidential coin would somehow phase out the Sacagawea coin or relegate this coin to a secondary role. We thought that was not the time to do it, not in the bicentennial of the Lewis and Clark Expedition, not this coin that recognizes the contributions Native American people have made in our history, not the coin that recognizes the role women have played in the history of our country.

So with all of these concerns, I sat down and began my discussions with the gentleman from Delaware (Mr. CASTLE) and also many discussions with my friend, the gentlewoman from New York (Mrs. MALONEY).

I am very pleased to say that this was one experience where rather than just being rebuffed with “forget about it, Joe,” we have got the votes so we are going to run this.” There was actual, very sincere listening to our concerns that Sacagawea continue in the coinage of our country. There were sincere efforts to address the issues that we were raising, and let me just cite a couple of them:

First, that the Presidential coins start at the conclusion of the bicentennial observation of the Lewis and Clark Expedition. In addition, that any improvements to the coin to advance the Presidential coins would also be applied to the Sacagawea coin. Specifically, here we are talking about making a coin that will work in vending machines, that is not subject to tarnishing as the existing rendition of the Sacagawea coin.

I think that the bill, as a result of the changes made by the constructive dialogue we were able to maintain, is a better bill; and I am just deeply grateful that on this issue, maybe not of great national importance to many, but of very real importance to me and the people I represent, you paid attention to our concerns, addressed them and came up with what I believe is an acceptable compromise. Maybe we can take this example and export it to other issues before us.

I am deeply grateful to the gentleman from Delaware (Mr. CASTLE). By golly, when the gentleman gets an idea, he just does not let it drop. I was hoping the gentleman would wear out on this one; but, no, he kept pushing, and here we are today and we are going to pass it and are going to pass it with my vote.

So I commend the gentleman from Delaware (Mr. CASTLE), I commend the gentlewoman from New York (Mrs. MALONEY), and I thank them once again for the opportunity to work with them on this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from North Dakota (Mr. POMEROY) for his constant work on this bill and his support. We are very grateful. I believe the gentleman’s input has made it a stronger bill.

Mr. Speaker, I yield back my time.

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

Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY), he is tenacious, to say the least. We have been going through this with the gentlewoman from New York (Mrs. MALONEY) for a year, or something of that nature, addressing a variety of issues.

Obviously, none of us wanted to see the Sacagawea coin not come back or fail or whatever. It will be continued, and I think it is our mutual hope that this program will allow the usage of these coins, and therefore it is going to be a coin when it does come back in full-blown issuance after all the Presidential coins are gone that will be used a heck of a lot more than it is now. So hopefully it is a win-win situation that we ended up with.

I thank the gentleman. It was all amiable, maybe a little frustrating at times, but all amiable.

Mr. Speaker, I cannot thank my co-sponsor enough. She has always been in- tegral, with her side of the aisle when there were complications, smoothing those things over, plotting with me to get this done,
which we had to do from time to time. It has been a great pleasure to work with the gentlewoman from New York (Mrs. MALONEY) on this as well.

I would like to thank all the staff who worked on this legislation. It does seem like a very simple bill, but it is a little more complicated than one might think; and there was a lot of staff involvement. Obviously, Emily Pfeiffer on my staff I thank particularly, and Joe Finder is truly an expert on coinage. I think he dreams about these coins all the time. So, it was constantly be would come up with things I had not thought of, usually which we had to overcome in some way or another. But his institutional knowledge of coinage in the United States, which may not be exceeded in this country, is of extraordinary value to all of us as we deal with legislation such as that.

So we are pleased to be here. We think this is obviously very good legislation for a whole variety of reasons, every bit, hopefully, as good as the quarter legislation turned out to be.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H.R. 902, the “Presidential $1 Coin Act of 2005,” that the gentleman from Delaware, Mr. CASTLE, has written.

The dollar coin has the potential to save consumers and business billions of dollars if it is available for the niche population that has need of it. However, for number of reasons the so-called “golden” dollar coin never has achieved the success it should have when it was introduced in 2000. I think the Castle bill addresses all of those, creating a demand for the coin rather than trying to force it into circulation. I like the educational opportunities the coin presents, and I particularly like that the bill would put the Statue of Liberty on the reverse of the coin. Mr. CASTLE isn’t going to say this, but I will: In 1997, when Congress approved the original Golden Dollar program, the legislation left the House with more than 400 votes to put the Statue of Liberty on the coin. Somehow, before it got to the President, that instruction disappeared. Eventually, after 9/11, I think all of us believe that having Lady Liberty on our currency will be terrific.

Mr. Speaker, H.R. 902, introduced by Mr. CASTLE himself and Mrs. MALONEY, seeks to improve demand for and thus circulation of the current one-dollar coin, with the intent of saving money for business and thus restraining price increases for consumers. The legislation directs the Secretary of the Treasury to redesign the new “golden” one-dollar coin, beginning in 2007, issuing four different designs a year. Each design would depict the same and permanent image, but about a President of the United States, in order of service, on the front. The reverse of the coin would depict an image of the Statue of Liberty.

Additionally, the legislation directs the Treasury Secretary to begin issuing, concurrently with the Presidential dollars, Pure Gold “bullion” coins honoring and depicting the First Spouse. The bill also allows striking of an expensive bronze copy of the Spouse coin so that schoolchildren could collect affordable President-and-First Spouse sets, and proposes methods to increase the circulation of the dollar coin.

Essentially similar legislation passed both subcommittee and full committee last year. Changes to this version include moving the starting date back one year, to 2007, and explicit guarantees that the so-called “Sacagawea” design currently being minted and issued, will continue to be minted and issued during the life of the Presidential Dollar program, as well as becoming the sole design after the end of that program.

Finally the legislation incorporates as a separate title the text of H.R. 767, introduced by Mr. LAHOOD for himself and Mr. JACKSON, which calls for a temporary redesign of the reverse of the one-cent coin in 2009 honoring the bicentennial of the birth of President Abra- ham Lincoln.

With that, I urge unanimous support for H.R. 902.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 902, as amended.

The motion is adopted.

The SPEAKER pro tempore. The yeas and nays were ordered.

The yeas and nays were ordered.

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

EXPANDED ACCESS TO FINANCIAL SERVICES ACT OF 2005

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 749) to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services, as amended.

The Clerk reads as follows:

H.R. 749

Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assem-bled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Expanded Access to Financial Services Act of 2005”.

SEC. 2. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)(B)) is amended to read as follows:

“(12) in accordance with regulations prescribed by the Board—

(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

As the remittance market continues to grow, there becomes a significant danger in depriving customers of low-cost remittance products, thereby driving them to underground service providers that evade regulatory oversight. H.R. 749 will allow credit unions to offer remittance products to individuals who qualify for membership while promoting greater transparency within the remittance market. This improved transparency will enhance the ability for regulators and law enforcement agencies to track wire transfers used for illegal activity. Increasing the ease with which regulators and law enforcement agencies can follow the money trail is consistent with the recommendations of the 9/11 Commission on Terrorist Financing.

Allowing Federal credit unions to offer products and services to all consumers within their field of membership would provide further benefits to our economy by allowing credit unions to establish relationships with individuals who are currently “unbanked.” Many users of remittance services are recent immigrants and should be empowered with the knowledge and resources necessary to open personal accounts at mainstream financial institutions.

The Act may be cited as the “Expanded Access to Financial Services Act of 2005”.

SEC. 2. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)(B)) is amended to read as follows:

“(12) in accordance with regulations prescribed by the Board—

(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee.”

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, including concurring material on H.R. 749, as amended.

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

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 749, the Expanded Access to Financial Services Act of 2005, introduced by the gentleman from Pennsylvania (Mr. GERLACH) and the gentleman from California (Mr. SHERMAN) and favorably reported to the House by the Committee on Financial Services.

This bill makes a simple change to the Federal Credit Union Act to allow Federal credit unions to offer check cashing and money transfer services to anyone within their field of membership. H.R. 749 will serve the dual purpose of lowering the cost to consumers of both check cashing and wire transfer products, while providing credit unions the opportunity to establish relationships with individuals who are currently unbanked.

Money transfers by individuals living and working in the U.S. to Latin America are currently estimated at $10 billion annually, and should more than double by 2010.

The remittance market continues to grow, there becomes a significant danger in depriving customers of low-cost remittance products, thereby driving them to underground service providers that evade regulatory oversight. H.R. 749 will allow credit unions to offer remittance products to individuals who qualify for membership while promoting greater transparency within the remittance market. This improved transparency will enhance the ability for regulators and law enforcement agencies to track wire transfers used for illegal activity. Increasing the ease with which regulators and law enforcement agencies can follow the money trail is consistent with the recommendations of the 9/11 Commission on Terrorist Financing.

Allowing Federal credit unions to offer products and services to all consumers within their field of membership would provide further benefits to our economy by allowing credit unions to establish relationships with individuals who are currently “unbanked.” Many users of remittance services are recent immigrants and should be empowered with the knowledge and resources necessary to open personal accounts at mainstream financial institutions. The Act may be cited as the “Expanded Access to Financial Services Act of 2005.”

SEC. 2. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

“(12) in accordance with regulations prescribed by the Board—

(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

As the remittance market continues to grow, there becomes a significant danger in depriving customers of low-cost remittance products, thereby driving them to underground service providers that evade regulatory oversight. H.R. 749 will allow credit unions to offer check cashing and money transfer services to anyone within their field of membership. H.R. 749 will serve the dual purpose of lowering the cost to consumers of both check cashing and wire transfer products, while providing credit unions the opportunity to establish relationships with individuals who are currently unbanked.

Money transfers by individuals living and working in the U.S. to Latin America are currently estimated at $10 billion annually, and should more than double by 2010.
account with an insured depository institution can lead to greater economic self-sufficiency and long-term financial security. Particularly for low- and moderate-income Americans, opening a checking or savings account can be an important first step in establishing a credit history, which can unlock doors to other financial opportunities.

I believe that this bill is a positive step toward ensuring that millions of unbanked Americans have access to secure, low-cost remittance products, while requiring the same treatment into the regulated financial mainstream. I therefore encourage all of my colleagues to vote in favor of H.R. 749.

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

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

Mr. Speaker, I think the gentleman from Delaware (Mr. CASTLE) summarized well the reasons for voting for this bill. If I had more forbearance, I would sit down, but I have a really nice written speech here and will use a few minutes, hopefully abbreviating it, since so many of its points have already been covered.

Mr. Speaker, I will put into the Record at this point a letter in support of this bill from the National Association of Federal Credit Unions.

Last year, in testimony before the House Committee on Financial Services, House of Representatives, Washington, D.C., on behalf of the National Association of Federal Credit Unions (NAFCU), the only national association that exclusively represents the interests of our nation’s federal credit unions, I want to reiterate our support for the Expanded Access to Financial Services Act of 2005 (H.R. 749) and urge the House to bring up and pass this key legislation.

NAFCU fully supports the merits of this bill, since abuses are rampant in communities where immigrants rely on money transfer companies to send remittances to family members and others in their country of origin. Unfortunately, money transfer companies oftentimes charge exorbitant fees on those sending remittances, while imposing poor exchange rates. For example, a $1000 money transfer from Illinois to Mexico via Western Union would cost $100, while the same transaction via Northern Union would cost between $30 and $50 depending on the Western Union location. Also, the credit union providing the transfer service is not subject to those principles, and many credit unions are eligible to become members of a credit union that serves the textile workers of Los Angeles.

As the gentleman from Delaware pointed out, the size of the international remittance business is quite large. In fact, it is estimated at least at $10 billion annually. It is expected to double by the end of this decade, and there are some estimates that place it well above $10 billion annually now.

I should also mention that nearly half of the Latinos in this country do not have an account with a mainstream financial institution, and that is why it is so important in dealing with that immigrant community, as well as other immigrant communities from elsewhere in the world, that we provide this opportunity for credit unions to provide international remittance services.

I should also take a moment to recognize the work of the gentleman from Illinois (Mr. GUTIERREZ) who has been the leader in dealing with all of the various aspects of the remittance, international remittance issues, and to recognize my friend, the gentleman from the Inland Empire (Mr. BACA) who has been a leader on a clarifying and perfecting amendment to this legislation. I believe that this legislation will help credit unions provide services to those paying as much as 15 percent of the amount that they plan to send. So if you are sending $300 back to your parents in Mexico, you may spend $45, and this bill will provide additional competition in the international remittance area, where many credit unions and other financial services are already members often provide these services for only $14 or less per transaction. By bringing people into credit unions, credit unions can do what they do best, and that is serve those who are traditionally underserved, and begin the process of providing financial education, combating predatory lending, and bringing people into the financial system.

Today, more than 200 credit unions already provide to their members wire transfer services to almost 650 points of service in 40 countries. So the credit unions are well positioned to provide these wire transfer and international remittance services.

Mr. Speaker, H.R. 749 would allow credit unions to provide remittance services, that is to say, international remittances, wire transfers, and check-cashing services to nonmembers who are within the credit union’s field of membership. Now, a credit union is restricted and serves a restricted number of people. Some credit unions are based on employment, and so you may have a credit union that serves the textile workers of Los Angeles. You might have another credit union geographically based that serves the northeast. So, international remittances bring people who do not have a relationship with a financial institution and subject to those principles is an important step forward.

I believe that this legislation will help credit unions to provide current exchange rate information before conducting the transaction; that they will tell the customer the exact amount of foreign currency to be received by the recipient; and they will tell the sender when the funds will be available to the recipient. These kinds of high principles are important for those in the international remittance business, and to have credit unions more involved in that business and subject to those principles is an important step forward.

As the gentleman from Delaware pointed out, the size of the remittance business is quite large. In fact, it is estimated at least at $10 billion annually. It is expected to double by the end of this decade, and there are some estimates that place it well above $10 billion annually now.

I should also mention that nearly half of the Latinos in this country do not have an account with a mainstream financial institution, and that is why it is so important in dealing with that immigrant community, as well as other immigrant communities from elsewhere in the world, that we provide this opportunity for credit unions to provide international remittance services.
who need them, will drive down the price of those services, and will introduce people to our financial institutions. I urge an aye vote.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from the Commonwealth of Pennsylvania (Mr. GERLACH).

Mr. GERLACH. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Ohio (Mr. OXLEY) for taking up this bill so quickly, and the gentleman from California (Mr. SHERMAN) for his work on behalf of this important legislation. I would also like to thank the gentleman from California (Mr. BACA), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Texas (Mr. PAUL) for their efforts as well.

Mr. Speaker, I rise today to encourage my colleagues to support H.R. 749, the Expanded Access to Financial Services Act. This bipartisan legislation will amend the Federal Credit Union Act to allow credit unions to offer money transfer services to anyone who is eligible to be a credit union member, whether or not they have credit union membership. The bill is identical to section 307 of H.R. 1375, the Financial Services Regulatory Relief Act, which passed the House by a vote of 392 to 25 on March 18, 2004.

H.R. 748 reaches out to individuals who, for whatever reason, do not have established bank accounts. These unbanked Americans, estimated to be up to 10 million households, are frequently charged high fees for a variety of financial services. By bringing competition to the marketplace, we can provide our constituents access to lower-fee alternatives.

Many of those who would utilize these services are hardworking immigrants trying to wire money home to help provide for their families. According to the Pew Hispanic Center and Multilateral Investment Fund, $10 million is sent back to Latin America each year, a figure that can more than double in the next 5 years.

It is my hope that the underserved persons who are reached by this bill will have access to these services to establish a credit history that can then allow them to take advantage of other financial services. An initial positive experience with a depository institution may encourage the “unbanked” to explore other financial products.

Pursuing bringing immigrant workers into financial institutions is important for national security. Credit unions are required to follow the recordkeeping and reporting requirements of the Bank Secrecy Act. They must also determine that customers are in the field of membership, a process that would involve personal documentation review. Having international money transfers go through regulated financial institutions makes it easier for law enforcement officials to learn of and follow suspicious activity.

This legislation has the support of the National Credit Union Administration, the National Credit Union Association, and National Association of Federal Credit Unions. H.R. 749 is a good, bipartisan bill. It reaches out to communities that have historically been left out of the financial services arena and encourages hardworking immigrants to develop relationships with financial institutions. I hope the Members will choose today to give their constituents access to affordable financial services.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 749, the Expanded Financial Services Act of 2005.

This legislation will allow credit unions to offer services to individuals who are in their field of membership, not just those who are members.

This bill will open up the marketplace, and will provide lower-cost services to underserved individuals. The result will be that thousands of unbanked households will be able to enter the economic mainstream.

H.R. 749 includes a provision that I introduced in the Expanded Access to Financial Services Committee that will allow these individuals to use credit unions to send international and domestic electronic fund transfers.

This provision will help underserved individuals to send and receive funds to and from their families.

Currently there are about 10 million households in the United States that do not have access to banking. This bill will help those individuals by giving them lower-cost financial alternatives to send funds to their families.

H.R. 749 will promote competition in the money transfer industry, resulting in lower fees to consumers.

By allowing credit unions to compete, we will bring huge savings to individuals transferring money and provide more money for those who need it most. The money people save by using credit unions can be reinvested in our economy, which helps all Americans.

I urge my colleagues to vote yes on H.R. 749, so that thousands of underserved Americans can join the financial mainstream and access the American dream.

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 749, the Expanded Access to Financial Services Act of 2005. I do so as the proud representative of Hawai'i’s Second District, in which our nation’s credit unions have a long history of serving our community. As such, I am able to say that Hawai‘i’s 742,000 credit union members.

H.R. 749 will allow credit unions to provide expanded services to both members and non-members otherwise eligible for membership. These expanded services include the issuance of travelers’ checks and money orders, and electronic funds transfers.

Most specifically, this bill, if signed into law, will in part enable many of our citizens to transfer money overseas to family members and others with greater ease, thereby assist our personal and financial interests. For it is important to Hawai‘i’s unique economy that it faces its highest level of immigration since the Depression era, with over 28.4 million foreign-born individuals residing in the United States.

My Hawai‘i is no exception. According to the most recent Census Bureau’s American Community Survey, Hawai‘i, with 17.9 percent, has the fourth-largest percentage of foreign-born residents in the United States.

An overwhelming majority of Hawai‘i’s foreign-born population is arriving to the Susannah Wesley Community Center, a private, nonprofit agency contracted by the State of Hawai‘i to provide immigrant services, Hawai‘i’s largest immigrant population—fifty percent of all incoming immigrants—hails from the Philippines. It is crucial to these populaçãos traditional ways by establishing relationships with credit unions which can provide quick, efficient, and economical means by which monies may be transferred to their countries of origin and elsewhere.

Unfortunately, our nation’s financial infrastructure has been slow to offer such services, especially in the less urbanized and rural parts of our country such as my district where our credit unions have long filled an important community-based financial services function. As a result, there is a growing population of “unbanked” individuals, particularly immigrants, and a costly and inefficient money transfer process.

The World Council of Credit Unions, along with the Credit Union National Association, offer credit unions a remittance product called the International Remittance Network (IRnet). IRnet is an electronic funds transfer service providing credit union members a safe and inexpensive way to send money overseas and domestically, and provides service to over 40 countries in Latin America, Asia, Africa and Europe, including the Philippines, Mexico, and Austria.

IRnet significantly decreases the costs for individuals to transfer funds overseas. Over the past four years, the advent of IRnet and enhanced competition among our financial institutions offering money transfer services has driven down remittance costs for consumers. The average cost today of sending $300 to Mexico is between $13 and $14, or 4–5 percent of the amount sent, compared to the average cost four years ago, which was between $30 and $32, or 10–11 percent.

This legislation will expand the range and number of people eligible for the use of IRnet and thereby lower the costs paid by the consumer for these services through increased competition within the marketplace. In the process, it will also encourage a larger number of our newly-arrived citizens and residents to utilize our credit unions and other financial services.

H.R. 749 will not harm or otherwise risk our country’s financial or monetary security, as IRnet utilizes real-time monitoring of transactions against the Specially Designated Nationals (SDN) list from the Office of Foreign Asset Control. What this bill will do again is to help more people in our communities with more and better ways to provide for their personal and economic needs and obligations overseas while preserving basic homeland security protections.

Mr. Speaker, I commend my colleague from Pennsylvania, Mr. GERLACH, for introducing this bill. I look forward to working with him and our nation’s invaluable credit unions to see this measure through into law.

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

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.
The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 748, as amended.

The motion was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 81) expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

The Clerk read as follows:

H. CON. RES. 81

Whereas in March 2003, Cuban dictator Fidel Castro ordered his feared state security agents, labor union organizers, civic leaders, librarians, and human rights activists as political prisoners;

Whereas the Cuban regime, after summary trials which were denounced by the international community, sentenced these innocent men and women to a total of more than 1,000 years in prison for trying to exercise their civil and political rights, many of whom are anticipated to die in prison before their sentence is completed;

Whereas the Charter of the United Nations reaffirms a commitment to fundamental human rights and to the dignity and worth of all people;

Whereas the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas these arrests and convictions were an atrocious attempt by the Cuban regime to crush the citizens’ movements for a free and democratic Cuba;

Whereas Fidel Castro has tentatively released a limited number of prisoners from jail but those political activists are subject to arrest and imprisonment at any time pursuant to “extra penal licenses”;

Whereas in 2004, the Cuban regime continued its suppression of democracy and repression of human rights activists, imprisoning a significant number of political dissidents during the year on such charges as disrespect for authority, public disorder, disobedience, and resisting arrest;

Whereas in April 2004, the United Nations Commission on Human Rights adopted a resolution deploiring the sentencing of “political dissidents and journalists” in 2003 and calling for a visit to Cuba by a Personal Representative of the High Commissioner for Human Rights which was later denied by the Cuban regime;

Whereas Fidel Castro continues to hold hundreds of political prisoners in his jail cells;

Whereas Amnesty International has recognized all journalists and activists who were arrested in the crackdown in March 2003 as prisoners of conscience;

Whereas the Cuban regime engages in torture and other cruel, inhumane, and degrading treatment and punishment against political prisoners to force them into submission, including intense beatings, extended periods of solitary confinement, and denial of nutritional and medical attention, according to the Department of State’s Country Report on Human Rights 2004;

Whereas religious freedom in Cuba is severely curtailed. His church and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Cuban regime denies the people of Cuba equal protection under the law, disallows them recourse for remedying violations of human rights and civil liberties, and instead enforces a judicial system which infringes upon freedom, and

Whereas the United States Congress has stood, consistently, on the side of the Cuban people and supported their right to be free: Now, therefore, be it:

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

(1) condemns in the strongest possible terms the arrest of more than 75 journalists, labor union organizers, civic leaders, librarians, and human rights activists as political prisoners in March 2003 and the Cuban regime’s continuing repressive crackdown against the brave internal opposition and the independent press;

(2) expresses its profound admiration and firm solidarity for the internal opposition and independent press of Cuba;

(3) demands that the Cuban regime immediately release all political prisoners, legalize all political parties, labor unions, and the press, and hold free and fair elections;

(4) declares the acts of the Cuban regime, including its widespread and systematic violations of human rights, to be in violation of the Charter of the United Nations and the Universal Declaration of Human Rights;

(5) declares that the rule of law should replace the rule of force so that the fundamental and inalienable rights of every individual in Cuba are protected;

(6) calls for the European Union, as well as other countries and international organizations, to continue to pressure the Cuban regime to improve its human rights record; and

(7) calls for United Nations member countries to vote against the Cuban regime’s membership in the United Nations Commission on Human Rights and the passage of a resolution at the 61st session of the United Nations Commission on Human Rights that holds the Cuban regime accountable for its gross violations of human rights and civil liberties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago, with the world’s attention riveted on Iraq, Fidel Castro and his security apparatus to round up at least 75 of Cuba’s best and bravest and brightest, prominent and even lesser-known dissidents. Among these are 28 independent journalists and 40 Varela project workers. With sickening speed, the Castro regime used the very same kangaroo courts and given prison sentences ranging from 6 to 28 years; 61 remain in prison.

When the Committee on International Relations met on April 16, 2003 to decry this vile abrogation of justice, I stated at that time that “Even some of the most outspoken leftists who once saw in Fidel Castro something to admire now admit that Castro’s unbridled dictatoriality, his brutality and extreme paranoia are indefensible.” I regret to report that Castro has not given me and, frankly, he has given no one else as well, any reason to reassess that statement or those sentiments.

What was the so-called crisis that these brave men and women committed? They were advocating democracy, writing as independent journalists, and being men and women of faith.

Their real offense was to dare to question the authority of a single man: Fidel Castro. The Cuban Revolution is really about Castro’s vanity and pursuit of personal power. From the beginning, Castro has shot and jalled anyone and everyone, even close friends, who have dared to get in the way of his personal ambitions.

Dictatorships, reflecting the whims of a despot, always subject their people to deprivations and absurdities. The Castro regime recently let a handful of its political prisoners out on parole, citing health reasons. The regime’s callousness toward all political prisoners is well documented.

Now, independent Cuban journalists are reporting that Cuba’s prisons have been virtually emptied of medical personnel. Why? Mr. Castro decided to send them to Venezuela and other places to advance his personal expansionist agenda.

Mr. Speaker, writing in the Spanish newspaper, El Pais, Nobel Prize winner Jose Saramago, a Portuguese Communist and close friend of Castro, commented after 3 alleged Havana ferry hijackers were killed by a firing squad in Cuba in May of 2003, “Cuba has won no one’s admiration by biding the three men, but it has lost its confidence, damaged my hopes, and robbed me of illusions.”

Illusions, as Castro-lover Jose Saramago has only now begun to acknowledge, often persist despite overwhelming evidence to the contrary. Where has this been more evident than in the case of Castro’s Cuba?

Despite decades of credible reports of widespread egregious violations of human rights, including the pervasive use of torture and vicious beatings of political prisoners by the Cuban Government, some have clung to indefensibly foolish illusions of Castro’s revolution.

Despite the fact that the Cuban Government systematically denies its people freedom of speech, press freedom, assembly and association, and severely restricts workers’ rights, it has peremptorily clung to the right to form independent trade unions, some have nevertheless clung to illusion.
Despite the fact that Cuba and Castro maintain an unimaginably vast network of surveillance by the thugs in his secret police and the committees for the defense of the revolution, or CDRs, neighbors spying on neighbors, some continue to embrace bogus perceptions of illusory illusions about Castro and about Cuba.

In his book “Against All Hope,” the book that I have actually read twice now, a memoir of life in Castro’s gulags, Armando Valladares is a courageous and amazing man who spent 22 years in Cuban prisons wrote: “The government of Cuba and its defenders of the Cuban revolution denied that the events that I recount in the book ever happened.” He says, “Castro sympathizers, who were more subtle said the incidents that he described were exaggerations. And there were others, well meaning who simply could not bring themselves to believe that such horrors, crimes and torture existed in the political prisons of Cuba.”

“My response,” Armando Valladares goes on to say, “to those who still try to justify Castro’s tyranny with the excuse that he built schools and hospitals, is this: Stalin and Hitler and Pinochet all built schools and hospitals, and like Castro, they all tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity. Armando Valladares goes on to say: “Unbelievably while many NGOs like Amnesty International and America’s Watch have denounced the human rights situation in Cuba, there has been a continuing love affair on the part of the media and many intellectuals with Fidel Castro.”

Mr. Speaker, that love affair, that illusion seemed to crash and burn with the onset of the current crackdown on dissidents. For its part the United States, in a resolution in June of 2003 by limiting high-level EU governmental visits and inviting Cuban dissidents to National Day celebrations. But, sadly, their memories are short. In January of this year, at the initiative of the Spanish Government, the EU temporarily suspended these measures for a 6-month period.

Mr. Speaker, at the 61st session of the U.N. Commission on Human Rights in Geneva, which was held this past month, I was able to proudly say the United States offered a resolution on the human rights situation in Cuba. The resolution recalled the resolutions of the previous 15 years; and I would just say, parenthetically, I was there 15 years ago when Armando Valladares led the U.S. delegation, having been sent out of the government or out of Cuba by Castro, and got that body, which is dysfunctional in many ways, to finally focus on these ongoing and persistent violations of human rights in Cuba, and that was the first time.

I am glad to say that we just, at U.S. insistence, were able to get another statement by the U.N. Commission on Human Rights focused on the ongoing abuses in Cuba. The resolution passed by a vote of 21 to 17 with 15 abstentions, but only after a full court press by the U.S. delegation led by Rudy Boschwitz, which included personal pleas from President Bush to the presidents of Ukraine and Mexico.

I am sad to point out that China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malawi, South Africa, Sudan and Zimbabwe all voted against the resolution, in effect putting their stamp of approval on Castro’s actions.

Let me just say finally, Mr. Speaker, that this resolution we have today is a reiteration. It is a bipartisan resolution offered by my friend and colleague from New Jersey (Mr. MENENDEZ). And I hope that every member will vote in favor of it.

Two years ago, with the world’s attention riveted on Iraq, Fidel Castro ordered his feared State Security apparatus to round up at least 75 of Cuba’s bravest and brightest, prominent and lesser-known dissidents. Among these dissident journalists and 40 Varela project workers. With sickening speed, these men and women were paraded before kangaroo courts and given prison sentences ranging from 6 to 28 years. Sixty-one remain in jail.

When the Committee on International Relations met April 16, 2003 to decry this vile abrogation of justice, I stated at that time: “Even some of the most outspoken leftists, who once saw in Fidel Castro something to admire, now admit that Castro’s unbridled cruelty, thirst for blood and extreme paranoia are indefensible.”

I regret to report that Castro has given me no cause to reassess that statement.

What were the so-called crimes of these brave men and women? Advocating democracy, writing as independent journalists,... being men and women of faith.

Their real offense was to dare to question the authority of a single man, Mr. Castro. The Cuban Revolution is really about Castro’s vanity and pursuit of power. Even from the beginning, Castro has shot and jailed anyone—even his close friends—who has dared get in the way of his personal ambition.

Dictatorships, reflecting the whims of a despot, always subject their people to deprivation, and like Castro, they also tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity.

Unbelievably, while many non-governmental organizations like Amnesty International and America’s Watch have denounced the human rights situation in Cuba, there has been a continuing love affair on the part of the media and many intellectuals with Fidel Castro.

That love affair—that illusion—seemed to crash and burn with the onset of the current crackdown on dissidents. The EU took action in June 2003 by limiting high-level EU government visits and inviting Cuban dissidents to national day celebrations. But, their memories are short. In January of this year, at the initiative of the Spanish government, the EU temporarily suspended these measures for a six-month period.

At the 61st session of the United Nations Commission on Human Rights in Geneva this past month, I was able to say the United States offered a resolution on the human rights situation in Cuba. The resolution recalled the resolutions of the previous 15 years which the Commission had passed on Cuba, and asked that the mandate of the Personal Representative of the High Commissioner be continued. The resolution was passed by a vote of 21–17, with 15 abstentions, but only after a full court lobbying press by the U.S. delegation which included personal pleas from President Bush to the Presidents of Ukraine and Mexico. China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malawi, South Africa, Sudan and Zimbabwe all voted against the resolution, in effect putting their stamp of approval on Castro’s actions.
Let me mention a few of the ones who were summarily sentenced and remain in prison. Omar Rodriguez Saludes, an independent journalist known to ride his bicycle to news conferences: 27 years. Hector Palacios, one of the key figures promoting the Varela Project: 25 years. Oscar Espinosa Chepe, who wrote critical articles about the Cuban economy for the Internet: 25 years. The President of the Independent Unified Confederation of Cuban Workers (CUTC), Pedro Pablo Alvarez, 25 years. Journalist Raul Rivero and Ricardo Gonzalez Afonso, an editor of "De Cuba" magazine, each got 20 years. The list goes on and on.

For its part, the Bush Administration has made its deep and abiding concern for the political prisoners and the protection of elemental human rights in Cuba abundantly clear. At the time of the crackdown, former Secretary of State Colin Powell declared:

In recent days the Cuban government has undertaken the most significant act of political repression in decades. We call on Castro to end this despicable repression and free these prisoners of conscience. The United States and the international community will be unremitting in our insistence that Cubans who seek peaceful change be permitted to do so.

In like manner, the Congress has consistently demanded the immediate release of all the prisoners of conscience. The Cuban people to exercise fundamental political and civil liberties. H. Res. 179, a resolution offered by Congresswoman ROS-LEHTINEN in April 2003, passed by a vote of 414–0, 11 present. In April of 2001, I sponsored a resolution, H. Res. 91, calling on the U.S. Human Rights Caucus in Geneva to condemn Cuba’s human rights abuse and appoint a Special Rapporteur for Cuba. While it passed, there were a disturbing number of negative votes. That vote was 347–44 with 22 voting present.

We have another opportunity today to move forward a resolution offered by my Colleague, Mr. MENENDEZ, to show that these prisoners are not forgotten. Fidel Castro, his brother Raul, and numerous leaders of Cuba’s dictatorship, are directly responsible for crimes against humanity past—and present. Some day these oppressors will be held to account and the people of Cuba will live in freedom.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume. Mr. Speaker, I rise in strong support of this resolution. Let me first thank my colleague, the distinguished chairman of the International Relations Com- mittee from California (Mr. HYDE), for facilitating our body’s consideration of the resolution so expeditiously. And let me thank my two friends on the other side, the gentleman from New Jersey (Mr. SMITH) and the gentilewoman from Florida (Ms. ROS-LEHTINEN), for their indefatigable fight for all human rights issues globally. I also want to thank my friend, the ranking Democratic member of the Western Hemisphere Subcommittee, the gentleman from New Jersey (Mr. MENDENDEZ), for his ongoing battle for human rights in Cuba.

Mr. Speaker, it is inexcusable that 2 years after 75 Cuban lovers of freedom were tried in kangaroo courts in Havana, sentenced to prison terms ranging from 6 to 28 years for a total prison term of a thousand years and imprisoned in rat-infested dank cells, Castro’s totalitarian machine is still trying to crack the back of that Caribbean island’s internal opposition by continuing to lock up some of its most distinguished civic and human rights leaders.

These political prisoners, Mr. Speaker, are suffering unspeakable horrors at the hands of Castro’s agents simply because they dare to articulate their disagreement with Castro’s Communist government; because they dared to share their personal book collections with their friends and neighbors; because they dared to advocate for labor unions; and because they refused to compromise their journalistic integrity.

These soldiers of freedom, Mr. Speaker, who stand shoulder to shoulder in spirit with Walesa and the Czech Republic’s Vaclav Havel, were thrown behind bars because they practiced their professions or attempted to exert their political rights and civil liberties without Castro’s blessings of Castro’s oppressive regime.

Many of those arrested were supporters of the so-called Varela Project, a grassroots, nonviolent citizens’ movement in Cuba that seeks fundamental labor rights and political rights on the island by petitioning the Cuban Government for a referendum on reform.

Mr. Speaker, it is painfully clear that Castro still does not grasp what has become obvious to many leaders of isolated countries, that the ideological contest between democratic liberty and totalitarian suppression was won over a decade ago. There is no question today, as there was during World War II or throughout the long years of the Cold War, that there are individuals who seek to repress and terrorize their people ultimately will not prevail.

It is only a matter of time before the Communist government of Cuba will realize that the choice before it is not whether the cronies of Castro will be able to maintain power, for the answer to that question is a clear and resounding no; but rather whether they want to participate constructively in a process that will surely transition Cuba to a future of freedom, democracy, and economic opportunity.

Mr. Speaker, recently, the Subcommittee on the Western Hemisphere convened a remarkable hearing at which members of the internal opposition spoke via telephone from Havana, despite placing themselves at risk of state persecution. These courageous political dissidents forcefully argued that we in Congress should call upon the international community to denounce Cuba’s human rights record at every opportunity.

Mr. Speaker, here in this House we may disagree on how best to bring about change in Cuba. But we stand together in steadfast solidarity with those who endure the depths of human depravity solely because they strive every day to loosen the shackles of communist repression for themselves and their fellow countrymen and women.

I strongly urge my colleagues to support H. Res. 44, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the distinguished gentleman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am greatly humbled to follow such internationally recognized human rights leaders as the distinguished gentleman from California (Mr. LANTOS), my good friend, and my equally wonderful friend, the gentleman from New Jersey (Mr. SMITH), I am honored to be in their presence.

And we stand here today, Mr. Speaker, 2 years after a cruel, despotical, and barbaric act of inhuman cowardly and evil men in the world. Fidel Castro, the unlawful arrest of over 70 peaceful dissidents on the island of Cuba.

The arrest of these innocent men and women is prolamated by a culture of fear. Mr. Speaker, one that has banned libraries, one that has banned books, one that maintains a system of remote and unmonitored gulags for prisoners of conscience, one that forbids independent labor unions; because they practiced their professions; one that mandates the systematic mistreatment of religious believers; one that mandates the summary execution of independent journalists and conscientious objectors.

This important resolution before us demands that the Cuban regime release all political prisoners, legalize all political parties, labor unions and the press; and hold free elections. In other words, to be afforded their basic freedoms.

Further, it calls for the European Union, as well as other countries and international organizations, to pressure the Cuban regime to improve its deplorable human rights record.

As we convene in this great Hall of democracy, many in Cuba continue to be dragged down stairs, strapped to chairs and beaten for wanting one thing and one thing only, freedom, and with that, the freedom to express their thoughts and their ability to exercise their basic universally held human rights.

In passing this legislation, Mr. Speaker, we are once again in the Congress reaffirming our commitment to the brave people of the island of Cuba, especially those men and women who were cruelly arrested for advocating peacefully in favor of freedom, democracy, and respect for human rights.

I commend my good friend, the gentleman from New Jersey (Mr. MENENDEZ), as well as the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH),
Mr. ANDREWS. Mr. Speaker, I rise today in strong support of H. Con. Res. 81, a resolution which condemns the crackdown on political dissidents orchestrated by the regime of Fidel Castro two years ago. Through this remarkable violation of human rights, the Cuban government arrested more than 75 journalists, labor union organizers, civic leaders, librarians, and human rights activists, and took them as political prisoners. On this occasion, it is important that we keep in mind the struggle in which our brothers and sisters in Cuba continued to be engaged—that is, the struggle for freedom and true democracy.

One of the many dissenters arrested in March 2003 was Mr. Jose Daniel Ferrer Garcia, a pro-democracy activist in Cuba who has been jailed for his outspoken leadership in the Cuban democracy movement. Mr. Garcia is the regional coordinator for the Christian Liberation Movement in Santiago Province. Through his position, he has mobilized many Cuban youth for democratic change, and has focused on accomplishing the movement’s chief objective: to unite citizens who are willing to defend and promote human rights that were orchestrated in the Cuban society through peaceful means. Because of the efforts of determined individuals such as Mr. Garcia, the struggle for democracy in Cuba continues, and we should keep this in mind when considering any potential change in United States policy towards Castro’s regime.

Mr. Speaker, I ask that all of my colleagues in the House of Representatives join me in supporting H. Con. Res. 81, and continue to voice their solidarity with Mr. Garcia and all other pro-democracy activists in Cuba as they continue their push for true freedom.

Mr. MENENDEZ. Mr. Speaker, A todos mis hermanos y hermanas quienes sufren en las cárceles de Castro bajo su régimen, a sus familias y amigo[n]as aquí en los Estados Unidos y en Cuba, les digo que el pueblo americano está con ustedes. Y, aquí en el Congreso de los Estados Unidos, vamos a defender su libertad y ganar la lucha contra la brutalidad y la opresión.

Por eso, junto con otras colegas en el Congreso, escribí esta resolución que condena la ola represiva contra los disidentes que hizo el régimen Castro hace dos años y que declara que la gente cubana debe tener los derechos humanos y la libertad—la libertad de expresión y de asociación—y el derecho a tener elecciones libres.

To all my friends here today who don’t speak Spanish, don’t worry, I won’t spend the rest of my time speaking in Spanish. But I did want to speak directly to the Cuban people to let them know that we stand with them in their fight for freedom and human rights.

We are debating this resolution today under the shadow of the 2nd anniversary of the crackdown on dissidents in Cuba. We often think of an anniversary as a moment to celebrate—but clearly we have nothing to celebrate today. Instead, we use this anniversary to mark a tragedy in the lives of the Cuban people and to the lives of all those who support democracy and human rights in the hemisphere.

The whole world was horrified as more than 75 journalists, human rights activists, and opposition political figures were arrested, given summary trials, and then sentenced to prison terms of up to 28 years. Many of the prisoners, along with other prisoners of conscience, spent over a year in solitary confinement. Some have been deprived of adequate medical treatment and reports from Cuba detail beatings and torture.

I am not fooled by the recent release of a number of dissidents, by this attempt to trick the international community. I am not fooled because I know that when they released those dissidents, who should never have been in jail in the first place, new dissidents. I am not fooled because I know that they only released those dissidents on “parole,” meaning that they could be arrested again at any time.

Hundreds of political prisoners remain in Castro’s jails today. Clearly, the Castro regime has no respect for the Universal Declaration of Human Rights, which states in Article 4 that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” And the world has recognized these injustices. The State Department calls this wave, “the most despicable act of political repression in the Americas in a decade.”

Castro’s human rights record has been condemned by Amnesty International, Freedom House, and other human rights groups.

In a statement, Amnesty International said that these “prisoners of conscience” should be immediately released and called on the Cuban regime to, “comply with the principles laid out in international rights standards for the treatment of prisoners.” Freedom House included Cuba in its report entitled, “The Worst of the Worst, The World’s Most Repressive Societies, 2004.” And the House of Representatives has condemned Castro’s human rights record as well, in multiple resolutions. This year, on the two-year anniversary, we are here to pass a resolution that condemns Castro’s brutal crackdown and demands that the Cuban regime immediately release all political prisoners, legalize all political parties, labor unions, and the press, and hold free and fair elections.

Today is a day for all of us to come together, both from sides of the aisle, to stand together for a universal cause: human rights. Today, in voting for this resolution, we will celebrate the strength and perseverance of the Cuban people.

Today, we will vote for the universal values which we all share.

So I call on all of the Members of the House of Representatives to join me in the fight for human rights and democracy for the Cuban people.

Now is the time for us to stand together against brutality, torture and dictatorship.

Now is the time for us to stand together for freedom, for the right to free speech and free association, and for human rights in general.

Now is the time for us to stand together as we call on the Cuban regime to immediately release these prisoners of conscience, who were jailed for standing up for democracy and human rights against a brutal dictatorship.

To my brothers and sisters who suffer in Castro’s jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban people and their courage that will ultimately be Castro’s downfall.

So, I ask each of you to join me in voting yes for this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and I yield back the balance of my time.

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

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

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 81.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and carry out emergency supplemental emergency supplemental regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes, with Senate amendments thereto, to disagree to the Senate amendments, and agree to the conference asked by the Speaker.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from California?
There was no objection.

Mr. OBEB. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

Mr. Speaker: The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments, to the bill, H.R. 1268, be instructed to insist on the highest levels of funding within the scope of conference for Customs and Border Protection, Federal Law Enforcement Training Center, and Immigration and Naturalization Service.

Mr. Speaker, I offer a motion to instruct. The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

Mr. Speaker: The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker: Mr. Speaker, this motion is very simple. It does two things. First of all, it instructs the conferees representing the House to accept the Senate increases in the Byrd and other amendments that would strengthen our customs and border protection; it would strengthen our immigration and customs enforcement and fund the Federal Law Enforcement Training Center.

Secondly, it instructs the conferees to agree with the Senate amendment, again, the Byrd amendment, which would require that all future administration requests for funding the wars in Iraq and Afghanistan be presented within the context of the regular budget rather than being funded as they have been so far through the supplemental process.

Let me address briefly both issues. With respect to the border protection issue, let me point out that many years ago the Rudman-Hart Commission had effectively warned this Congress that our borders were a sieve.

In the immediate days after this House was hit with the anthrax scare, shortly after 9/11, I went down to the White House with the then-chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and we proposed to the President a bipartisan line of supplemental additions to antiterrorist activities that we believe should be funded in order to strengthen homeland security. Included in those recommendations were added dollars for our ports, added dollars for our border protection. When we laid out what we were interested in doing, the President simply ended the conversation by saying to us, "I am sorry but my good friend here, Mitch Daniels," who was then the Director of OMB, he said, "my good friend Mitch Daniels believes that the administration has requested more than enough money for Homeland Security. And so I want you to know if you include one dollar more than we have asked for in our budget submission, I will veto the bill."

That is essentially what he said. Ever since that day, we have been strained in the Congress to overcome the White House's reluctance to provide adequate resources for antiterrorist activities.

I would point out that the PATRIOT Act itself called for a tripling of inspectors and agents on the northern border alone, and yet no Bush administration budget has ever proposed to meet that goal. Only because of congressional insistence have we finally been able to meet that goal, and I would say it has been a long time coming and it was long overdue.

On March 30 the administration announced that they were putting 500 agents in Arizona, but those agents were not new agents; 135 of them were simply transferred from other sources and the rest of them were simply new trainees to take the place of agents who were retiring or leaving the service. That is why we believe that the added funding provided in the Byrd and other amendments in the Senate to add funds for securing our borders, that is why we believe that money is necessary.

With respect to the second provision, the reason this second provision is necessary is the administration's practice of hiding the true cost of the war in Iraq. We have spent, to this point, about $280 billion on that war. CBO estimates that the 10-year cost of our efforts in Iraq and Afghanistan will wind up being about $400 billion, and yet all of that money has been spent through a supplemental process, rather than the process of having the President submit in his regular budget their estimated cost for those activities for the year.

When you cut through all of the bull gravy, there is only one reason why the White House has done that, because they are trying to obscure the full cost of those military operations.

Now, I would simply remind this House that President Roosevelt included the cost of funding World War II in his 1943 budget request. President Johnson included the cost of funding World War II in his 1943 budget request. President Johnson included the cost of funding World War II in his 1943 budget request. President Clinton, at the insistence of this Congress, provided in the regular budget for the costs for financing our Bosnia operations and the enforcement of the no-fly zone edict in the 1997 budget.

People think that the President this year has submitted a budget which contains a deficit of $390 billion. In fact, that budget deficit does not include $1 of the $80 billion that this House voted to add to pay for the war in Iraq just a couple of months ago.

So I would say this provision simply is in pursuit of truth in budgeting, and I see no public policy reason why either of these provisions should be resisted. I ask for a "yes" vote when the vote occurs.

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

Mr. OBEB. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mrs. TAUSCHER).

Mr. Speaker, could I inquire, after her 5 minutes, how much time do I have remaining?

The SPEAKER pro tempore. The gentlemen from Wisconsin (Mr. OBEB) will have 18 minutes remaining, and the gentleman from California (Mr. LEWIS) will have 29 minutes remaining.

Mrs. TAUSCHER. Mr. Speaker, I thank the distinguished ranking member for the time.

Mr. Speaker, I rise today in strong support of the gentleman from Wisconsin's (Mr. OBEB) motion to instruct conferees on the emergency supplemental.

This motion declares that all future funding requests for the war in Iraq and Afghanistan should be included in the President's budget, not in emergency supplemental spending bills.

This provision enjoyed wide bipartisan support and was included in the Senate bill. The House needs now to follow this track to fiscal responsibility.

While I support using emergency funds to pay for real emergencies, continued reliance on emergency spending for the war in Iraq and Afghanistan is fiscally irresponsible. Congress should stop bailing out the Pentagon for its inability to pay for the costs in Iraq.

On top of over $400 billion in defense appropriations every year, Congress has provided $268.7 billion in emergency supplemental funding for the war in Iraq and the war on terror. The net emergency supplemental will bring total war-related supplemental spending to $350 billion.

The gentleman from Wisconsin's (Mr. OBEB) motion would not prevent this emergency supplemental from going through, but it would make sure that the administration and the Pentagon, like millions of Americans, budget according to their means. We can afford
to fight and win the war on terror, but the public should not be misled into believing that these costs are an emergency or unexpected or that there is not an imperative for the Pentagon to look at its existing budget and deal with the war inside that budget.

For example, we know that the war in Afghanistan and Iraq operations cost roughly $6 billion a month. Those costs have been somewhat fixed for well over a year. It is perfectly capable and necessary for the Pentagon to look inside its own operations, find savings and find a way to put this in the budget.

These costs can be planned for and consisently addressed in a regular order, instead of saddling our children with billions of dollars of debt and cutting vital domestic programs.

Last February, the gentleman from California (Mr. HUNTER), my friend and colleague and chairman of the House Committee on Armed Services, sent a strong letter to the Committee on the Budget for what he called funding certain items in the supplemental “inappropriate. The gentleman from California (Mr. HUNTER) also agreed with many of us that some supplemental costs should be included in the annual budget process for consideration and action by the Congress.

Not budgeting for the war in the regular Pentagon budget is an abrogation of our responsibilities as stewards of the taxpayers’ trust. I urge support of the Obey motion.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the Obey motion to instruct. ICE simply needs more money. We all understand that. For some reason, their budget has been in shambles ever since the Department was created. Their bookkeeping has been in shambles more so than their budget, and I am not sure if it is their fault or the fault of the central Department, but it is somebody’s fault. It is all screwed up.

It is not because Congress has not provided the money they asked for. Last year, we provided slightly more than ICE asked for, and so there was no hiring freezes and training freezes and one problem after the other. Now they want to take money away from lots of other good programs to make up for their budget shortfall. We simply need to get ICE’s funding straightened out, period.

The other thing this supplemental does is add border agents. Whatever one’s views are on all the controversies relating to immigration and other issues, one thing is evident, and that is, we need to strengthen our law enforcement on our borders, whether it is the northern border or the southern border.

I was out this winter and visited the southern border in California where clearly we have made significant progress; but what seems to happen, we plug a hole someplace and the pressure comes other places. So we need to add border patrol people.

We were told in our committee that they should have the capacity to train about 1,200 people a year; and clearly, this bill provides less than 1,200, but even I think the President’s request is an additional 200 for next year. So, clearly, the capacity to begin the process of training and hiring additional border patrol agents.

It is not something that happens. You do not say we want more agents and it happens tomorrow. You have to recruit them, you have to hire them, and you have to train them. The need is obvious, I think, to everyone; and this bill clearly moves us in the right direction.

So I hope we adopt the motion to instruct and adopt the policies implemented in the Senate bill on funding for ICE and for border patrol agents.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think I have already chewed the cud quite enough, and I think anyone who cares to listen understands what this motion does. These motions were accepted by wide margins in the Senate. I see no reason why they should not be accepted here; and if the gentleman is prepared to yield back, so am I.

Mr. REYES. Mr. Speaker, I rise in strong support of this important motion to instruct conferees on the fiscal year 2005 Supplemental Appropriations bill.

As a Member representing a district on the United States-Mexico border, and as the only Member of Congress with a background in immigration and experience defending our Nation’s borders, I have firsthand knowledge of the kinds of resources we need to help keep America safe.

Since coming to Congress I have heard a lot about how we need to crack down on illegal immigration in this country, but seen very little action when it comes to providing adequate funding for the programs that we know work in dealing with the problem.

Most recently, with the passage of the Intelligence Reform bill, Congress promised to provide funding to hire thousands of new Border Patrol agents and create thousands of beds for immigration detention and removal activities. Unfortunately, however, the President’s proposed FY2006 budget falls woefully short of meeting these needs.

During House consideration of the Supplemental Appropriations bill, I offered a new amendment to add $772 million to hire an additional 1,000 Border Patrol agents, provide 8,000 beds for immigration and detention removal operations, and install radiation portal monitors at Ports of Entry. That amendment, which would have provided essential border security funding, was ruled out of order on procedural grounds. Unless we insist on the highest possible levels of funding for border security in this conference, Congress will once again fail to keep its commitment on this vital issue.

Meanwhile, every day foreign nationals from over 100 countries who are here in the United States illegally are being apprehended and turned back out onto our streets because we lack the space to detain them. At the same time, we hear of known terrorists who are training recruits to infiltrate our country in order to do us harm.

Mr. Speaker, the time has long since come to make good on our border security promises—or continue to risk safety of the American people. I urge my colleagues to support Mr. Obey’s motion to instruct.

Mr. ORTIZ. Mr. Speaker, I rise in support of the Obey motion to instruct conference on H.R. 1268, Wartime supplemental, to insist on the highest possible funding for more border patrol agents and to insist on the Senate provision calling for requests for future funding for military operations in Afghanistan and Iraq to be included in the annual budget of the President.

As a member representing a border community—and a senior member of the House Armed Services Committee—I am grateful for Mr. Obey’s leadership and his work to include these important provisions in our supplemental. As so many of our colleagues know, I have been lifting my voice to get the word around to members that our border security is profoundly lacking. Members can go to my web page for more information about the dangerous practices ongoing along the U.S. Mexico border.

Currently, the United States does not have room to hold the large number of illegal immigrants—called OTMs, Other than Mexicans—caught by border law enforcement. So we are releasing them on their own recognizance—into the population of the United States—very large numbers of OTMs. Very few released OTMs return for a mandatory deportation, meaning there is a large number of OTMs at large in the U.S., immigrants who have been released through the hands of law enforcement. Border law enforcement officers routinely call the detention centers, discover there is no more room to hold OTMs, so they are processed and released into the general population on their own recognizance. The OTMs are given a Notice of Appearance, pursuant to laws that allow them to travel freely in the United States through the time they are to return for deportation. Law enforcement officers then take the released OTMs to the local
bus station by the vanload, where they head elsewhere in the U.S. The number of "ab-
sconders"—those who never appear for de-
portation—is over 90 percent of those re-
leased, a number now estimated to be ap-
proaching 75,000. Already the number of OTMs captured and released is more so far this year than last year.

The Southern Border is being left utterly un-
protected, and there is the real possibility that terrorists could—or already are—exploiting this series of holes in our law enforcement system along the southern border. These are the things we know. There is no way of even

guessing how many others are entering the U.S. illegally . . . until we send a signal that those who cross our borders illegally . . . until we honestly face the problem. I was a law enforcement officer in my previous life. If we don't have the room to hold the ones we catch . . . if we don't put our money where our words are . . . we are sending a dangerous sig-

nal to those who may wish to do us harm. Until we send a signal that those who cross our borders illegally . . . until we send a signal that when we catch you we will hold you until you are deported . . . until we honestly face the amount of money it will take to deal with these things, OTMs will continue to flock to the U.S.

We must send that signal today. Homeland security must be about the security of our peo-
ple and our property, it cannot be budget driv-
en as it is today.

Lastly, as a fiscal conservative and member of the Armed Services committee, I know it is ultimately the responsibility of Congress—not

the Administration—to properly spend money on military operations. To that end, I thank our Ranking Democrat on appropriations for in-
cluding in this motion a provision requiring fu-
ture funding for our military operations to be included in the President's budget.

All the money we appropriate here is the people's money and must be good stew-
dards of it. To rush through special bills to fund the military when committees of jurisdiction have not had the opportunity to review the bills is an abdication of our responsibility. I encourage the members to support this motion. I speak from the Supplemental appropriations bill to include funding for border security and to require further mili-
tary funding requests move through our regu-
lar authorization process for the fullest scruti-
nity by the authorizing committees.

Mr. LEWIS of California. Mr. Speak-
er, I yield back the balance of my time.

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

The SPEAKER pro tempore. Without
objection, the previous question is or-
dered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The
question is on the motion to instruct offere
d by the gentleman from Wisconsin
(Mr. OBEY).

The question was taken; and the
motion to instruct our conferees on the Sup-
plemental Appropriations Act, 2006, be ac-
pcepted. Without objection, the motion to instruct is tabled.

The report of the Committee on Appropriations on the motion to instruct the managers on the part of the Senate at the request of the Senate was ordered to be reported with the following 

RECESS

The SPEAKER pro tempore. Pursu-
ant to clause 8 of rule XX, further pro-
ceedings on this question will be post-
poned.

RECESS

The SPEAKER pro tempore. Pursu-
ant to clause 12(a) of rule I, the Chair
declares the House in recess until ap-
proximately 5:30 p.m. today.

Accordingly (at 4 o'clock and 57 min-
utes p.m.), the House stood in recess until approximately 5:30 p.m. today.

□ 1737

AFTER RECESS

The recess having expired, the House
was called to order by the Speaker pro
tempore (Mrs. BIGGERT) at 5 o'clock and 37 minutes p.m.

APPOINTMENT OF CONFEREES ON
H. CON. RES. 95, CONCURRENT
RESOLUTION ON THE BUDGET
FOR FISCAL YEAR 2006

Mr. NUSSLE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (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, with a Senate amendment thereto, disagree to the

Senate amendment, and agree to the 
conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the genius-
tleman from Iowa?

There was no objection.
also created a reserve fund allowing for the creation of a bipartisan commission on Medicaid reform. This motion protects Medicaid by instructing conferees to follow the Senate’s lead and strike reconciliation instructions that target Medicaid for funding cuts and instead include a $1.5 million reserve fund for the creation of a bipartisan Medicaid reform commission.

Forty-four of my Republican colleagues and I recently wrote a letter to the chairman of the Committee on the Budget, urging him to remove Medicaid reductions in the budget resolution. In this letter they stated, “We are concerned that the inclusion of up to $20 billion in reductions from projected growth in the Medicaid program will negatively impact people who depend on the program and the providers who deliver health care to them . . .”

We strongly urge you to remove these reductions and the reconciliation instructions targeted at Medicaid and, in their place, include a $1.5 million reserve fund for the creation of a bipartisan Medicaid Commission . . .

Fifty-two Senators, including several Republicans, have signed this letter to strike Medicaid cuts in the Senate budget resolution and instead allow for the creation of a bipartisan Medicaid commission. The amendment’s sponsor in the Senate, Mr. Smith of Oregon, stated that “I would rather do this right than do this fast . . . I don’t know where the original Senate cut of $14 billion came from. But I know what it is going to mean: another 60,000 Oregonians may be losing health care, pressuring private hospitals to emergency rooms with additional uninsured patients, forcing hospitals to absorb additional costs for uncompensated care.”

And Governors are virtually unanimous in their opposition to allowing arbitrary budget cuts to drive Medicaid policy. For example, the Republican Governor of Ohio said, “We do not support recommendations that would save the Federal Government money at the expense of the States.” Perhaps Arkansas’s Republican Governor stated it best when he said, “People need to remember that to balance the Federal budget off the backs of the poorest people in the country is simply unacceptable.”

And the American people agree. Four out of five Americans oppose cutting Medicaid to reduce the Federal debt, according to a poll released today by AARP. Across the country many hospitals, assisted living centers, and nursing homes have high Medicaid utilization rates and are reliant on Medicaid as a major source of funding.

But Medicaid is not keeping pace with the cost of providing health care. This is particularly true in rural States like South Dakota, which is one of the States hit hardest by Medicaid’s shortfalls. According to a new report to be released tomorrow, Medicaid long-term care for economically disadvantaged elderly persons is underfunded by $4.5 billion nationwide, and the results are both real and devastating.

In 2004, South Dakota’s Evangelical Lutheran Good Samaritan Society facilities saw a net operating loss for Medicaid patients of over $3.5 million for the year. The Good Samaritan Society announced it would be closing three facilities in eastern South Dakota.

This means that for some South Dakotans, they will not have access to the medical and long-term care services they need, or they will find themselves moving further from their families in order to find an available facility. This also means the loss of jobs in our smaller communities. And it means final fiscal year 2006 budget. The letter, signed by the American Diabetes Association, Catholic Charities USA, and other organizations, said that the “elimination of such cuts is essential for the health and long-term care of Medicaid enrollees, the providers who serve them, and State and local units of governments.”

That is why this motion is so important. It protects this critical program by instructing conferees to follow the Senate’s lead and strike reconciliation instructions that target Medicaid for funding cuts. I urge my colleagues to support this motion and to protect Medicaid.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, this is a very interesting motion to instruct conferees. First of all, I am happy that we are at the point in time where we are able to go to the conference with the other body and complete our work on the Concurrent Budget Resolution for Fiscal Year 2006. This is never an easy road to travel when you are trying to accomplish so much, when you are trying to accomplish reforms in some very challenged programs that by anyone’s standards are inadequate and are growing beyond the means not only of the Federal Government to fund but also State governments to fund.

It is always difficult when you have different ideas from different chairmen, different bodies, different leaders, different parties who want to come forward and make their mark on exactly what that spending blueprint should be. I would like to acknowledge that I think we are finally getting to a conference and the ability to work out our differences.

As such, I look at this motion to instruct conferences, and I am wondering what the controversy is. All of what the gentlewoman just said are common ground that my colleagues on both sides, whether you are Republican or Democrat, have made throughout the entire debate over the budget.

We have an unsustainable program called Medicaid which is not serving the most vulnerable people in our society to the fullest extent that it should or that it must in order to meet not only the obligations that we have entrusted in the program but also to make sure that it is sustainable, not only in the short run of our budget, but also long term in our overall fiscal situation that our country faces and that makes our States and our communities.

We have an unsustainable program called Medicaid which is not serving the most vulnerable people in our society to the fullest extent that it should or that it must in order to meet not only the obligations that we have entrusted in the program but also to make sure that it is sustainable, not only in the short run of our budget, but also long term in our overall fiscal situation that our country faces and that makes our States and our communities.

And the American people agree. Four out of five Americans oppose cutting Medicaid to reduce the Federal debt, according to a poll released today by AARP. Across the country many hospitals, assisted living centers, and nursing homes have high Medicaid utilization rates and are reliant on Medicaid as a major source of funding.

But Medicaid is not keeping pace with the cost of providing health care. This is particularly true in rural States like South Dakota, which is one of the States hit hardest by Medicaid’s shortfalls. According to a new report to be released tomorrow, Medicaid long-term care for economically disadvantaged elderly persons is underfunded by $4.5 billion nationwide, and the results are both real and devastating.

In 2004, South Dakota’s Evangelical Lutheran Good Samaritan Society facilities saw a net operating loss for Medicaid patients of over $3.5 million for the year. The Good Samaritan Society announced it would be closing three facilities in eastern South Dakota.

This means that for some South Dakotans, they will not have access to the medical and long-term care services they need, or they will find themselves moving further from their families in order to find an available facility. This also means the loss of jobs in our smaller communities. And it means final fiscal year 2006 budget. The letter, signed by the American Diabetes Association, Catholic Charities USA, and other organizations, said that the “elimination of such cuts is essential for the health and long-term care of Medicaid enrollees, the providers who serve them, and State and local units of governments.”

That is why this motion is so important. It protects this critical program by instructing conferees to follow the Senate’s lead and strike reconciliation instructions that target Medicaid for funding cuts. I urge my colleagues to support this motion and to protect Medicaid.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, this is a very interesting motion to instruct conferees. First of all, I am happy that we are at the point in time where we are able to go to the conference with the other body and complete our work on the Concurrent Budget Resolution for Fiscal Year 2006. This is never an easy road to travel when you are trying to accomplish so much, when you are trying to accomplish reforms in some very challenged programs that by anyone’s standards are inadequate and are growing beyond the means not only of the Federal Government to fund but also State governments to fund.

It is always difficult when you have different ideas from different chairmen, different bodies, different leaders, different parties who want to come forward and make their mark on exactly what that spending blueprint should be. I would like to acknowledge that I think we are finally getting to a conference and the ability to work out our differences.

As such, I look at this motion to instruct conferences, and I am wondering what the controversy is. All of what the gentlewoman just said are common ground that my colleagues on both sides, whether you are Republican or Democrat, have made throughout the entire debate over the budget.

We have an unsustainable program called Medicaid which is not serving the most vulnerable people in our society to the fullest extent that it should or that it must in order to meet not only the obligations that we have entrusted in the program but also to make sure that it is sustainable, not only in the short run of our budget, but also long term in our overall fiscal situation that our country faces and that makes our States and our communities.

We all agree. There is nobody here that disagrees with that. That is what the program was set up for; and that is the reason why we are so intent on reforming it, so that it continues to meet the mission and continue to deliver quality health care services for our parents and our grandparents, children, pregnant women, parents, probably grandparents as well and great grandparents of many of ours, individuals with disabilities and senior citizens; and that, B, Medicaid is a Federal guarantee that ensures the most vulnerable will have access to most needed medical services.

We have an unsustainable program called Medicaid which is not serving the most vulnerable people in our society to the fullest extent that it should or that it must in order to meet not only the obligations that we have entrusted in the program but also to make sure that it is sustainable, not only in the short run of our budget, but also long term in our overall fiscal situation that our country faces and that makes our States and our communities.

We all agree. There is nobody here that disagrees with that. That is what the program was set up for; and that is the reason why we are so intent on reforming it, so that it continues to meet the mission and continue to deliver quality health care services for our parents and our grandparents, children, pregnant women, parents, probably grandparents as well and great grandparents of many of ours, individuals with disabilities and senior citizens; and that, B, Medicaid is a Federal guarantee that ensures the most vulnerable will have access to most needed medical services.

Unfortunately, this program in many instances in its current state, 40 years old now, you might not be surprised to hear that it needs a little bit of work, it needs a little bit of reforming. The Governors have figured that out, and they have come to Washington with proposals that find savings, not cuts. They are themselves proposing savings in the neighborhood of $3 billion to $9 billion, and that is just their first in conception, that is just the first proposal, before we even go down that road.

Then I looked further at the motion to instruct conferences and it says: “To strike reconciliation instructions to
the Committee on Energy and Commerce and recede to the Senate by including language declaring that a reconciliation bill shall not be reported that achieves spending reductions that would undermine the role the Medicaid program plays as a critical component of the health care system of the United States.

I say again, there is no controversy in that. That is not the intent of the budget, that is not the intent of the conference. Only is that the intent of whatever reconciliation instruction. In fact, we think it is a pretty good idea to set up a conference and to set up an opportunity to take a look at this in some type forum, whether it is a task force, whether it is a working group, however you want to put it together, in order to come up with ideas and resolve this problem.

We want to invite the Governors to the table. Certainly they have the best perspective when it comes to how this program works in their individual States. Many of them have sought waivers in order to be able to reform the program on the ground in which they see it so that that program which delivers these essential services can be met and delivers in a more appropriate way to our seniors and to our citizens with disabilities, to our parents and grandparents, and to our most vulnerable who may be low income.

So I do not see the controversy. I understand that, because, as the gentlewoman said, there are polls, there certainly is politics involved. Anytime that anyone wants to bring forward any kind of reform measure, the immediate thing is to rush breathlessly to the floor and claim that it is cutting funds for people, and it is cutting the most vulnerable and it is hurting people, and that is exactly what was said about the welfare reform bill when it came to the floor not 10 years ago, and that did it help people unlock from poverty thousands upon thousands of families and children in our society who all they needed was a hand up. For a while they may even have needed a handout. But because of the requirements that we passed in a bipartisan way, we were able to rise above the politics and the rhetoric and help people. That is what we want to do here.

There is not one Member who can come up and say this is a flawed program is working in your State to its fullest extent, not one of you. Not one of you can say that. There is not one Member in the other body who can say that. There is, I dare say, not one Governor who can claim the Medicaid program in their State is working. So you are asking us here today in a political way, in a nonbinding motion to instruct, to do nothing.

Thankfully, that is not now you are not saying. I say this is a flawed program is working in your State to its fullest extent, and you not one of you can say that. There is not one Governor who can claim the Medicaid program in their State is working. So you are asking us here today in a political way, in a nonbinding motion to instruct, to do nothing.

Thankfully, that is not now you are not saying. I say this is a flawed program is working in your State to its fullest extent, and you not one of you can say that. You gave just a little bit of a backdoor, because you know as well as we do that this program needs attention, that it needs reformation, that it needs Governors and Congress and the administration to sit down and talk about the future of a program that is needed in order to deal with the most vulnerable in our society. So thank you for not crafting this in such a failsafe way, do not even say against it and suggest that Medicaid should not be reformed, because, of course, it should.

I hope that is not what you are saying. If you are saying do not reform Medicaid, do not touch it, do not change it, it is perfect, it is helping people, come to the floor and dare to say that. But if that is not what you are saying, then save that political rhetoric for another time and let us work together to fix it.

That is what this ought to be about. Republican and Democrat Governors are certainly willing to do that. They are sitting down. I have gone to proposals fare that add up to $36.6 billion of ideas that the Governors have already agreed to as a starting point. Now, are we claiming that those Governors are cutting? Are they gouging? Are they throwing people out on the street? Are they hurting seniors and people with disabilities?

Certainly that is not what we are saying. That is not what we would claim they are doing. They see a problem, they have come together to fix it and that is what we should do as well. Reconciliation gives us that opportunity.

So I appreciate the gentlewoman’s motion to instruct. It is crafted perfectly so that political points can be made. But there is just that little backdoor that says, you know what, even though we kind of like the Senate language, we like the fact that they are putting together ideas, we like the fact that the Governors are coming to the table, we heard all of that rhetoric, even though we want to make some political points today, there is a little bit of a backdoor so we can all vote for this and say Medicaid program, as most of our Governors would suggest, is unsustainable. It is unsustainable whether you are in the capital of your State or whether you are in Washington, D.C. And that is why we need to come together as Republicans and Democrats, in order to fix this.

So I appreciate the way the gentlewoman has crafted it. I am going to urge my colleagues to vote for the motion to instruct. It is well-crafted, to give everybody the opportunity to make the political points, to issue your press releases. I know you are going to do that. Knock yourselves out. I am sure they are already on the fax machine. But in the meantime, after all of the fax paper has cleared the air, let us sit down and talk about ways to fix this program so it actually does help people who are in need and were truly meant to be the focal point of this program not 40 years ago and which has rarely been changed from a Washington perspective ever since.

Madam Speaker, I reserve the balance of my time.

Mr. HERSETH. Madam Speaker, I yield 5½ minutes to my good friend, the gentleman from Maryland (Mr. HOYER), the distinguished Democrat who is chairman of the Committee on Budget.

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

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding me time today. And I thank her for her leadership on this very important issue.

Clevereysays that when you are going to lose, declare victory. That is what the gentleman from Iowa (Chairman Nussle) is going to do; he is going to declare victory, because what he says is there is consensus on his rhetoric. He is correct.

What there is not consensus on are the policies pursued by the chairman, the Committee on the Budget, and the majority. The chairman’s budgets have put America $2.4 trillion in additional debt from when he took over just 4 years ago. As a result of putting us $2.4 trillion in additional debt, we are having trouble paying our bills.

This year alone we are going to have a budget deficit of half a trillion dollars. They do not count some of it. They pretend some of it is emergency spending, and they do not even count AMT fixes. There are a lot of things they do not count. But the fact of the matter is that their policies undercut their rhetoric, and the reason the chairman is going to support the gentlewoman’s resolution is because of this chart: 41 of his Republican colleagues who said this is bad policy, do not do it. Not Democrats, Republicans. Forty-four of them.

Madam Speaker, I thank you for signing on to that letter, because you knew that the policies proposed by the Republican budget were, in this instance, not policies you wanted to pursue.

Madam Speaker, less than 4 weeks ago, on March 31, the President of the United States said, ‘‘The essence of civilization is that the strong have a duty to protect the weak.’’ On that very same day, the majority leader in this body, the gentleman from Texas (Mr. DeLay), stated, ‘‘The one major responsibility of a government is to protect innocent, vulnerable people from being preyed upon.’’

I absolutely agree that we not only have a duty but we have a moral responsibility to protect the weakest and most vulnerable citizens in our Nation. That, I tell the chairman of the Committee on the Budget, is what Medicaid is all about. And the gentleman’s rationalization that Medicaid must be fixed, in which he is also correct, we all agree. But like your Social Security solution, of privatizing Social Security because it has financial problems, real solutions do not affect solvency at all, is an empty solution, because you do not know how to solve it yet because you
notwithstanding the President. Mr. DELAY is correct. Vote for

But I do not understand, notwithstanding the Speaker’s rhetoric, notwithstanding the rhetoric of the gentleman from Texas (Mr. DELAY), notwithstanding the chairman’s rhetoric, notwithstanding the President’s rhetoric; if the President, the majority leader, and the House Republicans are truly concerned about protecting the weak and vulnerable, why are they so intent on slashing Medicaid funding so deeply?

The fact is, Medicaid finances health care for more than 58 million Americans, including 28 million low-income children, nearly 16 million parents, and nearly 15 million elderly and disabled citizens. Yet the House Republicans’ budget would cut Medicaid funding by $20 billion over 5 years, a cut so draconian that 44 House Republicans, as I said, have said no to that cut.

I urge my colleagues to support this motion to instruct. My understanding is the chairman is going to support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct. Not only that, I hope we have to come up with a solution because we cannot let down the most vulnerable in our society.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consider. Mr. DINGELL is correct. Vote to instruct. Not only that, I hope the Chairman will support it. I am pleased about that, but nobody ought to misunderstand that “this is a political judgment that we are going to lose, so we will pretend that we win.” He did the same thing when the gentleman from Maryland (Mr. HOYER) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.
But I know someone who wants to do something.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. DEALK), the very distinguished chairman of the Committee on Energy and Commerce.

Mr. DEAL of Georgia. Madam Speaker, I thank the gentleman for yielding me this time.

As I look across the aisle, I see some of my colleagues who work with me on the Committee on Energy and Commerce, and I truly believe that all of us want to do what is right. We want to find a solution.

The fact is that the issue is one that on a bipartisan basis Governors say has to be dealt with. In fact, as recently as only over a week ago, Governor Mark Warner, a Democrat Governor of Virginia, who is the chairperson of the Governors' Association, National Governors' Association, stated the comment: "We are on our way to a meltdown." That is the message that we hear repeatedly when we talk with Governors. And the reason is that the cost of States has exceeded the cost of both elementary and secondary education in their State budgets, and they need relief. The relief that they seek in the current system is to come to Washington and ask for a waiver. And repeatedly, Governors come and say to us at the Federal level, the program that you have in place is too rigid. It does not allow us the flexibility to deal with the problems that we face in our State to give the best health care to our citizens. So they are asking for waivers.

I, for one, and I commend the gentleman from Iowa (Chairman NUSSLE) for his efforts in this regard; I believe that now is the appropriate time for us to give the Governors that relief. I think that relief should come in the form of changing the program.

I had a Governor recently who said his approach to it is to ask the question, if we were drafting Medicaid today, would it look like what it looks like now? And everybody agrees it would not.

So I think this is an opportunity, one that we should not allow to be bypassed, one that we should work cooperatively across the aisle here in this body, as the Governors are working in a bipartisan fashion of their own. The gentleman from Iowa (Chairman NUSSLE) alluded to some points that the Congress have agreed to on a bipartisan basis, and certainly those are very significant. The score that I see now is about $8.6 billion on the score that I have seen on the parts that they have agreed to. I think there will be more substantial, but what we need is some very innovative suggestions from the Governors, and I think that if we work together and put aside our partisanship and try to do what is not only best for the citizen, we represent in our Congress, with the Governors in our respective States and, working together, we will arrive at a solution.

Ms. HERSEY. Madam Speaker, I yield 1 minute to the Democratic leader, the esteemed gentleman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time. I recognize her leadership in bringing this very important motion to instruct to the floor.

It is crystal clear, Madam Speaker, that a majority of Members in both bodies oppose cuts to Medicaid. The other body will vote to remove such cuts on the floor of the Senate. With 44 House Republicans signing a letter calling for no Medicaid cuts and a solid Democratic opposition, a majority of this body also prefers a solution with no Medicaid cuts.

The regular order, as my colleagues know, Madam Speaker, is to appoint conferees, instruct those conferees, resolve differences with the other body, and report back a conference agreement. But the Republican leadership knew they could not get a motion to protect Medicaid, so rather than follow the regular order, they negotiated behind closed doors to include Medicaid cuts in the final budget report, regardless of how the majority in both Houses vote and how we vote in this House on the motion to instruct.

I usually do not talk about process in the House, but this is a time when process has a very direct impact on policy, and a policy that has a direct impact on the health of the American people.

Press reports indicate that the final agreement between the House and Senate will contain between $8 billion to $10 billion in Medicaid cuts. This conference report would not only ignore the will of the majority of both houses but, according to the Congressional Budget Office, it would include deeper cuts than originally proposed by the President, and vehemently opposed in both houses.

Madam Speaker, States have undergone a wrenching budget process. When the President first proposed Medicaid cuts in early February, many Republican Governors spoke out against them. One of them, Republican Governor Mike Huckabee of Arkansas, said, "People need to remember that to balance the Federal budget off the backs of the poorest people in this country is simply unacceptable." It is understandable, unfortunately, it is standard operating procedure for the Republican leadership in Congress.

I am hopeful that a significant number of Republicans will join our motion to instruct, being true to the letter that they sent opposing cuts, and protect Medicaid.

If Congress cuts Medicaid funding, States will be forced to reduce Medicaid coverage or benefits, jeopardizing needed services for low-income Americans. Over the last 4 years, more than 5 million people have joined the ranks of the uninsured. That number would more than double if it were not for the Medicaid program.

Make no mistake: Cutting Medicaid funds will increase the number of low-income Americans who are uninsured to partially pay for $70 billion in tax cuts. Many of these uninsured poor Americans are children. I do not think that it really is a statement of our values, our budget to care for our children, for the poorest children in America, in order to give the tax cuts to the wealthiest people in America.

And yet at the end of the day, this budget will do all of that and increase our deficits. This is wrong. This is unjust. And I urge my colleagues to vote for this very important motion to instruct to return a conference report to this body with zero Medicaid cuts.

Mr. NUSSLE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. PUTNAM), a member of the Budget Committee.

Mr. PUTNAM. Madam Speaker, I thank the chairman foryielding me some time. It is interesting to hear the comments of the distinguished minority whip and minority leader. But I am curious about something: How such a great party and the party that gave birth to some of the pillars of domestic policy in this country, has become the party of denial, the party of nothing.

When it comes to discussing Social Security reform, their answer is, do nothing. We have until 2040 or 2041. When it came to reform Medicare and even enrich and modernize the benefits available for seniors, their answer was vote against it. Do nothing.

And here today we are discussing a third pillar of domestic policy in this country that helps enrich the lives and provides a safety net for so many of those who are less fortunate in our society, and to put forward a reform proposal, and their answer is to do nothing.

Governor Mark Sanford, the Governor of the State of the ranking member of the Budget Committee, said the subject of Medicaid reform is important and timely. Our system, as currently configured, works fundamentally against the taxpayer and against the consumers in the form of Medicaid recipients and patients.

Governor Blunt of Missouri and Governor Granholm of Michigan agreed that the program is unsustainable.

Governor Vilsack of Iowa: "If you do the numbers, they just do not add up." The South Dakota Governor, bemoaned the dramatic increases in how they are cutting into available funds for other folk, for other programs, and pointed out that the State health care program is growing at a 2 percent rate and Medicaid is going up at 18 percent, something that is unsustainable. The Governors, on a bipartisan basis, have already, after this subject just coming forward weeks ago under the leadership of the gentleman from Iowa...
(Chairman NUSSELE and the Budget Committee, have already developed a plan that generates nearly $9 billion in savings, and that is the first draft.

How is it that the great party that stood for great opportunities to help those people left behind don't do it? As we said, we will not condone this. Everyone agrees the rate is unsustainable. Everyone agrees the costs are eating up State budgets. Everyone agrees that there is a problem and move forward. And that is in the Medicaid program.

It directed them to take a hard look at these programs and find savings. It did not tell them how to do their job. That is what happened with the Social Security Commission and the Governor of Minnesota. Why would this be any different?

Why would the party that is so responsible for originating these grand ideas be so irresponsible about making them relevant to people of my generation and those in front of us? That is what we have got, of the six main proposals from South Dakota's generation? Why is that? Why would you outsource the responsibility to provide a solution?

It is an important step that the House Budget Committee took in directing the Energy and Commerce Committee to take a hard look at these programs and find savings. It did not specify where they would come from. It did not tell them how to do their job. It directed them to take a hard look at where $55 billion of our budget today is going in the form of mandatory spending. And a huge part of that is in the Medicaid program.

I would encourage all of us to agree that there is a problem and move forward. I would encourage common sense reforms that include saving the taxpayers money when possible.

Ms. HERSETH. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRAT), ranking member of the Budget Committee.

Mr. SPRAT. Madam Speaker, let me say in response to the last speaker that this party proudly presented a budget resolution that brought the budget to balance in the year 2012 and did not ask our citizens or people deserving in our country, the sick and the elderly who depend upon Medicaid.

And lest there be some misunderstanding, this budget makes the deficit worse, not better, because it calls for $106 billion in additional tax cuts. And the primary purpose and function and reason for these Medicaid cuts is to diminish the $106 billion it so does not swell the deficit any more grossly out of proportion than it already is. This does not diminish the problems to reduce the bottom line at all. It leaves us with a bigger deficit because it only partially offsets the $106 billion in tax reduction that the resolution also calls for. So it is not necessary. And that is recognized by the 44 Republican House Members who signed the letter urging that this resolution not contain any cuts in Medicaid.

Mr. NUSSELE. Madam Speaker, I yield myself as much time as I may consider.

I want to make sure people are, and Members are, listening to this debate and are reading the language, because again, if you want to come down here and vote politics again, you want to put your press releases and fax machines are going whizzing around, hey, knock yourselves out.

But we have got a job to do down here, and we should read the language in front of us. And, again, says that we should not report a reconciliation bill that achieves spending reductions. I just want to make sure people understand that, because I want to give you the actual numbers for Medicaid. If you are bored about numbers, turn down the volume. But you quote some numbers. But this is serious business.

I want to tell you what the Medicaid program is going to spend over the next 10 years. And I want you to listen to this. I have the numbers.

This year we are going to spend $183 billion, which is almost a 4 percent increase from last year; $190 billion the next year, $202 billion. It goes up; $220. It goes up by 9 percent that year; $239 billion, and on to next year that year. $269 billion by 2010. By 2010, $296 billion. That is almost as much as we are spending on national defense right now. $282 billion, $304 billion. It goes up every single one of those years. Out of that $1.1 trillion or more, it is actually a little bit more than that I just quoted, we are saying in the House budget, even before we talk about a compromise with the other body, we are saying, instead of growing at an average rate of growth per year of 7½ percent, we want to grow at 7.5 percent.

We are going to grow every year. There are not spending reductions. Every single year of the House budget spending for Medicaid goes up. Every single year. Every year it goes up. There were no spending reductions. Now, are we slowing down the growth? Yes. And that is what the Governors have asked us to do. That is what they are asking us to do. And Members on the other side have given us a motion to instruct conferences with a fail-safe, with a trapdoor that allows us to keep the momentum of reform building and allows them to make their political points. That is what they are allowed to do, is to come to the floor and make their political points. But the bipartisan work that says that we have got to move forward.

This is an unsustainable growth rate, that every year the program grows and grows and grows. There are no cuts.

Are there savings that we suggest? Yes. That was true in welfare reform. It is true as we look at Medicaid. And we need to look for the savings, because without reform the program not only will bankrupt itself, but more important than all the talk about numbers, budgets and all of those things, it will begin to hurt people who truly are the most vulnerable that this program endeavors to assist.

So the commission approach that the gentlewoman from New Mexico (Mrs. WILSON) has put forward is a good idea. She has made common sense. That is not something that the budget itself can accomplish. But, certainly, we endorse that kind of an approach to look for ways to bring all interested parties together and find common ground. And I hope that instead of just putting out your faxes, which you will do, and make out your political statements, that is fine. We understand...
that. But you will also, after all of the dust settles, come forward with your ideas the way Democratic Governors and Republican Governors have done, so that we can begin to resolve this issue and not just have rhetoric. We need results, not just the rhetoric of today. And that is what this budget accomplishes.

Madam Speaker, I reserve the balance of my time.

Mr. HERSHEY. I would inquire as to the balance of our time remaining, Madam Speaker.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from South Dakota has 15 minutes and the gentleman from Iowa has 4½ minutes.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK), ranking member of the Health Subcommittee of the Committee on Ways and Means.

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

Mr. STARK. Madam Speaker, I guess I would be willing to suggest that the Medicaid programs are perfect, but for one major problem, and that would be the Republican Party in the Congress of the United States. What changes would I make? I would enforce the ethics rules to keep their hands out of the pockets of the lobbyists for the pharmaceutical industry who fly them about in jets and give them hundreds of millions of dollars in campaign contributions, which keeps them from allowing reimportation of drugs which would save many of the Governors a good bit of money on their Medicaid programs.

Changing the ethics rules that let people who might make unethical moves would be another great move, so it would prevent the managed care industry from getting extra money in the Medicare bill which would prevent the Republicans having the money to help Medicaid.

The Medicaid growth is due largely to the lousy job the President has done in job growth, the worst job since Herbert Hoover and the last Republican who had low job growth which increased the demand on Medicaid and the number of poor children and low-income workers who are forced to get their medical care through Medicaid because they are out of work through no fault of their own.

So if we would have decent ethics rules, if we would allow reimportation of drugs, if we would stop allowing the lobbyists to buy votes, we would be able to get the kinds of reform that are needed, and that need is currently available in the excesses we are paying to the pharmaceutical industry and the excesses we are paying to the managed care industry which the chair of the Committee on the Budget understands very well, and that is the reform that is needed.

Change Congress. Make the Republicans behave in an ethical manner, and you will have the money for Medicaid.

As Hubert Humphrey once said, “The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.”

With all due respect for many of my colleagues, none of us could more eloquently make the case for Medicaid, which takes care of those in the dawn, twilight and shadows of life.

Yet the budget we are going to consider this week fails the moral test of government by requiring savings that will result in deep cuts in Medicaid and other programs that serve low-income, vulnerable populations.

A budget is a statement of priorities. Once again, we are faced with a Republican budget that put tax breaks for the rich and payola to corporate interests, ahead of basic government obligations.

Just as when we debated the Medicare bill in 2003, lawmakers will be asked to vote on entitlement policy without adequate information as to its effect. We do not know, for example, how the cuts will be distributed across states and populations. How many people will lose coverage? How many states will be forced to raise taxes—and by how much.

To make up for the shortfall in funding and increased need?

The saddest part of this debate is that Republicans don’t need to target Medicaid. We can raise more than the amount Republicans expect to extract from Medicaid and income security programs simply by eliminating the overpayments currently paid to Medicare HMOs.

We pay these plans more than we would for care provided through traditional Medicare. That’s wrong!

In fact, MedPAC—the non-partisan Congressional advisory commission—has recommended that Congress enact changes that would result in “payment neutrality.” Doing so would result in savings of more than $21 billion over 5 years—more than enough to offset this budget’s proposed Medicaid cuts.

Sadly, I doubt Republicans will go after this low-hanging fruit. It would evoke howls of protest from their contributors. Consider this budget a word of warning to individuals in the dawn, twilight and shadows of life.

Those who run on a moral values platform should consider that when they cast their votes on the budget this week.

Vote for the Spratt Motion to Instruct, and against the cuts we have on this week.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise in support of the Herseth motion to instruct conferees.

The House-passed budget cuts, $20 billion for Medicaid. It denies States, health care providers, and low-income working families $20 billion for health care services they vitally need. While closing loopholes and fighting waste, fraud, and abuse is important, there is no way it is going to save near that amount. As our colleague from South Dakota has forcefully stated, a clear majority of the Congress opposes these cuts, and for good reason.

Medicaid provides health care to 52 million low-income children, pregnant women, parents and the elderly. It is a critical source of acute and long-term care for 13 million elderly and disabled. Those in the ranks of the uninsured are affected by cutting billions out of Medicaid. Since the President took office, the number of uninsured has increased by 5.2 million. Medicaid enrollment grew by 6 million over the same period, outpacing many people who would otherwise have been uninsured. Even so, Medicaid costs have grown about half as fast as private health care insurance premiums.

Between 2000 and 2003, Medicaid per capita spending went up by 6.9 percent, while private insurance premiums went up almost twice that amount, 12.6 percent. And the growth in costs we have seen as a result of the skyrocketing health costs this President has allowed, not Medicaid itself.

If these cuts in Medicaid are made, the ranks of the uninsured are surely going to increase even more, weakening our economy, and health care would be more expensive because of fewer regular check-ups and preventative measures and a rise of emergency room procedures. That is why the National Governors Association opposes these cuts. It is why faith-based organizations across the board oppose these cuts. Organizations like the March of Dimes, the National Association of Children’s Hospitals, the American Academy of Pediatrics and the AARP all oppose these cuts. That is why a majority of the Congress opposes these cuts.

I urge my colleagues to vote for this motion. Tell the conference to remove Medicaid cuts from this budget.

Mr. NUSSLE. Madam Speaker, who has the right to close?

The SPEAKER pro tempore (Mrs. BIGGERT). The proponent has the right to close.

Mr. NUSSLE. Madam Speaker, I am the final speaker so I will reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I urge my colleagues to support the Herseth motion to instruct; and I thank the gentlewoman for her leadership. We stand with seniors, with disabled Americans, with working families, and with children as we unite against these Medicaid cuts.

This Medicaid program is working but it is working only with the funding from the Republican-controlled majority in this Congress. Medicaid accounts for 25 percent of Michigan’s budget. With an aging population and a weak economy where manufacturing jobs are being shipped abroad, we can ill afford to cut the care that many put at risk under our most needy citizens.

This House resolution would require between 15 and $20 billion in cuts in...
Medicaid over 5 years. How can we ask between 1.8 to 2.5 million seniors, children, and low-income, hardworking families to sacrifice so there can be another $106 billion in tax cuts?

We have a responsibility to look at ways to modernize Medicaid, to help our States and provide better health care, but it is heartless to subject our most vulnerable citizens to the meat-axe approach of this budget.

This motion to instruct conferees asks to reject the Medicaid cuts and calls for a bipartisan, independent Medicaid commission to address the concerns.

Michigan’s Medicaid program has grown 30 percent in 4 years, serving roughly 1.4 million citizens or 1 out of every 7 Michiganders. Who are these citizens? In 2004 Michigan Medicaid paid for about 70 percent of all the nursing home care in our State, 40 percent of all the births in our State; 27 percent of the adults on Medicaid have a job and are working. The State is meeting the growth in beneficiaries while holding down spending to approximately 1.5 percent.

It is important for us to stand up for their most vulnerable citizens and against these Medicaid cuts. It is the right thing to do. It is the moral thing to do. Vote for the motion to instruct.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, 44 Members on the Republican side defied their party, not because some deep-pocketed lobbyist asked them to, but because fighting for people in desperate need was and is the right thing to do. Medicaid health and long-term coverage is already limited to the impoverished elderly in nursing homes, the lowest-income children, and other vulnerable populations. My friend, the gentleman from Iowa (Mr. NUSSELE) expressed it so well. Medicaid costs are not actually grown. I think he must know that private insurance growth in this country is greater than 12 percent, Medicare costs are going up around 7 or 8 percent. Medicaid costs are going up only about 6 percent, half the pace of private insurance. There is no cost-effective alternative to Medicaid. Medicaid cuts would not only jeopardize 5 million elderly Americans who would lack access to nursing home care without it, these cuts would place every nursing home resident, on Medicaid or not, in this country at risk. Each year nursing homes serve 2.5 million Americans. Medicaid covers 70 percent of these Americans.

The very health and safety of nursing home residents hinges on adequate Medicaid reimbursement. As it stands, Medicaid funding is insufficient to cover both those Americans who need nursing home services and those who need home and community-based care. If the Federal Government makes further cuts in Medicaid, we must take responsibility in abandoning people who have no where else to turn.

Two-thirds of people in nursing homes have no living spouse or relative. The fact is we, the Medicaid program, the Federal Government, are all the family who cares for them that they have.

I hope that before any Member of this body votes against this motion, you might just imagine trading places with an elderly American in a nursing home. Put yourself in their shoes; then decide whether starving Medicaid is responsible for reprehensible.

Ms. HERSETH. Madam Speaker, I yield 3 1/3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, the House and the Senate passed their own versions of budget resolutions on March 17. That was more than a month ago. I am glad that we finally are going to conference because that will bring the deliberations on the budget at least a bit out into the open. And if there is any aspect of the budget resolution that needs to be sought into the open and resolved with a public debate, all the stakeholders included, it is this provision that we have been discussing, and that is a provision that would cut Medicaid, over 5 years, by $20 billion.

This motion to instruct conferees protects Medicaid from those spending cuts. Let me explain how those spending cuts would come about. The House-passed Republican budget resolution directs the Committee on Energy and Commerce to cut spending on programming within its jurisdiction by $20 billion. But the Republican leadership has made it clear that those cuts would come from Medicaid because they have made it clear that these cuts should not include Medicare. That only leaves Medicaid.

It leaves Medicaid subject to $20 billion in cuts over 5 years, per the language of the resolution passed by the House.

On our side of the aisle, all Democrats oppose unanimously the House budget resolution which included the Medicaid cuts. Now, 44 Republicans have signed a letter urging that the Medicaid cut be dropped in the conference report. As a result, it appears that a majority of the House Members are on record against the Medicaid cuts. Medicaid cuts, therefore, should not be included in any resolution that reflects the will of the majority in the conference report.

In the other body, the Senate, a majority also opposed the Medicaid cuts, with 52 Senators, including every Democrat and 7 Republicans, voting to strike the Medicaid cuts from the Senate budget resolution and, instead, to set up a bipartisan commission.

So the purpose of this motion is to formalize the fact that both houses, a majority in both houses, are formally on record as opposed to the cut in Medicaid of $20 billion. And this motion simply instructs the conferees, it does not suggest, it does not tell them to consider, it instructs the conferees to follow the Senate’s lead and strike the reconciliation instructions that target Medicaid for funding cuts and, instead, put up $1.5 million so we can have a fair bipartisan Medicaid commission to make these decisions.

I am glad that the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSELE), has said that he will recommend to his members to vote for this resolution. I am disturbed to hear him emphasize that it is nonbinding.

Given the fact that the majority in both houses support the dropping of this $20 billion in cuts in Medicaid, I think this should be, as the gentleman from Maryland (Mr. HOYER) put it, a moral mandate for the conferees. If it will bring back a conference report that reflects the will of the House, it should not include $20 million in cuts in the Medicaid program.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

(MR. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I would like to read a part of a letter from the National Governors Association to both the Speaker and the Democratic leader and Senator FRIST and Senator REID.

It says, “Reform, however, should not be part of a 2006 fiscal year budget resolution and reconciliation process, especially if it does nothing more than shift additional costs to the States.”

We have a problem with health care costs in our country. Medicaid is one part of it. Medicare costs and private insurance and private health care is actually rising higher faster than Medicaid. Yet what we are doing with this budget resolution is actually penalizing senior citizens, and particularly children, because so much of our children’s hospitals, so much of their funding comes from Medicaid because they deal with children totally.

I know in Houston, the Texas Medical Center, we have the Texas Children’s Hospital, over 50 percent of their funding comes from Medicaid because they take care of children. We have to deal with health care costs, but let us not balance it on the backs of our children and our senior citizens.
Medicaid reform.

The Medicaid program serves the nation’s most vulnerable citizens. Nine million disabled children and adults rely on this program to meet their medical needs. Millions more, aged 65 and over, cannot afford the premiums and deductibles charged by private health plans. Medicaid is the primary source of health coverage for many Americans, including millions of dual eligible beneficiaries. The Medicare Modernization Act for the middle of the century has already significantly increased the cost of the federal and state governments. Reform, however, should not be part of a 2006 fiscal year budget reduction and reconciliation process, especially if it does nothing more than shift additional costs to states. Governors have been committed to administering the Medicaid program in a very cost-effective way, and as equal partners in the program have a tremendous incentive to continue to do so. This is reflected in the fact that the annual growth in Medicaid per capita spending has not exceeded approximately 4.5 percent per year, substantially below the growth rate on private health insurance premiums, which have averaged 12.5 percent per year for the last three years. Total Medicaid costs, however, are growing at a rate of 12 percent per year and now total Medicaid expenditures exceed that of Medicare primarily due to two major factors that are largely beyond the control of states. First, since the mid-1990s, there have been increased experience case load increases of approximately 33 percent. Second, and far more costly to states, are the impacts of long-term care and of the dual eligible population. Medicaid currently accounts for 50 percent of all long-term care dollars and finances the care for 70 percent of all people in nursing homes. Furthermore, 42 percent of all Medicaid expenditures are spent on Medicare beneficiaries, despite the fact that they comprise a small percentage of the total Medicaid caseload and are already fully insured by the Medicare program. Benefits for the dual eligible population should be 100 percent financed by Medicare.

While maintaining the status quo in Medicaid is not acceptable. However, it is equally unacceptable in any deficit reduction strategy to simply shift federal costs to states, as Medicaid continues to impose severer strains on state budgets. Our most recent survey of states shows Medicaid now averages 22 percent of state budgets. This commitment has caused a strain on funding for other crucial state responsibilities. These funding challenges will become more acute as states absorb new costs to help implement the Medicare Modernization Act for the millions of dual eligible beneficiaries. We look forward to working with you on Medicaid reform.

Sincerely,

GOVERNOR MARK R. WARNER
Chairman.

GOVERNOR MIKE HUCKABEE
Vice Chairman.

Ms. HERSETH, Madam Speaker, I reserve the balance of my time.

Mr. NUSSLE, Madam Speaker, I yield my balance of my time.

Madam Speaker, those who actually administer the Medicaid program, our State Governors, have clearly told us in a bipartisan way that Medicaid must be reformed.

Wake up.

For those of you who are about to vote on this motion, this is a good motion. What it does is it says it is time to reform the program. It is not time to consider that North Carolina and the Governors have put forth in a bipartisan way. They have clearly told us that their hands have been tied.

Their hands have been tied, Madam Speaker, by a program that is inefficient. It is ridiculously out of date, a health care delivery system that has not and will not under its current structure deal with the demands of the 21st century.

There is not one Governor that is suggesting doing nothing. There is not one Member on the Republican side of the aisle that is suggesting doing nothing. The 44 Members who signed the letter saying we are concerned about the future of Medicaid, they are not saying do nothing.

Everyone who is interested in the reform of this program understands that the budget cuts before us and the schedule and an opportunity to finally get our arms around the Medicaid program.

I understand that there are going to be all sorts of political press releases put out about saying things and all sorts of things like that, but if anyone is interested in the actual technical language of the budget, they will discover that every single year the program under the House budget grows, every year.

What we are suggesting is that, with reform, it does not have to grow as much. Instead of growing at 7.5 percent, it can grow at a level a little lower, maybe 7.3 percent or 7.4 percent. Every year it should still grow because there are vulnerable people, there are senior citizens, there are people with disabilities who rely on this program. Our States rely on this program. We rely on this program in order to meet the needs of many people in this country who cannot help themselves. These funding challenges will become more acute as states absorb new costs to help implement the Medicare Modernization Act for the millions of dual eligible beneficiaries.

In response to the closing of the gentleman from Iowa, I do not stand here today, nor do my colleagues, suggesting that we cannot find a way, in a bipartisan manner, to reform Medicaid.

To the extent that there are press releases that go out to constituents who will be breathing a sigh of relief, from Governors to health care providers, to advocates of disabled citizens and the elderly and children, it will be that we found agreement in this body to supplement the important work of the Governors across this country to undertake real reform, to find those savings but not to let arbitrary cuts drive the reform; and that is exactly what the House budget resolution did. It is exactly what this motion to instruct conference attempts to set right.

There in my generation understand that we cannot do nothing, whether it comes to Social Security reform or Medicaid reform; but we also understand that the facts speak for themselves, that we have time to do this right, rather than to work so fast and to let arbitrary cuts of $20 billion over 5 years drive the reform; that it should truly have a commission and the $1.5 billion...
million today this motion to instruct would encourage to have set aside in the reserve fund to have a bipartisan commission undertake this important task of reform.

Mr. HOLT. Mr. Speaker, I voted against the FY2006 Budget Resolution that was reported by the House Budget Committee and narrowly passed the House on a 218–214 vote last month. I did so for a variety of reasons.

First, President Bush and the majority party in this Congress want to keep borrowing against our future and that of our children, and perhaps their children. The budget deficit for this year is a record $427 billion. We added $114 billion to the deficit in February, the first time it has ever gone over $100 billion in one month. This is how we have added more to the national debt in the past four years than in the prior two centuries of our nation’s history.

Therefore, a vote in favor of this budget resolution is a vote for more “borrow and spend” policies that are responsible for our country’s current fiscal plight.

Second, the House-passed budget plan shortchanges many Americans who are most deserving or in need of help, including our veterans, children, and elderly. At the same time, it slashes funding for many of our nation’s important priorities—education, healthcare, AMTRAK, and alternative transportation and energy initiatives, homeland security, environmental protection, job training, research and development, and small business innovation.

Let me cite a few glaring examples. The House-passed budget cuts veterans’ health care by $14 billion below what is currently needed over the next five years. These cuts can only be achieved by imposing new fees for veterans’ healthcare, or by reducing veterans’ benefits such as disability pay, pension benefits, or education benefits.

It actually cuts funding for education programs by $2.5 billion for next fiscal year relative to Fiscal Year 2005, and $38 billion over the next five years below what is needed to maintain the status quo. It actually matches the budget President Bush sent to Congress last month to fund for the elimination of 48 education programs worth $4.3 billion. These cuts will include $1.3 billion less for vocational education, as well as less funding for elementary, secondary, and college aid programs.

It also fails to protect and strengthen Social Security. It calls for spending every penny of the Social Security Trust Fund surplus to continue to help finance record deficits and continued tax breaks for the wealthiest Americans. Unlike the alternative budget plan I voted for, the House-passed budget plan contains no budget enforcement mechanisms to protect the current surplus Social Security Trust Fund. Instead, President Bush and the supporters of this budget resolution advocate a Social Security privatization scheme that would weaken Social Security upon which so many elderly and disabled Americans depend just to make ends meet. In fact, there is not one cent in the House-passed budget plan to meet any of the $754 billion price tag needed between now and 2015 to create private accounts.

Third, the House-passed budget resolution is incomplete and misleading. It does not address the ongoing costs of the U.S. military occupation of Iraq and the war on terrorism. Then, the budget also invokes an assumption that economic growth will reduce deficits. In fact, it fails to show any deficit figures at all after 2010. Budgets should not be based on wishful thinking.

How is that we confront both increased deficits and reduced priority cuts in the same budget? Because the majority party in this Congress continues to push tax cuts for those who need them the least. The results are growing inequity in American society and mounting anxiety in financial markets.

I believe this Congress can and should make better choices and adopt a much more balanced and fiscally responsible alternative budget plan—one that more closely reflects the values of most Americans, the sacrifices of our men and women in uniform, and the aspirations of our children. That is why I voted for the alternative budget plan offered by my colleague, U.S. Representative John Spratt of South Carolina. Had it been adopted, it would have insisted upon more fiscal discipline with budgets that pay as you go this year and beyond. It would have offered more help for those families in need of greater financial security. That means investing more in the American people and in deserving programs to help create good-paying jobs, improve education, lower healthcare costs, make college more affordable, grow small business, and help protect Americans and our veterans in the military families, protects our homeland, and promotes environmental sustainability.

In so doing, we could build upon what has worked in the past when our economy was growing by leaps and bounds and creating millions of new jobs as recently as the 1990s. We could abandon the fraud of supply-side economics, once and for all, step up, and reassert control over shaping our preferred economic future—one that offers more good jobs, a higher standard of living, and real economic opportunity for all of the American people. Sadly, this budget resolution takes us farther down the wrong track.

If we want to strengthen our economy again, in the future, if we want to create new, good-paying jobs for all of our people, and promote a business-based, sustainable economic development, then I believe we must become more creative and provide more support from the public and private sector for cutting-edge research and development. We have to stop borrowing and spending. We have to stop eating our seed corn. We have to provide increased and more sustained support from the public and private sectors for basic research and development.

Up to now, America has always been a nation of explorers, creators, and inventors. We have always passed budget plans that are forward-looking and ride a new wave of research and follow-on commercial development into a new age of economic growth and prosperity. But the budget resolution approval in the House last week does nothing of this. The supporters of the Republican budget plan don’t want to keep faith and invest in the American people, increase federal support for research, development, and entrepreneurial drive, and rebuild American competitiveness in the global economy. If they did, they could not in good conscience have voted for the skewed priorities of the recently-approved budget resolution and the Draconian, counterproductive cuts it will dictate.

Ms. HERSETH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Dakota (Ms. HERSETH). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. HERSETH. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to instruct on H. Res. 1268, de novo; motion to instruct on H. Con. Res. 95, by the yeas and nays.

Any electronic votes will be conducted as 15-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1268.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Wisconsin (Mr. OBEY). The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SABO. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 13, as follows:
MESSRS. COX, CULBERSON, LINDER and McHENRY changed their vote from "nay" to "yea." So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H. CON. RES. 95, CONCURRENCE RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. THORNBERRY). The pending business is the question on the motion to instruct conferences on H. Con. Res. 95, on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from South Dakota (Ms. HENNEMAN).

The vote was taken by electronic device, and there were—yeas 348, nays 72, not voting 14, as follows:

[Roll No. 113]
CONGRESSIONAL RECORD—HOUSE
April 26, 2005

H2520

Work and Work Incentives Improvement Act of 1999, (42 U.S.C. 13280–19), and the order of the House of January 4, 2005, the Chair announces the Speaker’s appointment of the following Member on the part of the House to the Ticket to Work and Work Incentives Advisory Panel:

Mr. J. Russell Doumas, Columbia, Missouri, to a 4-year term.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN ONE HUNDRED NINTH CONGRESS

Mrs. MILLER of Michigan, from the Committee on House Administration, submitted a privileged report (Rept. No. 108-95) on the resolution (H. Res. 224) providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 1762

Mr. CANTOR, Mr. Speaker, I ask unanimous consent to have the following names removed as a cosponsors of H.R. 1762: Mr. FEENEY of Florida, Mrs. JOHNSON of Connecticut, and Mr. JINDAL of Louisiana.

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

There was no objection.

ETHICS PROBLEMS IN CONGRESS

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

Mr. BROWN of Ohio. Mr. Speaker, in recent weeks half a dozen Ohio newspapers have used the following terms to describe recent ethics problems proliferating through the United States Congress: acts of hypocrisy; national moral lapse; disgrace; dirty moves; embarrassingly disgusting; growing mess. Just this past week, a constituent referred to an embarrassing and growing mess.

Mr. Speaker, I rise in support of H.R. 1762. Mr. Speaker, I yield to the gentlewoman from Michigan.

Ms. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 232) permitting official photographs of the House of Representatives to be taken while the House is in session on a date designated by the Speaker, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

DeLAY MUST STEP DOWN

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

Ms. WOOLSEY. Mr. Speaker, my constituents continue to contact me about the charges mounting over the actions of some Republicans in the House. In fact, one constituent referred to an embarrassing and growing mess.

Just this past week, a constituent wrote me from Mill Valley, California, saying, ‘I am tired of all the useless finger pointing. I am particularly tired of hearing one Republican in particular go on about the politics of personal destruction,’ which he seems to practice...
daily even as he blames it on his enemies.’”

My constituents share the views of many citizens across the Nation. They want an unbiased investigation into these ethics matters. They want to know that politicians are listening to their constituent concerns. They want to know that lobbyists that are paying for their meals are being held accountable to them.

It is time for the Republicans to own up to abuses of the House rules. The American people deserve no less.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

90TH COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to commemorate the 90th anniversary of the Armenian genocide, which actually took place on April 24, last Sunday. As the first genocide of the 20th Century, it is imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

Just this week I was joined by my co-chair of the Armenian Caucus and 176 additional Members of Congress in sending yet another joint congressional letter to President Bush urging him to use the word “genocide” in his April 24 statement. With over 178 signatures, which is 9 more than last year, the message in this letter is loud and clear: that 90 years is too long to wait for justice to be served and proper recognition to be made.

Mr. Speaker, I received today a copy of President Bush’s statement with regard to the April 24 commemoration, and, unfortunately, once again he did not use the term “genocide.” And I think that is unfortunate because it has been consistently the case that this Congress and the United States in general over the last 90 years has referred to the Armenian genocide as a genocide, and it is unfortunate that the President continues not to use the term.

This past Wednesday the Caucus, with the cooperation of the Armenian American community, organized a commemorative event on Capitol Hill in the Cannon Caucus room. We were joined by over 350 members of the community as well as numerous Senators and Members of Congress who all spoke on one message: that the United States owes it to the Armenian American community, to the 1.5 million that were massacred in the genocide, and to its own history to reaffirm what is a fact.

As we saw on Wednesday night and as we have seen time and time again, the United States has a proud history of action and response to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the U.S. chose to step up. Individuals like Ambassador Morgenthau and Leslie Davis witnessed the atrocities first-hand, and their conscience did not allow them to simply look the other way. It is now time that the U.S. stops the other way, reaffirms what we all know to be true, and properly recognizes the Armenian genocide.

I wanted to mention that I was very proud earlier this year when our Ambassador to Armenia, Ambassador Evans, referred to the Armenian genocide as a genocide, and it was unfortunate that he was essentially rebuked by the State Department because of the words he used. Because the fact of the matter is that when we talk about the Armenian genocide, we are simply acknowledging the fact, and we feel very strongly that if at the time when the genocide occurred, the world and the United States, if we had taken more notice and had tried to prevent it, I think it would have served as a lesson to the Holocaust against the Jews and so many other atrocities that took place in the 20th century would not have occurred. If we are going to see a situation in the future in this 21st century when we do not repeat the mistakes of the past, we must acknowledge the Armenian genocide.

We know now even history in the last 100 years has witnessed more horrible episodes since the Armenian genocide. As we speak, the Sudanese Government is taking a page out of the Turkish Government’s denial playbook and continuing the vicious cycle of genocide denial in what is happening in Darfur. If we are ever to live in a world where crimes do not go unpunished and fundamental human rights are respected and preserved, we must come to recognize the Armenian genocide, thus allowing for proper reparations and restitutions to be made.

I was very upset, Mr. Speaker, on Saturday when I read in the New York Times that the Turkish envoy to the United States continued to say that the only reason why Armenians and Americans wanted the genocide recognized was because they wanted restitution or they wanted reparations. That is simply not true. But it is also true that restitution and reparations must be made. For those who commit a state-sponsored genocide or a state-sponsored massacre, it is important that the state, in this case, Turkey, acknowledge that it occurred and that restitution and reparations are made, just as in the case with Germany in the case of the Nazi Holocaust against the Jews.

Mr. Speaker, I look forward to introducing a genocide resolution with my colleagues in the 109th Congress, and as we did in the 108th Congress and the 106th. We will do everything in our power to get legislation passed and reaffirm the U.S. record on the Armenian genocide. Today the United States has the profound responsibility of carrying on the tradition and the work of our predecessors in continuing to combat genocide whenever and wherever it takes place. We must show the world that individuals such as Ambassador Morgenthau did not stay quiet 90 years ago, and we in Congress certainly owe it to them not to stay quiet today.

Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian Genocide. April 24, 2005 marked the day 90 years ago that began a bloody eight-year period during which 1.5 million Armenians lost their lives as a result of this tragic event.

We must take this opportunity to heal the wounds of those who survived this calamity, as well as the Armenian people as a whole. Let us officially acknowledge this regrettable moment in human history, as formal recognition is nearly four generations overdue. By finally acknowledging this we will not only take positive steps towards normalizing relations between Turkey and Armenia, but also help to prevent future tragedies.

I would also like to take this opportunity to commend Armenian Americans nationwide for their contributions to our country. Through the preservation of their heritage, faith and traditions, Armenian Americans join the multitude of immigrants from many different cultures who contribute to the rich diversity we celebrate together as a Nation.

Mr. Speaker, woven deeply into the fabric of our culture, Americans stand for freedom and basic human rights for all. Let us further demonstrate our deep conviction for the ideals we hold dear in our resolute opposition to crimes against humanity and officially recognize the Armenian Genocide.

Mr. MARKEY. Mr. Speaker, today we gather to remember and commemorate the Armenian Genocide, one of the darkest chapters of World War I, and the first of the series of genocides we saw in the 20th Century.

The Armenian Genocide is sometimes called the “Forgotten Genocide.” In fact, as most of you know, back in 1919, prior to the invasion of Poland, Adolph Hitler argued that his plans for a Jewish holocaust would, in the end, be tolerated by the West, stating: “After all, who remembers the Armenians.” Who remembers the Armenians? Today, we provide an answer: We Do! We Remember!

We do so because it is important, indeed it is essential to remember and reflect upon these events, but we also do so because we know that the Armenian people today struggle on an ongoing basis to confront and surmount the legacies and the consequences of those dark days.

Consider, for a moment, what might have been.

At the end of the first World War, the American public was acutely aware of the atrocities that had been committed against the Armenian people from 1915 on—atrocities that we know had resulted in the death of more than 1 million Armenians and left the remaining Armenian population starving and destitute.

At the time, U.S. Ambassador Henry Morgenthau reported that “When the Turkish
Armenia faces enormous economic and political challenges: It has hostile neighbors. It faces blockades that stifle trade and economic opportunities. It needs economic and military assistance.

There is much that the U.S. government can and should do for the Armenian people: We should grant Armenia Permanent Normal Trading Relations status, so as to facilitate the growth of trade and economic relations. We should provide Armenia with the economic and military assistance it needs to develop its economy and security. We should press for an end to the Turkish and Azerbaijani economic blockades.

The writer Milan Kundera once wrote that "the struggle of man against power is the struggle of man against forgetting." There are those that would deny the Armenian Genocide, just as there are those that deny the reality of the Nazi Holocaust. In commemorating the Armenian Genocide, as we do this evening, we all collectively engage in that struggle of memory against forgetting. But we can do more. We can not only look back at the past, but to animate the future with a commitment to prevent such things from ever happening again, and to strive towards making a better future for the Armenian people, a people who have suffered so much.

In September of 1919, President Woodrow Wilson spoke of his vision of a future Armenia. He said, "Armenia is to be redeemed. . . So that at last this great people, struggling through night after night of terror, knowing not when they may come out into a time when they can enjoy their rights as free people that they never dreamed they would be able to exercise."

It has taken Armenia decades to reach a point where free people could engender their rights as a free people—the rights Wilson spoke of. Today, we have an opportunity to help ensure that they can build a better future. And so, I look forward to continuing to work with the Armenian-American community and Members of Congress to address the issues facing this region, so that together we build something positive, something hopeful, something good for the future—a peaceful, prosperous Armenia with close ties to the United States.

As a Nation that values the freedom of the individual, we should honor the Armenian Genocide in the U.S. archives and through an overwhelming body of first-hand, governmental, and diplomatic evidence this is nothing less than a disgrace. I also rise to reaffirm my support for the adoption of the Genocide Resolution H. Res 193, which was last Congress by Rep. PALLONE. Unfortunately, even though this legislation passed unanimously out of my committee, had 110 cosponsors and was placed on the House calendar, it was not allowed to be brought to the floor for a vote. The purpose of this legislation was to prevent future genocides by stressing the importance of remembering and learning the lessons of past crimes against humanity, including the Armenian Genocide, Holocaust, and the Cambodian and Rwandan genocides in hopes of preventing future atrocities. In addition, this resolution strengthened America’s commitment to the universal values of the Genocide Convention and asked the United States to commemorate the 15th anniversary of the Genocide Convention.

As Ranking Member of the House Judiciary Committee, it was an honor to be instrumental in preparing the report last year which gained unanimous approval at the committee level. The report described the Armenian genocide in the following terms: "By 1915, the Islamic Turkish state of the Ottoman Empire sought to end the collective existence of the Christian Armenian population. From 1915 through 1918, during World War I, the Ottoman Empire subjected the Armenian people to deportation, expropriation, abduction, torture, massacre, and starvation. The atrocities were renewed between 1920 and 1923. It is estimated that one and a half million Armenians were killed out of over two million Armenians who had lived in the Ottoman Empire. It should be noted that this period of genocide, which lasted from 1915 to 1923, coincided with the institution of the new Republic of Turkey in October, 1923." Two weeks ago, I signed onto a bipartisan letter to President Bush, asking him to properly recognize the Armenian Genocide.

This memorial resolution of the Armenian Genocide is fully documented in the U.S. archives and through an overwhelming body of first-hand, governmental, and diplomatic evidence. The only party denying the Armenian Genocide is the Turkish government.

As a young man, I remember learning about the Armenian genocide by listening to the experiences of the Armenian Genocide—experiences that I believe my fellow Americans should hear. I believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this country—so that a more frightful and diabolical scheme has ever been conceived by the mind of man. What the order is officially and nominally to exile the Armenians from these.
Vilayets may mislead the outside world for a time, but the measure is nothing but a mas- sacre of the most atrocious nature. It would be then even if all the people had allowed to per- ish on the road. As a greater part of them, however, have been actually murdered and as there is no doubt that this was done by order of the government, therefore our responsibility to help convey our cherished tradition of respect for fundamental human rights and opposition to mass slaughter. We owe it to the victims of the Genocide to acknowledge what happened and to teach our students and children about their suffering, so that we can fulfill our obliga- tion to ensure that genocide will never happen again. Our future generation should be able to say, “I learned, I acknowledge, and I will work to prevent it from happening again.”

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 90th Anniversary of the Armenian Genocide. This is both a somber and encouraging day for both myself and many of my constituents, who are survivors or ancestors of survivors. Somber in memory of the millions who lost their lives, and encour- aging in the success of the Armenian Ameri- can community of building new lives in the U.S., as well as an independent Armenia.

April 24, 1915 will live as a day of infamy in the lives of all Armenians, all over the world. It was this day that the Turkish government or- dered the deportation of 2.5 million Armenians out of the Ottoman Empire. Within hours, Turkish forces had rounded up over 300 Ar- menian scholars, and deported or killed them. Over the next year, 1.5 million Armenians were killed or deported to concentration camps to await certain death.

I have always supported the Armenian American community. However, my support for the community does not only stem from the size of the Armenian Community in Queens, but also because I see the strategic impor- tance of the Caucasus region for the United States.

In 2003, I had the opportunity to visit Arme- nia and to plant a tree at the Genocide memo- rial. The independent country of Armenia is a living testament to honor the memories of the survivors.

I believe that by failing to recognize these barbaric acts, one becomes complicit in them. Let us never forget the 1.5 million Armenians who perished in 1915 and 1916.

Mr. Speaker, again I commemorate the 90th Anniversary of the Armenian Genocide. I hope that April 28th, 1915 will never be forgot- ten. I also ask that the New York Times story focusing on survivors of the genocide be in- served into the RECORD. Their words and memories speak louder than any speech we will hear today.

[From the New York Times, Apr. 23, 2005]

ARMENIAN IMMIGRANTS RECALL A 90-YEAR- OLD TRAGEDY

(By Corey Kilgannon)

A cheery sign in the New York Armenian Home, Queens, yesterday in- formed its elderly residents in colorful let- ters of the current date, season and weather. And of an anniversary; “Remember April 24, the Armenian Genocide.”

A framed proclamation by Gov. George E. Pataki hung nearby, declaring April 24 as Armenian Remembrance Day to commem- orate the Turkish massacres of an estimated 1.5 million Armenians beginning in 1915. It called the killings “the 20th century’s first genocidal campaign, on a massive scale” and added that “the Arme- nian Genocide led academics to coin and uti- lize the very term genocide.”

It is difficult to imagine how falling memo- ries, any residents at the home needed a re- minder.

“This time of year, they all get disturbed and remember,” said Jenny Akopyan, assistant- director of the home.

Tomorrow, thousands of Armenian-Ameri- cans from across the Turks are expected to gather in Times Square to mark the 90th anniversary of the murders of their relatives and forebears by Ottoman Turks during World War I. On April 24, 1915, Turkish soldiers arrested hundreds of Armenian leaders in Constanti- nople, then tortured and executed them. The mass slaughter of Armenians over the next several years is often called the first geno- cide of that century and a precursor to the Holocaust.

The Armenian Home, on 45th Avenue in Flushing, opened in 1948 and has long housed many genocide survivors who escaped by playing dead, fleeing or other means. Most of the residents are from families decimated by the genocide, but only a half dozen—all in their 90’s—actually escaped it as children.

The most recent death of a survivor was in August of 2003, who “only survived the genocide because her mother was smart enough to hide her under the dead bodies during a massacre,” said Aghavni Ellian, the home’s executive director.

Ms. Ellian walked into the home’s day room, where about two dozen elderly Arme- nian immigrants sat watching “The Price Is Right” on a large television. Next to an or- nate Christian shrine bedecked in crimson and gold. She carried a lamb dish that had been delivered for later: matad, a roast blessed by a priest and traditionally eaten on April 24.

The residents had just finished small cups of thick, strong Armenian coffee. Few sur- vivors could offer completely lucid recollec- tions, but each had some snippet of horror seared into memory.

Gulumya Erberber, 93, said that Turkish soldiers had beheaded her father, a wealthy academic, and seized his riches and several houses. She was 3 years old then, and her mother fled when to a moun- tain village where the townspeople did not speak Armenian but did help the family.

Israel Arabian, 98, leaned on his cane and related how he was forced to work for a Turkish officer who took Mr. Arabian’s neigh- bor’s horse. “I ran away and grew up in a Greek orphanage before eventually coming to New York in Queens.

Many Armenians bitterly denounced the Turkish government for denying that the killings constituted genocide. In an inter- view yesterday, Armenia’s top interna- tional lawyer for the Turkish Embassy in Wash- ington, said the accusation of genocide was “unfair and untrue,” a legal ploy to gain repara- tions.

“We don’t see what happened as genocide, quote-unquote,” Mr. Tanc said. “Unfortu- nate and tragic events took place during World War I and bad things happened to Ar- menians, and Muslims and Turks also.”

“No number killed is much less than they say—it’s more like 300,000 Armenians who lost their lives,” he said, adding that Turk- ish leaders had recently asked Armenia to set up a commission to study the killings.

Mrs. LOWEY. Mr. Speaker, I rise in Commemoration of the 90th anniversary of the Ar- menian Genocide. This yearly commemoration is a testament to the lives and the legacy of the 1.5 million Armenians who lost their lives, and underscores our continued efforts to keep the Armenian nation and culture alive.

As we revisit this dark period in Armenian history, we must be mindful of the lessons that can be learned from this tragedy. Blind hatred and senseless prejudice tear at the very fabric of all of our society. We must understand that our pledge to the Armenian nation to ensure that Armenians around the world can live free of threats to their existence and prosperity. Azer- bajian and Turkish records. This includes the ongoing official efforts of the Republic of Turkey to block the genocide. As an American, it is my duty to uphold the memory of the victims of the Armenian Genocide, the Holocaust, and all other genocides, and to work towards preventing such violations from happening again.

I want to join my colleagues in renewing our pledge to the Armenian nation to ensure that Armenians around the world can live free of threats to their existence and prosperity. Azer- bajian and Turkish records. This includes the ongoing official efforts of the Republic of Turkey to block the genocide. As an American, it is my duty to uphold the memory of the victims of the Armenian Genocide, the Holocaust, and all other genocides, and to work towards preventing such violations from happening again.

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate the somber occasion of the
90th Anniversary of the Armenian Genocide, and to call upon the Administration to finally recognize this horrible crime for what it truly was, systematic and deliberate murder.

The Armenian Genocide began on April 24, 1915, and within 8 years one and a half million Armenians were forced to leave their homeland and killed. Tortures that the Armenians were forced to endure included forced labor, rape, kidnapping, and death marches under the guise of “temporary relocation.” A grave injustice was intentionally committed by the Ottoman Empire during this time and it is imperative that we now stand up and demand that this injustice be officially recognized by Turkey, the United States, and the world.

The senseless crime of genocide is one of the most reprehensible acts that can be committed by man. To attempt eradication of an entire population based on a misguided prejudice is absolutely vile, and the United States should do everything in its power to try and prevent such atrocities from happening in the future. Only by explicitly defining genocide and ensuring that all cases of genocide throughout history are appropriately identified can we effectively deter this crime. Particularly at this time of heightened vigilance around the world, it is absolutely imperative that America take a strong stance against the most troubling of all terrorist acts, mass killings.

We can not forget Adolph Hitler’s haunting remark to his military staff prior to launching a brutal and systematic campaign of genocide against the Armenian people. It started with the execution of some 300 Armenian leaders, professionals and intellectuals. By 1923, over 1.5 million Armenians had been killed, and another 500,000 had been deported.

The Ottoman Empire claimed that it was acting to suppress civil unrest among Armenians during World War I. The absurdity of this was epitomized by the fact that it took place at the time by no less credible a witness than our own Ambassador to the Empire, Henry Morgenthau. His report to Washington described the Ottoman campaign as one of “race extermination.”

The almost unimaginable pain and suffering endured by the Armenian people has been compounded since by the refusal of the Ottoman Empire and now the government of Turkey to acknowledge that the Genocide ever occurred. Generations of Turks have been raised to deny this atrocity, perpetuating hatred and hostilities. By trying to defend the indefensible, the government of Turkey has denied the Armenian people, as well as its own people the chance to begin the process of healing these wounds.

Mr. Speaker, it has been far too long for a people to wait for an acknowledgment of the crimes committed against them. That is why I am proud to support the resolution that will be introduced in the coming days remembering the victims of the Armenian Genocide. This resolution will appropriately recognize these acts for what they were. Only with a common understanding of this dark period can we move forward and work to prevent similar tragedies in the future.

While we mark the loss and pain of the Armenian people every April 24th, it is my fervent hope that some day soon, it will no longer be necessary to urge the recognition of these terrible events as genocide. I am particularly disappointed that the President has once again failed to lead on this issue. Once again, President Bush’s statement this weekend was evasive and studiously avoided proper recognition of this tragedy.

Mr. Speaker, I ask that all my colleagues take the time to reflect on this anniversary, and that we renew our commitment to the victims of the Armenian Genocide and to each other to never allow such human suffering to occur again.

Mr. SOUDER. Mr. Speaker, I rise to remember the 90th anniversary of the Armenian Genocide. We are familiar with these events. Tens of thousands of men, women, and children were driven from their homes, starved, beaten, and shot. Government-orchestrated intimidation, government-sponsored deportations, and government-sponsored slaughter are the hallmarks of the Armenian Genocide. They are also the hallmarks of other genocides with which we are all too familiar.

The Armenian Genocide was the first genocide of its kind, but it was not the last. It has served as a model of the Holocaust in Europe, the Killing Fields of Cambodia, and religiously motivated atrocities in the Sudan. We look regretfully and sorrowfully at the slaughter of so many in these cases, as well we should. These events demonstrate man’s inherent sinfulness and the evil that comes so easily. No one denies the events in Europe, Asia, and Africa happened. Anyone rejecting these mass slaughters is themselves rejected. And yet, many suffer some kind of incredulity when it comes to the Armenian Genocide. We demand the perpetrators of these other genocides be made to account for their actions, but not the Armenian Genocide.

Photographs and eyewitness accounts overwhelmingly and undoubtedly to the massacre of over one million human beings, but no one has ever been held accountable. Nine years after these events, the perpetrators are no longer living. In this world, they can no longer be held responsible for their actions. Their heirs, however, should be made to acknowledge the deeds of their fathers. But they are not.

Modern Turkey has made Armenian Genocide denial into an article of faith. Genocide denial is taught in schools, and is supported by the government. Anyone who deviates from the official line is considered a traitor. Indeed, the government of Turkey works feverishly to prevent any recognition or acknowledgement of the Armenian Genocide. Recognition by the legislative bodies of France, Italy, Switzerland, and Russia has been met with harsh criticism from the Turkish government.

In 2000, only intense lobbying and ruthless pressure from Turkey forced this House from recognizing the Armenian Genocide. It is shameful that the United States House of Representatives refuses to reaffirm the Armenian Genocide. Official American records on the Armenian Genocide are considered to be the most extensive in the world, and yet we refuse to reaffirm what already has been acknowledged to be the first genocide of the Twentieth Century. In past eras, American officials, including U.S. Ambassador Henry Morgenthau and President Ronald Reagan, boldly declared the savage butchery in eastern Anatolia and the Caucasuses to be genocide.

By allowing Turkey to deny its past actions, we take a step backwards. By not reaffirming the events of 90 years ago, we do not live up to the ideals of our country. I reaffirm the Armenian Genocide in the House of Representatives. I know that it happened. I remember.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

Today we solemnly remember the victims of the Ottoman Government’s 8-year campaign of terror against its Armenian population. During this brutal campaign, Armenian communities were systematically destroyed, one and a half million innocent men, women, and children were murdered, and over one million others forcibly deported.

This somber anniversary is a tribute to the memory of the victims of the Armenian Genocide, and a painful reminder that the world’s inaction and denial 90 years ago left a tragic precedent for other acts of senseless bloodshed. This year we mark the 60th anniversary of the Auschwitz-Birkenau death camp. The road from Armenia to Auschwitz was direct. If more attention had been centered on the slaughter of innocent Armenians, perhaps the events of the Holocaust might never have been allowed to occur.

Mr. Speaker, as we speak today, government-supported Janjaweed militias continue their systematic destruction of black Sudanese in Darfur. Thousands have been murdered,
raped, and starved to death, and over one million have been displaced from their homes. The Armenian Genocide stands as a tragic precedent to the brutal campaign of ethnic cleansing currently ravaging Darfur.

Today, we honor the memory of the victims of the Armenian Genocide. From 1915 to 1923, the Christian Armenian population endured a policy of systemic killing implemented by the then-Ottoman and early Turkish Empires, resulting in the ethnic slaughter of one and a half million Armenians.

Since that time, descendants of Armenian immigrants have proudly clung to their identity, prospering in communities throughout the world. Here in the United States, we are especially fortunate to have a vibrant Armenian community that has greatly enriched American civic life.

It is vital that we remember this dark period in history. Losing the memory of this tragic event would only perpetuate the injustice. For too long, the Armenian Genocide, the first genocide of the 20th Century, has been denied the recognition that it properly deserves. As human beings, we all have a responsibility to keep events such as the Armenian Genocide at the forefront of our collective historical memory. We cannot begin to overcome the challenges of the future until we acknowledge our past mistakes.

It is perhaps the tragedy of the 20th Century that a cataclysmic occurrence such as the Armenian Genocide has to share a place in our memory with other horrific events such as the wartime atrocities perpetuated during WWII, the ethnic cleansings in Cambodia and Bosnia, and the Rwandan genocide. I truly believe we must take the time and make the effort to find reconciliation between the perpetrator and victims of these events.

Certainly, we are confronted by a genocide unfolding in Sudan, where tens of thousands die every month; we must not allow ourselves to turn a blind eye.

Mr. Speaker, recognizing the Armenian Genocide will help heal the wounds humanity has suffered in the past century. By acknowledging the horrors of our past and working to protect our future, we take one step closer to the goal of “never again.”

Mr. MENENDEZ. Mr. Speaker, “those who cannot remember the past are condemned to repeat it.” That saying is as true today as it was almost a hundred years ago when the philosopher George Santayana first wrote it.

So, today we are here to remember. We are here to remember that the Ottoman Empire brutally and murdered 1.5 million Armenians 90 years ago and that half a million Armenians were forced to flee their country. Let us also remember and honor those who survived the genocide. Although few survivors of the Armenian Genocide are still living today, those who endured the horrors of 1915 are heroes for all time.

We are here to honor those who died and to call for recognition of the Genocide carried about by the Ottoman Turkish government. We are here to remember so we don’t repeat the same mistake, anywhere, in any country of the world.

In my view, all Americans must recognize that the atrocities committed from 1915 to 1923 constitute genocide. We do not use that word lightly. But the word, itself, makes a powerful statement about the horrors suffered by the Armenian people. As Samantha Powers, the leading expert on genocide said in a letter to the editor of the New York Times, “The exclusion of any event from the list of recognized genocides by the consensus of scholars of genocide and Holocaust worldwide...the failure to acknowledge this trivializes a human rights crime of enormous magnitude.”

Today, the people of Armenia and her diaspora are proudly seeking to rebuild their country. From the ashes of despair born of the genocide, and from the ravages of seven decades of communist rule, Armenians the world over are striving to secure a safe and prosperous future for the Armenian Nation and for Karabakh.

As Armenian-Americans join with Armenians from throughout the world to help to rebuild their homeland, and as they seek to secure an economically prosperous state founded on firm democratic principles, I will stand by them.

As a Member of the House International Relations Committee, I promise to do all I can on behalf of Armenia and to ensure that the Armenian genocide is recognized. In closing, I remind you that Adolf Hitler once stated: “Who today remembers the Armenians?”

I am here to say that we remember the Armenians. The children, grandchildren, and great grandchildren of the survivors and of those who perished, remember the Armenian Genocide. The friends of Armenia, remember the Armenians. And here in the United States, we remember the Armenians.

Mr. RADANOVIČ. Mr. Speaker, I am honored to stand here today with my colleagues to acknowledge this important event and to have the opportunity to commemorate the 90th Anniversary of the Armenian Genocide; one of the saddest chapters of history. We join the Armenian-Americans across the nation and the Armenian community abroad to mourn the loss of so many lives.

In this turbulent century, we have witnessed humanity’s great potential for good and bad—but the world has triumphed more often in the last 90 years than it has disappointed. And yet, while focusing on humanity’s successes is always more attractive than remembering any failures, we as civilized peoples, countries and nations must not deny the immorality of atrocities such as the Armenian Genocide.

The U.S. is fortunate to be home to an organized and active Armenian community, whose members contribute and participate in every aspect of civic life. This is one of the reasons that myself—along with 170 members of Congress—have asked President Bush to join us in reaffirming the United States record on the Armenian Genocide.

As a proud member of the Congressional Caucus on Armenian Issues and an ardent supporter of Fresno’s Armenian-American community, I wish the people of Armenia success in their efforts to bring about the lasting peace and prosperity that they deserve. I pledge to continue my ongoing efforts to sponsor initiatives that would build on our record towards an inevitable, full and irrevocable U.S. affirmation of the Armenian Genocide.

Mr. SMITH of New Jersey. Mr. Speaker, today we mark the 90th anniversary of the beginning of the Armenian Genocide. Every year we participate in this solemn commemoration but this year it has a special significance.

For the families of the victims and the survivors, the horror of the one event remains so painful that it is hard to believe how much time has passed. The passage of years has not dimmed the memory or eased the grief. Not a relative or friend has been forgotten, nor have fond memories of native cities faded away.

Moreover, no accounting for mass murder has been made. Though many governments and legislative bodies around the world have recognized the Armenian Genocide, the Turkish Government consistently refuses to acknowledge what happened. For Armenians everywhere, Turkey’s policy of aggressive denial sharpens the feeling of loss, embittering the lives of those who miraculously survived.

Today, those of us without Armenian blood share the sorrow of Armenians everywhere. I had the privilege in September 2000 of chairing hearings on the Armenian Genocide in the Subcommittee on International Operations and Human Rights of the International Relations Committee. The reading I have done over the years, which has included detailed descriptions of the atrocities, shock me. But, I am resolved to speak about this issue, loudly and often.

The Armenian Genocide has significance for all of us. It created a monstrous precedent which launched a century of genocides. In numerous countries and cultures, an ethnic group is controlled by its instruments of coercion to slaughter members of a minority group, religion or class. It is enough to recall Adolf Hitler’s smug remark, “Who remembers the Armenians?” to grasp the universality of what happened to the Armenians.

Much has changed in the world since the mass, planned murder in 1915—two world wars, the fall of the Ottoman, Habsburg and Romanov Empires, the rise of the American superpower and most recently, the fall of the Soviet Union. One would have thought that we would have grown wise of this lesson. Alas, we have not learned the appropriate lessons from the 20th century’s first genocide. Just a few years after Rwanda, at this very moment, another genocide is taking place in Darfur. Yet, instead of mounting a united response, the international community has waffled or slithered away from responsibility, as hundreds of thousands are slaughtered.

The record of man’s inhumanity to man is awful enough to produce a feeling of resigna- tion. But we must fight that tendency. We must continue to remind the world what occurred in 1915 and keep calling on Turkey to own up. We must not restrain ourselves from speaking of the Armenian Genocide. Along with many of my colleagues, I urge President Bush to speak the truth to Ankara, which needs to come to terms.

As this somber time, I want to note one optimist point: OSCE negotiators are guardedly hopeful about the prospects of resolving the Nagorno-Karabakh conflict. True, we have experienced such moments before and should not get our hopes up. Still, I am encouraged to believe that there is at least some reason for hope. We all pray for a peaceful solution to this conflict, which has caused over 30,000 deaths and many more casualties. Next year,
when we once again commemorate the Genocide of the Armenians, I hope their descendants will be living in peace with their neighbors, building a democratic, prosperous country that will be a light unto the world.

Mr. ENGEL. Mr. Speaker, I rise to commemorate the 90th anniversary of the Armenian Genocide. On the night of April 24, 1915, the Ottoman Empire arrested over 200 Armenian community leaders in Constantinople, thereby marking only the beginning of the horrendous Armenian Genocide to come. On the eve of World War I, an estimated two million Armenians lived in the Ottoman Empire. Well over a million were deported and hundreds of thousands were simply killed. Between 1915 and 1918, the Ottoman Empire conducted other atrocities against Armenians which also included abduction, torture, massacre and starvation. Armenians living in Armenia and Anatolia were forcibly moved to Syria, where they were left in the desert to die of hunger and thirst. In addition, there were systematic murders; women and children were abducted from their homes and abused. It has been estimated that one and half million Armenians died as a result of this genocide from 1915 to 1923. By 1923 the entire landmass of Asia Minor and historic West Armenia had been expunged of its Armenian population.

On this important anniversary, it is a lasting lesson that everywhere that genocide must not only be opposed by all nations, but that it must be universally recognized as a crime against humanity—no matter where it occurs or against whom it is carried out.

Mr. LANGEVIN. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian genocide, during which one and a half million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile. Despite overwhelming documentation, the Turkish government has refused to admit or apologize for these atrocious acts, or even acknowledge the Armenian Genocide.

As Americans, we must guarantee that our foreign policy reflects our values of justice, equality and responsibility. These values should be reflected in all of our international interactions, including those with Turkey, a NATO ally. Turkey wishes to increase its global profile through accession to organizations such as the European Union. However, if Turkey wishes to gain the world's respect, it must earn it. It must demonstrate its commitment to peace and democracy in the region. It must reopen its borders, end its blockade of Armenia, and encourage Azerbaijan to end its aggressive rhetoric. And most importantly, it must accept responsibility for past injustices through an unconditional recognition of the Armenian Genocide. Only then can Turkey begin to come to terms with its history. Only then can Armenians seek justice from the Turkish government for the losses of so much and so many.

Last month, I was honored to lead a conference session for Rhode Island students in which we discussed the genocide and what steps our government should take to recognize that tragedy appropriately. I think practically every student present that morning was amazed that, despite overwhelming evidence and widespread support, Congress has not yet passed the genocide resolution. It is time for Congress and the White House to speak with one voice and ensure that our national ideals are reflected in our foreign policy. Consequently, I joined many of my colleagues in asking the President to recognize the Armenian Genocide in unambiguous terms, and I will again cosponsor the Genocide Resolution when it is reintroduced in the coming weeks. As an ardent supporter of Rhode Island's Armenian community, I will continue throughout my public service career, I am proud to join my colleagues to today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the fact that it must be universally recognized as a crime against humanity that it must be universally recognized as a crime against humanity.

Mr. MCGRORNE. Mr. Speaker, for the past nine years, I have come to the floor of the U.S. House of Representatives to honor and remember the genocide perpetrated against the Armenian people by the Ottoman Empire at the beginning of the 20th Century. This year marks the 90th Anniversary of these heinous acts, which drove so many survivors to the distant shores of the United States. Those of us in central Massachusetts have learned the story of the Armenian Genocide from our friends, neighbors and colleagues who are direct survivors, or the children and grandchildren of those survivors.

I have been privileged to participate in many of the annual remembrances of the Armenian Genocide held in Worcester, Massachusetts, at the Armenian Church of Our Savior, one of the oldest Armenian churches and congregations in America.

But I feel more privileged to have worked with the Armenian community in Worcester to educate the community, and especially young people and college students, about not only the Armenian genocide but about other contemporary and even current genocides that are taking place around the world. I am especially grateful that I will be able to collaborate with them in the future on events that will focus on the genocide in Darfur, Sudan.

May we all live to see and celebrate the day when we commemorate the Armenian Genocide in a world where genocides no longer take place against any people.

1915

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order on the Armenian genocide.

The SPEAKER pro tempore (Mr. MCCAFFEY of Texas) put to the question the request of the gentleman from New Jersey?

There was no objection.

HONORING ATHENS, TEXAS, MAYOR JERRY KING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker. I rise today to pay tribute to the exceptional leadership, character, and outstanding achievements of my dear friend, Mayor Jerry King of Athens, Texas. After an unprecedented five terms in office and 10 years of exceptional service, Mayor King has decided to step down as mayor. His decision is truly a loss to the citizens of Athens, Texas.

A responsive and fiscally responsible leader, Jerry King has brought Athens neither to achieve many worthy goals, including the opening of a new city hall that is modern and meeting the needs of the citizens of that community and the Texas Freshwater Fishery Center, which is truly a wonderful site for the citizens of Athens and east Texas that helps educate numerous tourists and school children on the wonders of nature and the environment and our freshwater fish.

He has helped revitalize downtown Athens, Texas. Mr. Speaker, at a time when many small towns in rural America and rural Texas have seen a decline, they have seen their glory days pass them up, downtown Athens is vibrant, it is alive, it is well, thanks to the town of Jerry King.

Mayor King has also worked to improve Athens' transportation infrastructure through the new loop that is vital to economic development in that part of east Texas. Mayor King has led and won the support on so many different programs and projects that are important to the people of Athens. This is truly a record of accomplishment.

Undoubtedly because of it, Mayor King is recognized as a strong and visionary leader throughout all of east Texas; and elected officials throughout East Texas, including myself, have sought his advice, his counsel, his wisdom.

Mr. Speaker, he is upbeat, he is optimistic, he is forward thinking and he is a good listener; and through his efforts he has made Athens, Texas, a better place to live, to learn, to work, and to raise a family.

Mr. Speaker, Jerry King has not only demonstrated his dedication to public service through his tenure as mayor but through his volunteer service and enthusiastic involvement in community organizations as well. Jerry has always led by example. He served as the president of the Henderson County YMCA, the president of the Athens Noon Kiwanis Club, the president of the Athens Tennis Club, the board of director of the Athens Chamber of Commerce, a board member of the Athens Industrial Foundation, and the list goes on and on and on.

In his professional career, Jerry King has undertaken a noble life, that of educator. His life is one about improving higher education and strengthening our institutions of higher learning.

After graduating from Commerce High School, Jerry King attended Texas A&M University at Commerce, where he received a bachelor's degree in economics, a master's degree in business administration, and a doctorate in education.
He has put his education to work for the citizens of east Texas as a professor of management, business and economics at his beloved Trinity Valley Community College. Today he serves there as Dean of Occupational Instruction; and thanks to his work, young people from all over the state of Texas have been enlightened about business and economics, and thusly they have been empowered. They have been empowered by a great teacher that they respect and admire to go out and create the next generation of the people of Athens.

As the Congressman for the Fifth Congressional District of Texas, I am pleased today to recognize my good friend Jerry King for his many years of public service as mayor and for the outstanding contributions he has made to the city of Athens. I also want to thank his wonderful and patient wife, Doshia, for the sacrifice she too has made in the service of the people of Athens.

Although he is stepping down as mayor, Jerry King has truly made his country and community a better place. I know he will continue to do so, be it as public servant, leader, volunteer, or educator. (Applause.)

Mr. Speaker, the greatest compliment I can pay my friend Jerry King tonight is that when I think about my 19-month-old son, Travis, I can be proud if one day he would grow up to be just like Mayor Jerry King of Athens, Texas.

NO TO THE CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Brown) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week more than 150 Republicans and Democrats and labor leaders and business leaders, members, business groups and labor organizations gathered on Capitol Hill to speak out against the Central American Free Trade Agreement. This group of unlikely bedfellows, if you will, spoke with one voice to deliver a unified message, no to CAFTA.

CAFTA, the Central American Free Trade Agreement, expands the failed trade policies of the North American Free Trade Agreement to Central America. When I ran for Congress in 1992, the United States had a $38 billion trade deficit. Last year, a dozen years later, the United States had a $618 billion trade deficit: from $38 billion to $618 billion billion trade deficit.

The more you look at the face of CAFTA, the better you can see who will benefit and who will pay the price if Congress passes one more trade agreement. Trade pacts like NAFTA and CAFTA enable companies to go overseas, exploit cheap labor in the developing world, and then import their products back into the United States. That is why we have a $618 billion trade deficit.

The Central American Free Trade Agreement should actually be called the Central American Free Labor Agreement.

Now, we know in the United States our economy over the last several decades has been a success because workers share in the wealth they create. If you work for General Motors, if you work for a hardware store, you help your employer by your labor make money, and your employer in turn allows you to share in the wealth you create. That is why the American economy is such a success story.

But throughout the developing world, workers simply do not share in the wealth they create. Workers in Costa Rica cannot afford to buy the toys they make for Disney for their children. Workers in Vietnam at a Nike plant cannot afford to buy the shoes they make. Motorola workers in Malaysia cannot afford to buy the cell phones they make. Ford and GM workers in Mexico cannot afford to buy the cars they manufacture.

The Central American Free Labor Agreement is about access to cheap labor. The numbers do not lie. The combined purchasing power of the CAFTA nations, Costa Rica, Nicaragua, El Salvador, Guatemala and Honduras, the combined purchasing power of those six countries is equal to that of Columbus, Ohio, or Orlando, Florida, or Memphis, Tennessee, or the entire State of Kansas.

CAFTA supporters attempt to argue that this trade agreement will open markets for U.S. exports. They paint a picture of American workers manufacturing products for this hugely growing consumer market in Central America. But the math does not lie. The average salary of a Nicaraguan worker is $2,300 a year, $191 a month. Nicaraguan workers cannot afford to buy a car made in Ohio. They cannot afford to buy shoes made in Florida. They cannot afford to buy textiles or apparel made in North Carolina or Georgia. They cannot afford to buy software made in Seattle in the district of the gentleman from Washington (Mr. McDermott).

The fact is, I ask CAFTA supporters, what American-made product can a Central American worker purchase who is earning less than $200 a month? CAFTA supporters will not answer these questions. They cannot.

The truth is that CAFTA is not about selling those American products. CAFTA is about exploiting foreign workers, about taking American jobs to Central America. It is about exploiting those foreign workers, and it means fewer jobs here.

NAFTA promised job growth in the U.S. and a thriving middle class in Mexico; but 10 years later our Nation has lost 1 million jobs, and Mexican workers' wages have remained stagnant.

CAFTA, the dysfunctional cousin of NAFTA, is more of the same: another trade agreement that ships jobs overseas, another trade agreement that neglects the essential environmental standards, another trade agreement that weakens food safety standards in both countries, another trade agreement that keeps foreign workers in poverty.

The definition of madness, Mr. Speaker, is repeating the same action over and over again and expecting a different result. That is what happened: 12 years of trade agreements, 12 years of promises, 12 years of failed trade policy. Yet the insanity of it continues. I urge the House to understand the same thing. We keep passing more trade agreements.

CAFTA simply does not make sense. The President signed CAFTA almost 1 year ago. Since 2001, typically when the President signs an agreement, we vote on it within 60 days. This week, on Thursday, will be the 11-month anniversary of the signing of CAFTA. House leaders said they are going to vote on it by the end of May.

Mr. Speaker, I would close by saying what I think all workers can buy American products, rather than make them, then we will know that our trade policies are finally succeeding. CAFTA will not. Vote "no" on CAFTA.

IN SUPPORT OF LT. ILARIO PANTANO

Mr. JONES of North Carolina. Mr. Speaker, today is the Article 32 hearing for Second Lieutenant Ilario Pantano, a Marine Hero. I want to talk about at great length and who has served our Nation bravely in both Gulf wars.

In an action of self-defense a year ago in Iraq, Lt. Pantano made a split-second battlefield decision to shoot two Iraqi insurgents after they disobeyed his orders to stop their movement towards him. Two-and-a-half months later, a sergeant under his command who never even saw the shooting and who was earlier demoted for his lack of leadership abilities, accused him of murder. Because of that, Lt. Pantano today faces an Article 32 hearing where a hearing officer will determine whether he will face a court martial for two counts of premeditated murder.

Mr. Speaker, what is happening to this young man is unfair and an injustice. Lt. Pantano has served this Nation with great honor. My personal experiences with him and his family convince me that he is a dedicated family man who loves his corps and his country.

Mona Charen, a well-known journalist, puts it best when she writes: "Pantano was in the middle of a war zone, not a vacation on the Riviera. He had been dodging ambushes and booby traps for weeks. He had seen his comrades killed and maimed. Perhaps he acted too hastily in shooting those Iraqis. But a murder charge? Has the
Marine Corps gone PC,” politically correct? I have received letters and e-mails from Vietnam veterans who sympathize with him and ask that I do something to help him. They know what is like to be in a battle with an unconventional enemy. One second can make the difference between life and death.

I have also read excerpts from his combat fitness report in which superiors praise his talent and even call for his promotion.

Mr. Speaker, Lt. Pantano was by all accounts an exceptional Marine. I hope that in the next day or two, as these hearings end, the hearing officer comes to the same conclusion that I and many like myself have come to, that Lt. Pantano should never have been charged in the first place and that all charges against him are dropped.

Mr. Speaker, I put in a resolution, H. Res. 167, to support Lt. Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. But, most of all, I hope it is not necessary for us to discuss this further after this week.

I close with another quote from Mona Charen that I believe summarizes this situation: “Obviously, the United States cannot turn a blind eye to war crimes. If a soldier lines up civilians in front of a pit, My Lai style, and mas- sacres them, he would richly deserve, and every self-respecting American would demand, a court marshal. But good Lord, by what possible standards can this be called murder?”

Mr. Speaker, as I close, I ask God to please bless Lt. Pantano and his family, and I ask the good Lord to please bless all of our men and women in uniform.

I close by asking God to please continue to bless America.

SOLVING AMERICA’S ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, President Bush invited the Crown Prince of Saudi Arabia, Prince Abdullah, to his ranch in Crawford, Texas, and met with him yesterday. Here is a photo that has been on the White House Web site and in many newspapers around the country showing the President and the Prince holding hands. That is a sign of friendship over there in that part of the world.

But I was struck by the fact that the focus, of course, was the subject of oil.

As we watch what the President said, or at least what was reported, our President is in a position of begging. America is begging, America is begging the Saudi prince to take it easy before the election in November, kind of keep prices down a bit, but since the election, they have just skyrocketed. In California, people are paying over $3 a gallon. In Ohio I can tell my colleagues I have paid $2.50, $2.57. The average price we buy is about $2.24 nationally, with some 43 percent increase since a year ago, and crude oil prices were up Monday about $54 a barrel, up $37 from a year ago.

Now, the United States consumes about 7.5 percent of the world’s oil, and two-thirds of it is being imported, Saudi Arabia being the largest supplier. In essence, America is totally dependent. People have to understand this, because until the American people really understand this, we will not change. Every time we buy a tankful of gas, two-thirds of the money we spend goes somewhere else, and it goes to places that are undemocratic.

The New York Times reports today, and it has this picture in the paper, about Lt. Pantano, and it has an article by Col. Charen that I believe summarizes this situation: “Obviously, the United States cannot turn a blind eye to war crimes. If a soldier lines up civilians in front of a pit, My Lai style, and massacres them, he would richly deserve, and every self-respecting American would demand, a court marshal. But good Lord, by what possible standards can this be called murder?”

Mr. Speaker, as I close, I ask God to please bless Lt. Pantano and his family, and I ask the good Lord to please bless all of our men and women in uniform. I close by asking God to please continue to bless America.

H2528 CONGRESSIONAL RECORD — HOUSE April 26, 2005
down rising oil and gasoline prices, which are threatening to take a toll on the economy in the United States and are already pulling down the president’s approval ratings. Mr. Bush and top officials had already signaled to the Saudis that they wanted a commitment to pump more oil in the short run, and that last week the Saudi oil minister had publicly expressed a willingness to do so.

The officials said the Saudis used the meeting to detail for Mr. Bush the steps they intended to take to cushion the global market from future increases in demand from fast-growing economies like China and India, and from the United States and other industrial nations.

Saudi Arabia’s plan, which it began discussing publicly weeks ago, calls for spending up to $30 billion to increase its maximum sustainable production capacity to 12.5 million barrels a day by 2009, and to 15 million in the subsequent decade, from about 19.8 million barrels now. The Saudis are currently pumping about 9.5 million barrels a day.

Asked whether that plan would have any effect on what the Saudis are doing in the United States, Stephen J. Hadley, Mr. Bush’s national security adviser, told reporters, “It’s hard to say.”

Mr. Hadley added that increasing capacity “can’t help but have a positive downward effect on prices and deal with some of the volatility in the market by assuring people that supply will be available as the economies grow.”

A Saudi official said that Mr. Bush had not requested a short-term production increase and that any increase would not have any effect on gasoline prices in the United States in any case. The high price of gasoline in the United States, the Saudi official said, was mostly a result of a lack of refining capacity here.

“It will not make a difference if Saudi Arabia ships more oil or Saudi refineries pump more barrels of crude oil to the United States,” said the official, Adel al-Jubeir, a senior adviser to the crown prince. “If you cannot refine it, it will not turn into gasoline, and that will not turn into lower prices.

The national average price for a gallon of regular unleaded gasoline last week was just under $2.24, up 43 cents from a year earlier.

The leaking of crude oil prices on Monday were about $54 a barrel, up from $37 a year ago.

Crude oil prices on Monday were about $54 a barrel, up from $37 a year ago.

Mr. Hadley said the Saudis had made “real good progress” in fighting terrorism.

Mr. Rice and the United States had a “common agenda” when it came to promoting peace between the Israelis and Palestinians and that she had made clear the need for the Saudis to provide financial support for the Palestinians in Gaza once the Israelis pull out this summer.

[(From the New York Times, Apr. 26, 2005)]

U.S. CONSIDERS TOUGHENING STANCE TOWARD VENEZUELA

(By Juan Forero)

As President Hugo Chávez of Venezuela veers toward greater confrontation with Washington, the Bush administration is weighing a tougher approach, including funneling more money to foundations and business groups to assist and persuade critical wedges of his leftist government, American officials say.

The Bush administration has already begun to distance itself from Mr. Chávez and to raise concerns about press freedoms, judicial independence and the Venezuelan government’s affinity for drug lords abroad, including Colombian guerrillas.

But it has found no allies so far in its attempts to isolate the Venezuelan leader, and it has grown more and more frustrated that Mr. Chávez’s strident anti-American outbursts and policies seem set to come into the face of Washington. On Sunday, Mr. Chávez declared by cooperation agreement and ordered out four American military instructors he accused of fomenting unrest.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.

But it has found no allies so far in its attempts to isolate the Venezuelan leader, and it has grown more and more frustrated that Mr. Chávez’s strident anti-American outbursts and policies seem set to come into the face of Washington. On Sunday, Mr. Chávez declared by cooperation agreement and ordered out four American military instructors he accused of fomenting unrest.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.

The accusation, which American officials denied, was the latest blow that relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides billions of dollars in aid each year.

Mr. Chávez has every right to develop its atomic energy program.
"I think it creates further estrangement," said Representative Bill Delahunt, a Massachusetts Democrat and a member of the House International Relations Committee who traveled with Mr. Chavez. "One cannot get around the fact that Hugo Chávez is a democratically elected president."

But Bush administration policy planners say that efforts to patch up relations with Venezuela have largely failed. The American ambassador, William Brownfield, who took over in Caracas in September, spent fruitless months before getting a meeting with Mr. Rodriguez. Requests for meetings with other ministers and even midlevel officials have been ignored, and Venezuela has canceled dozens of routine exchange programs with the United States.

The one option that administration officials increasingly believe they have is to respond much more assertively and publicly to Venezuelan policies the United States does not like, ideally with the help of other countries and respected institutions like the Inter-American Commission on Human Rights.

"We shouldn't be afraid to say when he's taking action, not at all," said Robert B. Zoellick, now the deputy secretary of state, to tell the Senate Foreign Relations Committee in February. Venezuelan Foreign Ministry officials say they still hold out hope that relations will improve. "There is one condition for us to have healthy relations with the United States," said Vice-Minister Mari Pili Hernández, who handles relations with Washington. "It's called respect."

The SPEAKER pro tempore, Mr. ROHRABACHER, Speaker, I ask unanimous consent to take my special order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to take my special order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

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

There was no objection.

U.S. FOREST SERVICE NEEDS TO ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, a few days ago a P-3 Orion aircraft, owned by Aero-Union, on contract to the U.S. Forest Service, crashed in California. This crash in and of itself reduced our existing Federal fleet of nonmilitary, firefighting planes by 10 percent. It probably also will lead to the grounding of the remaining nine Federal aircraft currently available for firefighting in the United States. So here we are, quickly approaching the fire season and Federal firefighting capabilities are being reduced and the federal firefighting aircraft, which was 33 strong only 2 years ago, will most likely be nonexistent this year.

Yes, we may have a few small crop dusters. We have some helicopters available. But if the wind comes up and a major conflagration gets out of control, our frontline firefighters will have no real backup. This would be a calamity of death and destruction, made all the worse because it is avoidable if we act now.

To have us become so defenseless is inexcusable. Not to take the steps immediately to end this vulnerability would be even worse. So what do we do?

Today I am calling on the leadership of the U.S. Forest Service and the U.S. Department of Agriculture to take the steps necessary to prevent a fire catastrophe later this year. Do not leave us helpless and our firefighters vulnerable and unable to thwart a blaze for lack of a large tanker aircraft which should be available. And do not tell me that it cannot be done unless we have billions of dollars.

The regulations establishing the requirements for airplane-based firefighting are obviously designed to protect the good old boys and to discourage anyone else with new approaches and new alternatives. I am suggesting that the U.S. Forest Service change its policies that have prevented, among other things, the use of foreign firefighting aircraft to extinguish major fires in the United States.

Specifically, the Russians have invested a large amount of money in large capacity firefighting air tankers. We wanted them to invest in these things rather than in military hardware. Well, they invested and they can be anywhere in the United States or yes, anywhere in the world, in less than 24 hours. They have already played a significant role in extinguishing huge fires in Australia, Greece, and elsewhere.

Yet the U.S. Forest Service has failed to provide us with their services here, even as we endured massive fire destruction in places like Florida, New Mexico, and in California. This stonewalling and obstructionism has gone on for 10 years, even as our Federal firefighting air fleet deteriorated, and even as lives, homes, and other property were being lost to out-of-control fires.

This year there has been considerably more rainfall in southern California than usual. It does not take a genius to predict that the increased rainfall we have already experienced will result in a proliferation of shrub growth, thereby increasing the danger of wildfires later this year. In short, we face a fearsome wildfire threat, and the U.S. Forest Service needs to act now, or we will have no large capacity firefighting aircraft tankers available should the worst occur. If we contract with the Russians who have large capacity firefighting aircraft ready to go, we do not have to invest in powerful, expensive and risky firefighting aircraft, which was 33 strong only 2 years ago, will most likely be nonexistent this year.

If the U.S. Forest Service does it right and does it right now, takes the steps that are required for these Russian air tankers to assist us in extinguishing a major wildfire and make those steps right now, we can actually save lives and save property. But if we do not take these steps now, and we lose property senselessly, they will be held accountable. If disaster strikes and people and animals die and valuable property is destroyed as huge air tankers that could have helped remain grounded and kept a fire right, then those responsible will be exposed for this incompetence. But that, unfortunately, will not undo the damage or bring back a life that has been lost.

It is time for the Department of Agriculture and the U.S. Forest Service to change its attitude, quit trying to protect a good-old-boy network which is unable to function, and to permit others to get into this business, including the Russians, who we would like to have invest in this type of domestic, peaceful technology.

Mr. JERRY T. WILLIAMS, Director, Fire and Aviation Management, Forest Service, Department of Agriculture, Washington, DC.

Mr. WILLIAMS. Reference your 38 Aug 2004 letter, File Code 5700. My staff examined your response to the questions on the Air Tanker grounding by the Forest Service and the possible role of the IL-76 in fighting US wildfires. Your response has raised some very interesting questions. The recent news release saying that the Forest Service is planning to contract for only 10 air tankers has added urgency to our investigations. With the heavy rains in California this last winter, the additional brush and timber will create an extreme fire hazard here in Southern California. A review of your Aerial Resource Bridge Plan for 2005 indicates that you are only going to contact for a maximum of 20 heavy fire fighting aircraft instead of the 33 air tankers that have been available in the past. Your RFP for heavy tankers has excluded the possibility of the IL-76, the CL-215, and the CL-415 to supplement the limited U.S. resources available due to your grounding of the air tanker fleet. It is not clear that the resources will be available to fight the fires if we have a fire season as bad as we had several years ago.

I am requesting that you prepare a briefing for presentation at my Huntington Beach office to set the stage for discussions between your experts and myself in Washington on the air tanker issues. The primary topic would be the FY '06 fire fighting plans with an emphasis on the heavy fleet. Particular emphasis should be given to discussion of your modernization strategy and the role that newer aircraft will be playing. Information on the civil aircraft such as the IL-76, the CL-215, and the CL-415 to supplement the limited U.S. resources available due to your grounding of the air tanker fleet is not included in your bridge plan should be included. Since the military C-130's appear to play an important role in your fire fighting, it is incumbent on you that C-130 fleet capabilities have been excluded in your recent RFP. A detailed explanation of this action is requested.

The points of contact for this presentation are Dr. George Kuck in my Huntington Beach office and Chris Minakowski on my Washington staff. Before presenting me with the briefing in Washington, please have your Washington staff. Before presenting me with the briefing in Washington, please have your Washington staff. Before presenting me with the briefing in Washington, please have your Washington.
and discussions on your strategic overall plan.

Sincerely,  
DANA ROHRABACHER,  
Member of Congress.

SMART SECURITY AND THE NOMINATION OF JOHN BOLTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when Senator John Danforth stepped down as the U.S. Ambassador to the United Nations earlier this year, President Bush had an option. He could nominate a new Ambassador who would work with the nations of the world to address the growing threat of terrorism and resource scarcity, or he could nominate one of the usual suspects, someone who would maintain the administration’s unilateral thinking. By nominating John Bolton, President Bush chose the latter.

As Under Secretary of State for Arms Control, John Bolton demonstrated his poor leadership skills by bullying his colleagues and demonstrated an ability to exclude international diplomacy by refusing to meet with certain foreign leaders, and he openly criticized the very institution, the United Nations, to which he now has been nominated to represent the United States. This behavior is not going to win the United States many friends on the international stage.

Without a reelection campaign to worry about, President Bush could have utilized the U.N. ambassadorship as a means of helping America regain its lost credibility as the most important democratic Nation in the world. He could have helped America begin its recovery from the mistakes he made in the run-up to the Iraq war and the international alliances that were shattered as a result. But when it comes to addressing America’s lost credibility around the world, it remains business as usual for the White House. It seems that the Bush administration has more important matters to take care of, like the shameful way it is working to end the decades-old tradition of the filibuster in the Senate.

The nomination of John Bolton epitomizes the Bush administration’s not-so-subtle pattern of disregard for multilateral institutions. Whenever possible, President Bush and his administration continue to sway from the international consensus, not towards it.

But the fight against international terrorism does not belong to a single country, particularly in this era of globalization. When the Internet connects people thousands of miles apart at the mere click of a button, we need to recognize that we are all in it together; because acts of terrorism, abusive governments, and resource scarcity affect everyone, everyone on the globe. That is why it is more important than ever to work with other nations and the multilateral institutions that guide them, like the United Nations and the international criminal court.

Mr. Speaker, next week, I will reintroduce the SMART Security resolution legislation that does take into consideration the need for international cooperation in the post-September 11 world. In order to effectively address the threat of terrorism, SMART Security works to strengthen international institutions and respect for the rule of law. We cannot possibly get the job done if our own U.N. Ambassador has contempt for the institution he is trying to serve.

Instead of continuing to emphasize our differences with other nations, the United States needs to break its current cycle of shameful unilateralism. We need to court the institutions that used to celebrate America’s participation, and our efforts must not stop there. If the U.S. expects other countries to relinquish pursuit of nuclear weapons, then we had better honor our own commitment to international norms as we signed to the Nuclear Nonproliferation Treaty, to the Biological Weapons Convention, to the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention.

SMART SECURITY

The United States is at its strongest when we lead the rest of the world towards peaceful resolution of conflicts by working with the rest of the world. This is the way we need to address the growing crisis in Iran and North Korea and the way to ensure that members of international terrorist groups like al Qaeda are caught and brought to justice. The ambassadors that serve the United States abroad reflect our values here at home. The nomination of John Bolton as U.S. Ambassador to the United Nations is not consistent with America’s best values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. It is time the Bush administration started working with the nations of the world. That world needs to begin here at home.

The SPEAKER pro tempore (Mr. McCaul of Texas). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, the House has just completed a four-week recess. There is no doubt that the recess has allowed many of my colleagues, including myself, to travel throughout the region.

During my recent trip to Israel, Jordan, Syria, and Egypt, I was able to see first-hand the progress being made towards peace and democracy in the Middle East. The most visible instance of this in Egypt. Four short months ago, President Mubarak launched a campaign to end terrorism. The results have been remarkable. The number of deaths of terrorists, supporters, and bystanders has decreased by 95 percent. This is the way we need to address the threat of terrorism, when we lead the rest of the world to do the same.

Mr. Speaker, next week, I will reintroduce the SMART Security resolution legislation that does take into consideration the need for international cooperation in the post-September 11 world. In order to effectively address the threat of terrorism, SMART Security works to strengthen international institutions and respect for the rule of law. We cannot possibly get the job done if our own U.N. Ambassador has contempt for the institution he is trying to serve.

Instead of continuing to emphasize our differences with other nations, the United States needs to break its current cycle of shameful unilateralism. We need to court the institutions that used to celebrate America’s participation, and our efforts must not stop there. If the U.S. expects other countries to relinquish pursuit of nuclear weapons, then we had better honor our own commitment to international norms as we signed to the Nuclear Nonproliferation Treaty, to the Biological Weapons Convention, to the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention.

The nomination of John Bolton epitomizes the Bush administration’s not-so-subtle pattern of disregard for multilateral institutions. Whenever possible, President Bush and his administration continue to sway from the international consensus, not towards it.

But the fight against international terrorism does not belong to a single country, particularly in this era of globalization. When the Internet connects people thousands of miles apart at the mere click of a button, we need to recognize that we are all in it together; because acts of terrorism, abusive governments, and resource scarcity affect everyone, everyone on the globe. That is why it is more important than ever to work with other nations and the multilateral institutions that guide them, like the United Nations and the international criminal court.

Mr. Speaker, next week, I will reintroduce the SMART Security resolution legislation that does take into consideration the need for international cooperation in the post-September 11 world. In order to effectively address the threat of terrorism, SMART Security works to strengthen international institutions and respect for the rule of law. We cannot possibly get the job done if our own U.N. Ambassador has contempt for the institution he is trying to serve.

Instead of continuing to emphasize our differences with other nations, the United States needs to break its current cycle of shameful unilateralism. We need to court the institutions that used to celebrate America’s participation, and our efforts must not stop there. If the U.S. expects other countries to relinquish pursuit of nuclear weapons, then we had better honor our own commitment to international norms as we signed to the Nuclear Nonproliferation Treaty, to the Biological Weapons Convention, to the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention.

The United States is at its strongest when we lead the rest of the world towards peaceful resolution of conflicts by working with the rest of the world. This is the way we need to address the growing crisis in Iran and North Korea and the way to ensure that members of international terrorist groups like al Qaeda are caught and brought to justice. The ambassadors that serve the United States abroad reflect our values here at home. The nomination of John Bolton as U.S. Ambassador to the United Nations is not consistent with America’s best values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. It is time the Bush administration started working with the nations of the world. That world needs to begin here at home.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak in the place of the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I rise today to praise President Bush’s ongoing efforts to carry democracy and freedom to the farthest corners of the Middle East.

Like some of my colleagues, I have had the opportunity recently to travel to this part of the world, to Iraq, to Lebanon, to Syria, and Egypt. These experiences left me extremely encouraged about the prospect of freedom in the Middle East. I believe we are witnessing a crucial moment in world history as democracy is planting roots in countries previously overrun by terrorists and tyrants.

The most visible instance of this is in Iraq. Four short months ago, Iraqi citizens bravely faced terrorist threats and bold enough to turn out in amazing numbers. Today, the fruits of their labor are evident, and the Iraqi people can finally look forward to a future in a free and a democratic society.

They have a government that serves as a voice for all Iraqis, be they Kurdish, Sunni, Shite, Christian, or any of the many other ethnic and religious groups represented in the new government.

Like the Iraqi people, citizens of Afghanistan are also enjoying new-found freedoms. Our United States Armed Forces have liberated millions of Afghans, paving the way for a democratic Afghan government, one that is committed to fighting terrorism on its own.

But Iraq and Afghanistan are not the only nations where freedom is marching. Mr. Speaker. The roots of democracy grow wide, and they have begun their spread into Iran, Syria, Palestine, Libya, and perhaps even Saudi Arabia. The list of democratic accomplishments in the region is growing, suggesting that a true change in outlook and culture is occurring in the Middle East.

Syria has begun pulling its troops out of Lebanon. Israel is working with the Palestinian people to pull troops and settlers out of Gaza, and the post-Arafat PLO is increasingly willing to put this kind of diplomacy over terror. Libya has begun the voluntary dismantling of its nuclear program, and Egypt has agreed to allow multi-candidate elections.

Any one of these accomplishments alone would be reason to rejoice; but taken together, they signal an ever-growing, irrevocable force for change across the globe. What we are accomplishing in the Middle East is far more than winning the war on terror. We are winning the war of ideas. People around the globe are crying out for freedom.

Democracy, representation, the opportunity to disagree, these are all essential developments that foster freedom; and we are seeing them spread...
across the Middle East. People are choosing democracy over dictators and demagogues, and I am extremely encouraged by these developments.

Mr. Speaker, the naysayers among us, those who said fair democratic elections in Iraq would never occur, who said the U.S. would never accept democracy, they have been proven wrong. Freedom is a universal ideal, one that knows no boundaries or borders. As President Bush so often reminds us, freedom truly is on the march.

The President has defined Iran as the Axis of Evil. The U.S., to put it diplomatically, prefers to end the religious government in Iran where we might change the rhetoric from the Axis of Evil to the access, A-C-C-E-S-S
tive government in Iran where we
er economic democracy on the table, and
r the Administration has
b the White House.

In attempting to isolate Iran, we may be, in the end, isolating ourselves from the seemingly unstoppable economic and geopolitical expansion in Asia and the Middle East.

A few days after we expressed our extreme concerns to Japan, something happened that did not receive widespread news coverage in the United States. Last year, Japan financed the equivalent of the entire U.S. deficit, $400 billion.

Now, some in Japan have expressed a preference for the Euro. Japan is our friend, a strong and close ally. It seems to me if our friends are struggling with our foreign policy decisions, imagine what our enemies are doing. They are using it to isolate the U.S. from the rest of the world.

Not long after our concerns were expressed to Japan, we showed the iron fist again when Iran, Pakistan, and India began to talk of a pipeline for South Asia across Pakistan to supply energy to starved West India.

The President has defined Iran as the Axis of Evil. The U.S., to put it diplomatically, prefers to end the religious government in Iran where we might change the rhetoric from the Axis of Evil to the access, A-C-C-E-S-S to natural resources.

Our vocal and public expressions against the Iranian Government are noticed. Iran’s leaders took a page out of our playbook. We call them the Axis of Evil. They call us the Great Satan.

Lately, the administration has ramped up on the nuclear weapons of mass destruction rhetoric, leaving some to fear or speculate about whether the rhetoric is really the base case for a new preemptive action.

One hears Condoleezza Rice threatening sanctions against those who engage in nuclear commerce. It just so happened that entire nations like India and Pakistan fall into that rhetorical trap.

A proposal to build a pipeline from Iran through Pakistan to serve energy needs in India has been called a peace pipeline. It is the latest positive step between two great nations with a long history of tension and bloodshed.

If the IRA and Northern Ireland can resolve differences, surely there is hope for Kashmir. The signs of hope are there; but like a seed planted in fertile ground, the hope for lasting peace must be nurtured.

Instead, our one-size-fits-all foreign policy aimed at Iran hits India and Pakistan as well. We end up trying to punish Iran by undercutting India and Pakistan.

India’s energy problems are real. The future of the nation depends on securing stable energy resources. Yet, U.S. foreign policy meant to punish Iran hurts America’s friends and America’s foreign policy.

We are telling India and Pakistan to abandon the peace pipeline because we do not like Iran. But we are saying there will be severe consequences for our friends if they do not follow our orders.

Why are we trying to prevent India from solving one of its most pressing energy problems, chronic energy shortage?

We have not isolated Iran. We have merely strongly encouraged Iran to build economic and political relationships everywhere else. We like to pretend our effort in Iran has been effective. I think it is time for us to admit we need a complete reassessment and overhaul of our failing foreign policy beginning in Iran.

In my judgment, it is time to put democracy on the table, and there is no place like starting with India and Pakistan.

Their destiny should be in the hands of Indians and Pakistanis. The Administration has been declaring veto power.

Iran, Cuba, and a host of other foreign policy initiatives have shown us that this approach does not work. And our intention to approve or veto the destiny of other nations will not last.

I worry about Iran as much as any Republican and Democrat leader.

But we cannot deny what we know to be true. Our current foreign policy—in philosophy and practice—has been most effective at isolating America.

It’s time we revise our vision to something sustainable and tolerable.

We can start by encouraging regional cooperation in Central and South Asia. We can start by encouraging peace, perhaps symbolized by the so called peace pipeline. We have helped Iran win many friends in recent years.

Now it is time to envision a foreign policy which makes it more likely that Iran, the world’s second largest holder of natural gas, will focus on developing natural gas instead of nuclear energy that could form the basis for a nuclear threat.

Surely, our experience in Iraq and its problems should have taught us something about the ultimate futility of trying to solve everything with a gun.

The President has defined Iran as the Axis of Evil. The U.S., to put it diplomatically, prefers to end the religious government in Iran where we might change the rhetoric from the Axis of Evil to the access, A-C-C-E-S-S to natural resources.

Our vocal and public expressions against the Iranian Government are noticed. Iran’s leaders took a page out of our playbook. We call them the Axis of Evil. They call us the Great Satan.

Lately, the administration has ramped up on the nuclear weapons of mass destruction rhetoric, leaving some to fear or speculate about whether the rhetoric is really the base case for a new preemptive action.

One hears Condoleezza Rice threatening sanctions against those who engage in nuclear commerce. It just so happened that entire nations like India and Pakistan fall into that rhetorical trap.

A proposal to build a pipeline from Iran through Pakistan to serve energy needs in India has been called a peace pipeline. It is the latest positive step between two great nations with a long history of tension and bloodshed.

If the IRA and Northern Ireland can resolve differences, surely there is hope for Kashmir. The signs of hope are there; but like a seed planted in fertile ground, the hope for lasting peace must be nurtured.

Instead, our one-size-fits-all foreign policy aimed at Iran hits India and Pakistan as well. We end up trying to punish Iran by undercutting India and Pakistan.

India’s energy problems are real. The future of the nation depends on securing stable energy resources. Yet, U.S. foreign policy meant to punish Iran hurts America’s friends and America’s foreign policy.

We are telling India and Pakistan to abandon the peace pipeline because we do not like Iran. But we are saying there will be severe consequences for our friends if they do not follow our orders.

Why are we trying to prevent India from solving one of its most pressing energy problems, chronic energy shortage?

We have not isolated Iran. We have merely strongly encouraged Iran to build economic and political relationships everywhere else. We like to pretend our effort in Iran has been effective. I think it is time for us to admit we need a complete reassessment and overhaul of our failing foreign policy beginning in Iran.

In my judgment, it is time to put democracy on the table, and there is no place like starting with India and Pakistan.

Their destiny should be in the hands of Indians and Pakistanis. The Administration has been declaring veto power.

Iran, Cuba, and a host of other foreign policy initiatives have shown us that this approach does not work. And our intention to approve or veto the destiny of other nations will not last.

I worry about Iran as much as any Republican and Democrat leader.

But we cannot deny what we know to be true. Our current foreign policy—in philosophy and practice—has been most effective at isolating America.

It’s time we revise our vision to something sustainable and tolerable.

We can start by encouraging regional cooperation in Central and South Asia. We can start by encouraging peace, perhaps symbolized by the so called peace pipeline. We have helped Iran win many friends in recent years.

Now it is time to envision a foreign policy which makes it more likely that Iran, the world’s second largest holder of natural gas, will focus on developing natural gas instead of nuclear energy that could form the basis for a nuclear threat.

Surely, our experience in Iraq and its problems should have taught us something about the ultimate futility of trying to solve everything with a gun.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
UNIVERSAL RIGHT TO VOTE BY MAIL ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I introduce the Universal Right to Vote by Mail Act of 2005, a bill to allow any eligible voter to vote by mail in a Federal election if he or she chooses to do so.

In my home State of California, voters already have this right. California is one of 25 States that already provide this convenient alternative to voting.

While I personally love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. And for some, it is impossible.

That is why I have introduced a bill that builds upon the growing trend of States that allow the polls to the vote. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

What I am proposing is not new or even novel. Examples ranging from my home State of California to Wisconsin to North Carolina to Maine have already adopted this voter-friendly policy.

Citizens can vote from the convenience of their own homes. They will have more time to mull over their choices and make informed decisions. And they will be able to do so on their own terms, potentially avoiding long lines at the polls.

Not surprisingly, studies have shown that some of the bigger supporters of voting by mail are parents who must schedule time to go to the polls around so many other obligations.

Studies have also indicated that adding the option to vote by mail does not create a partisan advantage for one political party over the other. Republicans and Democrats both benefit from similar increases in voter turnout when voters are given the choice to mail in their ballots.

In fact, overwhelming support for voting by mail is consistent across nearly every demographic, be that age, income level, race, education, employment status, and ideology. It is a win-win for all Americans.

After adopting a universal right to vote by mail system in 1978, California saw a 30 percent increase in the use of mail ballots.

In my district of San Diego, 40 percent of voters opted to mail in their votes during the 2004 election. And other States that have implemented this policy have seen the same degree of support, which is why it is hardly surprising that States offering the option of mail-in ballots often experience greater voter participation.

States providing universal access to mail-in ballots during the 2004 election saw a 6.7 percent increase in voter turnout. And again, this increase was uniform across all demographics, including political affiliation.

There is also extremely low incidence of fraud with voting by mail when compared to other methods of voting. The State of Oregon, which runs its elections entirely by mail, has prosecuted only four cases of fraud over the last six elections.

Mr. Speaker, as the former president of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system. Twenty-five States have already proven this option works and it is safe. It is time to give voters in States that this convenient, secure, and affordable alternative.

While I am proud to be from a State where citizens already have this right, I believe democracy works best when all citizens have an equal opportunity to have their voices heard. Right now, an uneven playing field exists between States that already offer the option of mail-in ballots and States that do not.

When the same election is more accessible to voters in California than it is to voters in Maryland, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in Federal elections by curbing the greatest level of voter participation. We should follow the lead of half of our Nation’s States and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the Democratic process and give American voters the choices they deserve.

The SPEAKER pro tempore (Mr. McCaul of Texas). Under a previous order of the House, the gentleman from Maryland (Mr. Cummings) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESSING ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. Jackson-Lee) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening I wanted to share my thoughts with my colleagues on some of the pressing issues that I think we have missed, particularly with the schedule that we now have. I think the world is crying out for this Congress to act and to act constructively and productively. There are several issues, both international and domestic, that we simply have failed to address.

I want to associate myself with the remarks of my good friend and colleague, the gentleman from the great State of Washington (Mr. McDermott) on the progress that India and Pakistan have made. I have congratulated both Ambassadors from Pakistan and India personally for the great leadership shown by the Prime Minister of India and the President of Pakistan, two countries that have been known to be in conflict, sitting down around the table of friendship, talking about energy resources, opening consular offices, solving problems such as Kashmir working with peace.

Why should this Nation not applaud them? I hope my colleagues will join me in a resolution that will support and applaud the works of both the President and the Prime Minister of these respective nations. I agree with my good friend from Washington, why should we, with our politics against Iran, eliminate the opportunities for two nuclear giants to begin to solve their energy problems and maybe, by chance, both of them striving towards democracy, having a positive influence on Iran?

So I hope that my resolution offered to the Congress and signed on by a number of my colleagues will be on the floor of the House.

Today completed the 60-city tour of the President of the United States regarding the issue of Social Security. I am glad, however, that we joined many thousands on Capitol Hill to emphasize the need for Social Security reform.

We here in the United States providing universal access to Social Security. I think it is unfair. We should follow the lead of half of our Nation’s States and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the Democratic process and give American voters the choices they deserve.

There is also extremely low incidence of fraud with voting by mail when compared to other methods of voting. The State of Oregon, which runs its elections entirely by mail, has prosecuted only four cases of fraud over the last six elections.

Mr. Speaker, the coalition of 25 States that already offer the option of mail-in ballots and States that do not.

When the same election is more accessible to voters in California than it is to voters in Maryland, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in Federal elections by curbing the greatest level of voter participation. We should follow the lead of half of our Nation’s States and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the Democratic process and give American voters the choices they deserve.

The SPEAKER pro tempore (Mr. McCaul of Texas). Under a previous order of the House, the gentleman from Maryland (Mr. Cummings) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
new mandatory sentences to do it, but real preventative measures, which more law enforcement, more training does.

I would also say I have asked the Committee on the Judiciary today to hold a hearing on a horrific video that I saw on television involving a handcuffing of a 5-year-old in Florida. A 5-year-old who does not have the intent, cannot go into a court of law and even be judged to have the appropriate intent to be prosecuted or to be able to testify. Two large police officers, one large teacher, and I love teachers, but this, excuse me, administrator, I believe this was a deputy principal, could not handle a 5-year-old. A mother, a working mother on a job that could not get there quickly, but got to school and they would not let her see her 5-year-old. What an outrage.

I believe that school system and that district and the State of Florida needs to be penalized for the kind of reckless, irresponsible stigmatizing of a 5-year-old. You could have called the mental health authorities. You could have waited. You could have given her a toy and a television set to calm her down; but yet two big police officers put her in the police car with handcuffs for a little girl who was disruptive. What an outrage.

I think we can do better than this and I am going do write legislation to punish school districts who do not understand how to deal with 5-year-olds, particularly those do not understand that 5-year-olds do not need to be handcuffed. Did she have a gun in her hands? A knife in her hands? A 5-year-old.

I hope we can further work on prescription drugs and meth labs, since even in my local schools we are facing that, Mr. Speaker.

Finally, let me conclude by saying, Mr. Speaker, I think the national ID, the driver’s license, which the 9/11 Commission did not say, we need real immigration reform. Giving national ID cards does not keep the terrorists from the border. We need to protect the borders. We need more border patrol agents. That is how we secure the homeland, not national ID cards invading the privacy of Americans.

POWERFUL PHARMACEUTICAL LOBBYISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today on the front page of USA Today’s business page, there was a headline, “Pharmaceutical Industry Goes Furthest to Sway Congress.”

Last year the pharmaceutical industry spent $158 million, just last year, to lobby Members of the United States Congress and Senate.

Now, I know you may be shocked to know that it may not have been in your interest, $158 million to lobby the Members of the United States Congress and Senate. Since 1998, in 6 years, they have spent three-quarters of a billion dollars lobbying, winning, dining Members of the United States Congress, taking them on golf trips, taking them on vacations, taking them to conferences, taking them out to meals, all to tell them about their industry.

There are 1,300 pharmaceutical registrants. There are only 355 Members of the United States Congress and Senate. There are 2% lobbyists for every Member. Three-quarters of a billion dollars in 6 years, $158 million last year alone, and 1,300 lobbyists working on behalf of the industry.

About 475 of them, according to this article, are former Federal Government employees; 40 of them are former Members of Congress. It is the most influential and well-financed lobbying operation.

Challenging the drug companies is always a costly undertaking, and, more often than not, it is a very difficult one and a losing one. But I want you to know what you are getting for your $158 million drug congress.

Congress, when it passed a prescription drug bill last Congress, the 108th, we prevented the United States Government from negotiating prices like the Veterans Administration does, like the Department of Veterans Affairs, for what they negotiate, when they want to negotiate. When they want to deal with a supplier they negotiate best prices, not the United States Government. It explicitly prevents the United States Government from negotiating on behalf of Medicare for 43 million seniors for the lowest possible price.

What does it say to our taxpayers? What does it say to our senior citizens? We are not going to do best business practices. We see a club, like Lowe’s, like other people who negotiate price. We will send you out there and make you pay the highest price possible, which is why the United States taxpayers and senior citizens pay the highest pharmaceutical prices of any major industrialized country in the world. That is what you got for their $158 million.

What else did we get for that $158 million that they spent lobbying Members of Congress? One bill that prevented the reimportation of pharmaceutical products from Canada and Europe so we could not get competition and choice in the marketing of prices. That is why people in Canada pay 50 percent cheaper prices than we do here in the United States.

What else did that $158 million get? It does not allow generic medications to come to market to compete against name-priced drugs. Every principle of the free market, whether you negotiate prices based on Medicare, just like Sam’s Club, whether you allow competition through the free market and allow people to buy their drugs in Canada and Europe and use competition for Lipitor and for other types of products, or whether you allow generics to come to the market in a speedier time to compete against the name brand, every principle in the free market was prevented.

It is estimated that the United States Congress, when it passed the prescription drug congress, that it resulted in an additional $150 billion over 10 years to the industry’s profits. They know what they are doing. They know what they are getting for their money. They know what they are getting for their lobbying, for their trips; but it is usually theirs, not yours. Three-quarters of a billion dollars in 6 years, $158 million last year alone.

It is estimated that the United States Congress, when it passed the prescription drug congress, that it resulted in an additional $150 billion over 10 years to the industry’s profits. They know what they are doing. They know what they are getting for their money. They know what they are getting for their lobbying, for their trips; but it is usually theirs, not yours. Three-quarters of a billion dollars in 6 years, $158 million last year alone.

It is estimated that the United States Congress, when it passed the prescription drug congress, that it resulted in an additional $150 billion over 10 years to the industry’s profits. They know what they are doing. They know what they are getting for their money. They know what they are getting for their lobbying, for their trips; but it is usually theirs, not yours. Three-quarters of a billion dollars in 6 years, $158 million last year alone.

It is estimated that the United States Congress, when it passed the prescription drug congress, that it resulted in an additional $150 billion over 10 years to the industry’s profits. They know what they are doing. They know what they are getting for their money. They know what they are getting for their lobbying, for their trips; but it is usually theirs, not yours. Three-quarters of a billion dollars in 6 years, $158 million last year alone.

CREDIBLE ETHICS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, on March 1 of this year I introduced a resolution, House Resolution 131, that would repeal the ill-conceived amendments to the House Rules that were included in the rules package adopted at the beginning of this Congress.

Although this resolution has now gained 208 co-sponsors, the Committee on Rules to which it has been referred has not yet taken any action on it. Accordingly, it now becomes necessary to begin to invoke the procedures provided by House Rule 15, to discharge a measure from the committee.

To that end, today I am introducing a resolution that provides for the consideration of House Resolution 131 by the full House. Under House Rule 15, a discharge petition may be filed.
with regard to this resolution after 7 legislative days.

Mr. Speaker, I want to reiterate that what is at issue with House Resolution 131 is, in fact, whether the House of Representatives is going to continue to have rules which provide that it can be effective in protecting the reputation and the integrity of this great institution. And for at least two reasons, the House will not and cannot have a credible ethics process unless the Republican-inspired rules changes made earlier this year are repealed.

First, there cannot be a credible ethics process in the House unless it is genuinely bipartisan. By definition, the Committee on Standards of Official Conduct was created as a bipartisan organization within a very partisan body, and its rules have always been fashioned through a bipartisan task force.

Until this year, the House clearly and repeatedly recognized that bipartisanship must extend to the creating of the rules under which the Committee on Standards of Official Conduct conducts its business; and in the past, changes in those rules were made in an open, in a thoughtful, and in a genuinely bipartisan manner.

But Mr. Speaker, in contrast to past tradition, the rules changes were drafted solely on the recommendation of the majority, in a partisan, in a closed, in a secret process in which no one on the Democrat side of the aisle was even consulted. So the rules were adopted on a strict party line vote: all the Republicans voting for; all the Democrats voting against.

Mr. Speaker, this is the most partisan vote we cast in the House of Representatives. Never in the history of the Committee on Standards of Official Conduct has there been an attempt to impose rules in this manner on the Committee on Standards of Official Conduct.

Mr. Speaker, the second concern about these rules changes is there has been an attempt to impose them on the Committee on Standards of Official Conduct in a very partisan way, but the rules in and of themselves are extremely damaging. The fact is that, at a minimum, these rules changes will seriously undermine the ability of the Committee on Standards of Official Conduct to perform its key responsibilities of investigating and making decisions on allegations of wrongdoing.

These rules changes fall into three categories.

First, there is the so-called automatic dismissal rule under which a complaint against a Member that is filed with the committee can be dismissed solely with the passage of time, no consideration of its merits. Under this automatic dismissal rule, that period of time can be as brief as 45 days from the date the complaint is deemed to satisfy the process, thereby denying the committee members a means by which they can avoid their responsibility to give thoughtful, reasoned consideration to every complaint and to all of the charges in every complaint. Its ultimate effect will be to provoke partisanship and deadlock among committee members as they wait for the clock to run out. Does the majority really want this result?

Another of the rules changes is that it grants certain so-called due process rights to Members. One of those rights is the right to demand that the Committee on Standards of Official Conduct conduct a trial on a matter on which it has not even conducted a formal investigation. This so-called right would place the committee in the position of having to hold a trial on a matter in which it has not issued a single subpoena. Does the majority really want this result?

The third rule change, Mr. Speaker, is the so-called right to counsel provision which might be better characterized as the right to orchestrate testimony provision or the right to allow collusion among the accused and the witnesses. It would provide that one lawyer can represent the accused and all of the witnesses. Does the majority really want this result?

Mr. Speaker, I continue to urge my colleagues to look closely at the rules changes and the partisan manner in which they were adopted. By adoption of House Resolution 131, the House can begin to undo the damage that has been done to the ethics process, and we will be able to have once again an ethics process that commands the confidence and respect of both the Members of this body, and Mr. Speaker, most importantly, the American people, who, I believe, on a bipartisan basis want a bipartisan Committee on Standards of Official Conduct.

APPPOINTMENT OF MEMBERS OF THE HOUSE TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore (Mr. Gohmert). Pursuant to 40 U.S.C. 188a, and the order of the House of January 4, 2005, the Chair announces the Speaker’s appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. Lewis, California
Mr. Shuster, Pennsylvania.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable Nancy Pelosi, Democratic Leader:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, votes on motions to suspend the rules postponed earlier today will be taken tomorrow.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is my privilege before the House along with my colleagues of the 30-something Working Group. We would like to thank the Democratic leader for allowing us, once again, to address the Members of the House and the American people on issues that are facing the 30-somethings and the entire population of the United States.

I think it is important as Members of Congress that we understand our obligation to the American people, making sure that they fully understand what happens in their house of democracy.

Many times in Washington, D.C., we are here, we are making decisions that are going to affect all of our constituents and even ourselves and our families. So I think it is important we take it very seriously.

We come back again tonight. Of course, we have the gentleman from Ohio (Mr. Ryan) and also the gentlewoman from Florida (Ms. Wasserman Schultz), my good friend from south Florida; and we are here to talk about Social Security. So I think we will just start off just kind of talking about some of the things and some of the events that took place today.

This was a very eventful day for Social Security and making sure that Americans are able to rely on the Social Security system that they deserve as it relates to their full benefits on Social Security and making sure that we do not gamble with their retirement.

Ms. Wasserman Schultz. Mr. Speaker, will the gentleman yield?

Ms. Wasserman Schultz. Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. Wasserman Schultz. Absolutely, this was a unique day.

Apparently, we reached the 60th day that the President has hung out the American people on his vague outlines of his proposal to privatize Social Security; and quite honestly, at the conclusion of the
60 days, apparently he has said that he wants to go out for another 120 days.

We had a rally today with more than 1,000 people in the crowd and over a hundred Members of Congress from both the House and the Senate. The Senate Democrats, led by Senator Biden, and House Democrats, led by Speaker Pelosi, are completely united in opposition to pulling the safety net out from under our retirees' retirement security, and we stood strong. We stood together. We stood together when people did not think that there was a real threat to the Social Security system. A lack of confidence that the Democrats would stand together united opposing privatization. We have all the way up until today and we will continue to be standing in opposition to privatizing Social Security.

Actually, at the conclusion of today’s rally, we stood together and said, Mr. President, please do go out for another 120 days and tell the American people that you want to pull the safety net out from under their retirement security because apparently the more he talks about it, the less the American people like it. So we encourage the President to continue to go out and talk about it, continue to restrict the crowds and limit the access to his town hall meetings where he checks tickets at the door, checks people’s philosophies at the door, as opposed to our effort where we are being as inclusive as possible. We do not screen our crowds. We had more than 400 town hall meetings across the country in our districts as House and Senate Democrats, and we take all comers. Some of us have had maybe a couple of people here and there who have come to our meetings and said why do you not give the President’s proposal a try, but almost universally our Members have experienced the communication from our constituents that, above all else, they expect us to be up here in Washington and protect their retirement security.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. No doubt about it, of all the Social Security meetings that I have had, not one citizen in my district has stood up and said anything to the effect of let us take a close look at these private accounts. Young people included have been coming. I have three universities in my district, and even the young students still recognize it. We get kind of cynical maybe every now and again up here and think that somehow that spin and manipulation somehow will always work; and the facts maybe do not always get out, but I find it very heartening that the President can go out and try to sell a proposal and poll after poll after poll continue with him losing support on this. I think it is very heartening to know that the American people pay very close attention to these issues especially when they affect their pocketbook like Social Security does, and they look closely at what the President is talking about, and yet they still disagree with what the President is saying.

It is very good, and I think that the key fact is that the President’s proposal weakens Social Security. It does not strengthen it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman would yield, I think it is important to highlight, again, that 243 Members of the President’s nationwide, cross-country tour; and one would have expected with the bully pulpit that he has the momentum that he believed that he was going to be able to build behind his vague proposal that by the 60th day, by today, that he would have Americans swinging from the chandeliers in the Capitol, insisting that we take up his proposal and that somebody file a bill.

We have yet to see a bill offered in this Chamber or in the Chamber across the way for this President’s proposal. It is interesting to note that these are some of the comments and analyses that have been made at the conclusion of his 60-day tour: “The President’s campaign has frightened people, raising concerns that guaranteed benefits could be cut,” said William Schneider, who is a public opinion scholar and CNN analyst. “There’s very little evidence in polls that Bush’s campaign has been effective.”

“As he nears the end of a 60-day cross-country campaign, President Bush appears to be further from achieving his signature goal of transforming Social Security than when he began.” That was from USA Today just yesterday, and that was the tip of the iceberg in terms of the commentary and analysis.

I just wonder when the President and the leadership of this body are going to get serious about the number of people that showed up at the rally today here at the Capitol; and many of them looking forward to getting to that Social Security issue. Many of them, people are saying that they are not going to come to this Capitol, to this great democracy we speak of, so their voice can be heard. I can tell you that I was encouraged.

Mr. Speaker, I may digress a little as it relates to talking about what Social Security is all about, but I think it is worth saying that Democrats, not only here but in the other body across the hall, and in general here in Washington, D.C., we believe in bipartisanship. We talk about the 1983 vote an awful lot, but I want to let you know that in 1983, when Ronald Reagan, then President, and Tip O’Neill, then Speaker in a Democratic House, passed a bipartisan Social Security plan that would keep Social Security solvent for another 47 to 50 years, as it relates from this point on, from right now, today, as I speak, 100 percent of benefits going to the individuals that would be receiving it, be it in survivor benefits or retirement benefits, and it was a bill of bipartisanship. In 1983, we passed a bill saving Social Security, with 213 Members voting for it and 102 voted against it. Eighty Republicans voted for it, 163 Democrats voted for it. That is bipartisanship. That is a bipartisan Social Security plan.

And we are not going to get there if the individuals that are in charge, the majority seems to be the Republicans in this House, do not come to grips in...
having a true bipartisan dialogue in saving Social Security, and not the rhetoric of someone else wanting Social Security to be privatized. I am not talking about Wall Street, which is going to benefit by some $940 billion if Social Security is privatized. That is a guarantee. And I think it is really important for Members of Congress to explain to their constituents what is being privatized. I will do my part to continue to talk about this privatization piece.

One other thing I just want to add. I think it is important people understand the numbers on Social Security. Forty-eight million Americans are enjoying those benefits right now. Some people want to talk about where is the Democratic plan? Where is the Republican plan? Right now, we are talking about philosophy. There was a hearing over in the Senate. While there were hundreds of hearings on this Hill every day. Still, we are not at the point to where we can come to grips on a bipartisan approach. On this side of the aisle we are saying we want to be bipartisan.

Now, hats off to Americans. The reason why no one is marching with a plan and we do not have a binded copy of some plan is the fact that the Republicans know full well, the Republican leaders know there are some colleagues on the other side of the aisle that are saying no way, Jose, if I can say that.

Mr. RYAN of Ohio. You can say that. Mr. MEEK of Florida. No way we are going to hand up our constituents because someone else wants to privatize Social Security. I did not sign up for that. That is what I am hearing some of these Republicans saying. It is a very small number, hopefully a growing minority in this House that are speaking boldly about privatization of Social Security, I think they are making a career decision, a career decision in a democracy where people believe in having the retirement that they were promised.

The other point I want to make here is to mention today’s newspapers, and I took some sections out. Account after account of Americans not being with the President on this. I am sorry, this is not a Rove Ryan Report. This is reality. Now, if the President wants to burn Federal jet fuel, taxpayers’ dollars, at $55,000 an hour to fly on Air Force One to go tell people, and I might add these are canned crowds of individuals who have love and respect for the President, and I also have respect for the President, for the office that he holds, because he is my President too. He is President to us all. We support him as our Commander in Chief. But when we are wrong, we are wrong.

So I do not care how many times you say, oh, well, privatization is good and we will save Social Security. Matter of fact, he said to the contrary; that it would not alone save Social Security. So I am proud of the people that are out there saying what they are saying. But I think it is important that we remember if this is about future generations, then the President is doing just the opposite. We are talking about $26,349.67, the average 30-something; the average college student that is graduating with a postgraduate degree or what have you, on average, $20,000 in debt. Add to that the $26,000 of the Federal tax on your 11-year-old child to pay, and you might as well make that $46,000 and some change.

Mr. MEEK of Ohio. And growing.

Mr. RYAN of Ohio. Mr. Speaker, if I may interrupt the gentleman. I would add that tuition costs are doubling, and this number keeps growing every week. Every single day this clock is actually ticking here, $7.79 trillion. We lifted the debt ceiling a few months ago and it continued to tick.

So we are talking in a few months you are going to be up to owing the government or student loans or banks $50,000. Imagine a kid being born today owes $26,000. Is that opportunity? Is that freedom? All the big themes that we like to talk about in Washington, D.C. This is trapping a generation of kids.

Mr. RYAN of Florida. And that is a perfect point, Mr. Speaker. Sometimes in our spare time, as we fly back and forth from our districts that we represent, I do a little something with that number, that $26,349.67 and counting. You could buy a new car for that, every American, not just Americans living in certain parts of the country.

Ms. WASSERMAN SCHULTZ. A pretty decent car.

Mr. MEEK of Florida. Yes, a pretty decent car. You could pay for 4 years of education at a public university. I got the chance to go to college and for some of our young people, freedom in America, that buys about 2,250 CDs. I mean, we are talking to America here. You could also go on a luxury cruise around the world for four. You could buy groceries for five families for a year. That is from the Congressional Budget Office. You can put a down payment on a home. Well, that sounds like a great idea. We want more Americans to be in homes.

Mr. RYAN of Ohio. Bingo.

Mr. MEEK of Florida. You could start a small business. You could fly from New York to Hawaii and back 12 times.

The President is marching around here, and the majority side is marching around here saying we are trying to preserve Social Security for future generations; meanwhile it is not tax and spend, it is borrow and spend, and continuing to borrow. They are on borrowed time. They cannot stop themselves. I am talking about, well, the President is flying around and burning taxpayers’ dollars at $55,000 an hour, that is more than two or three people make in a year in America.

Now, I am not shocked, because the evidence speaks to the highest deficit in the history of the Republic. He cannot help himself. Neither can the members of the majority side help themselves, and I cannot同比 the leadership, and I say the leadership because I do have friends on the other side that get it, and it is up to us here in Congress to make sure. Here on the Democratic side we have our act together, and the leadership have that number outside their office to remind people when they come walking the halls to see their Member of Congress, this debt is continuing to click. So we have to make sure as Americans that we vote principle over politics. Principle over politics.

So if you are working right now, and if Americans pull their check stubs out right now and look at what they pay in Social Security, and they have the majority here saying, the leadership once again the President saying we are looking out for you, meanwhile we are going to add $5 trillion onto that number, meanwhile we are going to cut your benefits.

They will put it out as it relates to their plan, they are going to lose 20 percent of their benefits right now, or more, on a gamble of privatization. I cannot understand it. But I can tell you one thing: The American people do not buy it and a good number from the College Board. For some of our parents, freedom in America.

Mr. RYAN of Ohio. And growing.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, my colleague and I from Florida are parents, and I know the gentleman from Ohio (Mr. RYAN) probably plans one day to be a parent. This is the 30-something Working Group.

Mr. RYAN of Ohio. If my wife says it is okay.

Ms. WASSERMAN SCHULTZ. Exactly. Once you get permission. And, believe me, I know that is definitely something that moms need to grant, or potential moms need to grant permission. But we have little kids, and anyone out there that is a parent can understand what I am going to talk about now in this way.

It is mind-boggling that the President has not gotten off, after 60 days, the concept of privatization. I liken it to when my children do not like that I have told them no and they stamp their foot and they throw a temper tantrum. Now, I generally try not to give in, like we are not.

I feel like the Democratic Caucus in the House and Senate are the parents of a child in the White House throwing a temper tantrum, who is insisting that he get his way. And regardless of how many times he is told that he cannot have his way, that sometimes we have to compromise, sometimes we cannot have it exactly the way we want it; just like I explain to my children, and I try to explain to them that we are going to try to give you some of what you want. And when you are not going to have it
all your way, he continues to stamp his foot just like my kids sometimes do.

It was not lost on me that that was an appropriate analogy. I am certainly hopeful, like I am hopeful with my own kids, that one day they will grow out of it. We have the Bumstickers to show how long it will take them to grow out of the temper tantrums. It should not be surprising, because we come from a State where his sibling engages in similar activities. It seems to be a family trait. They do not seem to get the message when they are told by their constituents that they are not stage any protest at the rally and they were ousted from President legations by three area Democrats that week sent agents to Denver to probe al-

That is why I do not screen or have done town hall meetings with hall meeting, and I am sure it is this cere on this issue. When I have a town is hard to feel that the President is sin-

And we are not suggesting that we do not think it will. But the reality is to be there for you, most of our peers do not think it will. The crisis is manufactured, as my from day one is that there is no crisis; not saying that. What we have said as guilty as the President and the lead-

If we were here saying there is no prob-

stuck in the sand because we support Social Security so strongly. If we were here saying there is no prob-

beritually, 36 years from now, in 2041, I will be 74 years old, long past retirement age. When we ask most of our peers, if you ask your friends and our neighbors and friends who are our age, do you think Social Security is going to be there for you, most of our peers do not think it will. But the reality is that it will be there even if we do nothing. And we are not suggesting that we do not anything. We are suggesting that, just like in 1983, that reasonable people on both sides of this debate should come to the table, should try to find some common ground, and should not continue to kick and scream and insist that it is their way or the highway.

Another thing that I wanted to point out, and this is difficult to say, but it is hard to feel that the President is sincere on this issue. When I have a town hall meeting, and I am sure it is this way for my colleagues, I know it is for my constituents from Florida because I have done town hall meetings with him, I really want to know what people think. That is why I do not screen or ask for tickets or check people’s opinion at the door.

Literally, the Secret Service this week sent agents to Denver to probe allegations by three area Democrats that they were ousted from President Bush’s March 21 event. The three did not stage any protest at the rally and were later told by the Secret Service they were removed because their vehicle displayed an anti-Bush bumper sticker. White House spokesman Scott McClellan said the man who removed them was a GOP volunteer, but apparently Mr. McClellan refused to divulge his name or whether he works in Colorado or Washington.

What Mr. McClellan said to this report is if someone is coming to an event, I know that the Secret Service would ask him to leave. If you have an opinion that differs from the President’s and from the message that is designed for that particular town hall meeting, you are not welcome, even if you plan on sitting there and saying nothing.

Now, I heard the President’s State of the Union, I heard his Inaugural ad-

dress, and I heard him talk about de-
mocracy. I heard him talk about pro-
moting democracy around the world and how important it was that the greatest democracy in the world set an example, that we be the shining beacon of democracy around the world and that we export democracy.

Well, you know what, how do we do that just if we are not setting the best ex-

ample of what democracy is all about. Would we like it if other nations, other constitutional bodies, were mirroring the conduct that the President is engaged in? I do not think so. I think if we had an independent news report about some of the activities that the President has engaged in in this de-

bate, we would be upset. It

Mr. RYAN of Ohio. And we see where the Russians and Mr. Putin are begin-

ning to crack down on a lot of the democratic movements, taking over a lot of the media, and when a guy like Mr. Yushchenko comes back from the Ukraine, with the scars to prove his fight for democracy, and he stands in front of this Chamber to address our constitutional body that we have, what kind of example is this to send? Yet in the same breath talk about freedom, talk about democracy, Members would think that as either a legislator or executive, you would want to hear what the dissent is so if you were right, then you would be able to address the issue and explain why you are right. I think why we see the President’s numbers going down, he is specifichy. It is not a give and take at town hall meetings. He is kicking people out if they have an anti-Bush bumper sticker on their car, and pretend like they are the Secret Service. And that is reported. It happened out in Denver, and they are investi-
gating it now.

Answer the concerns of the country, and we will see progress as you begin to advocate and argue for your side.

Funny, the gentlewoman would say that on her flight in from Florida she cruched some numbers, and my flight from Ohio is only an hour, from Cleve-

land; but I was able to work some num-

bers, too. We have mentioned here before, we imagine that if Congress passes this President’s proposal of diverting money into the private accounts, there will be a $5 trillion hole in our budget. Somehow

we have to plug the hole. We are going to have to borrow the money and pay interest in order to fund the private ac-

counts.

I did some math trying to figure out what $5 trillion could do for other pro-

grams. And since this is the 30-some-

ting Hour, I wanted to focus on Pell grants and we were able to get it printed off the cocktail napkin that comes with the Diet Coke and the peanuts on the plane. For Pell Grants, $5 trillion over 20 years could raise the maximum. And with $4,055 the Pell grant limit for Pell recipients is $5.3 million students get the $4,000 maximum, but with the $5 trillion we could have 23.7 million students receive $50,500 worth of college grants to go to schools.

Mr. Speaker, $60,000 would take care of undergrad, masters, and Ph.D. It would get students educated. Many people do not need $60,000 for just a bachelor’s degree, so we could cut it in half and give $30,000 to 47 million stu-

This is just to illustrate a point. Just think if we plug a hole in a risky ponzi scheme that we are going to have. But imagine if we made this significant in-

vestment in education. Imagine the value that would be that.

We did a study in Ohio, and for every dollar the State of Ohio spent on higher ed, the State of Ohio would get $2 back in tax money. Imagine what the return on this investment is the 30-some-

This would be significant. We would have educated, well-rounded citizens particip-

ating in democracy, more tolerant, more creative, creating wealth in our society.

What kinds of investments are we making otherwise? We are going to borrow and plug a hole with $5 trillion. What value do we get from that? We are losing jobs left and right, and the biggest crisis is a problem that is in 2041 when we are 70 years old. Mr. WASSERMAN SCHULTZ. Mr. Speaker, what the gentleman is saying is absolutely true, and to just continue on the same theme the gentleman is re-

ferring to, if we are going to talk about crisis and things that are looming that we need to deal with, why are we not talking about Medicare? The President should be stumping around the country to get the Congress to address the looming crisis in Medicare because it could be more easily argued that Medi-
care’s insolvency, which is much sooner than Social Security, is really going to cause us some tremendous problems.

The gentleman from Florida (Mr. MEKK) and I are from a State that if Members want to talk about a crisis, if we have a crisis in Medicare, our con-

stituents are really going to have a dire, serious problem. If that problem is not addressed, then there are senior citizens across this country who will die. There is no question if we do not preserve the ability to provide health care, people will die. If we do not agree on this proposal are already going to be in jeopardy because their retirement secu-

H2538 CONGRESSIONAL RECORD—HOUSE April 26, 2005
under them, on top of that if we do not fix Medicare, we will not provide them with health care.

I would love to see the President stumping to try to address that problem. I can assure the President he would not hear willing ears. I do not want to work, they want the easy way out. There is a lot of people trying to make their way out working very, very hard. And for one reason or another, they are sick and make a couple of bad decisions. It is amazing. The more I get out and hear these stories, how many people, one car accident, one sick family member, one death in the family, and the whole thing collapses. This program has been there to say to those folks we are here for you and the government is going to be here to help you.

Mr. MEEK of Florida. Mr. Speaker, it is important that everyone understands we come to this floor once a week to share with Americans the stories we hear here in Washington, D.C. We are the 30-something Working Group, but this affects the entire family. When there is a family member who has a problem, Social Security is there for them. That alleviates the financial burden on the rest of the family. To be able to say we are a big family and we are going to take care of one another, guess what, times are not good for everybody. You are going to run into those real-life issues. When they do, and they pass on, for those individuals that are 17 and under, only the thing they have are survivor benefits. That is something that you leave for your child.

Spiritually, emotionally, the best contribution and the highest contribution you can make to society is to make sure that your children and grandchildren have a better opportunity than you have had. The gentlewoman talked about the President coming to our chamber during the State of the Union and talking about Social Security. The first thing the President said, if you are over 55, do not worry about it. So I guess folks over 55 are supposed to say, son, daughter, brother, sister, good luck. I am okay. I am over 55, but you better start saving.

Let me say I cannot believe the information that this administration and the majority-side leadership give us. I know they said it the week before. I said it the week before that, and I will continue to say it because we have to remind Americans you cannot believe everything that your leaders say. This is not about the President and do we like him or not. The election is over. He cannot run again constitutionally. They may try to change that, but as it stands right now, the President cannot run again.

On average they get $955 a month. The President can negotiate for lower prices. I am from Florida. This is real-life experience. There are seniors, and in that $26,000 number, you can pay for prescription drugs for 11 Americans for the entirety of the year. We are talking real money here on the whole. We are talking real money here on the whole. We are talking real money here on the whole. We are talking real money here on the whole.

Then we found out recently that the true cost is $724 billion, which is all borrowed. This is not money that we have stacked up on the shelf somewhere, and this is real money, and this is what we are spending.

Folks say, where is the Democratic plan? Guess what, the Democratic plan is in your wallet right now. The bipartisan Democratic plan, the bipartisan continuation of that plan is in your wallet right now. It is Social Security numbers that you write down every day or every time you fill out an application or you are applying for some sort of credit card. That is the original Democratic plan.

We have 48 million Americans that are celebrating benefits right now from Social Security because we held our breath on the table that it will not be there for them when they need it. Thirty-three million of those Americans are receiving retirement benefits of the 48 million. So we have 33 million.

The President says do not worry about it. I say be very worried from what we know right now and what history speaks to as it relates to accurate information. Forty-eight percent of the 48 million that are receiving benefits right now, 48 percent of them would be under the poverty line if it was not for Social Security.

This is serious business. This is not if one likes the President or not. This is not a popularity contest. This is for real. And I must say, Mr. Speaker, under his plan, or under his philosophy, they will only receive 80 percent of what they have right now and they will only receive $516 a month. Under the plan right now, original Democratic plan, continuation in 1983, the bipartisan plan that was handed to the American people, as we stand right now, will be in force for the next 47 to 50 years, and then after that 80 percent of the benefits will be there for them. On average they get $695 a month. Imagine going from $525 a month down to $316 based on a privatization gamble.

Some Members say there are some Members that are emotional about this. They are right. I am emotional about it because I have constituents who woke up early one day on a Tuesday and went down and voted not only for the Medicare drug, but also they have to make sure that their voice is heard in this Chamber. And I guarantee my colleagues, as long as I am a Member, as
Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. Mr. Speaker, I do not think he has to yield to me. I want to talk here today about the possibility of privatization of Social Security, which is the most successful program of this country.

Mr. RYAN of Ohio. Mr. Speaker, I yield.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. RYAN of Ohio. Mr. Speaker, I would just like to make a point. He mentioned dissent and debate, and we talked a little bit about it here tonight. This body has a constitutional obligation to voice our concerns and our opinions. And that is why the rules of the House are set up so that we can get an hour here to talk about it and voice our concerns and talk about what we believe and what our approach would be. And I think it is important that we do get out here, and I think the Democratic side, the leadership of both the House and the Senate, needs to be critical if we need to be and say that the plan is extreme and say the plan is radical.

I do not think there is anything wrong with that. Because in 1994 and the years leading up, the other side was wrong with that, because in 1994 and the other side was critical of the President, and they had a right to do that, and they won the House back. And now they are overcritical. And I think the American people are going to see that the Democratic Party has something to offer.

Mr. RYAN of Ohio. Mr. Speaker, I do not think he has to stand by himself on it.
percent of men have a pension. So when they do receive pensions, the benefit to women is only about half what a man will receive.

So what that boils down to is that when a woman received her Social Security benefits in 2002, the average monthly benefit for a woman was only $798, which is about $241 less than the average man’s monthly retirement.

What will happen to women, because we have not one but a percentage of single women who are widowed, who are Social Security beneficiaries who are collecting Social Security today, about 20 percent of those women, the only source of their retirement income is Social Security.

We are just yanking out the security and the safety that we have guaranteed where we are going from a guaranteed benefit to a guaranteed gamble. And that is what the gentlewoman from California (Ms. PELOSI) has been saying and that is really the rally today and all the way leading up to today. We cannot shift the whole nature of Social Security from a guaranteed benefit to a guaranteed gamble. We have to keep the security in Social Security. That is the bottom line.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. Mr. Speaker, no doubt about it. The gentlewoman from California (Ms. PELOSI), in fact, today was at Columbia University, New York City, 300 young people at 8:30 in the morning. College students, when that alarm goes off at 7 o’clock, 7:30 when they are in college, they hit that snooze button and they hope they make their 10 o’clock class. But there is so much concern here for this, and we know it is resonating.

And I think this group especially, since the gentlewoman from Florida joined us specifically, we have had more of an impact here, but I think we have seen the polls and the decline in support by young people for this kind of risky scheme, this risky proposal. And I think we will continue to see it because they recognize the fact that long term this is bad for them.

And one thing I would mention to the people that are watching at home, ask themselves is this legislative body, is this President addressing issues that face them day to day, affect their day-to-day life? Are we dealing with issues that will help them? And I think the people that are watching at home, ask themselves, “What are they doing in Washington, D.C. that is going to help my life?” And really nothing. We are talking about a manufactured crisis that is going to happen in 2042. I want to read one quick e-mail. I know we have gotten hundreds of these, but I want to read one. This is last week. “My name is Susan Parker.” Susan lives in Severna Park, Maryland. She is 33, becoming ever more important to those in our lives, and I take this e-mail very seriously. I watched the dynamic trio up here on C-SPAN discussing why the Bush administration’s plan was not good for the citizens of the country. “I was glued to the TV. I started taking notes, and from those notes I e-mailed letters to my Representative, Senators, and several letters to the editor. Thank you, thank you, thank you for the inspiration and for speaking out so consistently.”

So these young people are starting to get involved, engaged, writing. Before I am going to have this hanging in my office. This is “Rock the Boat.” The little coffee stand on it. “I Love Social Security.” You can go to rocktheboat.com and get some information, or e-mail us at 30- something Democrats at mail.house.gov, or go to the Web site, democraticleader.house.gov/ 30something. So this is it right here.

Mr. RYAN of Florida. Mr. Speaker, I am sure a plan from Ohio (Mr. RYAN) shared his closing there, and also showed us his sign.

This is something I picked up today: “Stop Privatization. Americans for Social Security.” They have a Web site, dot com. It is actually good water.

Also, this sign here: “Keep Your Hands Off Of My Social Security.” I think it is important. We know whose hands they are talking about, those who want to privatize, not our hands. I also want to say that, because it is important. The reason why the polling numbers are what they are and Americans feel the way they are now, we want to thank the American Baptist Churches, USA, AFL-CIO, ACORN, Campaign For America’s Future, Center For Budget Policy and Priorities, the Center For Economic Policy and Research, Children’s Defense Fund, the Coalition of Human Needs, the Congressional Black Caucus Foundation, the Economic Policy Institute, the National Committee To Preserve Social Security and Medicare, the National Congress of American Indians, the National Council of Churches, and I can go on and on and on.

They are the individuals out there, including me, that have taken upon themselves to carry the fight on.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank both of these gentle- men. I am losing the prop board here, but I wanted to close by quoting the President. He said, “Leadership means not passing problems on to future generations and future Presidents.”

This plan passes trillions of dollars of debt onto our children and our grandchildren, and it is time that we all exercise some leadership, come together and think about the direction that this country is going in, bring it back to the center, restore some balance, come to the table and compromise, and take privatizing Social Security off the table and not yank the safety net from under our constituents.

Mr. RYAN of Ohio. Mr. Speaker, if this gentleman will yield further, this is what this is about. When the country goes in the wrong direction, the population, the population can shift it and move it in the right direction. That is what is happening here.

Mr. RYAN of Florida. Well, Mr. Speaker, it is wonderful to be with the gentlewoman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. PELOSI) again. It is wonderful being with you all once again. We will like to see Democratic leadership, mainly the Democratic leader, the gentlewoman from California (Ms. PELOSI), for allowing us to be here.

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Under the request of the gentleman from Texas, Mr. RYAN is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I am honored to rise in this Chamber and discuss here tonight what has been a part of my life for my entire adult years, and that is the legal system of the United States, the attitudes of the American people toward our legal system, the role played by our legal system of the United States and where we are going in justice for America.

Mr. Speaker, I have had the privilege and the honor to serve as a member of the judiciary for over 20 years of my life, and I feel I come from an honorable profession.

But it is also the duty of those of us who practice in a profession, whatever
that profession may be, when you see a problem that changes the direction of fairness and justice in America, you need to step up and say it is there. You should not let it hide under a box because you might make a little more honey. You need to step up and say, folks, you need to know, the first time you hear the system be broke, and, if it is broke, we got to fix it.

Now, we are going to hear the term ‘tort reform’ thrown around. I have a son that coaches back in Round Rock, and they know, the first time they heard tort reform, I thought they were talking about bacon, because the average people need to know what we are talking about when we talk about tort reform.

We are talking about a part of the law which basically deals with personal injuries to people. It is a system of justice we have developed in this country to try to find out a way to try to compensate people who are injured by the negligence of others. It was the purpose to solve a problem.

Mr. Speaker, a courthouse, the courtroom, a battery of lawyers, is nothing more than a massive problem-solving area for America, and tort reform solves problems for someone being injured through the actions of another or their negligence. To look to reform the system, we need to know, what is broken?

Many people in this Congress on both sides of the aisle, and many of my colleagues that I work with daily, would start by blaming the lawyers. I am not going to start by blaming the lawyers, although they certainly have a great amount of blame.

I start with blaming the American people, because we have become soft and decided, many of us think we should have a free ride. The great, huge, gigantic verdicts that are being supported by some juries in this country are another way of winning the lottery in the eyes of many of the American people, and they are just as responsible for administering justice when they sit on a jury as a judge is or a lawyer who sits in that courtroom.

So as we look at our system, we have to say, why do we see a $100 million verdict in a medical malpractice case when it is way beyond the imagination of anyone that is what it takes to make that defendant whole from whatever injury that plaintiff has, that is what it takes from the defendant to make the plaintiff whole in that case? It is way beyond it.

Why did they award that $100 million verdict? It is my personal opinion they awarded that verdict because we have become a country that would like to get something for nothing, and they are willing to give a fellow citizen something for nothing.

As a juror takes his oath of office to serve as a trier of fact, in one case, he should realize that his job then is to do justice. If the judge refuses to reform a verdict, it is his job to do justice.

So as we start seeing these things in our system, we start saying to ourselves, those of us in the legislative branch of government start saying, well, wait a minute. We see these problems. Are there ways we can look to make it better so really justice is done, so really justice in the courtroom, is well displayed by the verdict of the jury and the rulings of the court? And that is why this has now become a point in time where this society sees more people than the entire rest of the history of the world, in our times. We are out of control in our lawsuits. The average jury award is now about $3.5 million, up more than 70 percent since 1995.

So let us look and see who has come up with an idea that might help us address tort reform, help us work on this.

The first area we have already once passed through this House is medical malpractice. I am happy to see that my colleague, the gentleman from Texas (Mr. Burgess), one of the practicing doctors who is now a Member of this august body, has joined me in the House. I am honored to have him here; and if he has the time, I would love for him to join me and talk a little bit about what he has for this area.

One of the things you have got to think about is that young doctor that just graduated from school, and I will use Texas because I happen to know Texas, maybe UT or Baylor or Texas Tech, or SMU, someplace they are putting out good doctors. This young man wants to go back to a small town and practice medicine, and he wants to do it because he wants to make a decent living and help people stay healthy. So he may want to go into the family practice of medicine.

He may want to deliver babies as part of that family practice of medicine because he loves children; and it is one of the things he loves, bringing life into this world.

Today we have to tell that young doctor that, first off, you paid for all your medical school, probably with money he had to borrow from student loans, you are going to have to pay that back, but you are also going to have to get ready to kick in about $70,000 to $100,000. I would say your first $70,000 to $100,000 you make in the practice of medicine you are going to have to get to pay for liability insurance to make sure that you are protected.

That may be a low number. I am sure that the gentleman from Texas (Mr. BURGESS) could tell us numbers that far exceed that in some specialties.

Mr. Speaker, this is a crisis, and it is a crisis that calls upon us who are in the legislative body to start coming up with solutions. I think that the vision of solutions that we have for the California plan, which has shown that setting certain limits on awards, will assist us, and driving down the cost is important. So that is one area.

We talked a lot about this over the last few years, and I wanted to touch on it, because that is where we start and that is where we are starting. There is a book, I believe it is Mr. Grisham wrote this book, called “The King of Torts.” It is a novel, but it certainly is based upon some historical facts in this country about these class-action lawsuits.

This session of Congress we did something about class-action lawsuits, this House did and the Senate did; and I am very hopeful we have got class-action laws put where they ought to be. Because what was happening is these lawyers were putting together these large classes of people.

Mr. Speaker, I told you, I highly respect the legal profession. I am not here to blast lawyers. But just because I respect the profession does not mean there are not people that in my opinion that I do not hold in high esteem. Some of these are those who would gather a class from thousands to hundreds of thousands of people in a class and then they victory is put together these large classes of people.

Mr. Speaker, that is not the right system; and I think, quite frankly, the lawyers do that ought to be ashamed of themselves, because the system is designed to make whole those who are injured. Yet they forum-shop the Nation looking for these areas where clearly there were some courts that favored these types of actions.

Now, seven out of 10 medical malpractice lawsuits filed in the United States have been proven to be frivolous, and many of these lawsuits, unfortunately, because of the nature and the fear of the large verdicts in our system, get settled even though they are frivolous, which causes what? The cost of the insurance to go up, not only for the individual, but for the body and for the specialty.

There are places in this country right now where you are not going to find a neurosurgeon on staff because the cost of being a neurosurgeon is just prohibitive. People in the Valley of the Rio Grande, in the rest of Texas, in West regions in the entire Nation, it is difficult to find a doctor who will deliver a baby. There are stories upon stories of women arriving at their doctor’s office to learn that the cost of their medical malpractice insurance has put them out of the baby-delivering business. That woman is about to have a baby. She is faced with driving 80 or 90 miles to San Antonio just to find a doctor to make sure that baby is going to be delivered by a doctor, if she can get one.

Mr. Speaker, this is a crisis, and it is a crisis that calls upon us who are in the legislative body to start coming up with solutions. I think that the vision of solutions that we have for the California plan, which has shown that setting certain limits on awards, will assist us, and driving down the cost is important. So that is one area.

We talked a lot about this over the last few years, and I wanted to touch on it, because that is where we start and that is where we are starting. There is a book, I believe it is Mr. Grisham wrote this book, called “The King of Torts.” It is a novel, but it certainly is based upon some historical facts in this country about these class-action lawsuits.

This session of Congress we did something about class-action lawsuits, this House did and the Senate did; and I am very hopeful we have got class-action laws put perhaps the way they ought to be. Because what was happening is these lawyers were putting together these large classes of people.

Mr. Speaker, I told you, I highly respect the legal profession. I am not here to blast lawyers. But just because I respect the profession does not mean there are not people that in my opinion that I do not hold in high esteem. Some of these are those who would gather a class from thousands to hundreds of thousands of people in a class and then they victory is put together these large classes of people.
Yet, they could go forum shopping in one individual jurisdiction to get better results.

So, in order to stop this forum shopping, we have put together the Class Action Fairness Act which was signed into public law February 18 of this year. It will help unscog overlodged courts, it ends the harassment of local business by forum shopping, and it protects the consumers with the Consumers Action Bill of Rights that requires judges to carefully review the settlements and limits of the attorneys fees when the value of the settlement received by a class member is minor in comparison with the net loss of the settlement claim and the resulting attorneys fees therefrom. It bans settlements that award some class members a larger recovery than others. It allows the Federal courts to maximize the benefit of class action settlements by requiring that unclaimed settlement funds be donated to charitable organizations.

Now, this is a good start, and we are going to have, hopefully, before this session of Congress is over, before the 109th Congress goes to bed, we are going to have more good starts.

Mr. Speaker, I would say that my goal, and I think the goal of a lot of my colleagues on both sides of the aisle, is to make sure that our legal system, the system that we are so proud of, the fact that we stand in this Chamber day in and day out and talk about the rule of law, because we are proud that we are a nation ruled by the rule of law, that what we are trying to do is make the rule of law work better. The rule of law is not a Las Vegas slot machine. The rule of law is getting justice to every individual that breathes air in this country, the citizens of the United States of America, and justice means fairness to all.

Mr. Speaker, we are seeing in our court system today a trend that, quite frankly, frightens me. It frightens me because people do not go to court to address grievances; they go to court to punish somebody. They go to court to hurt somebody or to make somebody bow down to their will. Mr. Speaker, that is the climate we have, and we have to start working on it.

I would like at this time to yield to the gentleman from north Texas (Mr. BURGESS), my colleague who is very knowledgeable on the subject of what this is doing to our doctors and our medical profession and our cost of medicine. I am honored that the gentleman is here to join me in this conversation.

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Texas for yielding. I heard the gentleman speaking and I felt compelled to come down here and talk to you on the ledge of a little bit of my own gratefulness that the gentleman has talked about one of the successes that we have had in this Congress, which is the Class Action Fairness bill, a bill that was signed into law by the President last month.

There is no question we can talk about the injuries and the grievance situation, we can talk about it all day and all night, and we want the American people any good. The American people need to see results, and I believe with that bill, we have done a great deal towards reestablishing our country, the greatest work force in the world, and because we have worked with other people in other countries. We have heard a lot about outsourcing during the last election, how we are going to stop outsourcing. Well, one of the things we can do to stop it is to stop making a climate that is prohibitive for business in this country, and I believe our Class Action Fairness bill was a big step in the right direction to do that.

We have also had some other successes as far as the fairness of the medical liability system in this country. My colleagues who are here today are knowledgeable on the subject of what the Medical Compensation Reform Act of 1975 from California, but our own State, Texas, passed a very sweeping medical liability reform law in the last legislative session, 2 years ago. It required a constitutional amendment in the State of Texas to become law, which passed September 12 of 2003, and really what I would like to talk about is the success that we have seen in Texas since the passage of that constitutional amendment.

Now, 10 years ago, when I was just a simple country doctor, if someone had asked me, gee, doctor, what do you think we should do about the medical liability problem, the medical liability crisis; and, mind you, the medical liability crisis, it goes back a number of years. When I was in medical school in 1975, it was a crisis. And we thought we had solved the problem then, but, in reality, we had only postponed it for a little while. We did it in the 1980s. We thought we solved it for a little while then, but we did not, and it reemerged in the late 1990s to be the true crisis situation that occurred in the State of Texas in 2002.

But if someone had asked me back in 2002, if someone had asked me back in the years right out of medical school what I would prefer to see as something that would restore fairness to the medical justice system, I would have said a system of an alternative dispute resolution-type of program where you would have a medical panel that someone would have to go through before they could go to court. I would have a very idealized no-fault system. The reality is, we cannot get there.

So do I love caps? No, not necessarily, but they work. And since they work and since the crisis is present in this country; and if you do not believe me, if you live in Maryland, ask your doctor the next time you go in to see him or her. If you live in Pennsylvania, ask your doctor the next time you go in to see him or her. If you live in New Jersey, good luck, because you probably will not be able to go in and see your doctor, because they have come to Texas, because we have done such a good job of fixing the liability problem in our State.

The central piece of that was, of course, a cap of noneconomic damages, and that was a $250,000 cap against the physician, and a $250,000 cap against the hospital, and then another $250,000 cap against a second hospital or a nursing home, if there is one involved, for a total cap of $750,000.

What has happened in Texas since 2003 when that constitutional amendment was passed? Well, one of the unintended consequences was hospitals have really enjoyed a significant benefit from the passage of that law. Texas hospitals are reporting a 17 percent decrease inpremiums for 2004-2005. This is from a Texas Hospital Association survey with responses from 172 acute care hospitals. In 2003, before the law passed, the premiums had risen more than 50 percent. This is one of the things that is one of the big wins of this law. New carriers are seeking entry into the Texas market. The Texas Department of Insurance report from August 5, 2004 and the largest carrier, Texas Medical Liability Trust, has reduced physician rates 12 percent. The years prior to medical liability reform, 13 carriers left the State and 6,000 physicians had to scramble for coverage. Now, 6,000 physicians, that is a big number. You run across one doctor who has had that happen to them, and that is a significant blow to their livelihood and their career plans.

When I was campaigning in 2002, I met a young woman who was a radiologist. She was probably in her early forties. She was interested in going to an event and said, boy, I hope you get something done with medical liability reform next year because my carrier left the State and I cannot buy insurance. And I thought, well, you must have had some trouble along the way. And she offered, before I even had the chance to speculate about it, I have never been sued, but my carrier left the State. She cannot get insurance. She is not going to practice as a radiologist without insurance, and put all of her personal assets at risk.

So, as a consequence, here this young woman, 42 years of age, at the peak of her power as a physician, if you will, trained at the University of Texas at San Antonio, so trained with a State-subsidized education, the people of Texas had paid for her training; the people of Texas are now denied her abilities, her capabilities as a professional because she cannot get insurance and, as a consequence, cannot practice. The one profession of radiology is just too fraught with peril to practice without insurance.
Well, another insurance writer, Texas Health Care Indemnity, reduced their rates by 20 percent in Texas. Again, these are hospital insurance rates that have been reduced because the doctors in Texas did something to try to get rid of the frivolous attacks to try to get them to pay more. The gentlemen from Texas (Mr. CARTER), the good judge, is kind to yield to me. I actually came to the well for another purpose, but since you asked me my opinion on this, I will be glad to opine.

The filings themselves, the actual lawsuits filed have decreased. Medical liability lawsuits in several counties considered high-risk for physicians have decreased since the new law took effect in 2003. For Harris County, 166 lawsuits were filed from September of 2003 to July of 2004, compared with 746 lawsuits filed in the 3 months prior to the passage of the constitutional amendment. In Bandera County, the county where San Antonio is, 51 lawsuits were filed between September 1, 2003 and April of 2004, compared with 304 lawsuits filed in the 3 months before the constitutional amendment was passed. Nueces County, 32 compared with 108. Cameron County, 17 compared with 62. Bandera County, 17 lawsuits in the year after reform, 96 lawsuits in the 3 months prior to reform.

Well, Mr. Speaker, there is no question that caps have been the good-news story in Texas, and that is why I embrace that we will do in this House this year that will have as its central feature a cap on noneconomic damages.

Does this keep some out of the courthouse? Absolutely not. If someone is harmed by the system, they are able to recover all of the economic damages to which they are entitled. And the reality is in Texas, we are going to limit damages for pain and suffering to $750,000, which still is a significant amount of money when you consider it in the total amount of filed litigation.

So with that, Mr. Speaker, and with the gentleman from Texas’s permission, I will yield back, but I will remain around if the gentleman has any other questions that he would like to ask of me.

Mr. CARTER. Mr. Speaker, I would like to have a little conversation with the gentleman. The gentleman is right. It is very important to make the point that those people that should be at the courthouse addressing genuine harm are still getting to the courthouse and having that harm addressed. It is not cutting off the need of people to recover in the courthouse; it is cutting off these frivolous attacks to try to reach the pot of gold at the end of the rainbow by limiting the pot of gold, and we clearly can see what happened: Get them all in before the deadline so that we can win the lottery. After that, we are just going to get paid for our work.

Mr. BURGESS. Apparently so.

Mr. CARTER. It is a whole lot more fun to dream about winning the lottery. I mean, obviously, the whole country dreams almost every third night in this country about winning the lottery someplace; not very many of them that win it, but they are out there dreaming it. But the real crime of winning the lottery when we are talking about lawsuits is the fear of that big judgment that causes people to settle lawsuits that should not be settled to prevent the danger of that unlimited liability that is out there before the passage of the reform. The gentleman knows there is nothing that irritates doctors more, and I have talked to doctors about this; they say, they made me settle the lawsuit but, by golly, I did not do anything wrong. Very BURGESS, if Mr. BURGESS is absolutely correct. If the gentleman will yield, the cost of continuing the lawsuit in both dollar terms and emotional terms is sometimes just simply too high, and the better part of valor is to good physicians out of practice, I live in a county where juries were a little more favorable to physicians, but we all know of other counties within the State of Texas where that was not the case. There is no question that cases were settled because it was easier than continuing the pain and agony of continuing the lawsuit.

Mr. CARTER. And I too lived in such a county and presided over such a court. Our Williamson County jurors, they, when they start talking about $1 million, there is not that much money in the world as far as they are concerned, so they were very tight with their money and, therefore, you saw very few people, if you could file that lawsuit someplace else, they were not filing it in Williamson County, because they were seeking that pot of gold.

Mr. BURGESS. But again, the biggest problem is access. If we drive our doctors out of practice, if we prevent our best and brightest from entering the practice of medicine, and there is evidence that that is happening, I fail to see how we are furthering the cause of patient safety by preventing smaller towns from having access to perhaps an anesthesiologist or perhaps a cardiologist simply because they cannot afford the liability premiums to have them there.

Now, the gentleman knows I have been around a while. I have had four children. When my first couple of children were born, a lot of the procedures that you OB-GYNs do on a regular basis. And I am glad to see anne of my colleagues here in Congress, the gentleman from Georgia (Mr. GINGREY). So we will just have this conversation be three-way.

When my first two kids were born, I do not even know the terminology, but they were all there and checking the fluid was brand new. The piercing to check the fluid was brand new. They did not do that as a regular course. They did not run those tests as a regular course, with my first two children. With my last two children they did, and it was a blessing for our family because we had a crisis pregnancy at one time.
But it is a bigger picture than that, Mr. Speaker. There are a lot of issues we really need to talk about as we talk about lawsuit reform in America. One of the real tragedies that you see in the courthouse today is people using our courts as the forum for their grievances, but as a battering ram of costs to destroy competition with those that they are in business in competition against, or using it to try to change, make somebody do something they do not want to do by costing them enough medical costs, I mean, lawyer costs they cannot afford to go to court.

So you just continue to file lawsuit after lawsuit after lawsuit, many of which could be frivolous; but you must defend yourself. And you must be sure to defend yourself. It is getting epidemic. And if you do not think it is epidemic, let us think about the world we are in today, the world of politics in America. Do you think our Founding Fathers ever anticipated that at the end of our political party, we will have 50 lawyers on retainer ready to go to court on both sides with both parties?

Do you think that that is the system that we thought that we wanted to have in America? And yet it seems to be there today. I am not talking the sides of whether you like or do not like how elections come out. But when did it become everybody goes to court? When did this have to happen?

I mean, our Founding Fathers trusted the American people to elect their representatives. Did they design a system where judges rule the country? I do not think so. If they had had that system, they would have kept the King, and old George would still be around here. No, the purpose of the American justice system is justice. It is fairness, it is a place to seek recourse when there is no other place for recourse, a place to get fair judgments.

Now it has become a weapon of politics. It has become a weapon of business; it has become a weapon to make school boards change policies. It has become a weapon to make city councils shut down parks or take down symbols. We have gotten to a point where we are letting the courthouse drive everything.

Mr. Speaker, we love our rights in this country. We love to be a Nation that protects our rights. Our problem is, with rights come responsibilities. And there are times in this life when you are responsible and you have to stand up and recognize I am responsible here. I do not need to sue somebody. If I do not like the way my neighbor cuts his yard, why in the world do I have to drag him into court and make him spend $100,000 on lawyers to make him cut his yard instead of parallel cut it? And yet there are people who do that.

I tried a lawsuit between whose cat and whose dog was doing their business in whose yard. And those people spent $60,000 a piece on lawyers. Mr. Speaker, that is unreasonable. That is ridiculous.

But we have reached a point in America today where we have become so lawsuit crazy and we think we can get something for nothing, they are willing to get something for nothing and that they do not want to do by forcing them to spend their money on lawyers. It is not the lawyers' fault. They are just getting paid for their hourly wage. It is our attitude.

And as we start to show people how we can redirect and make things better, the gentleman from Georgia hit right on it. Not only as these judgments come down in the courtroom does it affect the individuals in the courtroom. The periphery around those individuals, it affects jobs, it affects businesses, it affects the availability of services, the availability of goods, our ability to compete worldwide, to be part of this great world community. It affects everything that affects every American citizen by the fact that we are driving up legal costs and using our courts as a weapon.

Mr. Speaker, we have got to do something to change this attitude. I am very blessed right now in Congress to have a multiple of my colleagues from Texas now Members of Congress, the gentleman from Texas (Mr. GOHMERT), who is here with us today. The gentleman from Texas (Mr. Poe) is also a new Member of Congress, and I am very honored to have both of these fine judges with me.

We have talked. We talk about what happens in the courtroom, what happens in our courthouse. And we see that there is an attitude in America that has got to be changed. And we do this by, I think, by doing what we are doing right now. Let us start talking about how we can start analyze things. Let us start coming up with a commonsense approach of how we are going to make sure that we are not in the business of making people rich. We are in the business of making people whole. We are in the business of making people right for the injury that occurred. And common sense will hopefully cause us to start to see that what our American court system is about is justice. And if it is not about justice, then it is going about things all wrong.

Mr. Speaker, every day now in the newspaper we see somebody using the courts or somebody using accusations without convictions to harm and punish people in this country, and in this body. Mr. Speaker, that is wrong. That is not what our Founding Fathers intended.

Our Founding Fathers told us that people are innocent until proven guilty. They told us we have a series of courts that are to provide justice and a resolution of disputes, not a battering ram to pound your opponent into submission. And this is the kind of thing that, as we look at the future of the American justice system, we have to do this.

Now, when I get the chance to come up here and talk about lawsuit reform, there is one more thing we ought to talk about. And I may change the subject just so I can get my good friend, the gentleman from Texas (Mr. GOHMERT), to step up to the podium. I am going to yield to him right now, Mr. Speaker, and I am going to talk to you a little bit about what is going on over in the Senate and checks and balances on the judiciary. But first, I thank the gentleman from Texas for coming up here this late hour and joining me. I am proud to have him here, as I said before.

Mr. GOHMERT. Mr. Speaker, I thank the gentleman. I am very honored to be here in the same body with him. He is a well-respected and well-thought-of jurist sitting in Georgetown, Texas, from Round Rock, Texas, home of the yellow doughnut. But it is an honor to serve with you and with somebody that understands the tripartite system of government and the checks and balances. I know when I was at Texas Tech and I was told that I would not be going to Vietnam, it was ending before I graduated, I was looking at going to law school and my dad was concerned about that. And I used to get clippings every weekend, talked to friends and there are too many lawyers in the country, and what is wrong with America are the lawyers, and lawyers are crooks and that kind of thing. And I really had to do a lot of soul searching about whether law school was something I wanted to do.

And what I came to the conclusion of was that, really, the law is a tool. It is like a hammer. You can use it constructively to build great things, or you can use it to tear down the greatest things. And that was all in whose hand that tool resided. And I ended up endeavoring to do just that, to use the tool and try to use it constructively. But then, as the gentleman has pointed out, we have seen around the country so many abuses, I was just in Spokane, Washington, and talking to people in eastern Washington Friday and Saturday and was hearing how desperate they were for some certain physicians and specialists in the eastern part of Washington, that many of them were having to travel over to Idaho, some parts of Texas that has become a real problem.

And it is a shame it arises out of some of the abuses that have occurred. Something I know that there are excellent defense lawyers. There are excellent plaintiffs’ attorneys and the courts are a very necessary part of our tripartite system where we can come, no matter what is going on outside the courthouse, we can come sit down and each side gets a turn, each side puts on their case, puts on evidence, each side has a chance for mutual arguments and then have a determination in a fair civil manner from objective people, and that is a great system. It is not a perfect system, because it deals with people. But it is the best system that has ever been generated for resolving disputes.
But because of some of the abuses, I have been looking for solutions. We know, I have seen for example, many doctors brought in to a lawsuit and maybe there was one person at fault, but then all these other people got brought in, and then person after person who is a defendant gets dropped from the lawsuit.

I had one doctor standing in my courtroom when I announced that the plaintiffs had dismissed her and she said, That is it? I am dismissed? What about my pain and suffering? What about my attorneys fees? What about my liability insurance going through the roof? All of these things have happened and there is no recourse.

So one of the things that I thought that would help level the playing field, and I am open to any ideas, and we hear talk about caps, this, that and the other, but it seems like a system where there was a provision for a loser to pay, if there is no finding of fault or no agreement among the parties, that that could go a long way toward leveling the playing field.

Now, I have heard people from the other side who said, but you do not understand the games that get played on the defense side. I have seen the games that get played on the defense side. I had one lawsuit that involved thousands of plaintiffs, and originally there were hundreds of defendants in it. After I had come into the suit, within a matter of months I dismissed a whole slew of defendants. A couple of defense attorneys told me, wow, Judge, this is a good sign. And one of the things, I think creatively, but as judges we have something called judicial immunity. You may not like the way a judge rules, but if he is not committing a crime and he is acting within the purview of his job, trying to do what is right, trying to make the right decision, you are not going to file a lawsuit against him. And if you do, it will be thrown out and probably sanctioned because the judge has judicial immunity.

I thought it might be fair to help education by extending that doctrine to the area of education. You may be making a decision that is not very wise as an administrator and an educational facility, you may be a teacher that does not make wise decisions, and that is the basis for going to the school board and getting you fired. That is a reason to go to the school board and have a principal or someone else fired, but it is not a basis to run and file a lawsuit and go to court. So that educators can feel more comfortable in doing a job.

Yes, they are accountable through the legislative branch, but let us do not make it a habit to run down and file lawsuits. I think we could set the schools back on track and a long way toward proper discipline if we extended that type of educational immunity to teachers and administrators. As long as you are not committing a crime, you are acting within the purview of your job, let us give you a break.

The gentleman has discussed so eloquently this mindset, this America, everything is someone else's fault. And once we can help people get beyond that notion and force them to try to resolve things among themselves, mediation, arbitration, these type of things have been very helpful in the alternative dispute resolution, trying to avoid the lengthy attorney fees and court costs.

We were in Spokane hearing testimony about environmental laws. We had boxes stacked up over my head. As I understood it, it was over a little more than 2-mile stretch of land, and the appeals and things that have just gone on and on have been crazy, the trees that have been cut down just to allow that kind of abuse of the system. By the same token, I was shown a graph that showed that since 1970, the bar graph year by year, that lawsuits have continued to escalate, and with each year as the lawsuits escalated the board-feet of lumber we had produced had gone the other way, directly proportionally the other way.

So we see the destructive tendency. That is a renewable resource. We ought to be able to do better than that. But the courts have been used, as the gentleman said, to batter others. As the gentleman said, it may not be in our stars but in ourselves.

Some people blame the lawyers but the fact is no lawyer can file a lawsuit without a client. No lawyer can defend a lawsuit without a client. The problem is not the lawyers. It may be not in our stars, not in our lawyers, but all part of the same problem.

I appreciate the gentlewoman addressing this so well tonight.

Mr. CARTER. Madam Speaker, I thank the gentleman. I want to say a statement the gentlewoman made, I want to emphasize how important it is to me and I think it is important to every Member of this House. That is, men of good will always look for solutions, not always for right ideas, but if you do not lay proposed solutions on the table for a free debate among men of good will and women of good will in this august Chamber, we will not come up with a solution.

I believe the American people are ready, willing, and able to listen to a debate from the United States Congress about the things that we are talking about here today; and that is what is wrong, how do we change our attitude towards the law, towards our rights and towards our responsibilities? What little things can we do to adjust, to help guide us down the path that I think our forefathers clearly intended for us when we designed the system, which, for all its fault, as the gentlewoman pointed out, is just the best system ever devised by man?

I am not ashamed of it, and I am not ashamed of lawyers, and I am not ashamed of our system. But I think we must be men of good will and women of good will who seek solutions.

Finally, I am going to just briefly pause. This will be the subject of a whole other talk, but we have got the
issue that the press has decided to address as "the nuclear option" which is going on over in the Senate by dealing with the Senate rules and how we are going to get an up-or-down vote on judges.

We love to address, and rightfully so, the Constitution of the United States as we discuss things on this floor. And we love to talk about the checks and balances in our government. And in a judiciary appointed for life as we designed in our system, you have to look into the Constitution and see where the checks and balances are. And I think clearly our framers designed the number one check and balance on the judiciary to be the fact that there will be a new process at least every 8 years now, but certainly 4 to 8 years, who will appoint different types of people to serve in our judiciary which will give a good cross-section of a blend of attitudes, views of the law to our judicial system, to give a system that spreads fairness for all Americans.

To use procedural rules to prevent that appointment power which calls for the advice and consent of Senate, to prevent that using procedural rules, I think it is not a nuclear option, as we are discussing, it is a constitutional option.

If we are not going to allow that check and balance to operate, then where will the checks and balances be? So this will be a subject of another discussion another time. But at this time, I just want to remind the American people as the rhetoric in the papers and on the TV and the radio, remember it is the best justice system in the world. But it is the best because we had some people who sweated blood, sweat, and tears in Philadelphia to come up with a plan that set balance to our system. And the number one balance to a judicial system appointed for life is the opportunity for the executive branch, through the President, to nominate new blood to our judiciary through every Presidential term.

Some of that new blood will be just exactly what they think it will be with their views, and some of it will not. And we are always surprised to hear their views, and some of it will not. And the number one balance to a judicial system appointed for life is the opportunity for the executive branch, through the President, to nominate new blood to our judiciary through every Presidential term.

That’s right, that is how the system works. You put the new blood out there, that blood develops into a justice system that spreads it out for everybody. And some of them, some people go the way everybody expects them to be and some people do not.

When Eisenhower appointed Earl Warren, nobody anticipated the activist court that would come from the Warren court. And yet historically it is one of the most activist courts in America. So that system works. Why be afraid of it?

I will urge everyone to look at this issue and let the Senate think just for a second, get the politics out of this for a minute and say, What did our Founding Fathers see here? That we had a system that works if we just let it work.

Let us have a vote, up or down, on every nomination that the President has proposed; and when their President gets in there, if he ever does, we should do the same thing for them. That is what our Founding Fathers proposed.

Madam Speaker, I have enjoyed being with you this evening and I am very honored that my colleagues were able to see me ranting and raving and come over here and help me out. Of course, I know one thing you can count on from Texans and Georgians is when there is a call to arms they always show up. So I am proud to see my colleagues from Texas come out and join me in this discussion, and I am very proud to have my colleague from Georgia join me. I thank them all for being here with me tonight.

Madam Speaker, I thank you for your patience in listening to me tonight and for joining us and coming up with those solutions that men and women of good will can submit to this body and hopefully make America better.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS.

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109-55) on the resolution (H. Res. 235) providing for consideration of the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109-56) on the resolution (H. Res. 236) providing for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(Please list the Members and the time limits allotted.)

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 893. An act to make technical corrections in the Anabolic Steroid Control Act of 2001, to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. CARTER, Mr. Speaker, I move that the House do now adjourn.}

The motion was agreed to; accorded to the 10 o’clock and 44 minutes p.m., the House adjourned until tomorrow, Wednesday, April 27, 2005, at 10 a.m.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1728. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Extension of Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans [DFARS Case 2003-D003] received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1729. A letter from the Publications Control Officer, Department of the Army, Department of Defense, transmitting the Department’s final rule — Law Enforcement Reporting (RIN: 0702-AA42-U) received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Final Rule [DFARS Case 2004-D003] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.


1732. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department’s final rule — Community Reinvestment Act Regulations [Docket No. 05-06] (RIN: 1557-AC86); Department of the Treasury, Office of Thrift Supervision (No. 2005-06) (RIN: 1550-AB91); Federal Reserve System, Office of the Comptroller of the Currency (RIN: 1557-AC85); Federal Deposit Insurance Corporation (RIN: 3064-AC82) received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1733. A letter from the Regulations Coordinator, CDC, Department of Health and Human Services, transmitting the Department’s final rule — Possession, Use, and Transfer of Select Agents and Toxins (RIN: 0920-AA09) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBERGER: Committee on the Judiciary, House Resolution 210. Resolution supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide (Rept. 109-53). Referred to the Committee on Judiciary.

Mr. NYE: Committee on House Administration, House Resolution 224. Resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress; with an amendment (Rept. 109-54). Referred to the Committee on Appropriations.

Mrs. CAPITO: Committee on Rules, House Resolution 235. Resolution providing for consideration of the resolution (H. Res. 22) expressing the sense of the House that the activities that American small businesses are entitled to a Small Business Bill of Rights (Rept. 109-55). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules, House Resolution 236. Resolution providing for consideration of the bill (H.R. 745) to amend title XVIII of the Social Security Act to extend the Buy-American provision of the Buy American Act with respect to certain defense articles and services, and for other purposes; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 1813. A bill to require the payment of interest on amounts owed by the United States pursuant to the reeligibility of certain obligations under the Tariff Suspension and Trade Act of 2000 and the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PLAKE (for himself, Mr. MCGOVERN, Mrs. EMERSON, Mr. DELAHUNT, Mr. OTTER, Mr. ABERCROMBIE, Ms. BONO, Ms. BALDWIN, Mr. BOOmer, Mr. LEIFER, Mr. GRAVES, Mr. BERRY, Mr. HERGER, Mr. CLAY, Mr. JOHNSON of Illinois, Mr. DEFAZIO, Mr. LAHOUD, Mr. LEACH, Ms. DOYLE, Mr. MANZULLO, Mr. PARK, Mr. MORAN of Kansas, Mr. LYNCH, Mr. OSBORNE, Mr. MOORE of Kansas, Mr. PAUL, Mr. PETTERSON of Minnesota, Mr. RAMSTAD, Mr. RANDELL, Mr. RYAN of Wisconsin, Mr. ROSS, Mr. SHAYS, Ms. SCHAKOWSKY, Ms. SHMKUS, Mr. SNYDER, Mr. TIBERI, Ms. SOLIS, Mr. TANDER, Mr. GILL, Mr. TAYLOR, Mr. TOWN, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, and Mr. BASS): H.R. 1814. A bill to allow travel between the United States and Canada under the North American Free Trade Agreement; to the Committee on International Relations.

By Mr. HUNTER (for himself and Mr. SKEKTON) (both by request):

H.R. 1815. A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes; to the Committee on Armed Services.

By Mr. KING of Iowa (for himself, Mr. NORMWOOD, Mr. PAUL, Mr. WELDON of Florida, Mr. BASS of Arizona, Mr. WICKER, Mr. MCHENRY, and Mr. SIBS): H.R. 1816. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. COX:

H.R. 1817. A bill to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. OBERSTAR (for himself, Mr. COSTELLO, Mr. DEFAZIO, Mr. CUMMINGS, Mr. CORRINE BROWN of Florida, Mr. DEVITO of Oregon, Mr. BESSEL, Mrs. TAUSCHER, Mr. NORTON, Mr. MATHESON, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, Mr. NADLER, Mr. MINNENDEZ, Ms. MILLER-MCDONALD, Mr. SALAZAR, Mr. HONDA, Mr. FASCHELL, and Mr. GELDENHUYN): H.R. 1818. A bill to amend title 49, United States Code, to make funds available for the Aviation Security Capital Fund, to establish a Checkpoint Screening Security Fund, and to make appropriations to Federal agencies to carry out the provisions of this Act and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 1819. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits at Federally qualified health centers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself and Mrs. RIGGERT): H.R. 1820. A bill to amend the Illinois and Michigan Canal National Heritage Corridor Authorization Act to authorize a Checkpoint Screening Security Fund and appropriate transition of the management entity of the heritage corridor, and for other purposes; to the Committee on Resources.

By Mr. GOODLAFFER (for himself, Mr. GODDE, Mr. MORAN of Virginia, Ms. JO ANN DAVIS of Virginia, Mr. BOULDER, and Mrs. DRAKE): H.R. 1821. A bill to authorize States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mrs. BONO (for herself, Ms. DEGUERRA, Mr. CASTLE, Mr. MARKAY, and Mr. BASS): H.R. 1822. A bill to prohibit human cloning and protect stem cell research; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself and Ms. JACKSON-LEE of Texas): H.R. 1823. A bill to amend the Immigration and Nationality Act to extend the provisions governing nonimmigrant status for spouses and children of permanent resident aliens admitted under the availability of immigrant visa, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER: H.R. 1824. A bill to provide for the duty-free entry of certain tramway cars and associated spare parts for use by the city of Portland, Oregon; to the Committee on Ways and Means.

By Mr. BUTTERFIELD: H.R. 1825. A bill to amend the Internal Revenue Code of 1986 to provide in the first $5,000 of each transitional payments under the Fair and Equitable Tobacco Reform Act of 2004; to the Committee on Ways and Means.

By Mr. CARPINELLI: H.R. 1826. A bill to extend the temporary suspension of duty on 2-Chlorobenzyl chloride; to the Committee on Ways and Means.

By Mr. CARPINELLI: H.R. 1827. A bill to extend the temporary suspension of duty on (S)-Alpha-Hydroxy-3-Chloro-3,3,3-trifluor-1-propenyl)-2,2- methyloxyclopropanecarboxylic acid; to the Committee on Ways and Means.

By Mr. CARVIN: H.R. 1828. A bill to extend the temporary suspension of duty on (S)-Alpha-Hydroxy-3-Chloro-3,3,3-trifluor-1-propenyl)-2,2- methyloxyclopropanecarboxylic acid; to the Committee on Ways and Means.
phenoxynbenzoecetonitrile; to the Committee on Ways and Means.

By Mr. COBLE:
H.R. 1829. A bill to suspend temporarily the duty on Butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,6,6,7-tetramethyl-1-piperidineethanol; to the Committee on Ways and Means.

By Mr. COBLE:
H.R. 1830. A bill to extend the duty suspension on 3-amino-2-(sulfato-ethyl sulfonyl) ethyl benzamide; to the Committee on Ways and Means.

By Mr. COBLE:
H.R. 1831. A bill to extend the duty suspension on MUB 738 INT; to the Committee on Ways and Means.

By Mr. COBLE:
H.R. 1832. A bill to extend the suspension of duty on 3-amino-5-(2-hydroxyethyl)-2,3-xylenesulfonamide; to the Committee on Ways and Means.

By Mr. COBLE:
H.R. 1833. A bill to suspend temporarily the duty on mixtures of 1,3,5-Triazine-2,4,6-tri-dioxaphosphorinane, ammonium salt and 2,2'-dibutyl-(1,2,2,6,6-pentamethyl-1-piperidinyl)-1,6-exanediol; (1,2,2,6,6-pentamethyl-1-piperidinyl)-1,6-exanediol; and (1,2,2,6,6-pentamethyl-1-piperidinyl)-1,6-exanediol; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1834. A bill to suspend temporarily the duty on MCPA; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1835. A bill to suspend temporarily the duty on certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts; to the Committee on Ways and Means.

By Mrs. DAVIS of California:
H.R. 1836. A bill to amend the HELP America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Mr. FENNEY:
H.R. 1837. A bill to designate the information center at Canaveral National Seashore as the ‘Canaveral National Seashore Information Center’; to the Committee on Resources.

By Mr. FLAKE (for himself, Mr. RAUL ABRAHAMS, Mr. RENZI, Mr. SMITH, Mr. NOYES, and Mr. FRANKS of Arizona):
H.R. 1838. A bill to amend the Endangered Species Act of 1973 to establish limitations on the designation of critical habitat, and for other purposes; to the Committee on Resources.

By Mr. FORBES:
H.R. 1839. A bill to suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-(1R,6R)-rel-reactive products with pentafluorooctodeaethaoctfluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:
H.R. 1840. A bill to suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4-20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxazolidine-2-thione ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, di-ammonium salt and Di-(2,2-bis[y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, ammonium salt and 2,2-bis[y,w-perfluoroC4-20alkylthio)methyl]-1,3-di-(di-butylpiperidino)phosphate; to the Committee on Ways and Means.

By Mr. FORBES:
H.R. 1841. A bill to suspend temporarily the duty on 13H)-Isobenzofuranone, 3,3-bis[(2-methyl-1-octyl)-1H-indol-3-yl]-; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1842. A bill to suspend temporarily the duty on a mixture of Poly[6-[(1,1,3,5-tetrazine-2,4-diy1)-2,2,6,6-tetramethyl-1-piperidinyl]-1,6-exanediol; (1,2,2,6,6-pentamethyl-1-piperidinyl)-1,6-exanediol; and (1,2,2,6,6-pentamethyl-1-piperidinyl)-1,6-exanediol; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1843. A bill to suspend temporarily the duty on Bromoxynil MEO; to the Committee on Ways and Means.

By Mr. HENSARLING:
H.R. 1844. A bill to suspend temporarily the duty on Bronate Advanced; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1845. A bill to suspend temporarily the duty on Bromoxylin Octanoate Tech; to the Committee on Ways and Means.

By Mr. GRAVES:
H.R. 1846. A bill to suspend temporarily the duty on Bromoxynil MEO; to the Committee on Ways and Means.

By Mr. HENSARLING:
H.R. 1847. A bill to redesignate the National Scientific Balloon Facility in Pal- estine, Texas, as the ‘Columbia Scientific Balloon Center’; to the Committee on Science.

By Mr. HOLDEN:
H.R. 1848. A bill to suspend temporarily the duty on certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Ms. DELAURA of California, Ms. MALONEY, Ms. SERRANO, Ms. LAGUARDIA-CARTER, Ms. WOOS- SEY, Mr. HUGHES, Mr. VAN HOLLLEN, Ms. SLAUGHTER, Mr. HALL, Mr. CLOW- ley, Mr. WEINER, Mr. KIND, Mr. SCHIFF of California, Ms. CHAPUS, Mr. LANTOS, Mr. STRICKLAND, Ms. VELÁZQUEZ, Mr. OBSTRAZER, Ms. KILPATRICK of Michi- gan, Mr. RHYCKER, Mr. RICHERT, Mr. HOLDEN, Mr. NCMULL, Mr. BACA, Mr. DEFAZIO, Ms. ROYBAL-ALLARD, Mr. SPRATT, Ms. ESCH, Mr. GEORGE MILLER of California, Mr. DICKS, Mr. HOLT, Mr. REYES, Mr. BISHOP of New York, Mr. ALLEN, Mr. WATT, Mr. PAYNE, Mr. OLIVER, Mr. TOWNS, Mr. MCCLURE, Mr. COOPER, Mr. POND, Mr. DAVIES, Mr. LEWIS of Missouri, Mr. McCARTHY, Mr. EMANUEL, Mr. FILNER, Mr. HARMAN, Mr. ABERCHOMIE, Mr. SMITH of Washington, Mr. AL GREEN of Texas, Mr. EBELING, Mr. WEXLER, Mr. MCDERMOTT, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Mr. BOUCHER, Mr. PALLONE, Mr. NAD- DER, Mr. NADLER, Mr. PAUL, Mr. GREEN, Mr. WYN, Mr. LANGFORD, Mr. SHEPP- MAN, Mr. PASTOR, Mr. TIERNEY, Mr. STU- PAK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. TAYLOR of Mississippi, Mr. WELTON, Mr. BERLE, Mr. BERNARD, Mr. HINOJO- SA, Ms. DEIGHTER, Ms. SAN-
bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not more than 60 days, to the Committee on the Judiciary.

By Ms. SCHWARTZ of Pennsylvania (for herself, Mr. McGovern, and Mr. Pascrell).

H. Res. 1861. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of certain furniture and electronic appliances, to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. Blumenauer, Mr. Peterkin of Minnesota, Mr. Kennedy of Minnesota, Mr. McCollum of Minnesota, Mr. Kline, and Mr. Gutknecht).

H. Res. 238. A resolution commending the University of Denver Pioneers for winning the 2005 National Collegiate Athletic Association Division I Men’s Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. Ramstad, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Kennedy of Minnesota, Mr. McCollum of Minnesota, Mr. Kline, and Mr. Gutknecht).

H. Res. 131. A bill awaiting consideration of House Representatives with regard to the procedures of the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. Pascrell, Jr. (for himself, Mr. Beaprez, Mr. Hefley, Mrs. Musgrave, Mr. Salazar, Mr. Tanscdeo, and Mr. Udall of Colorado).

H. Res. 234. A provision resolving for consideration of the resolution (H. Res. 131) amending the rules of the House of Representatives with regard to the procedures of the Committee on Standards of Official Conduct; to the Committee on Rules.

By Ms. Maxwell T. (for herself, Mr. Beaprez, Mr. Hefley, Mrs. Musgrave, Mr. Salazar, Mr. Tanscdeo, and Mr. Udall of Colorado).

H. Res. 235. A resolution providing for consideration of the resolution (H. Res. 131) amending the rules of the House of Representatives with regard to the procedures of the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. Mollohan.

H. Res. 236. A resolution providing for consideration of the resolution (H. Res. 131) amending the rules of the House of Representatives with regard to the procedures of the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. Mollohan.

H. Res. 237. A resolution congratulating the University of Denver Pioneers for winning the 2005 National Collegiate Athletic Association Division I Men’s Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. Ramstad, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Kennedy of Minnesota, Mr. McCollum of Minnesota, Mr. Kline, and Mr. Gutzknecht).

H. Res. 238. A resolution commending the University of Minnesota women’s ice hockey team for winning the 2004-2005 National Collegiate Athletic Association Division I Women’s Ice Hockey Championship, and for other purposes; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. Andrews introduced a bill (H.R. 1867) for the relief of Mohammed Manir Rosann, Fordous Ara Hain, Sami Arai Mani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 11: Mr. Salazar, Mr. Melkonian, and Mr. Doggett.

H. R. 13: Mr. Johnson of Illinois, Mr. Brauprez, Mr. Upton, Mr. Wilson of New Mexico, Mr. Ross, and Mr. Norwood.

H. R. 19: Mr. Foley.

H. R. 22: Mr. Merchant, Mr. Costa, Mr. Gersh, Mr. Thieli, and Mr. McKen.

H. R. 23: Mr. Wamp, Mr. Frank of Arizona, Mr. Lipinski, Mr. Matsui, Mr. Nadler, Mr. Conyers, Mr. Young of Alaska, Mr. Cleaver, Mr. Nangle, Ms. Linda T. Sanchez of California, Mr. Hall, and Mr. Upton.

H. R. 25: Mr. Franks of Arizona.

H. R. 47: Mr. Young.

H. R. 98: Mr. Sensenbrenner.

H. R. 111: Mr. Kirke, Mr. Franks of Arizona, Mrs. Jo Ann Davis of Virginia, Mr. Tancredo, and Mr. Boustany.

H. R. 136: Mrs. Musgrave.

H. R. 153: Mr. Markay, Mr. Rothman, Mr. Bishop of New York, and Mr. Sheehan.

H. R. 199: Mr. McKeon.

H. R. 302: Mr. Grijalva.

H. R. 303: Mr. Cooper, Mr. LaHood, Mr. Boustany, Ms. Sorentz Sanchez of California, Mr. Mirian, Mr. Conaway, Mr. Blumenau, Mr. Duncan, and Mr. Melkonian.

H. R. 333: Mr. Cardoza and Mrs. Jones of Ohio.

H. R. 339: Mr. McCaul of California.

H. R. 371: Mr. McDermott and Mr. DeFazio.

H. R. 438: Mr. McKon and Mr. Radanovich.

H. R. 442: Mr. Kinost, Mrs. Jo Ann Davis of Virginia, Mr. Hayworth, Mr. Gary G. Miller of California, Mr. Sensenbrenner, Mr. Chocola, and Mr. Flake.

H. R. 515: Mr. Kanjorski and Mr. Cardoza.

H. R. 534: Mr. Conaway, Mr. Bonner, and Mr. Manz.

H. R. 539: Mr. Blunt, Mr. Mario Diaz-Balart of Florida, Ms. Millender-McDonald, Mr. Owen, Mr. Grijalva, Mr. Butterfield, Mr. Feeney, Mr. Mendendez, and Mr. Range.

H. R. 554: Mr. Bonilla.

H. R. 556: Ms. Bean and Mrs. Roybal-Alvarez.

H. R. 558: Mr. Farr, Mr. DeFazio, Mr. LaHood, Mr. Rangel, and Mr. Melkonian.

H. R. 562: Mrs. Millender-McDonald and Mr. Waxman.

H. R. 567: Mr. Moore of Kansas.

H. R. 583: Mr. Lantos, Mr. Gonzalez, Mr. Wamp, and Ms. Hart.

H. R. 588: Mr. Flors.

H. R. 602: Mr. Lipinski, Mr. Frank of Arizona, Ms. Loretta Sanchez of California, Mr. Johnson of Illinois, Mr. Merk of Florida, Mr. Jackson of Illinois, and Mr. Alexander.

H. R. 615: Mr. Kanjorski, Mr. Ackerman, Mr. Costello, Mr. Curllar, and Mr. Larsen of Washington.

H. R. 633: Mr. Andrews.

H. R. 651: Mr. Tierney.

H. R. 691: Mr. Feingluyens and Mr. Wynn.

H. R. 752: Mr. Kilker, Mr. Macaul, Ms. Jackson-Lee of Texas, and Ms. Eddie Bernice Johnson of Texas.

H. R. 754: Mr. Butterfield.

H. R. 800: Mr. Bowser, Mr. McKon, Mrs. Wilson of New Mexico, and Mr. Coile.

H. R. 807: Mr. Lantos, Mr. Pasccrb, and Mr. McGovern.

H. R. 808: Mrs. Kelly, Mr. Chocola, Mr. Sweeney, Mr. Folessa, Mr. Feeney, Mr. Jindal, and Mrs. Johnson of Connecticut.

H. R. 810: Mr. Jefferson, Mr. Hinojoa, Mr. Boyd, Mr. Curllar, and Mr. Cham.

H. R. 818: Mr. Blumenauer.

H. R. 819: Mr. Foley, Mr. Chocola, and Mr. McDermott.

H. R. 827: Mr. Sessions.

H. R. 877: Ms. Zeo Lofgren of California, Mrs. Drake, Mr. Moran of Virginia, Mr. Farr, and Mr. Frank of Massachusetts.

H. R. 899: Ms. Schakowsky.

H. R. 918: Mr. Feeney.

H. R. 923: Mr. Inslee, Mr. DeFazio, Mr. Sensenbren, and Mr. Rogers of Alabama.

H. R. 934: Ms. Kelly, Mr. Etheridge, Mr. Kuhl of New York, and Ms. Jackson-Lee of Texas.

H. R. 952: Mr. Moran of Virginia.

H. R. 955: Mr. Grijalva.

H. R. 979: Mr. Boustany, Mr. Aderholt, and Mr. Linder.

H. R. 996: Mr. Bishop of New York, Mr. Wolf, Mrs. Christensen, Mr. Israel, Mr. Reyes, and Mr. Platts.

H. R. 1002: Mr. Levin, Mr. King of New York, Mr. Kilker, Mr. Andrews, and Mr. Pascrell.

H. R. 1033: Mr. Scott of Georgia.

H. R. 1059: Mr. Kennedy of Rhode Island.

H. R. 1092: Mr. Cox.

H. R. 1105: Mr. Stark, Mr. Frank of Massachusetts, and Mr. Filner.

H. R. 1124: Ms. Baldwin and Mr. DeFazio.

H. R. 1130: Ms. Delstat and Mr. Paffa.

H. R. 1132: Mr. Gonzalez, Mr. Jindal, Mr. Wynn, Mrs. Christensen, Mr. Rush, Mr. Kilker, Mr. Blunt, Mr. Shimkus, Mr. Dicks, Mr. Boren, Mr. Chandler, Mr. Stupak, Mr. Pickering, Mr. Shays, Mr. Bono, and Mr. Alexander.
H.R. 1146: Mr. Duncan.
H.R. 1157: Mr. Matsui.
H.R. 1175: Mr. Moore of Kansas, Mr. Filner, Mr. Gonzalez, and Mr. Hinchey.
H.R. 1182: Mr. Owens, Mrs. Schakowsky, and Mr. Jefferson.
H.R. 1185: Mr. Beaufrez.
H.R. 1204: Mr. Saxton, Mr. Gene Green of Texas, Ms. Degette, Mr. Davis of Florida, Ms. Velazquez, Mr. Gordon, Mr. Sanders, Ms. Bean, Mr. Spratt, and Mr. Jackson of Illinois.
H.R. 1217: Mr. Larsen of Washington.
H.R. 1226: Mr. Royce.
H.R. 1279: Mr. Etheridge.
H.R. 1285: Mr. Hyde.
H.R. 1322: Mr. Grijalva, Mr. Pallone, Mr. Doggett, Mr. Owens, and Mr. Serrano.
H.R. 1329: Mr. Farkel, Mr. Kildee, and Mrs. Maloney.
H.R. 1355: Ms. Moore of Wisconsin, Mr. Hastings of Florida, Mr. Inslee, Mr. Boustany, and Mr. Burton of Indiana.
H.R. 1357: Mr. Cannon and Mr. Tiberi.
H.R. 1364: Mr. Abercrombie.
H.R. 1369: Mr. DeFazio, Mr. LaHood, Ms. Harris, Mr. Romand, and Mr. Mclancon.
H.R. 1373: Mr. Conyers, Mr. Gene Green of Texas, Mr. Costa, and Mrs. Drake.
H.R. 1376: Mr. King of New York, Mrs. Kelly, Mr. Lantos, and Ms. Baldwin.
H.R. 1380: Mr. Jefferson, Mr. Mccormick, and Mr. Conyers.
H.R. 1397: Mr. Reynolds.
H.R. 1406: Mr. Miller of Florida, Mr. Calvert, Mr. Lynch, and Mrs. Drake.
H.R. 1408: Mr. Blumenauer.
H.R. 1413: Mr. Rothman.
H.R. 1424: Mr. Meek of Florida, Mr. Doggett, Mrs. Napolitano, Mrs. Tauscher, Mr. Schwartz of Michigan, and Mr. Shimkus.
H.R. 1426: Mr. Blumenauer and Mr. Rusli.
H.R. 1440: Mr. Serrano, Mr. Grijalva, and Mr. Filner.
H.R. 1469: Mrs. Cunin and Mr. Flake.
H.R. 1471: Mr. Kildee.
H.R. 1480: Mr. Ruppersberger, Mr. Wynn, Mr. Stark, Mr. Hinchey, Mr. Grijalva, Ms. Eddie Bernice Johnson of Texas, Mr. Doggett, Mr. Mccormick, and Mr. Allen.
H.R. 1491: Mr. Lipinski.
H.R. 1496: Mr. Boswell, Mr. Hayes, Mr. Ehlers, and Mr. Moran of Virginia.
H.R. 1500: Mr. Kolbe and Mr. Flake.
H.R. 1505: Mr. Inslee, Mrs. Hasting of Florida, Ms. Moore of Wisconsin Mr. Higgin, Ms. Napolitano, Ms. Bean, Ms. Corinne Brown of Florida, Mr. Cue, Mrs. Northrup, Mr. Musgrave Mr. Whitfield, Mr. Riechert, Mr. Boustany, Mr. Roemer, Ms. Bigelow, Mr. Stearns, Mr. Costa, Mr. Burton of Indiana, Mr. Hayes, Mrs. Johnson of Connecticut, and Mr. Cunningham.
H.R. 1523: Ms. Schakowsky.
H.R. 1544: Mr. Price of Georgia and Mr. Frelinghuysen.
H.R. 1553: Mr. Falomoard, Mr. Sherman, Mr. Price of North Carolina, and Mr. Blumenauer.
H.R. 1554: Ms. Kapoor, Mr. Costello, Mr. Kildee, and Mr. Holt.
H.R. 1575: Mr. McHugh, Mr. Berry, Mr. Dingell, Mr. Costello, and Mr. Terry.
H.R. 1588: Mr. Edwards, Mr. Skelton, Mr. Blumenauer, Mr. Honda, and Mr. Costello.
H.R. 1595: Mr. Schwartz of Michigan.
H.R. 1608: Mr. Car神州, Ms Woolsey, Mr. Blumenauer, Mr. Honda, and Mr. Costello.
H.R. 1620: Mr. Baird, Mr. Udall of Colorado, and Mr. Berman.
H.R. 1635: Mr. Carter and Mrs. Drake.
H.R. 1636: Mr. Van Hollen and Mr. Saxton.
H.R. 1639: Mr. Lynch and Ms. Woolsey.
H.R. 1652: Mr. Lantos, Mr. Weiner, and Mr. Dicks.
H.R. 1668: Mr. Stickland, Mrs. Napolitano, Ms. McCollum of Minnesota, and Mr. McDermott.
H.R. 1678: Mr. Beaufrez.
H.R. 1688: Mr. Inslee and Mr. Sherman.
H.R. 1694: Mr. Blumenauer.
H.R. 1708: Mr. freshman, Ms. Baldwin, Mr. Moran of Virginia, Mr. Lee, Mr. Hooley, Mr. McDermott, Mr. George Miller of California, Mr. Waxman, Mr. Crowley, Mr. Engel, Mr. Delahunt, Mr. Inslee, Mr. Wexler, Mr. Oliver, Mr. McCollum of Minnesota, Mr. Corrine Brown of Kansas, Ms. Capps, Ms. Mcnulty, Mr. Pascrell, Ms. Solis, Mr. Gene Green of Texas, Ms. Eshoo, Mr. Schiff, Mr. King, Mr. Allen, Mr. Sanders, Ms. Schakowsky, Ms. Zoe Lofgren of California, Mr. Harman, Mr. Blumenauer, Mr. Larsen of Washington, and Ms. Delauro.
H.R. 1729: Mr. Waxman and Mr. Rangel.
H.R. 1736: Mr. Franks of Arizona and Mr. Dreier.
H.R. 1749: Mr. Boozman, Mr. Ney, and Mr. Flake.
H.R. 1798: Mr. Cisneros, Mr. Baca, and Mr. Delahunt.
H.J. Res. 10: Mr. Young of Alaska, Mr. B. Mr. Cramer, Mr. Franks of Arizona, and Mr. Frelinghuysen.
H.J. Res. 10: Mr. Miller of Florida.
H.J. Res. 14: Mr. Miller of Florida.
H.J. Res. 16: Mr. Flake.
H.J. Res. 38: Mr. Simmons.
H.Con. Res. 24: Mr. Edwards, Mr. George Miller of California, and Mr. Rothman.
H.Con. Res. 40: Mr. Cisneros, Mr. Baca, and Mr. Delahunt.
H.Con. Res. 71: Mrs. Napolitano, Mr. Conyers, Mrs. Maloney, Mr. Nadler, Mr. Davis of Florida, and Mr. Brown of Ohio.
H.Con. Res. 90: Mr. Sabo, Mr. Conyers, Ms. DeLauro, Mr. Parker, Mr. Roybal-Alard, Mr. Mcnulty, Mr. Grijalva, Mr. Brown of Ohio, Mr. Serrano, and Mr. Ortiz.
H.Con. Res. 96: Mr. Watson, Mr. Scott of Virginia, Ms. Solis, and Ms. Jackson-Lee of Texas.
H.Con. Res. 99: Mr. Reyes and Mr. Bishop of Georgia.
H.Con. Res. 127: Mr.Meeks of New York, Ms. Loretta Sanchez of California, Mr. DeFazio, Mr. Bishop of Georgia, Mr. Butterfield, Mr. Wynn, Mr. Scott of Georgia, Mr. Lewis of Georgia, Mr. Towns, Mr. Owens, Mr. Payne, Mr. Fattah, and Mr. Clay.
H.Con. Res. 138: Mr. Scott of Georgia.
H.Con. Res. 131: Mr. Ramstad.
H.Con. Res. 132: Mr. Simpson and Mr. Garrett of New Jersey.
H.Con. Res. 77: Mrs. Napolitano, Mr. Baca, and Mr. Price of North Carolina.
H.Con. Res. 84: Mrs. Northrup and Mr. Hostetler.
H.Con. Res. 85: Mr. Wexler.
H.Con. Res. 116: Mr. Wu, Mrs. Napolitano, Mr. Holt, Mr. Clay, and Mr. Carnahan.
H.Con. Res. 166: Mr. Mccormick, Mr. Cardoza, and Ms. Watson.
H.Con. Res. 175: Mr. Bishop of Georgia, Mr. Neal of Massachusetts, Mr. Mareky, Mr. Moran of Virginia, and Mr. Lipinski.
H.Con. Res. 193: Mr. Miller of Florida, Mr. Kingston, and Mr. Berman.
H.Con. Res. 195: Mr. Gallegly, Mr. Issa, Mr. Mcclintock, Mr. Wilson of South Carolina, Mr. Smith of New Jersey, Mr. Wexler, Mr. Enel, Mrs. Napolitano, Mr. Chandler, Mr. Tiahrt, and Mr. Lipinski.
H.Con. Res. 215: Mr. Wilson of South Carolina, Mr. Pence, Mr. Fieze, Mr. McHenry, Mr. Franks of Arizona, and Mr. Gingrey.
H.Con. Res. 220: Mr. Burton of Indiana, Mr. Coble, Mr. Scott of Georgia, Mr. Geren, Mr. Brady of Pennsylvania, Mr. Gene Green of Texas, Mr. Owens, and Mr. Kuhl of New York.
H.Con. Res. 227: Mr. Ackerman.
H.Con. Res. 236: Mr. Grijalva, Mr. Davis of Florida, Mr. Gonzalez, Mr. Brown of Ohio, Mr. Mendez, Mr. Wynn, Mr. Lewis of Georgia, Mr. Hastings of Florida, Mr. Strickland, Mr. Inslee, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Conyers, Mr. Rothman, Mr. Merk of New York, Mr. Young of Florida, Mr. Rohrabacher, Mr. Bonilla, Mr. Coble, Ms. Ros-Lehtinen, Mr. Hall, Mr. Gene Green of Texas, Mr. Delahunt, Mr. Israel, Mr. Moore of Kansas, Mr. Cunningham, Mr. Mark Díaz-Balart of Florida, Mr. Royce, and Mrs. Jo Ann Davis of Virginia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 1762: Mrs. Johnson of Connecticut, Mr. Jindal, and Mr. Feeney.
The Senate met at 9:45 a.m. and was called to order by the Hon. Jim Talent, a Senator from the State of Missouri.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Eternal Spirit, we look to You for hope. Teach us the power of being quiet in Your presence. Shelter us from the noise, tension, sound, and fury that bewilders us. Remind us to be still in order to know Your wisdom. Help us to see that those who love You are never alone, for we are sustained by Your powerful companionship.
May we find our peace in the knowledge that You are always with us. Bless our Senators. Give them the wisdom to trust You without wavering. Make them constantly aware of Your unfailing love. Rescue them from danger and keep their feet from slipping.
We pray this in Your holy Name. Amen.

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).
The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE
Washington, DC, April 26, 2005.

To the Senate:

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

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

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, there will be time for the transaction of morning business for up to 60 minutes, with the first half hour under the control of the Democratic leader or his designee and the second half hour under the control of the majority leader or his designee.

JUDICIAL NOMINATIONS
Mr. SCHUMER. Mr. President, I rise under morning business to discuss some events that occurred overnight. Most important, there is a story in today’s USA Today, based on a direct interview, that Karl Rove rejected a compromise with Senate Democrats Monday on long-stalled nominations for the Federal judiciary and strongly defended President Bush’s choice of John Bolton. I am going to talk about the first matter.

It is disconcerting and surprising to see an aide to the President, an important aide, tell the Senate how to conduct itself. The Senate has conducted itself by its own rules for decades—for centuries. Those rules, by the design of the Founding Fathers, written into the Constitution, talk about the Senate as being a preserve of minority rights. The Founding Fathers called it the cooling saucer.

It is clear, if you read the Federalist Papers and look at the history of this Republic, that when a Senate minority of 45 rejects 10 out of 215 judges and supports 205 out of 215, that is the very way the Founding Fathers wanted the Senate to behave. After all, one of the very earliest nominations of President
Washington, John Rutledge, was rejected by the Senate for the Supreme Court—rejected by the Senate. In that Senate were I believe eight Founding Fathers, the people who wrote the Constitution, rejecting the President’s choice.

We have, in a certain sense, people way out of the mainstream, way over—a small group—telling the Republican Party in the Senate and telling the President that they must have all the judges, including the most extreme. Because, after all, it was only the most extreme we rejected, judges who believe, for instance, that the New Deal was a socialist revolution and should be undone; judges who believe zoning laws are unconstitutional; judges who believe the purpose of a woman should be to be subjugate herself to a man; judges who believe slavery was God’s gift to white people.

These are judges, including the most extreme. Because after all, it was only the most extreme we rejected, judges who believe the purpose of a woman should be to be subjugate herself to a man; judges who believe slavery was God’s gift to white people.

The American public is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

When they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option, it will succeed, we will have no other choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option, and I believe they will not.
We face a different kind of politics than most have experienced before when we see prominent members of the Congress participate in exercises with outside groups who suggest those who are not with them on the issues are people who are not people of faith. Those are dangerous grounds to tread on politically. Yet they do it and do it willingly.

As I was listening to my colleague, I remembered going to a puppet show my daughter participated in during grade school some years ago. Of course, in a puppet show you see only the puppet; you do not see who is behind the black cloth. There are puppet shows going on here in the Congress, of course, and in the administration. Perhaps today's USA Today tells us a little bit about who is behind the screen. The chief political adviser to the White House, Mr. Karl Rove, says there will be no compromise on this issue of judges. It seems to me, a White House that has said it is not involved in this is clearly neck deep in this issue, and perhaps is the one behind the screen in this case. Whether it is on this so-called nuclear option with respect to the vote on the judges in the Senate or the so-called debate going on regarding whether we should privatize Social Security as recommended by the White House, Mr. Rove has played a very prominent role.

To take Social Security for a moment, the memorandum leaked in January of the administration, the memorandum leaked in January, the president's proposal to borrow $5 trillion and then stick it in the stock market and cut Social Security benefits and sit back and hope, is not much of a plan.

People are living longer, and we may need to make adjustments in Social Security as we move along, but it does not require major surgery. And the President's proposal to borrow $5 trillion and then stick it in the stock market and cut Social Security benefits and sit back and hope, is not much of a plan.

It is interesting to me that the American people, in poll after poll, today, is at a Social Security forum over the weekend. We did them in several States. A fellow came up to us at the forum and said, I am 88 years old, I am blind, and Social Security is all I have. I think people are very concerned about this notion of sticking this money in private accounts and just hoping, after you have borrowed trillions, hoping somehow things will be better.

Whether it is Social Security and private accounts and the attempt to take the Social Security system apart or this issue of the nuclear option because the president, who has gotten only 95 percent of the Federal judges they want, these intersections are dangerous.

Let me describe the danger of the intersection with respect to the so-called nuclear option. The Constitution of the United States is clear about judges. In fact, originally when they put this Constitution together, they felt perhaps they would have the Senate or the Congress appoint judges. Instead, there is a two-step process. The President decides who shall be nominated to the Senate for a lifetime appointment on the Federal bench to the Federal courts and then the Senate decides whether they will support that nomination. It is called advice and consent. President Bush, who has sent the Senate 215 nominees to serve for a lifetime on the Federal court. We have supported 205 of them. That is 95 percent. But that is not enough. The President and the majority party want it all.

I remember people like that on the playground when I was in school. They want it all. If they do not get it all, they are going to take their bat and ball and go home. In this case, if they do not get it all, they will violate the Senate rules. How will they violate the rules? They will overturn precedent in the Senate in terms of how the rules are changed. It takes 67 votes to change the rules of the Senate. The so-called nuclear option devised by the majority party is a strategy by which they will overturn the ruling of the Parliamentary that the rules are being violated, and by a majority vote, not overturning the rules but evictively, change the rules of the Senate by violating the rules of the Senate. Some people do not care about that. That is fine. If you care a lot about the future of this country, if you care a lot about democracy, if you care about making a democratic government work by compromise, you ought to care a lot about this.

It is arrogant. It reflects the feeling of a party that controls the White House and the Senate, that they must get their way on everything.

The reason a 60-vote requirement— that is, a filibuster—is useful is to the workings of democracy is because it requires compromise. It requires Members to reach a threshold of 60 votes in the Senate, which requires you to reach across the aisle and talk to people of the other party. That is a good thing, not a bad thing. Compromise is a good thing. Bipartisanship is a good thing, not a bad thing. We have people saying that this way of operating is awful. We want to take a partisan group that has 51 votes and is muscle-bound—it is politics on steroids—and ram it through the Congress and violate the rules in order to change the rules. It is not what this country should expect from the Congress.

Here is today's paper: "Filibuster Rule Change Opposed." It is interesting it is a bipartisan paper, opposed. It is not working. This is a reservoir of common sense all across this country of people who basically know what is the right thing. They know from their school days, from their civic organizations, they know from their everyday lives you do not violate the rules to change rules. We have certain rules. You do not violate rules to change rules. People know that inherently, and they also know the consequences of one-party rule that says it is our way and that is the only way and we will not compromise on anything.

For that reason, it is quite clear that two-thirds of the American people have that reservoir of common sense and are expressing it. I hope the majority party will listen. I especially hope Mr. Rove, who is behind the screen, who is behind the black cloth. There will be no compromise, will understand that compromise is what makes this Senate work.

In the McCullough book about John Adams, as I told my colleagues previously, he would write to Abigail—because John Adams was in Europe, representing our country in England and France as they tried to put this new country together—he would write to his wife, Abigail, and ask the question, plaintively: Who will be the leaders? Who will emerge as the leaders to help form this new country of ours? From where will the leadership come? And then in the next letter to Abigail, he would ask the question in different words: Who will be the leaders? Who will emerge as the leaders? Then he would say: It appears there is only us. There is me, there is George Washington, there is Thomas Jefferson, Ben Franklin, Mason, Madison.

In the rearview mirror of history, the only "us" is some of the greatest human talent that has ever been assembled that created quite a remarkable country. For 2 centuries, Americans have asked the same question: From where will the leadership come? How will the leadership emerge to steer this country and provide us with this great democracy of ours? In almost every case, the American people have been surprised by those who step forward.

We have been enormously blessed by wonderful leaders—Republicans, Democrats, conservatives, liberals—leaders who step forward at the right time, at the right moment, to say: Here is where America needs to move. Here is how we need to improve and strenthen the best democracy of ours.

I ask again, and I think America asks again, with the backdrop of these questions, violating the Senate rules to
change Senate rules, taking apart the most successful program we have had in this country’s history, the Social Security Program, the American people are asking, as they answer these polls: Where is the leadership? Where will the leadership come from to put this country back on track?

We do have crisis. It is not Social Security. We have a bona fide crisis in health care. Prescription drug costs, health care costs are going straight up, and not a single thing about this. We have a crisis in jobs. We have the biggest trade deficit in human history, and we are choking on it. We have massive numbers of American jobs moving every single day overseas. It is an epidemic because American workers are being told by their multinational employers: You either compete with 30-cent labor from China or we are sorry, it is over for you. That job goes to China for 30 cents an hour, working 7 days a week, 12 to 14 hours a day, often kids. We have an epidemic in gun trade. We have a serious problem with the largest budget deficits in the history of this country. Yes, that is a crisis.

Last week, we passed an $80 billion emergency supplemental bill to pay for the costs in Iraq and Afghanistan and not one penny was paid for. The administration that requested it did not suggest it be paid for. Congress did not suggest it be paid for. Just add it to the debt. The soldiers to Iraq and bring them back later and have them pay for the debt.

So, yes, we have some crises. Health care, jobs, trade deficit, fiscal policy, energy. Drive to the gas pumps and ask yourself whether there is a problem there. And then we have the Crown Prince of Saudi Arabia going to Texas yesterday to explain how much additional oil they will pump in order to help us with our energy problem. Sixty percent comes from off our shores, much of it from troubled parts of the world—Saudi Arabia, Iraq, Venezuela, Kuwait.

If, God forbid, tomorrow the pipeline for sending oil to this country from those troubled parts of the world were ruptured, this country’s economy would be flat on its back. We are held hostage by oil from off our shores to the extent we have to have the Saudis come to Texas, to the ranch, to explain to us how they are going to help us solve our problem.

The fact is, we do have crises. The operative question is, Where is the leadership? Where is the leadership? Where will it come from to deal with these issues? No, I am not talking about the nuclear option. That is a specious approach, one that will injure this Senate and injure this country. I am not talking about taking Social Security apart—exactly the wrong thing. I am talking about the leadership for things that really matter to American families.

When people are in their homes, sitting at their tables, having supper, they talk about issues such as: Do I have a good job? Does it pay well? Do I have job security? Do grandpa and grandma have access to good health care? How about the kids, do they have access to doctors when they need it? Are our kids going to a school we are proud of and our neighborhoods? Those are things that are operative in the midst of families’ interests about this country and where they live.

I hope very much the majority party will understand what the American people are saying. Those are the stakes of the nuclear option. Accept that 95-percent support for judges nominated by this President, which is a pretty good record. Ninety-five percent, that is a good record. Accept and understand where there is an opposition party. They, too, have rights. And accept and understand that compromise is not a bad word. Compromise recognizes that this democracy works when you have bipartisananship, when you reach across the aisle. That is what the 60-vote margin requires us to do, in my judgment. And answer the question. Where is the leadership? Just answer that question. Where is the leadership on issues that matter to American families? My hope is, in the coming days we will see some of that leadership both here in the Congress and also from this administration.

Last, and most importantly, let’s not ever hear again that those with whom you disagree are not people of faith. What a shameless thing to be doing, to suggest that your political opponents are not people of faith. This country is better than that. Political debate and dialog can be better than that. And the American people expect and deserve better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

JUDICIAL NOMINATIONS

Mr. BUNNING. Mr. President, I rise to talk about the broken confirmation process for Federal judges. The Senate faces an unprecedented crisis and is failing the Constitution and the American people.

For the first time in the Senate’s history, a minority of Senators is twisting the rules of the Senate to block the will of the majority. They are taking for themselves only to the President of the United States, the power of nominating judges. Just as disturbing is the fact that the minority is also threatening to shut down the Senate and the people’s business if the majority acts to restore Senate tradition and fulfill our constitutional responsibilities.

Make no mistake about it, we will restore the Senate tradition of taking up-or-down votes on the President’s nominees. Hopefully, the minority will recognize the process the Senate has practiced for more than 200 years and end the filibuster of judicial nominations. But if the majority of the Senate must act to restore that tradition, we will do so.

Like many Senators, I spend a lot of time in my home State. I meet with constituents, give speeches to civic groups, and tour manufacturing plants. I have heard a lot about the energy, interest in Social Security. People talk about gas prices and the economy, education, and health care. But the topic I hear about the most is the importance of confirming judges.

November election day came and the American people spoke. President Bush won reelection by receiving the most votes ever cast for a Presidential candidate. A majority of the American people clearly endorsed his policies and his leadership. So when this Congress convened, I had high hopes that the crisis of judicial nominations was behind us.

I hoped the Senators who obstructed the Senate’s business over the past 2 years realized the errors of their ways. And if they lost seats in the Senate, and their minority leader also was defeated in the last election. I hoped we could turn to voting on President Bush’s nominations to the Federal bench. I hoped we would return to the Senate tradition of giving nominees an up-or-down vote.

But it did not take long to realize that was not going to be the case. The minority proudly boasts about their filibustering the President’s nominees. And when the majority acts to restore Senate tradition, they say they are going to expand their obstructionism to the entire business of the Senate and shut down the Government.

In article II, section 2 of the Constitution, the President is given the power to nominate judges. And upon advice and consent of the Senate, those nominees shall be placed on the bench. So the President alone has the power to pick judges. And the Senate has the responsibility to render advice and consent. That leads to the question of what does “advice and consent” mean? Fortunately, I am not a lawyer or a constitutional scholar. But I can read. And the Framers were pretty clear when they spoke.

First, they said the Senate as a whole is to give its advice and consent. When the Constitution speaks of the Senate as a whole body, it means a majority of the body. The Supreme Court has stated as much. And the Framers were pretty clear when they spoke.

Second, the Framers were pretty clear when they required more than a majority to act. For example, they required a two-thirds vote to amend the Constitution. They required a two-thirds vote to convict and remove from office an impeached President or Federal official. But even more telling, in the very same sentence of the Constitution that gives the Senate the duty to render advice and consent on nominations, the Framers also required a two-thirds vote to approve a treaty.

Now, if Framers meant that a super-majority vote was required to approve
lishing the filibuster altogether. In fact, 19 members of the minority who are still serving today voted to abolish all filibusters. And now some of those Senators are the loudest voices in the Senate for filibustering President Bush’s nominees.

Some of my colleagues across the aisle have spoken out against filibustering nominations. For example, the senior Senator from New York, said in 2000:

We are charged with voting on the nominee.

The junior Senator from California said, in 1997:

It is not the role of the Senate to obstruct the prompt approval of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

The current minority whip said, in 1998:

If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down.

And the senior Senator from Massachusetts said, in 1998:

We should resolve these disagreements by voting on the nominees—yes or no.

It is amazing how some easily forget their own words. Or maybe I should say, conveniently and selectively forget their own words.

Well, Republicans did give President Clinton’s nominees an up-or-down vote. And now the minority should allow the same courtesy to President Bush’s nominees.

Sometimes we have heard over and over from the minority how many of President Bush’s nominees they have allowed to be confirmed. Let’s talk about that. The majority likes to talk about all nominations, but all nominations are not equal in their impact within the judiciary. District court judges, while they are very important, are not as powerful as circuit court judges. President Bush’s nominees to the circuit court have the lowest confirmation rate since the Roosevelt administration at 69 percent. President Clinton’s circuit court nominees were confirmed at a rate of 77 percent, far above President Bush.

And not all circuit courts are equal. The DC Circuit is the most important. For that court, only 33 percent of President Bush’s nominees have been confirmed. President Clinton’s nominees were confirmed 78 percent of the time. Those differences are staggering and support the fact that our judicial confirmation system is broken because of the obstruction tactics of the minority.

Something must be done to fix this crisis. The solution can be up to our colleagues on the other side of the aisle. The simplest, fastest, and most desirable option is for the majority to agree to drop its obstructionist ways and allow an up-or-down vote on all judicial nominees. Unfortunately, that does not appear likely to happen.

Last Congress, the current minority leader asked why much time his side needed to present their case against a nominee. He replied that there was “not a number in the universe” that they would accept.

So where does that leave us? The only answer I could see is to restore Senate tradition through a change in the rules of the Senate. Article I, section 5 of the Constitution reads:

Each House may determine the Rules of its Proceedings . . .

That means a majority of the Senate can agree to change the rules. It is the responsibility of the majority of Senators who want to fulfill the Senate’s constitutional duty to take action necessary to do so. Majority action to set the rules of the Senate is not unprecedented, nor is it an assault on the body. It cannot be an act of the Senate to act to restore 200-plus years of Senate tradition and allow the Senate to fulfill its constitutional obligations. The senior member of the Senate Democratic caucus himself has taken such action. Not once, not twice, but four times in a 10-year period, the senior Senator from West Virginia changed the application of the Senate rules through a majority vote, and all four times his actions were aimed at limiting Senators’ rights to debate or filibuster. Senate history is filled with other examples of majority action resulting in a change in the Senate rules resulting in a change in the Senate rules to restrict the filibuster.

Let me make something very clear: We are not talking about changing the legislative filibuster. In fact, the only Senators I have heard advocating elimination of legislative filibusters are on the other side of the aisle. Not only does the legislative filibuster have a place in the Senate’s tradition and history, it is fundamentally different from the filibuster of judicial nominees. Writing legislation is solely within the power of the legislative branch, and the Senate is empowered by the Constitution to set its own rules.

In the case of nominations, the nominate power is the power of the President, and the Senate can only accept or reject those nominees. The purpose of a legislative filibuster is to force changes in the legislation. However, no number of Senators can amend nominations; it can only accept or reject them. There is a place for the legislative filibuster within the Constitution, but there is not for the filibuster of judicial nominations.

So I urge my colleagues on the other side of the aisle to take a deep breath and step back from the mountain they have drawn. Offer us a compromise that guarantees each nominee a vote. Give us a set of time for debate. Let’s take a vote. This issue is too important for the majority of the Senate to be the executive to any legislative action we cannot and will not let a minority of this body rewrite the Constitution and destroy the Senate’s traditions. We must vote, and we will vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.
Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 3) to authorize funds for Federal aid highways, highway safety programs, and transit programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate equally divided between the two leaders or their designees.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am glad this day is here and that we are proceeding. I certainly encourage my colleagues to vote for this motion to proceed. I have every expectation that it will pass overwhelmingly. It seems as though we are always in a lot of controversy when we talk about a highway reauthorization bill. It doesn't come along very often—about every 6 years. In my tenure here, I have been involved in four of them. This is the fourth, and it is very significant.

It is interesting that even though there is a lot of criticism, when it gets down to the vote, the vote is always overwhelming. I remind my colleagues that last year's bill was at $318 billion—that was contract authority—and there was about $303 billion in guaranteed spending. It passed by a margin of 76 to 21. It is something I know people are interested in, but there are always problems. First of all, let me just say how this is bipartisan. My good friend, the ranking member of the committee, Senator JEFFORDS—back when the Democrat was in the majority, he was chairman—and I always agreed on these highway issues. It is kind of interesting that those of us who are conservatives really believe this is something we are supposed to be doing here—building infrastructure, building roads. I am particularly concerned that our State Of Oklahoma has not had its fair share. We have been ranked as having the worst bridges in the Nation.

Anyway, we have the bill up. It is going to be essentially the same bill as we had last year. We passed it out of committee. There is always a problem. Let me mention this because it needs to come out in the beginning. There are two different ways to have a highway program. One is to do it—and essentially the other body does it more this way—by taking projects and adding them, and you pass this, so you know what projects will be there for the next 6 years. If you do that, then the people who are on the inside track would have the best opportunity to have theirs, and there is always an accusation of there being pork and having special projects. In the Senate, we do it the hard way. We have a formula. When you have a formula, it takes into consideration so many different aspects. There is not one State that could not stand and say, my State is not being treated fairly because of this factor or the other factor. If you look at the formula factors, you have so many factors, such as interstate lane miles, vehicle miles traveled on interstates, contributions to the highway trust fund, the lane miles, principal arteries, VMT on principal arteries, diesel fuel, donee status, donor status, and low-income States. Oklahoma is a low-income State. That should be a formula factor. You have low-population State, such as the one of Senator BAUCUS, who has been in the leadership working on this issue. They still have to be able to drive even though they don't have a large population from which to get the funds. You have the high-fatality-rate States. You have a factor for the guaranteed minimum growth and the guaranteed minimum rate of return for donor States. Oklahoma has been a donor State for as long as I can remember. I remember when we had written into the law we would get back 75 percent of what we have paid in. Now it is up to 90.5 percent. If we passed the bill last year at that funding level, it would be 95 percent. I look at the figure that we passed out of the committee on the floor that we will be considering today is one that will allow us to get to 92 percent.

I know the formula is not perfect. There are a lot of donor States that think they are not getting enough. A lot of donee States think they are not getting enough. The unhappy donee States complain about the growth rate, but they are ignoring the high rate of return. The unhappy donor States are complaining about the rate of return, but they are ignoring the high growth rates. I have seen unhappy donors trying to rewrite formulas. You cannot do that. It is very sympathetic with unhappy States; however, they cannot change the formula in a vacuum and not affect every other State. One of the States is trying to do that right now, and that would adversely affect the rest. It is something that is difficult to deal with. When we get to conference, there are things we can do that we cannot do on the Senate floor. Perhaps some of these things will be done.

With that, I will yield to Senator JEFFORDS, the ranking member on our Environment and Public Works Committee, for his comments.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise today to add my voice to those calling for the approval of the motion to proceed that we will soon vote on.

We need this bill because it will make our roads and transit systems more efficient and safer.

This year it is estimated that 33 percent of America’s major roads are in poor or mediocre condition; 27 percent of America’s bridges are structurally deficient or functionally obsolete; 37 percent of America’s major urban roads are congested; and 42,000 Americans will die in traffic accidents.

We need this bill because a fully funded bill is good for the economy.

The Department of Transportation says that for every $1 billion of Federal spending on highway construction nationwide, 47,000 jobs are generated annually, and that every $1 billion invested in the Nation’s highway system yields $3.50 in economic benefits because of reduced delays, improved safety and reduced vehicle operating costs.

We need this bill to maintain our current highways and bridges than ever before, while demand for our roadways only increases.

The Federal Highway Administration says that 52 percent of highway funds spent by States went to preserving highway systems while just 19 percent went to building new roads and bridges.

At the same time, traffic congestion costs American motorists $59.5 billion a year in wasted time and fuel costs, and we spend an additional 3.5 billion hours a year stuck in traffic.

This bill isn't perfect. In fact, I think it needs additional funding. The White House has suggested an overall funding level for surface transportation of $284 billion over 6 years.

This despite the President's own Transportation Department saying we need at least $300 billion to simply maintain the status quo, and something well above that level to make progress on conditions and performance.

Thankfully, calls for increased funding have come from Republicans, Democrats and Independents; Members of the House and Senate, Governors and Mayors. But we will address the funding issue in due time.

Today we must get cloture on this bill and move forward.

Once again, I would like to thank the Senators and members of both sides for their support of this bill.

I would also like to pay tribute to Chairman INHOFE and Senators BOND and BAUCUS for their support and cooperation in helping get us to where we are today.

Mr. President, I yield the floor. The PRESIDING OFFICER. Who yields time?
Mr. INHOFE. Mr. President, I thank the Senator from Vermont for his comments. At this time, I would like to recognize that we have four of the real star freshmen, the new Members of this body, on our committee. One, of course, is the presiding officer from Louisiana, who is long overdue. I credit the distinguished member, Senator Jeffords, for his good work in bringing this to the floor.

It is important work that we are about to undertake. We are in the sixth extension of this long-term program, as he so clearly explained. Mr. Thune is also on the committee, and we yield to him at this time.

Mr. THUNE. Mr. President, I also rise today to speak in support of moving forward with debate on reauthorization of the Transportation Equity Act for the 21st Century. As many of my colleagues know, enactment of a long-term, robust Transportation bill is long overdue. I credit the distinguished chairman of the Environment and Public Works Committee, Senator Inouye, and the ranking member, Senator Jeffords, for their good work in bringing this to the floor.

It is important work that we are about to undertake. We are in the sixth extension of this long-term bill that is another construction season that is going to be lost in the Northern States if we do not get a long-term bill put into place.

I appreciate very much the chairman’s approach in taking a very fair and evenhanded approach in how he has tried to distribute a certain amount of finite funding for this bill. As he mentioned in his remarks, this is a balance that must be struck between the large States and the small States. Frankly, passage of this legislation is critical not only to my home State, but to the Nation as a whole.

Since my service in the House of Representatives, I have long been a supporter of a comprehensive approach to the problem of beach erosion in the State of Louisiana. I appreciate his calling that to our attention. Then, of course, we have the new Senator from South Dakota, Mr. Thune. Senator Thune is also on the committee, and we yield to him at this time.

Mr. THUNE. Mr. President, I again urge my colleagues to support my reauthorization proposal or the extension of the current bill. We have another construction season that is going to be lost in the Northern States if we do not get a long-term bill put into place.

I believe the transportation infrastructure is one of the primary responsibilities of the federal government. After all, an adequate transportation infrastructure that is safe and affordable helps facilitate the movement of the goods and services on which our economy relies. Additionally, investing in our transportation infrastructure is a proven way to ease congestion and improve the safety of our highways and roads.

If we look at the economic impact of what we are talking about today, it is profound. For every $1 billion invested in federal highway and transit spending, 47,500 jobs and job opportunities are created or sustained. For every $1 billion in federal highway and transit expenditures, gross domestic product, GDP, will increase by $1.75 billion, a multiplier effect of 1.75.

So it is important to our economy in terms of the jobs it will create, the growth it will bring about in our Nation’s economy, and it is critical that this legislation, which has been held up since the last Congress, move forward. It is one of the most important measures the House and Senate must resolve this year. And it is incredibly time sensitive as we look at the sixth extension we are operating with today and the need to get a permanent bill in place.

The bill the Environment and Public Works Committee reported out last month, S. 732, does more to address the donor issue than the administration’s authorization proposal or the bill as passed by the House of Representatives last month.

The clearest way to address the underlying concern that donor States have raised is to add more funding to this bill. In fact, I plan to support the amendment I understand Finance Committee Chairman Grassley and Ranking Member Baucus intend to offer because boosting this bill’s overall funding level is the straightforward way to increase the minimum guarantee donor States seek without unfairly reducing the funding for donee States, such as South Dakota.

I look forward to working with my colleagues and with the chairman and the ranking member of this committee, Senator Inouye, on this legislation. It is one of the most important measures the House and Senate must resolve this year. And it is critical that this legislation, which has been held up since the last Congress, move forward. It is one of the most important measures the House and Senate must resolve this year. And it is incredibly time sensitive as we look at the sixth extension we are operating with today and the need to get a permanent bill in place.

But the bill the Environment and Public Works Committee reported out last month, S. 732, does more to address the donor issue than the administration’s authorization proposal or the bill as passed by the House of Representatives last month.

As I said earlier, time is of the essence. It is important we work together to pass this bill so that conference negotiations between the House and the Senate can get underway, especially in light of the extension that is slated to expire on May 31.

I again commend the leadership of our committee, and the leadership on the Senate side is desperately needed. I urge my colleagues to vote in favor of proceeding.

The bill, S. 732, the Safe Accountable, Flexible, and Efficient Transportation Equity Act, is long overdue. We are moving forward on a bill that has been a part of this great bipartisan effort. So we yield to him at this time for whatever time he wishes to use.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, my sincere thanks to the leadership of the committee, Senator Inhofe; to the ranking member, Senator Jeffords; and my colleague, the ranking member on the subcommittee, Senator Baucus. This is a job well done under the constraints we face. We have worked hard and have an opportunity to debate that and get to conference and see what we can work out.

The chairman of the Subcommittee on Transportation has been such a strong, hard worker. The Senator from Missouri has been there every step of the way and has been a part of this great bipartisan effort. So we yield to him at this time for whatever time he wishes to use.

The PRESIDING OFFICER. The Senator from Missouri.
We called up S. 1072 a little over a year ago, and final passage of that bill last year was 76 to 21. Today’s bill, S. 732, is nearly identical to last year’s bill, with one major problem: To comply with the President’s budget request of $284 billion, we have taken a proportional cut in the Senate highway bill of approximately 10.7 percent.

During conference last year, we were presented with $299 billion in contract authority and $284 billion in guaranteed spending. Today, our obligation limit to the contract authority members are both the same, at $284 billion. I do not think that will work.

Last year, $284 billion was not sufficient to meet the transportation and safety needs in my State and, I think, many other States. I thought then, and continue to believe, more money is necessary. I understand the Finance Committee will be offering an amendment which we on the Environment and Public Works Committee will be supporting. During the conference debate, my colleague from Missouri, Senator Talent, along with the Senator from Michigan, Senator Stabenow, offered an amendment that any revenue that does not add to the deficit should be spent. It passed with more than 80 Senators supporting it. I think the Senate will have a similar position when we provide for additional revenues with defensible efforts.

The bill we are bringing to the floor has safeguards.

First, equity. While previous authorizations have talked about equity, our bill carefully balances the needs of the donor States, while also recognizing the needs of the donee States. There are many sections of the bill I am proud of supporting, such as the fact that all donor States will receive, at the minimum, a 92-percent rate of return by the end of the authorization.

My State of Missouri is a donor State which essentially means that for every dollar we spend on transportation, we receive less than a dollar in return. In 2004, it was 92 cents. There are many States that fall under the $1 rate of return—unfortunately, only about 20 of them, which means there were 30 votes for the donee States that got back more than a dollar, and that is where our problem was.

Last year, with the more robust funding, we were able to get all States up to 92 percent. We were unable to achieve this rate of return as a result of going from $318 billion down to $284 billion.

Donor States that support additional revenue above $284 billion can expect an increase in their rate of return to bring the bills more in line with last year’s bill, but I do not think anybody is talking about $318 billion anymore.

I worked diligently with Chairman Inhofe, Senator Jeffords, and Senator Baucus to ensure the bill remains as fair and equitable as possible among all States. I am aware some of the donor States, which we commonly refer to as superdonors—it is nice when you get to select the epithet by which you are called. I wish I had thought of being called a superdonor or a deserving donor. Senator Inhofe and I come from deserving donor States. We will add Senator Thune into the deserving donor States. But superdonors are concerned that the roads and bridges in their States that are growing below average are the ones who, it seems to me, should be complaining. We were unable to bring up donor States as early as we might have wished due to budget constraints, as well as balancing the needs of the donor States with the needs of the donee States.

For this reason, as most donor States grow, the donee States see a gradual decline to bring greater equity between the States. But the States that are growing all will grow at not less than 10 percent over the previous bill, TEA-21. We are hopeful that with additional revenue, we will be able to raise that floor.

Safety is another key feature. We will have a long way to go to bring greater safety to our roads. The bill also has more than 80 Senators supporting it. I think the Senate will have a similar position when we provide for additional revenues with defensible efforts.

In my State of Missouri, we know inadequate roads not only lead to congestion, pollution, lack of economic growth, and they delay, deny, and derail economic opportunity, but they also kill people. Missouri highways, probably close to 40 percent, if not more, can be attributed to inadequate roads. I have driven all the Federal highways and all the State highways and a lot of the county roads in Missouri, and I can tell you we have Federal highways which are two-lane highways which have traffic that everybody agrees should be on four lanes. What happens? We have rear-end collisions, passing on blind curves and hills, and we have fatalities.

My home State of Missouri, as many other donor States, has some of the worst roads in the Nation. We are among, unfortunately, that distinguished group that has the highest fatalities per million miles driven on the roads.

That is a distinction we do not like. Recent reports say we have the fifth worst roads in the Nation, with 65 percent of our major roads in fair to poor condition requiring immediate attention. We also rank fourth from the bottom in deficient bridges in the Nation.

Our committee has heard voluminous testimony from the administration that nearly 43,000 people were killed on our roads and highways last year alone. I am glad this bill reflects a continued commitment making not only investments in infrastructure but for the general safety and welfare of our constituents.

The bill addresses several environmental issues, such as easeing the transition under new air quality standards. The conformity process is better targeted with air quality planning, as well as streamlining the project delivery process by providing the necessary tools to reduce or eliminate unnecessary delays during environmental reviews.

Another accomplishment of our package will ensure transportation projects are built more quickly because environmental stakeholders will be brought to the table sooner. Environmental issues will be raised earlier and donee States will have better opportunities to shape projects.

Projects more sensitive to environmental concerns will move through a more structured environmental review process, more efficiently, with fewer delays. Transportation projects will not make air worse in areas with poor air quality while giving local transportation planners more tools and elbow room to meet their Federal air quality responsibilities.

The bill will put transportation planning on a regular 4-year cycle, require air quality checks with projects large enough to be regionally significant, and reduce current barriers that local officials face in adopting projects that improve air quality.

The final goal is jobs. The Department of Transportation estimates that every $1 billion in new Federal investment creates 47,500 jobs. To the Associated General Contractors, the same $1 billion investment yields half of that in new orders from manufacturing and half of that spread through other sectors of the economy. Construction pay averages $19 per hour, 23 percent higher than the private sector average.

This comprehensive package is a good step forward to creating jobs, but as a Governor of the State where we placed a high emphasis on economic development, it is not only the jobs that are created in construction, it is the jobs that are created by the existenve of adequate, safe transportation that assures continued growth.

We have spent a lot of time in this body talking about how we get our economy to grow, how we create jobs. Passing this bill to create jobs now and facilitate the creation of jobs in the future is the best thing we can do. I am hopeful our colleagues in the Senate will agree to move this bill quickly in order to pass this legislation prior to the current May 31 expiration date.

I thank the Chair and I reserve the remainder of the time for the leader on this side.
THUNE from South Dakota, a donee that we have heard from Senator Missouri, Mr. BOND, for his hard work and commitment to the road available to Southern Arizona and the road available to Southern California, and the other States between them, and the road available to New Mexico, Texas, New Mexico, and Arizona, are all encompassing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I rise to respond to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise to respond to the Senator from Oklahoma.

Mr. BOND. I appreciate the Senator’s enthusiasm, but I am concerned that we have a bill that is not going to be able to fix the problems we have, and that we are not going to be able to operate on extension, there will be no new safety core program to help the States respond to the thousands of deaths each year on our roadways.

I would say to the Senator from Vermont, this is a life-or-death type of a bill before us because more people are going to die if we do not pass the bill, if we just operate on extensions.

If we were to pass this new authorization bill, there would be no new safety core program to help the States respond to the thousands of deaths each year on our roadways.

The Democrats and Republicans on this committee had to have a bill that had to be a compromise, and it is a compromise.

The PRESIDING OFFICER. Mr. INHOFE, the bill offers an increased ability to use innovative financing methods. In California and in Texas, they have been able to do some things where they have convinced us they get many more miles and much more local participation by the public, by larger contributions from the public, and it is something that we would not be able to do nationwide if we do not get this bill and we just operate on an extension.

There are a lot of people who are very concerned about a provision in our bill that is called the Safe Routes to School. I know the Senator from Vermont has been interested in that. This is something where we would be talking about saving young lives. Right now, the provision is not there. So if we have an extension, it is merely an extension of TEA-21, the one that we have been operating under for the last 7 years.

If we are not able to pass this bill, then the States will continue to have uncertainty in planning, thereby delaying projects and negatively impacting jobs.

The Senator from Missouri commented that for each $1 billion spent, it means 47,000 new jobs. That would be the biggest job bill possible in the history of America. But if we operate on an extension, there can be no planning. There is not going to be the construction.

The Senator from Missouri is from a northern State and so is the Senator from Vermont. In Oklahoma, though, our construction time is longer than it is in Vermont, and it is actually longer than it is in the State of Missouri. It is something that has to be considered because if we have those delays and they cannot plan in advance, we are not going to have the construction. We are not going to be able to correct these problems.

Mr. INHOFE. The bill offers an increased ability to use innovative financing. Out in California and in Texas, they have been able to do some things where they have convinced us they get many more miles and much more local participation by the public, by larger contributions from the public, and it is something that we would not be able to do nationwide if we do not get this bill and we just operate on an extension.

Mr. INHOFE. I thank the Senator.
Oklahoma delegation that voted against NAFTA. I think I was right and they were wrong, but nonetheless when we look at what we are able to do with the borders and corridors program, it is something that is very critical for those states.

My State of Oklahoma is also affected by that because those corridors come through the State of Oklahoma. If we do not have the bill, we just have an extension, there is going to be a delay in transportation. I think we need the national commission to explore how to fund transportation in the future. As motor vehicles become more fuel efficient, a tax collection system based solely on gas consumption becomes less practical. Right now the greatest problem we have is the cost of fuel. We have been very much concerned about that. If our taxes were based on a percentage as opposed to a number of cents or dollars, then we would not have that problem. But in Oklahoma if we are paying $2.20 for gas instead of what it was a short while ago, about $1.40, then people are not going to drive as far. When they do not drive as far, that means the tax revenues are going to come down.

There is no reason we have to continue to do business as we have done business for the last 50, 60, 70 years and not come up with new and innovative ways to pay for our system.

In this bill we have a provision for a national commission to look at different transportation funding in the future. One of my complaints when we talk about the highway trust fund is about how we should or should not pay for it. Every time this body has a new policy, it should not be paid for by the backs of the highway trust fund. This has happened to other trust funds. This has happened to the highway trust fund. I see that as a moral issue.

In fact, when we had our bill out last year, we looked at it as if this is something we can afford to do because it was paid for almost entirely out of user taxes. Now, if you go to the pump and you pay a Federal tax on the gasoline you buy, you assume that will go to building roads and maintaining roads. But as I go around the country, I have never complained about it. I complain about every other tax, but I don’t complain about the highway taxes because I know that is how we will pay for it. They have been diverting money out of the trust fund and putting it into other projects.

What we did in last year’s bill, and it is in this year’s bill also, is restore that so money will have to go to repairing roads that go into the highway system. If we do not pass this bill, it is not going to do that.

To reiterate, regarding the pending bill, 76 Senators voted for it last year. Very few changes have been made. We produced a solid project last year to go to conference with the House. I suggest that given a few changes we would have made, we would have been able to move it out and we would not be here today. This should have happened a year ago. This should not be happening now.

The bill managers are ready and willing to discuss Members’ amendments. We want to work with you on your concerns. We hope you will come down and offer amendments. We will have this vote in 9 minutes. How quickly time flies when you are having fun. When we have this vote, I anticipate it will be a successful vote and we will be able to get on the bill and start with amendments. Then that is when I feel certain hope all those individuals who have said negative things about this bill—they didn’t like part of the formula, they didn’t think they were treated fairly, they thought they were blemished to the capitol States—come down and offer amendments.

I don’t think any of us in terms of Senator Jeffords, myself, Senator Baucus, and Senator Bond, are going to complain. We may not like the amendments, but we want to have the amendments offered, if for no other reason than it is important so people realize you cannot make one change in a bill without affecting everyone else. I know formulas are different.

It would be easier had the Senate done the easy thing. That is, Senator Jeffords and I could go to 60 Members of this 100-Member body and make them sweetheart deals, give them what they wanted to get them their votes, get 60 votes and tell the rest of them, it is your problem. And we would have a bill today. That is not how we want to do business. We feel we can do it being fair to our colleagues and do it on the basis of a formula.

We had Members who were going to be heard on the motion to proceed and they have not arrived. I suggest the absence of a quorum.

THE PRESIDENT. The clerk will call the roll.

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

The PRESIDENT. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member for their work on this issue. I urge my colleagues to support invoking cloture on this important legislation.

I had a meeting yesterday morning with highway contractors in my State. They once again impressed upon me the urgency of passing new highway legislation.

In my part of the country—I represent North Dakota—our construction season is a short one. We urgently need action. There are contracts that are being held up, actions that need to be taken to improve the road network in my State that are being held because there is no new highway legislation passed.

We keep passing extenders. But that does not make adjustments for the increased needs across the country. We know much of our bridge system is deficient and in serious need of repair. We know many of the roads in our country need repair. New highways need to be constructed. Much of that activity will not occur unless new highway legislation passes the Congress.
I thank the chairman and the ranking member for the extraordinary efforts they have made to advance this legislation. We are being held up here because some are unhappy, some are not getting all they would like to get. That is pretty much the norm around here. Quite honestly, I wish it were otherwise. I would like much more for my State. But I know the reality we confront. I know the urgency of the need to act.

I ask my colleagues, please, let’s invoke cloture. Let’s proceed. We will still have opportunities to amend this bill. Members can come before the Senate and offer amendments to change this legislation. They can either prevail or lose, but they will have had their chance. I hope my colleagues will support the move to invoke cloture on this legislation so we can proceed, so the American people can know the important business of highway construction, highway repair, bridge construction, and bridge repair can move forward.

Mr. JEFFORDS. Mr. President, I thank the Senator for his good words. I hope the Senators viewing this will join so we can expedite passage of this bill.

Mr. CONRAD. Mr. President, again I thank the ranking member, Senator Jeffords, who has put so much time and effort into this legislation so that all at the table are fairly represented.

I thank the chairman, as well. The chairman has strived valiantly over an extended period of time. I remember last year as we moved, we hoped, toward conclusion, our House colleagues had a different point of view than the Senate. I thank the chairman and ranking member for their exceptional efforts.

Now we have a chance to do it, to move forward. We need this cloture vote to proceed.

I yield the floor.

Mr. INHOFE. I thank the Senator from North Dakota. It is not a great problem in Oklahoma as the problem in North Dakota because your construction season is shorter than ours. Right now one of our major concerns is that we can get in there and get the contracts in a timely fashion so we can get under construction and do the work we are supposed to be doing.

Also, before the Senator from North Dakota came in, we commented this is somewhat of a life-and-death situation. Last year, nearly 43,000 people died on our Nation’s highways. This represents the single greatest cause of accidental death in Americans ages 2 to 33.

The core safety programs will be corrected. According to the Department of Transportation, time in congestion increased from 31.7 percent in 1992 to 33 percent in 2000. We had several discussions yesterday about the cost of fuel and the fact that if you have all this congestion—certainly to know what this is in Washington, DC—the cars are out there idling, burning fuel, not getting anywhere. We need to get this country moving.
Hubble has rewritten the science textbooks almost every year. It has exceeded our wildest expectations. But it didn’t start that way. Fifteen years ago, I was chairing the subcommittee that finances NASA, and we were so excited when Hubble took off. But no sooner did we believe that the Hubble did not work. Something was wrong with its mirror. Hubble could not see. I immediately had a hearing and said, oh my gosh, Hubble has a cataract. It needs space surgery. We asked for money for space contact lens. Well, I never saw myself as a space ophthalmologist, but, quite frankly, working with my dear friend from the other side of the aisle, Senator Jake Garn, we took a risk to finance the fix for Hubble. Well, this country and this world, this big planet, was not disappointed. We took the risk because we believed in Hubble’s potential. We believed in the engineers and the scientists at NASA. We fixed it and return safely to Earth. Thanks to those astronauts and engineers, Hubble was saved. We did fix it with a contact lens that was in place for many years. We have had to go back to space and give it new batteries. We have also had to give it new gyroscopes so it doesn’t vibrate in space. We even improved its lens. Each year it gets better and better. From the brink of failure to extraordinary success, this has been the story of Hubble.

Now we are once again going to have to come to the rescue of Hubble. Last year, the NASA Administrator announced that he was terminating the final servicing mission to give Hubble new batteries and extend its life. The Administrator rejected it, saying that the Hubble would shut down in 4 years when its battery runs out. The reason he gave was astronaut safety. I was troubled because that because astronaut safety has been No. 1 priority as an appropriator for the space program.

However, I was uncertain about that decision and, like any good scientist, I asked for a second opinion. First, I asked Admiral Gehman, who had done the study of what went wrong with Columbia, for his opinion. He said go to the National Academy of Sciences. I did that, and we found a study that concluded that a servicing mission was no more risky than going back to the space station.

Once again, Mr. President, our shuttle is going to start flying again, and our hearts and prayers will go with Colonel Collins as she takes astronauts back into space and, God willing and with the help of our engineers, returns to Earth safely.

The next mission needs to go up and fix the Hubble. I believe the American people want that, too. Now we have to find the wallet. President George Bush, with poor advice from the National Academy of Sciences, I concluded that a servicing mission was not a good idea, and make some interesting new friends. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m. Thereupon, the Senate, at 12:25 p.m., recessed and, at 2:16 p.m., reassembled when called to order by the Presiding Officer (Mr. Voinovich).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise today to talk about simple fairness and equity in this highway bill. I commend the chairman and managers of the bill for working hard to get it to the floor. Now that it is here, I have some serious concerns with the bill, as reported, that I would like to share with my colleagues.

This bill is not fair to the States called donor States that send more of their Federal gas tax dollar and get less of it in return. Those are called donor States. We donor States—and Florida is one of them—are, once again, being cheated out of our fair share of highway dollars. Florida and roughly 20 other donor States deserve true equity, not simply what the donee States think we should be happy with. They send in a dollar of gas tax but they get more than a dollar in return. Our States, the donee States, send in a dollar of gas tax money, and we receive less than a dollar of gas tax money in return.

In the case of Florida over the years, it has been in the seventies. Presently—although it is scored at 90 cents—return on the dollar, in reality, when all the formulas are plugged in, is more like 87 cents. So in Florida we send a dollar of gas tax money to Washington, and we get only 87 cents of that dollar back. That is not fair.

The argument that I am making is not a new argument. These are arguments that the ones who send in a dollar and get back less of their gas tax money are pitted against the donee States. Approximately 30 of the donee States get back more than a dollar of the gas tax money. So there are 20 States that get less and approximately 30 States that get more. I am tired of hearing we should be happy with what we get. I am tired of hearing with the redistribution of the gas tax money in the Highway bill.

Last year’s bill that we passed in the Senate got us a lot further toward equity than this year’s bill. I was disappointed, even in those although we had a target to get us from 90 percent, which is really 87 percent, return on our gas tax dollar, all the way up to 95 percent, we did not get that 95 cents back on the dollar until the very last year of the 6-year authorization of the highway bill.

Florida is in the category with other States such as Arizona, California, and Texas. We were not going to get 90 cents on the dollar, boosted to 95 cents on the dollar, until the very last of 6 years in the bill. Those States that I just mentioned, mine included, are named superdonor States. In reality, it means we are the last in line to get our fair share.

Well, I never saw myself as a space ophthalmologist, but, quite frankly, working with my dear friend from the other side of the aisle, Senator Jake Garn, we took a risk to finance the fix for Hubble. Well, this country and this world, this big planet, was not disappointed. We took the risk because we believed in Hubble’s potential. We believed in the engineers and the scientists at NASA. We fixed it and return safely to Earth. Thanks to those astronauts and engineers, Hubble was saved. We did fix it with a contact lens that was in place for many years. We have had to go back to space and give it new batteries. We have also had to give it new gyroscopes so it doesn’t vibrate in space. We even improved its lens. Each year it gets better and better. From the brink of failure to extraordinary success, this has been the story of Hubble.

Now we are once again going to have to come to the rescue of Hubble. Last year, the NASA Administrator announced that he was terminating the final servicing mission to give Hubble new batteries and extend its life. The Administrator rejected it, saying that the Hubble would shut down in 4 years when its battery runs out. The reason he gave was astronaut safety. I was troubled because that because astronaut safety has been No. 1 priority as an appropriator for the space program.

However, I was uncertain about that decision and, like any good scientist, I asked for a second opinion. First, I asked Admiral Gehman, who had done the study of what went wrong with Columbia, for his opinion. He said go to the National Academy of Sciences. I did that, and we found a study that concluded that a servicing mission was no more risky than going back to the space station.

Once again, Mr. President, our shuttle is going to start flying again, and our hearts and prayers will go with Colonel Collins as she takes astronauts back into space and, God willing and with the help of our engineers, returns to Earth safely.

The next mission needs to go up and fix the Hubble. I believe the American people want that, too. Now we have to find the wallet. President George Bush, with poor advice from the NASA Administrator, canceled it out of the budget. I want the President to look at those NASA pictures. I want him to know what NASA has meant to the world and to America in space. I am going to work with him, on a bipartisan basis, to find the money to keep Hubble flying and seeing the universe. Who knows, maybe we will meet an alien and make some interesting new friends.

Mr. President, I yield the floor.
number that only donor States want to focus on, is the rate of return on our gas tax dollars. What percentage of Florida taxpayer dollars are actually being returned to Florida to build up our infrastructure, our highways, our bridges, and our transit? I asked that question not only for my State but for 20 other States that are not getting their fair share.

Why is this particularly sensitive to me? Look at all the folks that come to Florida and use our roads. The Orlando area is the No. 1 tourist destination in the world. We have a $50 billion-a-year tourism industry that, in large part, is as a result of our pristine and clear waters on the beaches. People go by car.

What other reasons? Florida is now one of the major growth States also because we are a destination during the twilight years of retirement. That means not only is our population growing at a rapid rate—1,000 people a day net growth in Florida—but on top of that, because of our location tourists are able to come to Florida and they are all using those Florida roads. We desperately need those roads expanded and improved. I can take anyone to parts of Florida and show that if you think traffic jams are big in Washington, D.C., they cannot hold a candle to some of the traffic jams in Florida. States such as mine are the States with the greatest need and we are the States that continue to get the least back on our highway tax dollars. Our populations are increasing by leaps and bounds and the highway rate of return is staying relatively the same in order to pay for the other States to invest in their roads, and those are States that are not growing like Florida, Texas, California, Arizona, and 15 other states. Florida is the third fastest-growing State behind Nevada and Arizona. We will grow by 80 percent in the next 25 years, becoming the third largest State in the country behind California and Texas. Florida will bump New York into fourth place by 2011.

We have to have help on our highways. We need, but we also deserve, our fair share. States such as mine have, for the last half a century, given more than our share of highway funds. The interstate system is complete now. It has been for some time. This formula has been operating for over 50 years. It is past time that donor States get justice and equity and fair shares. We deserve to get 95 cents return on each one of our highway dollars.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, in a moment we are going to make a motion to substitute H.R. 3 so we will be considering the Senate-passed bill as it was passed out of our committee on to the floor. I think it is appropriate to make a couple of comments—and, of course, invite Senator Jeffords to also comment if he wants to—on the time we have taken on this bill.

We have worked on this bill for some 2½ years. It has been bipartisan all the way, all of last year and this year. I think it is something that is a product we can be very proud of. It has provisions in it that if we do not pass will not be considered. If we are on another extension, we will not have the safety provisions. We will not have the streamlining provisions that will help us build more roads per dollar.

We are prepared now to proceed. I understand there is no further debate on the pending motion.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the motion to proceed is agreed to.

The motion was agreed to.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal aid for highways, highway safety programs, and transit programs, and for other purposes.

AMENDMENT NO. 567

(Purpose: To provide a complete substitute)

Mr. INHOFE. I send a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 567.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The amendment (S. 4237) is the substitute. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Text of Amendments.")

Mr. INHOFE. Mr. President, we are now on the substitute. I understand there are some amendments that are either on their way down or are going to be presented at this time. If not, we will talk a little bit about the bill and where we are today. We are prepared to move to accept amendments. We are going to ask Members to bring their amendments to the desk. The majority and minority leaders have agreed to give us the floor time to consider these amendments. The sooner we get this passed and sent to conference, I would think the minority leader would agree with me that this is one of the three most significant bills of the year.

I yield the floor.

Mr. REID. I would like to give a short speech, if the distinguished manager of the bill would not mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I say to my friend, I am not on the committee now, but I have been on the committee during a number of these highway bills. This highway bill has been the most important pieces of legislation that the Senate considers. One reason it is such a good exercise is that it forces bipartisanism. It is extremely important legislation. This is one issue on which Democrats and Republicans agree together. I certainly wish my friend well. It is an important bill, as he and I know. We worked so hard last year to get it done, and for a lot of reasons it did not happen, but the Senator from Oklahoma has my good wishes on this most important bill for not only Nevada but the country.

JUDICIAL NOMINATIONS

For the last several months, the Senate has operated under a cloud, a nuclear cloud. I would like to give just a brief history for those who are here today. Filibusters have been part of our history from the very beginning of our Republic. In the early years of our country, there were a number of filibusters, but there was no way to stop them. As a result of this, because of the filibuster, a lot of things were not accomplished that Senators wanted to accomplish. In fact, a number of very important Cabinet nominations did not happen because of the filibuster, and a number of judicial appointments in the same way. The way it has been since then.

Of course, had filibusters of judges prior to 1917. We have had filibusters of judges since then. In recent years, we have had the person who was nominated to be Chief Justice of the Supreme Court, Abe Fortas, who was a member of the Court, filibustered. He was not able to go forward. There are a number of other people who were nominated to be judges, specifically circuit court judges, and there were filibusters conducted by my friends, the Republicans. There were efforts made to stop those with cloture motions. The two that come to my mind are two judges from California.

I worked very hard on one of them—a man by the name of Richard Paez. The other was a woman by the name of Marsha Berzon. A cloture motion was filed, and cloture was granted as a result of 60 Senators voting for cloture. My friend, the distinguished Republican leader, knows filibusters have been accomplished against cloture. While he was a Member of the Senate, he voted against cloture on a circuit court judge. So for
people to say there has never been a filibuster of a judge is simply wrong. Twenty-five percent of all Supreme Court Justices have been rejected—not always by filibuster, but for various reasons. More than half the filibusters have been conducted by Republican Senators. I do not think that was unconstitutional.

During the tenure of this President, we have had 215 requests to have his nominations approved. We have approved 117. We have turned down 10. That is a 95- to 97-percent confirmation rate, 10 rejected judges, 7 of whom are currently before the Senate. This does not seem reason enough for me, and I think for most people, to think that longstanding rules in the Senate should be changed.

Remember, everyone has to understand that to change the rules as anticipated with the so-called nuclear option, the majority would have to break the rules. The only way a rule change can be implemented is if a majority actually wants to talk—and that is, in effect, what is being done—is to change the rule. If somebody wants to talk, there must be the votes to stop that. That is not what the majority is talking about. They are talking about doing something illegal. They are talking about breaking the rules to change the rules, and that is not appropriate.

That is not fair, and it is not right. The claim that there has been no filibusters, as I indicated, ignores history, including recent history. Throughout the years, many judicial nominees have been denied up-or-down votes. As we know, during the Clinton administration, 17 judges never even got a hearing before the Judiciary Committee. They were dumped into this big dark hole and never saw the light of day. Some of them waited for a very long time, including Richard Paez, who waited for over 4 years. Some of the proponents of the so-called nuclear option opposed closure on the nominations of President Clinton’s nominees.

America is paying attention to this hypocrisy. Citizens are alarmed about what the Republican majority is planning to do. According to a poll that was released yesterday, Americans oppose this—Democrats, Republicans, Independents—by a 2-to-1 margin. They oppose changing the rules to make it easier for the President to stack the courts with radical judges. The American people, in effect, reject the nuclear option because they see it for what it is—an abuse of power, arrogance of power. Lord Acton said power corrupts, and absolute power corrupts absolutely.

The American people need to understand what is going on here in our Congress. Across the way in the House of Representatives, the majority leader was censored three times within 1 year. He will not be censored again because they changed the rules in the middle of the game. That is what is going on. The rules are being changed in the middle of the game. They are breaking the rules to change the rules.

Regardless of one’s political affiliation, Americans understand this is a partisan political grab. Nearly half the Republicans polled opposed any rules change, joining 8 in 10 Democrats and 7 Independents.

Over the last several months, I have talked about a solution. We need to step forward and try to work something out here. I tried to do that—gave a long speech on the history of the filibuster and how we were stopping this constitutional option. Frank Luntz gave nuclear option a new name. And bang, today we get Karl Rove saying everything will be a choice before juries. I had more than 100 jury trials. Every time I had a jury trial was a failure. It was a failure because it indicated the participants could not work things out on their own. That is how I feel about this. We should be able to work this out. We should be able to work it out. My door has always been open to responsible Republicans who do not want the Senate to head down this unproductive path.

I wrote to the majority leader on March 15 and expressed a willingness to find a way out of this predicament we find ourselves in, to find a solution. My friend, the distinguished majority leader, replied 2 days later he would propose a compromise for resolving this issue. We are still waiting on that proposal.

Now, it appears maybe that I hope this is untrue—that Republican leaders in the Senate do not want a compromise. Senator Frist and I do not do our negotiations in public, but he and I had a nice conversation about a number of issues about 12:15 today. One of the issues was the way any proposal to try to resolve this. I thought it was a very constructive meeting. I walked into a conference at quarter to 1, and I was told he issued a statement that there would be no compromise. I don’t believe that. The wires are crossed here somewhere. I hope that, in fact, is the case.

This is something that needs to be resolved. One of my concerns involves Karl Rove. I know Karl Rove was up here to talk to the Senate. He is from Nevada. I like Karl Rove. He has not been elected either to the executive branch of Government or to the legislative branch of Government. I believe in the separation of powers. I believe this legislative branch of Government is as strong as and as important as the executive branch and the judicial branch of Government. We should conduct our business, especially when it deals with procedures and rules of the Senate, without interference from the White House. In fact, I thought this is where we were headed.

I spoke to the President at the White House. My distinguished friend, the as- sistant majority leader, was there. I asked the President if he would step into this issue dealing with the nuclear option and help us resolve this, because we have lots of important legislative issues to accomplish.

The President, without any hesitation, said to me, in effect, that this is a legislative matter. He said he was not going to get involved in it at all. I was dumbfounded to find that the Vice President, a few days later, was giving a speech—and I know under his constitutional role he has certain obligations, one of which is if we are in a tie, he breaks the tie; I have no qualms about having to do that—he gave a long speech on the history of the filibuster and how we were stopping this constitutional option. Frank Luntz gave nuclear option a new name. And bang, today we get Karl Rove saying everything will be a choice before juries. There will be no compromise, saying that we want all of our judges, plus Bolton.

These are not positions that allow for compromise. I want to work this out. These are not positions that allow the Senate to proceed with the work of the American people. These are positions that force a confrontation. I don’t think we need that. These are positions that divert attention from the real problems facing America. Gas prices, gas prices, gas prices, gas prices, nearly $2.75 a gallon in Nevada. That is higher than in California. We have poor schools, problems with schools all over America. Minnesota is no different from Nevada. They have problems in their schools. They have inadequate health care coverage.

Again, 95 percent of the President’s nominees have been confirmed. The majority leader has said he is willing to break the rules, to change the rules. He will be gone in 15 months and we will still be around. It would not be the right thing to do.

Ultimately, this is about removing the last check in Washington against complete abuse of power, the right to extended debate.

Ronald Reagan sent people to the Supreme Court. Richard Nixon sent people to the Supreme Court. There are still two men there who were nominated by Nixon. We have people—George Bush No. 1 sent here. Seven of the nine members of the U.S. Supreme Court are Republican appointees. Yet there have been attacks on these people, vile things said about David Souter, vile things said about Justice Kennedy, and others.

The radical right, not representing the mainstream Republicans in this country, wants a different kind of Supreme Court. A different kind of judge—maybe that is the case—one who would roll back equality, liberty, and the rights of all Americans. I don’t think that is why President Reagan put his appointees on the Supreme Court. I don’t believe that is what President Bush No. 1 put his appointees on the Supreme Court.

I think those who were elected to this body, the people who sent us here—not Karl Rove, not James Dobson, not Karl Rove—those who are elected to this body should work out a solution.

There is a way to avoid this nuclear shutdown. I have outlined a proposal for my collective colleagues in some detail in an effort to protect an independent judiciary and to preserve the Founding Fathers’ vision of the Senate. I am not going to go into the details of my conversations with my
friend Senator Frist and other Members of the majority. I spoke in private. But I want to talk about why compromise is necessary.

We stand united against the constitutional or nuclear option, all 45 of us. We have to. It is not possible to continue with a check and balance. We cannot allow people to make a majority decision. The American people want to see the balance of power. They want to see the checks and balances, not violate them; to protect the separation of power. My offer protects those checks and balances. It allows for a compromise on the nuclear option.

As indicated more than once, we have seen what has happened. The American people will accept.

But I want to talk about why compromise is necessary. We cannot make both parties happy. We have to make sure that what the distinguished leader has been saying is true.

Mr. LEAHY. Mr. President, will the Senator from Kentucky, inasmuch as I have been in the Senate, but particularly during the last 5 months, do not detail that. I have been in the Senate, but particularly during the last 5 months.

The PRESIDING OFFICER. The majority whip.

Mr. LEAHY. Mr. President, the compromise on this, which is hard to do. I believe my proposal strikes the right balance. I hope so because I tried. It protects our democracy and the independence of our Federal courts. It protects the American people, lets us do our business, and can break partisan stalemates that are unnecessarily divisive. It emphasizes that any potential compromise is of course contingent on a commitment that the nuclear option will not be exercised in this Congress or any Congress. It is very important to understand this is not all done in a vacuum.

What have I been able to work out our way through this. I always felt that a good settlement in all those cases I had, the best settlement was when both parties walked out saying, I am happy. We cannot make both parties happy. We have to have compromise. We will have to be statesmen and come up with something the American people will accept.

I think that the same poll I talked about here, people feel about the nuclear option— I know, reading those polls, that the present numbers are tumbling downward. I know that because of what has gone on, for a lot of different reasons. But the general view of the Congress is not that good.

I think it would be a good moment for the American people if Senator Frist and I could walk out before the American people and say that we have been able to work out our differences. I think the American people would like that. If we do not do that, it is going to be a difficult situation, as I have indicated in great detail. This is not a New Gingrich threat. We are not going to shut down the Government. But we are going to work on a number of issues that we feel are important to the American people. In fact, our hours will probably be longer, rather than shorter.

Mr. President, I appreciate everyone’s courtesy, and I especially thank my friend from Oklahoma.

If we are going to work during the Clinton years, and during the first 4 years of President Bush, we had a workhorse in the Judiciary Committee. He was chairman; he was ranking member; he was chairman. It went back and forth. He had talked to a lot of different people, standing up for what he believes is right for this country. So I want the record to reflect how much I appreciate the support and the advice and counsel that I have received from Senator Pat LEAHY during the years I have been in the Senate, but particularly during the last 5 months.

The PRESIDING OFFICER. The majority whip.

Mr. LEAHY. Mr. President, will the Senator from Vermont asking for 2 minutes?

Mr. LEAHY. Yes.

Mr. President, one, I compliment the Senator from Nevada. I appreciate the kind words he has said about me. I know how hard he has worked to work out this issue. I have been in a number of meetings with him. I have been in some of those same discussions with my friends on the other side of the aisle. All of us agree this is a reasonable way to work it out.

We should not be talking about judges under the question of nuclear options or religious tests or all the other red herrings that have been out there. This is not about the Constitution. The Constitution is. It speaks of advice and consent. Both the President of the United States and the Senate have a role.

This begins at the other end of Pennsylvania Avenue. The President cannot just simply say: I will send and you will consent. It says advice and consent. I think what the distinguished Senator from Nevada has said is something the Senate has never seen. It could end up destroying what is left of comity in the Senate and undo our efforts to move forward on issues the American public cares about.

But the compromise is offered in the best of faith. We seriously love this body and wish to avoid ripping it apart. We plead with our colleagues on the other side—the Republican leadership but also those 10 or 12 Republican Members who know this is wrong but are under tremendous pressure to make it come about. I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, let me first join in the compliments that have been expressed toward the Democratic leader. He is new to his position. This new precedent, set in the Senate over the last Congress, in which we routinely saw filibustering for the purpose of defeating circuit judges, was not something introduced under Senator Reid’s majority leadership.

We have had numerous conversations here, and I have had very many with Senator Reid. He has had a number of conversations with the majority leader about how we might be able to get the Senate back to the way it operated for 214 years quite comfortably.

So far, a compromise has not been achieved. But I compliment the Democratic leader for his willingness to discuss the issue and his understanding that where the Senate is today is simply unacceptable.

So let me just for a moment about what is not in dispute. What is not in dispute is that for 214 years the filibuster was not used to kill a nomination for the judiciary when a majority
of the Members of the Senate were for that nominee. When a majority of the Members of this body have been for a nominee, the filibuster has never been used to defeat a nominee in the history of the country.

If the question were to have a few cloture votes. My good friend from Nevada, the Democratic leader, mentioned two that I think are illustrative of how the Senate should operate. Toward the end of the Clinton years, we had two nominations that were quite controversial and quite far to the left, for the Ninth Circuit, which some would argue did not need to be pushed any further to the left.

Senator LOTT was the majority leader then. Senator Daschle was the Democratic leader. There were people on this side of the aisle who did not want to see either of those nominees go forward and were prepared to filibuster those nominees for the purpose of defeating them. I think the filibuster has never been used to stop people on our side of the aisle: That is a bad idea. He joined with Senator Daschle and filed cloture not for the purpose of defeating the two nominations but for the purpose of advancing them. There were 41 Republicans on this side of the aisle prepared to filibuster for the purpose of defeating those nominations.

Responsible leadership on both sides conspired, filed cloture, and cloture was invoked. There was an example of a body who was not keen on either of those nominees. I voted for cloture because I believed then, and believe now, that judges are entitled to an up-or-down vote here in the Senate, that any President is entitled to that courtesy. So cloture was invoked as a result of the leadership of Senator Daschle and Senator LOTT. We had the votes on the nominees. They both were confirmed— not with my vote but confirmed.

That was the Senate I fought to operate when there are some Members on each side of the aisle who would go so far as to deny a judge an up-or-down vote. That was the status quo until the last Congress, when, for the first time in the history of the Senate, the filibuster was used for the purpose of defeating a nominee, even when the nominee had a majority of support in the Senate. So there have been no filibusters for the purpose of killing nominees until the last Congress.

Second, there has been a lot of discussion about polls, particularly the unbelievable poll on the front page of the Washington Post today which might give some comfort to those who think filibustering judges for the purpose of defeating them is a good idea. Until you read the way the question was asked. The way the question was asked was almost guaranteed to get the answer.

A more appropriate way to ask the question was the way it was asked in a recent survey by Voter Consumer Research. In that survey, 81 percent of those tested agreed with the idea that “even if they disagree with a judge, Senate Democrats should at least allow the President’s nomination to be voted on,” and only 18 percent disagreed with that, an unbiased way of stating the question. Even if you disagree with the nominee, should the nominee get an up-or-down vote: 80 percent yes; 18 percent no. That is where the American people are on this issue.

With regard to the President’s involvement, the President has not been involved in this, but the Vice President happens to be the President of the Senate. He is, because of his duties as President of the Senate, going to be called upon at some point, should we have to go so far as to exercise the Byrd option or constitutional option—and let me make the point that the constitutional option is simply a precedent interpreting a rule of the Senate. I have heard it said on numerous occasions that what they have done out here on the floor of the Senate in the last Congress is no different from what the Republicans did in committe during the Clinton years. I would suggest that any solution to the problem include some kind of expedited procedure under which nominees could get out of committee in an orderly way and get voted on up or down on the Senate floor, thereby eliminating the possibility that the majority party could, in committee, in effect do the same thing that they did with the last Congress on the floor. We could level the playing field and make certain that any President’s nominee is given fair consideration in committee and fair consideration on the floor.

These are the kinds of things we have been kicking around, discussing in good faith on both sides of the aisle. Again, I compliment the Democratic leader. He has certainly been willing to discuss the issue. I believe we both want the President of the United States to take a window broken. There wasn’t a demonstration held. There were no fires set. He became President. I didn’t vote for him. When he was elected the first time, I didn’t vote for him. But we are a country that is so unique. When his election was decided by the Supreme Court after that election, there wasn’t a window broken. There wasn’t a demonstration held.

I would just like to say this to the Presiding Officer, being a new Senator, and some others here: One of the problems I have is the deference to the President. Mr. REID. Mr. President, I appreciate the statement of my distinguished friend. We have worked together for a long time. I appreciate the deference to the President that you gave. I am sure the Democratic leader is recognized.

Mr. REID. Mr. President, I appreciate the deference to the President of the United States does not take away the fact that he is President, not king. With all the power that he has in that vast bureaucracy, he has no more power than we have in the legislative branch.

My distinguished friend, the Senator from Kentucky, said: We need to give deference to the President’s nominations. Yes, I think we need to give deference to the President’s nominations, but we are not a rubber stamp for the President. We have an advice and consent role. My friend said he doesn’t think it is right to have 41 Members hold up a vote on his judicial nominations. I think it speaks volumes to a
I agree with my friend from Kentucky. I don’t think we should be looking to pick fights and say that everybody the President sends up here has to be what we want. We know it is the President’s prerogative. But for 214 years, the President consulted with the Senate. The Senate was important and for many years the committee honored the blue slip, which ensured consultation. We know that during the last few years of the Clinton administration, Senator HATCH said: We are not going to approve any of these judges unless you run the names past me. That is how we came up with Ginsburg and Breyer. Orrin HATCH and the Republicans, at that time in the majority, and in the minority other times, said that they liked Breyer and Ginsburg. These nominees flew right through here. Perhaps President Clinton would have liked to have had somebody else. Maybe they were not his first choice. They got out of this body quickly.

So we have this consultation for a long period of time. We honored the blue-slip policy, which ensured consultation. I haven’t yet mentioned that one of the many positive things all the political writers talk about is that the filibuster brings about compromise and consultation. You are forced to come and talk about issues, whether it is a piece of legislation the Senator from Florida is trying to get through or whether it is a nomination. I got a call from a Senator today saying: I have a hold on a Senate Cabinet officer, and I want to talk to you about it and see if you can help me work something out. It brings people together. I am confident that on an important issue for the President, we can do that.

Mr. President, I very much thank my friend from Kentucky—not only what he said, but how he said it. I hope something can be resolved here. The right to unlimited debate is something this country has had and something that if a filibuster is OK then it should be filibustering a lot of judges unnecessarily, but a filibuster is sometimes warranted. There may be unusual situations in the future where we will need to rely on this procedure.

I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. Mr. President, I can make it in the form of a question. Mr. Reid. I am happy to answer a question.

Mr. McCONNELL. Basically, what I want to do is not ask him a question, but allay his concerns about this being a slippery slope that would lead to the end of the legislative filibuster. We had that vote in 1995. I think my good friend from Nevada, to get rid of the filibuster, period. It got only 19 votes; all 19 of them were Democrats. Not a single Republican voted to get rid of the legislative filibuster. Interestingly enough, this was the first vote after the President was sworn into the Senate. So, arguably, we would have a majority but they had enough votes when the President was sworn into the Senate.

I am happy to yield to my friend from New York.

Mr. SCHUMER. I thank the Senator. I will address a question to my friend from Nevada. I have two questions. I will ask them both. The first is this: Our good friend from Kentucky did speak of compromise, and we do want compromise. But you cannot call something a compromise and then say I
want to win everything. To say that there would be no filibusters of any kind of compromise—that you can say the sky is green—it is not a compromise.

So my first question to my good friend and leader, whom I am proud to serve, is: Would this side saying we will not filibuster any judge be some kind of compromise at all? The second question to my colleague—I will ask both at once—is this: My friend from Kentucky said: Well, we want an up-or-down vote. Majority rules. Are there not many instances where the Senate does not operate by majority rule, where 60 votes are called for, where 67 votes are called for? In fact, I argue it can be said that 51 Senators, representing only 21 percent of the population of the United States, can make law. Isn’t it a fact that the Founding Fathers wanted the Senate to be something of a different animal, not a place where if you had 51 percent, you got your way 100 percent of the time but, rather, a place where the rules, the tradition, the way of thinking said come together for compromise; and, in fact, isn’t it a fact that the time when this is most important, when the Senate plays its most important role, is when the President, the House, and the Senate are on opposite sides?

My two questions: Is it a compromise—so-called compromise—that says no filibuster on any judges and discharge petitions on all judges, any compromise at all, which my friend from Kentucky seems to think it was, even though it would be everything your side wants and nothing our side wants? And second, is it not true that the Senate has behaved not only in a 51-49 rule governance all the time, but on a tradition of comity, checks and balances, and bipartisanship where a bare majority does not always rule?

Mr. REID. Mr. President, I say to my friend, this was the Great Compromise during the Constitutional Convention, where these visionary men, our Founding Fathers, worked out the difference between the House and the Senate. They did this purposely and specifically.

I say to my friend, there are many issues here that are decided not by 51, not by 60, not by 67, but many issues take unanimous consent. In fact, most things we do in this body are by unanimous consent. All of us have to agree.

We cannot commit to not having any filibusters, but we will exercise to the very best of our ability discretion, judicial discretion, because we think we are in a new day. We believe this is a new Congress, and we want to show the American people we can work together. And I say to everyone listening that I think we have proven that this year. We have worked on issues that have taken 15 years to get to the Senate floor. We know that many people on this side of the aisle did not particularly like the class action bill. We know that many people on this side of the aisle did not particularly like the bankruptcy bill, but we took 15 years of bickering and things the old-fashioned way. We had a bill on the floor, we offered amendments—some failed, some passed—and moved on. Those bills are now law. People may not like that—some do not—but it shows we can work together here.

My plaintive plea to every one of my 99 friends in the Senate is, let’s work something out. Let’s try to get along. Let’s set a picture that Bill Frist and Harry Reid can walk out here not representing these special interest groups but representing the American people and trying to keep this body as it is and has been for over 200 years, and walk out here together and say: We have resolved our differences. We are going to move forward with the business of this country. That is my desire. The PRESIDING OFFICER. The majority whip, Mr. McConnell, Mr. President, briefly, before the Democratic leader leaves, I want to say that the only thing that has really changed in recent years is the occupant of the White House. With all due respect to my good friend and colleague—and I thank him for his cooperation on class action and bankruptcy—this was not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution. That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us, but not easy—here we have my good friend Harry Reid in June of 2001 saying: We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator Schumer is, I believe, still here on the Senate floor. In March of 2000, he said: I also plead with my colleagues to move judges with alacrity. . . . This delay makes a mockery of the Constitution.
Mr. REID. And my answer is yes, and I am going to get off the floor just as quickly as I can.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. REID. Yes.

Mr. SCHUMER. I will be brief, as I know my friend from Missouri has been patient. I want to augment, since my name was mentioned, what my colleague said. What we were talking about was bringing votes to the floor. We did not say majority vote, nor did we talk about filibusters that were going on for Mr. Paez and Ms. Berzon.

The bottom line is those two were not allowed to get votes for 4 years, 5½ years. The nominees here have come to the floor and, by the rules of the Senate, they did not garner sufficient support. It is a lot different not bringing them up at all, and that is what we were talking about, rather than bringing them up and then letting them be disposed of by the Senate rules. In fact, the flip-floppers, the part of it, I believe I was talking to my colleague from New Hampshire: You can debate this as long as you want, just bring it up.

I thank my colleague.

Mr. REID. I appreciate everyone's patience.

The PRESIDING OFFICER. The majority whip.

Mr. McCONNELL. Mr. President, I assure the Senator from Missouri, I am also out through. Listening to Senator Schumer, maybe we have parameters of an understanding here. I think it was probably before the Senator from New York came on the floor, but I suggested that we couple an assurance that we have an up-or-down vote on the floor of the Senate for appellate court judges and Supreme Court Justices with a guaranteed expedited procedure in committee, guarantee that some of the legitimate grievances his party may have had toward the end of the Clinton years could not be committed again. All of this seems to me presents the possibility for an understanding that might settle this issue once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what is the regular order?

The PRESIDING OFFICER. The highway bill is the pending question.

Mr. INHOFE. Mr. President, as we have said, we are on the substitute, our committee substitute. That will be the one that will receive amendments. We have invited Members to come to the floor with their amendments. While we are waiting for those to come to the floor, I will go over what is before us section by section. Then when someone comes in for the purpose of offering an amendment, I will be glad to stop and then yield to that a person.

I first ask if the ranking minority member, Senator Jeffords, had any comments to make before we go on to amendments.

Mr. JEFFORDS. I thank the Senator for the opportunity but the answer is no.

Mr. INHOFE. First, I will start section by section. Section 1101 of the bill authorizes $238.9 billion in guaranteed expenditures over a 6-year period. This level is consistent with levels adopted by the House and the White House. Subtracting authorizations for mass transit and safety and funding for fiscal year 2004, the bill provides $181 billion for maintenance and improvement of roads and bridges over the 5-year period from fiscal year 2005 through 2009.

Let us keep in mind that this was essentially the same bill at a different funding level than we had a year ago this week. I believe. So we already have a year behind us. What we have done for this statement is to say what is there other than what has already been used for the first year, fiscal year 2005, and also mass transit and safety. The report between a robust economy and a strong transportation infrastructure is undeniable. The movement of people and goods is one of the foremost indicators of a growing economy and job creation. At this point, we need to recognize that concerned—were concerned a few years ago—about the economy, and we are recognizing that this administration actually inherited a recession and we are coming out of it now. But there is no solution that would do that would provide more jobs and more economic activity. I suggest to the President that for each 1-percent increase in economic activity, it provides an additional 47,000 jobs. So do the math and we can see what a great boon this would be.

The bill before us today recognizes the realities of available revenues without the need for increasing gas taxes. It is designed to make the most of every available dollar for better and safer roads, while creating thousands of new jobs.

It probably is anticipated that there will be amendments to increase this amount. I anticipate there may be an amendment by the chairman and the ranking member of the Finance Committee, Senator Grassley and Senator Baucus, and if not them then somebody else would probably do it. When this happens, they would, of course, be in a position to come up with the amount of money that would be necessary.

One of the things I commented about last year is that we were always within the amount of money that we could identify—in other words, the amount of money that was anticipated coming in from Federal revenues from gas purchases, along with other areas we could identify.

The total obligation authorized in this bill is $188 billion for a period from fiscal year 2005 to 2009. In addition to the increases in funding for the overall program, the bill makes important changes to the apportionments of a few specific programs. Under TEA-21, which we adopted 7 years ago, the administrative expenses for the Federal Highway Administration were funded as a takedown from the various core programs. This bill recognizes the separate importance of that associated with the administration of the overall highway program. Therefore, the bill funds Federal Highway Administration expenses at its own separate apportionment protecting the autonomy of the individual core programs and the administrative fund itself.

Of the amount designated for program administration, the Secretary of Transportation is also given the authority to transfer an appropriate amount to the administrative expenses of the Appalachian Highway Development System.

As a result of the 2000 census, 46 new metropolitan planning organizations, known as MPOs, have been established throughout the country and 77 percent eligible for Federal transportation planning funding. To respond to this expanded need, we have increased the program set-asides for MPOs from 1 percent under TEA-21 to up to 1½ percent. This, along with the increase in program funds, will help to address the growing transportation planning needs.

Section 1104 is the equity bonus section. TEA-21 used the minimum guarantee calculation to guarantee that States receive back at least 90.5 percent of their percentage contributed to the highway trust fund. This is very significant. It has become quite controversial. Last week and this week we have talked for several hours on this bill about the various donor States. My State of Oklahoma has always been a donor State, since the programs began. I can remember that donor amount was 75 percent; that is to say, each State was guaranteed to get back 75 percent of the money that was sent in. Slowly that has crept up and it is currently at 90.5 percent.

Had we passed the bill that we had in conference last year—the bill that we sent to conference had $318 billion of authorization—then we would have everybody at the end of this 6-year period up to 95 percent. So it would have gone from 90.5 percent to 95 percent.

The minimum guarantee program is designed by a method known as the 1104 table. The bill replaces the old minimum guarantee program and the 1104 table with a new equity bonus program that ensures a percentage return to States of 92 percent in each of the fiscal years 2005 through 2009.

At this point we can say it is very complicated, but the equity bonus program is just what it states: it is an equity program. The program does away with the table in TEA-21 which determined each State's percentage share of the total highway program. Rather than have a State's return be set by a politically driven table, the equity
bonus program determines each State’s return by first relying on the program distribution of formulas. 

This is not the easy way of doing it; this is the hard way of doing it. I am sure Senator Jeffords joins me in saying it would have been a lot easier to have a minimum guarantee for any State, work out their deal, make 60 Members of the Senate happy, and walk away. That would have been done a long time ago if we decided to do it that way. But that is not equitable, and I think that is the way to do business. In fact, I say to people who criticize this bill saying it has pork in it, there are only two projects in the entire bill. The bill before us right now in the form of a substitute only has two projects in it. That is not the case over in the other body. They have several hundred projects. It has been my philosophy, and I think it is shared by the ranking minority, that the closer one gets to home, the better these decisions are made. If we have an equity bonus formula, which I believe we have done, we can send it back to the States and let the local people make the determinations as to how that is going to be spent. Now, a lot of people in Washington do not agree with that. A lot of them think if the decision is not made in Washington, it is not a good decision. I believe we are doing it the right way.

The equity bonus calculation identifies a justifiable nexus in equity between the underlying formulas and responsible balanced growth for donor and donee States alike. If a State fails to reach the minimum return in any year based on the formulas, that State would receive an equity bonus appropriation in addition to their formula funds to bring them up to the required level.

While we allow the formulas to work under the new equity bonus program, we also recognize there would be inequities if we allowed the formulas to be the sole factor in distributing dollars to the States. In order to increase the minimum rate of return for donor States while ensuring an equitable transition of donee States, rates of return are subject to an annual growth ceiling to smooth out the phase-in of increased minimum returns. This accomplishes two goals. First, it keeps the cost of the equity bonus program affordable; secondly, it ensures that donee States are still able to grow so no States grow less than 10 percent over their TEA-21 levels. Everyone is guaranteed an increase from their own levels, at least 10 percent.

There is a cap on equity bonus. No State may receive a portion more than a specific percentage of their average portion received under TEA-21. So you have two caps—a floor and a ceiling. That helps the formulas work.

There are special rules to protect States with population densities less than 20 persons per square mile, a population of less than 1 million, a median household income of less than $35,000, or a State with a fatality rate during 2002 on the interstate highways greater than 1 fatality per 100 million vehicle miles traveled. We said a lot in one paragraph. It shows the complications of a formula. First, we have to take care of the States that do not have a population. Look at Montana, Wyoming, some of the sparsely populated States. They still have to have roads. Second, we have said for the States that might have a lower per capita income, they can still benefit to the extent that they can be. So there is a consideration. My State of Oklahoma is in a different situation than many other States and we would benefit from that. Or a State with a fatality rate during 2002. It is absolutely necessary to have part of the formula attributed to a consideration for money being made to States where the fatality rate is higher than average. That takes us through several of the sections.

At this point, if there are any Senators who would like to offer amendments, I encourage them to come to the Chamber and offer amendments, at the end of which time we will continue to go through the bill section by section.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 572 TO AMENDMENT NO. 567

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 572.

Mr. THUNE. I ask unanimous consent to consent to the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the section relating to National Scenic Byways to provide for the designation of Indian scenic byways)

Strike section 1602(a) and insert the following:

(a) In general.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “the roads as” and all that follows and inserting “the roads as—

(A) National Scenic Byways;

(B) All-American Roads; or

(C) America’s Byways.”;

(B) in paragraph (3)—

(i) by striking “To be considered” and inserting the following:

(A) In general.—To be considered; and

(ii) in subparagraph (A) (as designated by clause (i))—

(I) by inserting “an Indian tribe, after ‘nominated by States’; and

(ii) by inserting “an Indian scenic byway,” after “designated as a State scenic byway”; and

(iii) by adding at the end the following:

(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

(i) jurisdiction over the road; or

(ii) responsibility for managing the road.

(C) SAFETY.—Indian tribes shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).”;

and

(C) by adding at the end the following:

(4) RECIPROCAL NOTIFICATION.—States, Federal land management agencies, and Indian tribes shall notify each other regarding nominations under this subsection for roads that immediately that—

(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “and Indian tribe” after “provide technical assistance to States”;

(ii) in subparagraph (A), by striking “designated as” and all that follows and inserting “designated as—

(i) National Scenic Byways;

(ii) All-American Roads;

(iii) America’s Byways;”;

(iv) State scenic byways; or

(v) Indian scenic byways; and; and

(iii) in subparagraph (B), by inserting “or Indian” after “State”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Byway or All-American Road” and inserting “Byway, All-American Road, or 1 of America’s Byways”;

(ii) in subparagraph (B)—

(I) by striking “State-designated” and inserting “State or Indian”; and

(II) by striking “designation as a” and all that follows and inserting “designation as—

(i) a National Scenic Byway;”;

(ii) an All-American Road; or

(iii) 1 of America’s Byways;”;

and

(iii) in subparagraph (C), by inserting “or Indian” after “State”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “or Indian” after “State”;

(B) paragraph (3)—

(i) by inserting “Indian scenic byway” after “improvements to a State scenic byway”; and

(ii) by inserting “Indian scenic byway” after “designation as a State scenic byway”; and

(C) in paragraph (4), by striking “passing lane”;

and

(4) in subsection (e), by inserting “or Indian” tribe” after “State”.

Mr. THUNE. Mr. President, I hope my amendment will be included as part of the final bill. I know the managers intend to offer a managers’ amendment. I want my colleagues to know I have been working with the chairman, the Senator from Oklahoma, the ranking member, Senator Jeffords from Vermont, of the Committee on Environment and Public Works concerning this issue since we marked up the underlying bill in committee last month.

While Chairman Inhofe and Ranking Member Jeffords, Subcommittee Chair Bond, and Ranking Subcommittee Member Baucus initially had questions regarding my amendment in committee, I understand now
the staff has been able to work through all of those concerns.

Simply put, my amendment seeks to allow Native American tribes the ability to nominate roads to the Secretary of Transportation for designation as scenic byways, All-American Roads, or America's Byways. Currently, Indian tribes are only allowed to nominate roads for designation under the Scenic Byways Program if they first go through their respective State departments of Transportation or Federal land management agencies such as the National Park Service or the Bureau of Indian Affairs. My amendment allows tribes to designate those roads over which they have jurisdiction or management responsibility as tribal scenic byways which then allows them to directly nominate the road for national designation with the Secretary of Transportation.

Additionally, my amendment calls on tribes to ensure the safety and quality of the roads that are designated as scenic byways similar to the requirements States currently have. In no way does this amendment impact the funding available for scenic byways. It simply grants Indian tribes the same ability States and Federal land management agencies currently have to nominate roads.

In closing, this is an issue of fairness and something I hope the managers of the bill will be able to accept. It does not impact current levels of funding. It simply allows for more flexibility for the Native American tribes in this country to designate roads that are under their jurisdiction and management.

I hope the managers will be able to accept the amendment. As I said earlier today, I hope we can proceed to get this bill through the process, through the Senate, into conference with the House, and on the President’s desk because important to the nation’s future, to my State of South Dakota, and to all those tribes, local governments, State highway departments, business groups, and those who are awaiting final action on the highway bill.

I yield back the remainder of my time and ask for favorable consideration of this amendment.

Mr. INHOFE. Mr. President, I thank the Senator for his amendment and for working with us on this amendment. He has submitted the first amendment to this bill, an amendment as meaningful to Oklahoma and other States as to South Dakota. We thank the Senator for his effort.

We invite other Members to offer their amendments. I am not implying they will all be that easy, but we invite our Senators to offer amendments.

I was going over section 1104, the most complicated section in the bill, the equity bonus section. We talked about it in committee. I am worried about the treatment of States that are of a lower income, densely populated States, States that have our donor status, States that are donee status. This is an important part of the bill.

The scope or percentage of funding included in the equity bonus and in the program remains the same, at 92.5 percent as TEA-21. This is significant. That means 92.5 percent of everything in this bill, whatever it ends up being, whether $100 billion or another amount, is done through this equitable manner. It minimizes what a lot of people would criticize as being pork for special projects.

In order to craft a successful formula, we have to balance the needs of donor and donee States. I will be the first to acknowledge this balance, as with any compromise, is not perfect. A few minutes ago we talked about compromises and they aren’t perfect.

However, I am sure, the agreement of the ranking minority member, there were many compromises made during the construction of this bill over the past 2½ years, the Senator from Vermont disagreed with and with which I disagreed. But in the spirit of compromise, we were able to get these things done.

My colleagues in representing donee and donor States that received lower rates of return or growth rates than they feel fair have made this fact very clear. I am sympathetic to the concerns of both donor and donees in this situation. They both have significant transportation needs that cannot be ignored. Addressing their concerns is more difficult in the last year due to the fact we have less money.

When we were dealing with the bill we passed out of the Senate and sent to conference last year, just at about this time, the Congress did not fund what we did guarantee every State would reach, at the end of the 6-year period, at least a 95-percent return. I know my people in the State of Oklahoma wanted a 95-percent return, and they were very disappointed when we were unable to get it out of conference, when I had every expectation we would get it out of conference. So now, in order to get up to a higher amount, we have to be dealing with a different funding level. We have to wait and let the process take place and see what happens on that.

Section 1105 is the revenue aligned budget authority, the RABA. The huge 20 percent negative adjustment in revenue aligned budget authority, or RABA, made it clear that some changes were needed to the RABA calculation in order to provide greater stability, more accurate predictions, and less fluctuation coming years. If the RABA adjustment in a fiscal year is negative, the amount of contract authority apportioned to the States for that year will be reduced by an amount equal to the negative RABA.

Under TEA-21, negative adjustments were delayed until the succeeding fiscal year. Under the new method—the change we are making—no reduction to apportionments is made for RABA when the cash balance on the highway trust fund, other than the mass transit account, exceeds $6 billion.

Section 1201 is the Infrastructure Performance and Maintenance Program, the IPAM. The Infrastructure Performance and Maintenance Program is intended for ready-to-go projects that States can undertake and complete within a relatively short timeframe. This is very important because we are now—I anticipate we will pass this bill—in a construction season. Some of my friends from Northern States have much shorter construction seasons than some, such as the Presiding Officer. They have 12 months a year for construction. We are not quite that fortunate.

So this allows those projects that are ready to go, to go ahead—as soon as this bill is signed into law—and in a very short timeframe to be completed. As a result, States are given 6 months to obligate IPAM funds. We designed this discretionary program to promote projects that result in immediate benefits for the highway system's...
condition and performance, while avoiding long-term commitments of funds. The program also provides further economic stimulus to the economy and provides a way to aid in spending down balances in the highway trust fund.

States may obligate funds for projects eligible under Interstate Maintenance; the National Highway System; the Transportation Infrastructure Impairment Mitigation Program; the Highway Safety Improvement Program; the Congestion Mitigation and Air Quality Improvement, the CMAQ Program; and the Highway Bridge Program.

Eligible projects under the IPAM Program include the preservation, maintenance, and improvement of existing highway elements, including hurricane evacuation routes, operational improvements at points of recurring highway congestion, and systematic changes to manage or improve areas of congestion.

Section 1202 is the future of the surface transportation system. In order to be prepared for future reauthorizations of this legislation, we require the Secretary of Transportation to perform a long-term investigation into the surface transportation infrastructure needs of the Nation. Specifically, the bill directs the Secretary to look at, first, the current condition and performance of the interstate system; next, the future of the interstate system in 15, 30, and 50 years; third, the expected demographics and business uses that impact the surface transportation system; fourth, the effect of changing vehicle types, modes of transportation, traffic volumes, and fleet size and weights; fifth, possible design changes; sixth, urban, rural, interregional and national needs; seventh, improvements in emergency preparedness; eighth, the time performance data collection; and, ninth, future funding needs and potential approaches to collect those funds.

Now, that concludes section 1202.

Mr. INHOFE. I would like to make very brief comments on the Transportation bill, but I would also like to address the Senate on another subject matter. If there were Senators here who would like to talk on the highway bill, I would be happy to. If there were other Senators here on that legislation, I would hope to be able to address the Senate.

Mr. INHOFE. President, I would make the request of the Senator from Massachusetts to go ahead and proceed in terms of his comments on the highway bill. Then, since we do have others coming down, we have to get through this section by section. Can the Senator give us an idea about how much time he would like to have?

Mr. KENNEDY. Twenty minutes.

Mr. INHOFE. I would ask the Senator, if we were to go ahead and allow you 20 minutes on another subject, if someone came down, prior to that time being used, to offer an amendment, would you at that time yield the floor? It is highly unlikely that will happen, but we do want to stay on this bill.

Mr. KENNEDY. Mr. President, I would be glad to yield the floor for the purpose of a Senator offering an amendment, if I could retain the floor just to finish my remarks, but I would be glad to let the person offer their amendment.

Mr. INHOFE. Mr. President, I have no objection to the 20 minutes for that purpose.

The PRESIDING OFFICER (Mr. DE MINT). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. President, first of all, I think all of us understand this Transportation bill is the No. 1 jobs bill the Senate will debate this year. Mr. President, 47,000 jobs are created for every $1 billion in this legislation. This bill would create 140,000 jobs in my own State of Massachusetts. But this bill has $34 billion less than last year and, incredibly, a $1.7 billion cut in public transit. So the Senate must find a way to restore these cuts.

In my own State, we have a crucial need for this kind of help and assistance in terms of our roads and our bridges and also in terms of mass transit. It is one of the most important pieces of legislation. It is fundamental in terms of our economy. We are very conscious that there are many growth areas across this country. Those growth areas require additional kinds of investment in terms of the highway system.

But there are also other older areas where the roads are heavily used, and used much more than just by the people who inhabit that particular State. Generally, consideration is not given as to the amount of usage of many of these roads. So in many of the older States, for example, the eastern seaboard, many of these roads are heavily used not only by those who live in those particular States but others as well. There is a very important need to make sure those roads are going to be safe for those who travel on the roads and also be safe and secure in order to add an additional dimension to our national economy.

So I am going to support this legislation. I hope we will be able to find additional resources. I know those resources can make a major difference and be put to work effectively, in terms of strengthening and improving not only our interstate system but also the transportation systems in our States. It is a very solid investment that is paid back many times over by the returns in our economy.

ANNIVERSARY OF THE ABU GHRAIB SCANDAL.

Mr. President, the sad anniversary of the Abu Ghraib scandal is now upon us. It is an appropriate time to reflect on how well we have responded as a nation.

The images of cruelty and perversity are still difficult to look at a year later: an Iraqi prisoner in a dark hood and cape, standing on a cardboard box with electrodes attached to his body; naked men forced to simulate sex acts with each other; a corporal who has been beaten to death lying in ice next to soldiers smiling and giving a thumbs-up sign; a pool of blood from the wounds of a naked, defenseless prisoner attacked by a military dog. These images are seared in our collective memory.

The reports of widespread abuse by U.S. personnel were initially met with disbelief and then incomprehension. They stood in sharp contrast to the values America has always stood for: our belief in the dignity and worth of all people, our unequivocal stance against torture and abuse, our commitment to the rule of law. The images horrified us and severely damaged our reputation in the Middle East and around the world.

On December 4, 2003, President Bush had proclaimed to the world the capture of Saddam Hussein brought further assurance that the torture chambers and the secret police are gone for good. The photos of Abu Ghraib made all too clear that torture continued in occupied Iraq. Where are we a year later? Has this problem been resolved? Has the moral authority of the United States been restored? Have we reconnected with what is perhaps the steepest and deepest fall from grace in our history?

Sadly the answer is no. Because at every opportunity, the administration has tried to minimize the problem and avoid responsibility for it. The tone was set at the very start. Senior level military commanders knew about the problems much earlier. They knew about Abu Ghraib photos as early as January 2004. General Taguba submitted his scathing report on January 26. Yet rather than deal with the problem honestly, Pentagon officials persuaded CBS News to delay its report while they developed a damage control plan.

The plan included an effort to minimize the abuse as the work of a few bad apples, all conveniently lower rank soldiers, in a desperate effort to emphasize the role of senior military officials in exposing the scandal and insulate the civilian leadership of responsibility. It was clear from the start that further investigation of the abuse was needed. The American people deserved a thorough review of all detention and interrogation policies used by military and intelligence personnel abroad and a full accounting of all officials responsible for the policies that allowed the abuses to take place.

What we got instead were nine incomplete and self-serving internal investigations by the Pentagon. None of the assigned investigators were given the authority to challenge the conduct of the civilian command. For example, the Schlesinger panel's report found
that abuses were widespread and there was both institutional and personal responsibility at a higher level. But Secretary Rumsfeld did not authorize the panel to address matters of personal accountability.

The Defense Department’s control, the answers we received have been inconsistent and incomplete. In May 2004, General Sanchez categorically denied to the Senate Armed Services Committee that he had approved the use of sleep deprivation, excessive noise, and intimidation by guards dogs as interrogation techniques in Iraq. A memorandum uncovered last month by the ACLU, however, showed he had, in fact, approved the use of these techniques.

Secretary Rumsfeld told the committee the military received its first indication of trouble at Abu Ghraib when a low-ranking soldier came forward in January 2004. Only later did we learn from press reports that since March 2003, the Red Cross had provided the military with detailed reports about torture and other abuses at the prison and elsewhere in Iraq. The State Department and the Coalition Provisional Authority also appealed to top military officials to stop the abuse during 2003.

The Church report, released last month, rejected any connection between the official interrogation policies and the abuses that occurred. The Fay report, by contrast, blamed the abuses at Abu Ghraib on a number of “systemic problems” that included “inadequate interrogation doctrine and training” and “the lack of clear interrogation policy for the Iraq Campaign.”

Other parts of the Church report, including those on the role of general counsel William Haynes in adopting the radical legal reasoning of the Justice Department and the Bybee memorandum over the vigorous objections of experienced JAG officers, have been wrongly classified. In fact, the Defense Department has repeatedly abused its classification procedures to hide critical information from Congress and the public.

Similarly, the Justice Department has gone to extremes to withhold from public scrutiny legal memos it considered too embarrassing to reveal. Even Congress has been remiss in its responsibilities to oversee the facts. As Senator Rockefeller, the vice chairman of the Senate Select Committee on Intelligence, said:

More disturbingly, the Senate Intelligence Committee—the committee charged with overseeing intelligence programs and the only one with the jurisdiction to investigate torture and other aspects of military and humanitarian policy on the sidelines and effectively abdicating its oversight responsibilities to media investigative reporters.

A year after Abu Ghraib, new revelations about the abuse committed by United States personnel are still being reported frequently. The military has confirmed 28 acts of homicide committed against detainees in United States custody in Iraq and Afghanistan since 2002. On at least two of these deaths, the military acknowledged its methods took place at Abu Ghraib. The Red Cross has documented scores of abuses at United States facilities across Iraq, Afghanistan, and at the naval base at Guantanamo. FBI agents have reported “torture techniques” at Guantanamo, including techniques that senior Pentagon officials had specifically denied being used.

Top officials in the administration have endorsed interrogation methods we have condemned in other countries, including binding prisoners in painful stress positions, threatening them with dogs, extended sleep deprivation, and simulated drownings. The administration has also increased the practice of rendering detainees to countries such as Syria, Egypt, and Jordan, countries the State Department condemned in its most recent human rights reports because of their use of torture. The practice of rendition—described by a former JAG as “throwing someone else to do your dirty work”—is a clear violation of our treaty obligations under the Convention Against Torture.

We know many of these harsh techniques are no more effective at obtaining reliable information than traditional law enforcement techniques. After considerable debate with the FBI, the military acknowledged its methods were more successful during interrogations than those used by the FBI’s methods. General Miller, former commander at Guantanamo, testified the Army Field Manual provided sufficient tools for intelligence gathering.

As Ambassador Negroponte, our Nation’s new intelligence czar, said:

Not only is tortureillegal and reprehensible, but even if it were not so, I don’t think it’s an effective way of producing useful information.

Stripped to its essence, torturing prisoners is morally wrong and unproductive. Yet political leaders made a deliberate decision to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to take the gloves off without knowing what the limits were.

In a series of secret memos and correspondence, some of which have still not been provided to Congress, top level lawyers engaged in a wholesale rewriting of human rights laws. In rewriting our human rights laws, the administration consistently overruled the objection of experienced military personnel and diplomats.

As Secretary of State Colin Powell warned the White House:

The administration consistently overruled the objection of experienced military personnel and diplomats.

Secretary Powell raised concerns about the decision not to apply the Geneva Conventions to the conflict in Afghanistan. White House Counsel Gonzales cut him out of the process. When lawyers objected to the radical views in the Bybee Torture Memorandum, Defense Department General Counsel Preston said they were out of the process and made the memo official policy for the entire military.

What happened here was not a reasoned response to 9/11—an objective reassessment of our rules and policies to ensure the right thing was done. Instead, the leaders used 9/11 to undermine any constraints on the power of the President, and the country has been paying a high price for their arrogance ever since.

Dozens of administration memoranda involving post-9/11 detention and interrogation have come to light in the past year. Yet, in not one of these memos is there an appreciation of how well the existing rules served the Nation in past conflicts. Not one of them explains why the Army’s interrogation manual, which discusses dozens of effective techniques that comply with domestic and international law, no longer serves America’s interests. Not one of them comments on how compliance with the Geneva Conventions protects U.S. soldiers.

Clearly, the civilian lawyers in the Defense Department, the Justice Department, and the White House Counsel’s office have been on an ideological mission. Their goal was not to reassess the current rules on detention and interrogation in light of the 9/11 attacks; their goal was to destroy them and, to a large extent, they succeeded.

The military was set adrift from its longstanding rules and traditions. The Bybee torture memorandum was eventually repudiated by the Justice Department, but the Pentagon’s Working Group Report of April 2003, which incorporated the Bybee memorandum nearly verbatim, has still not been explicitly superseded, and no new guidance has gone to the field.

Our men and women in the military are still not clear whether and to what extent they should consider themselves bound by the Convention Against Torture or the Federal law prohibiting torture, or even the provisions of the Uniform Code of Military Justice that prohibit torture and cruel treatment. The
basic validity of the military’s “golden rule”—treat captured enemy forces as we would want our own prisoners of war to be treated—is in doubt.

The President has directed the military to treat detainees “humanely, but this was not provided adequate guidance to our troops. General Counsel Haynes himself advised Secretary Rumsfeld that simulated drowning, forced nudity, the use of dogs to create stress, threats to kill a detainee’s family, and other extreme tactics all qualified as ‘‘war crimes.’’ What other Pentagon’s top civilian lawyer shows so little respect for human dignity, how can we expect more from our soldiers serving in the field?

As for the CIA, it was conspicuously excluded from the President’s directive on humane treatment. More recently, we have learned that the administration does not believe that the prohibition against cruel, inhuman and degrading treatment applies to foreigners held by foreign governments agencies abroad. The CIA concealed detainees from the Army and the Red Cross. It continues to send dozens of detainees to countries known to practice torture. It says it’s conducting its own investigations on the abuses, but it refuses to provide a timetable or any preliminary findings. No agency should be above the law. The CIA must answer for its activities.

Accountability for the torture scandal continues to be lacking. We know about the prosecutions of the low-level, “bad apple” soldiers involved in the abuse at Abu Ghraib. But prosecutions have been declined for other soldiers, including 17 implicated in the deaths of three prisoners in Iraq and Afghanistan. Not a single CIA official has been charged, although one private contractor is awaiting trial for the killing of a detainee in Afghanistan.

Even more disturbing, no action—criminal, administrative, or otherwise—has been taken against the high civilian officials responsible for the authorization of torture and mistreatment by U.S. officials in Iraq, Afghanistan, Guantanamo, and elsewhere. We know about the actions that have been taken against Charles Graner and Lynndie England. But what about William Haynes, Alberto Gonzales, Jay Bybee, John Yoo, David Addington, Douglas Feith?

These officials were warned of the consequences of undoing the rules before they changed them. They were informed of the objections to use of these harsh techniques. The FBI, the Naval Criminal Investigative Service, and the British all refused to participate in interrogations because they had such grave concerns about the brutal methods. Finally, one brave soldier, Joseph Darby, acknowledged that what was happening was wrong.

From being held accountable, some of these officials have been promoted. Bybee, who signed the notorious Justice Department memo-randomly redefining torture, was confirmed to a lifetime judgeship on a Federal appellate court. Haynes, the general counsel who made the Bybee memorandum official policy for the military, has been re-nominated for another appellate judgeship. Gonzales now serves as the Nation’s Attorney General.

Last weekend, the Army’s Inspector General revealed he had exonerated almost all of its top officers of any responsibility for abuse of detainees at Abu Ghraib, even though Lieutenant General Sanchez, explicitly approved the use of severe interrogation practices, and even though a review by former Secretary of Defense James Schlesinger found that General Sanchez and his deputy “failed to ensure proper staff oversight of” the operations at Abu Ghraib.

What signal does this pattern of prosecutions for low-ranking soldiers, exonerations for generals, and promotion for those who abused and women in the Armed Services, and to our veterans?

The torture scandal is not going away on its own. Our Nation will continue to be harmed by the reports of abuse at Abu Ghraib. Clearly, the failure by top officials to take action, and the abandonment of our basic rules and traditions on human rights.

The scandal directly endangers U.S. soldiers and U.S. civilians abroad. We know about those we lose in the war on terrorism be treated as we treat prisoners of other wars. What will we say to a country that justifies its torture of a U.S. soldier by citing our support for such treatment? How can we hold other nations accountable for their own human rights violations, when we continue to hold prisoners for years, without charging them or convicting them of anything?

The Nation’s standing as a leader on human rights and respect for the rule of law has been severely undermined. We cannot simply answer, as some have done, that the behavior is acceptable because terrorists do worse. By lowering our standards, we have reduced our moral authority in the world. The torture scandal has clearly set back our effort in the war on terrorism. It is fueling the current insurgency in Iraq. Even our closest allies, such as Great Britain, have raised objections to our treatment and rendition of detainees.

Al-Qaida is still the gravest threat we face. The widespread perception that the U.S. condones torture only strengthens the ability of al-Qaida and others to create a backlash of hatred against America around the world. If we do not act to locate official responsibility for Abu Ghraib, we will condemn a new status quo in which our policy toward torture is technically one of zero tolerance, while de facto our officials tolerate and commit torture daily.

Many of us were struck by the rhetoric in President Bush’s Inaugural Ad-
dress. “From the day of our founding,” he said, “we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth.” Many of us would like to see the President to develop a foreign policy that advances these important values. But rarely has the gulf between a President’s rhetoric and his administration’s actions been so wide. It is simply not possible for his claim that “America’s belief in human dignity will guide our policies” with the barbaric acts that have been committed in America’s name.

We must not allow inaction to undermine two bedrock principles of human rights law that we worked hard to establish at Nuremberg: that higher officials cannot escape command responsibility and lower officials cannot excuse their actions by claiming that they were just following orders.

It is time to come to terms with the continuing costs of the torture scandal, and respond effectively. We need to fully restore the Nation’s credibility abroad and show the world that we can more effectively pursue the Nation’s interests in the future.

First, we must acknowledge that the rule of law is not a luxury to be abandoned in time of war, or bent or circumvented at the whim and convenience of the White House. It is a fundamental safeguard in our democracy and a continuing source of our country’s strength throughout the world.

Second, a recently adopted National Defense Strategy policy contained this remarkable statement: “Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.” Who could have imagined that our Government would ever describe “judicial processes” as a challenge to our national security—much less mention it in the same breath as terrorism? Such statements do not reflect traditional conservative values, and they are clearly inconsistent with the ideals that America has always stood for here and around the world.

Second, we must acknowledge and apply the broad consensus that exists against torture and inhumane treatment.

Never before has torture been a Republican versus Democrat issue. Indeed, it’s always been a broad consensus and ideals, reflecting the fundamental values of the Nation, and the ideals of the world.

President Reagan signed the Convention Against Torture in 1988. The first agreement to ban torture in the world, supported its ratification. The Senate Foreign Relations Committee, led by Senator Jesse Helms, voted 10-0 in 1994 to recommend that the full Senate approve it. The Clinton administration adopted a “zero tolerance” policy on torture. Torture became something that Americans of all political affiliations agreed never to do.
And 9/11 didn’t nullify this consensus. We did not resolve as a Nation to set aside our values and the Constitution after those vicious attacks. We did not decide as a Nation to stoop to the level of the terrorists, and those who did de- serve to be held fully accountable.

Americans can agree to be united in the belief that an essential part of winning the war on terrorism and protecting the country for the future is safeguarding the ideals and values that America stands for at home and around the world.

That includes the belief that torture is still beyond the pale. The vast majority of Americans strongly reject the cruel interrogation tactics used in Iraq, Afghanistan, and Guantanamo—including the use of painful stress positions, sexual humiliation, threatening prisoners with dogs, and shipping detainees to countries that practice torture. The American people hold fast to our most fundamental values. It is time we put behind us the abuses of the Government to uphold those values as well. It is clear beyond a doubt that we cannot trust this Republican Congress or this Republican administration to conduct the full investigation that should have been going on before the last election. We have had enough whitewashes by the administration and Congressional committees.

Finally, to implement these values, we need a full and independent investigation of our current detention, rendition, and interrogation policies, including an honest assessment of what went wrong in Iraq, Afghanistan, and Guantanamo.

The investigation will require genuine candor and cooperation by all officials and agencies in the Bush administration, full accountability, a clear statement of respect for human rights, and a plan for protecting those rights throughout the Government. Only a truly independent and thorough investigation can restore America’s reputation and put us back on the right path to the future.

The challenges we face in the post–9/11 world are obvious, and the stakes are very high. Working together, we have met such challenges before, and I am confident we can do so again. I urge all of my colleagues, on both sides of the aisle, to join to protect the rule of law, protect our soldiers serving abroad, and restore America’s standing in the world.

Mr. President, this has never been a partisan issue. We have a number of conventions on torture and other commit- ments that this Nation has made under Republican Presidents and Republican leaders in the important committee of the Congress. We have had very clear leadership by Republicans and Democrats at other times in our history in terms of adhering to what they call the “golden rule.” The golden rule is a very fundamental and important concept, which is what we do not want others to treat our soldiers harshly and, therefore, we will not treat other soldiers harshly. The principal point underneath that is, even if we treated people harshly and went through the process of torture, the information that you gain as a result of torture is rarely as good as what interrogators who are using and conforming to the Geneva Conventions.

It is time for the United States to return to its better hours on this issue, and it is time that we not hold the pri- vates and corporals accountable. But after 9 investigations by the Defense Department without a single prosecu- tion, after we have more than 20 indi- viduals who have actually been beaten or tortured to death and a determina- tion by the administration that not a single person is going to face dis- cipline, it is time that we take action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, the regular order of business is the Transportation and Infrastructure Committee. It is time for us to put aside our differences and work to ensure our most fundamental values. It is time for us to decide as a Nation to stoop to the level of the terrorists, and those who did deserve to be held fully accountable.

The investigation will require genuine candor and cooperation by all officials and agencies in the Bush administration, full accountability, a clear statement of respect for human rights, and a plan for protecting those rights throughout the Government. Only a truly independent and thorough investi- gation can restore America’s reputation and put us back on the right path to the future.

The challenges we face in the post–9/11 world are obvious, and the stakes are very high. Working together, we have met such challenges before, and I am confident we can do so again. I urge all of my colleagues, on both sides of the aisle, to join to protect the rule of law, protect our soldiers serving abroad, and restore America’s standing in the world.

Mr. President, this has never been a partisan issue. We have a number of conventions on torture and other commit- ments that this Nation has made under Republican Presidents and Republican leaders in the important committee of the Congress. We have had very clear leadership by Republicans and Democrats at other times in our history in terms of adhering to what they call the “golden rule.” The golden rule is a very fundamental and important concept, which is what we do not want others to treat our soldiers harshly and, therefore, we will not
Environment and Public Works Committee heard concerns about inadequate freight facilities, insufficient capacity, and inefficient connections.

In December 2003, the GAO released a report on freight transportation that recognizes the need to address planning and financing limitations. The report noted that the major challenges to freight mobility all shared a common theme—congestion—including overcrowded highways and freight-specific chokepoints. Additionally, the GAO identified two key limitations that stakeholders encounter in addressing these challenges. They first related to the limited visibility that freight projects receive in the planning and prioritization process. SAFETEA directly addresses this problem by creating a freight transportation coordinator at the State level to facilitate public and private collaboration in developing solutions to freight transportation and freight gateway problems. The second limitation reported by the GAO was that Federal funding programs tend to dedicate funds to a single mode of transportation or non-freight purpose, thus limiting freight project eligibility among some programs. SAFETEA, or the bill we have before us today, addresses this problem by making intermodal freight projects eligible for STP and NHS funding.

The Freight Gateways Program under this bill promotes intermodal improvements for freight movement through significant trade gateways, ports, hubs, and intermodal connectors to the National Highway System. States and localities are encouraged to adopt new financing strategies to leverage State, local, and private investments in freight transportation gateways. Though the intent is for Federal funds to augment the State and the local share for a highway project will be for each Federal dollar. The Freight Gateway Program is funded from a set-aside of 2 percent of each State’s NHS proportions. However, in the spirit of State flexibility and ensuring that funds go to the areas of the greatest need, a State is not required to spend 2 percent of the NHS apportionment if they can certify to the Secretary that their intermodal connectors are adequate.

I think my colleagues see all throughout this bill that we are granting more latitude for the States to determine their fate. It is a recognition that the States know their needs better than we know them in most cases. Consequently, if they can do something better, why dictate something from the Federal Government when they are able to do a better job themselves.

Section 1204 is construction of ferry boats and ferry terminal facilities. TEA—21 established a discretionary program for the construction of ferry boats and ferry terminal facilities. This bill creates a new permanent section in title 23 for this TEA—21 program. The program is designed to provide for the important construction of ferry boats, ferry terminals, and approaches to facilities that are part of the Nation’s highway system and constitute “last mile” connections for ferries.

Section 1205 is designation of interstate highways. As part of this bill, Interstate Highway 86 in the State of New York is specifically designated as the Daniel Patrick Moynihan Inter-State Highway in memory of our late Congressman’s work in making I–86 possible. It is interesting, we have a Democrat and Republican getting these designations. It happens that I was elected in 1986 with Amo Houghton. He has since passed away, but I am sure this is a very appropriate tribute to make to former Congressman Amo Houghton.

This section also designates a segment of Interstate Highway 86 near towns of Painted Post and Corning in New York State as the Amo Houghton Bypass. It is named after the one-time Congressman’s work in making I–86 possible. It is interesting, we have a Democrat and Republican getting these designations. It happens that I was elected in 1986 with Amo Houghton. He has since passed away, but I am sure this is a very appropriate tribute to make to former Congressman Amo Houghton.

Section 1301, the Federal share. SAFETEA continues the statutory provisions that lay out what the Federal share for a highway project will be for different States based on the amount of Federal land within the States. The Federal share provisions of the current law use a sliding scale which permits States and the FHWA to distract Federal funds to areas with higher Federal land to match Federal funds with fewer State dollars. This is understandable because the Federal lands would consume a good portion of some States, States such as New Mexico. Due to the decreasing taxable ability of States with high percentages of Federal lands, these States are given access to a higher Federal contribution for highway projects within their States.

The bill before us today modifies this provision slightly to simplify the calculation used to determine the Federal share rates that apply to each individual State. I might add, in this respect, this is something we found agreement with from both the States with large amounts of Federal land and States, such as my State of Oklahoma, that has a very small amount.

I suggest the absence of a quorum.

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

Mr. INHOFE. Mr. President, as we go through section by section, we talked about congestion, but we neglected to elaborate because this is one of the more serious problems we have now. According to the DOT, time spent in congestion increased from 31.7 percent in 1992 to 33.1 percent in 2000. Based on this rate, a typical rush hour in an urbanized area is 5.3 hours a day. The problem is not confined to urban areas; in rural areas with populations less than 500,000 have experienced the greatest growth in travel delays, according to the DOT.

Very often we do not talk enough about the cost. Right now we are sensitive to the cost of fuel. Yet we can see traffic stopped, with engines idling. This is another factor that has to be entered into the equation.

Increase in capital investment is one way to address congestion. We must also consider ways to better manage existing systems. This bill proposes a national goal of reducing the information available for the entire Nation. This goal, while ambitious, is important because we need to reorient our thinking to recognize the importance of allowing users of the system to utilize the system more efficiently, specifically by providing travelers with usable information that will enable them to select the right travel alternative.

The biggest and fastest growing cause of congestion in our urban centers is bottlenecks around port and intermodal facilities. Frankly, traffic is expected to grow dramatically in volume in the coming decades with increased international trade. Movement toward the just-in-time economy, freight shipping, will take on heightened importance.

Recently I visited with representatives of the Alameda Corridor Transportation Authority and they shared with me that more than 40 percent of all waterborne freight container traffic in the U.S. ports is handled by the Ports of Los Angeles and Long Beach. My first thought was, how does this trade through the Ports of Los Angeles and Long Beach affect my constituents in Oklahoma? The answer surprised me. It is estimated that over 100,000 jobs in Oklahoma are attributable to the trade from these ports. That is one example of two ports. I suspect if I had statistics from other ports, I would find that economic development in Oklahoma is tied as closely to them, as well. We need to do this because this is one of the more serious problems we have now.

We are part of a global economy. This illustrates more than anything, goods and services produced in Oklahoma are being shipped all over the world. Likewise, Oklahomans are purchasing goods and services from countries all over the world. The simple fact is that trade is the engine driving our economy. We cannot ignore the infrastructure needs.
April 26, 2005
CONGRESSIONAL RECORD — SENATE

S4251

It is worthwhile stating that one of the best kept secrets is we have actually a port that goes all the way to Oklahoma, the port of Catoosa in my hometown. I remember many years ago when I was serving in the State Senate when we were trying to get the out that we actually are navigable, we have a port that comes all the way up. No one knows it. They do not think about that in Oklahoma. It goes up the Mississippi River from the gulf and comes across the Arkansas River and into Oklahoma. At that time we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.

All my political adversaries were saying, we will sink INHOFE with this Navy a very large World War II surplus most inland port, only to find the way we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.

All my political adversaries were saying, we will sink INHOFE with this Navy a very large World War II surplus most inland port, only to find the way

saying, we will sink I NHOF E with this Navy a very large World War II surplus most inland port, only to find the way

we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.

All my political adversaries were saying, we will sink INHOFE with this Navy a very large World War II surplus most inland port, only to find the way

saying, we will sink I NHOF E with this Navy a very large World War II surplus most inland port, only to find the way

we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.

All my political adversaries were saying, we will sink INHOFE with this Navy a very large World War II surplus most inland port, only to find the way

saying, we will sink I NHOF E with this Navy a very large World War II surplus most inland port, only to find the way

we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.
(120,288),(980,757)
would lose very valuable time. I am sure in the States of Oklahoma, South Carolina, and other States, that is a very important consideration.

With that, I anticipate there may be more Senators who wish to come down and offer amendments. I am hoping they will at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO MR. PEYTON HEADY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian who has done the important work of keeping a piece of the Commonwealth’s history alive by chronicling the events of the county he is proud to call home, Union County.

Mr. Peyton Heady has written and published 25 books that cover some aspect of the county’s history. He has a particular interest in how people from Union County were involved in the Civil War. One such story involves Tom Henry, a Union County native who managed to stop the notorious outlaws, Frank and Jesse James, from robbing a bank in Morganfield. Mr. Henry convinced the James brothers that he had money in the bank and they wouldn’t want to lose it. This story could have been lost in the annals of history, but it won’t be because of Peyton Heady’s thorough research and documentation.

Another piece of Union County history that Mr. Heady has taken an interest in is that of Camp Breckinridge. As a former clerk in the civil engineering division at the camp during World War II, Mr. Heady has first-hand experiences to share and draw from. Later this week he will be honored by the Earle C. Clements Job Corps Center, located on Camp Breckinridge property, for keeping a record of the history of Camp Breckinridge. The Center will name one of the camp administration buildings the Peyton Heady Building.

I urge my colleagues to join me in giving Mr. Heady the thanks of a grateful Commonwealth and a grateful Nation. Thanks to his dedication, the history of Kentucky shall be preserved. I ask unanimous consent to have printed in the RECORD an article from The Henderson Gleaner, Mar. 13, 2005, Making History: Chronicler of Union County Events Honored for Keeping Memories Alive, “about Mr. Heady’s contributions to his community.

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

(From the Henderson Gleaner, Mar. 13, 2005)

MAKING HISTORY: CHRONICLER OF UNION COUNTY EVENTS HONORED FOR KEEPING MEMORIES ALIVE

(By Judy Jenkins)

Tom Henry was one of those bigger than life characters who would, if he were alive today, graced the cover of “People” magazine and artfully answering questions lobbed at him by Larry King.

Tom was a handsome Union County native who served as a captain in the Confederate army and, legend has it, managed to earn the respect of those infamous outlaws Frank and Jesse James. The James brothers spent a considerable amount of time in Morganfield during the Civil War, and at one point Frank—the story goes—was planning to rob a bank there.

Our hero Tom learned of those plans and convinced Frank to forgo the robbery by telling him that he had some good friends who had money in that bank and he’d sure hate for them to lose it.

On another, darker occasion, a Yankee colonel was captured and tied to a tree. Apparently a couple of the captors were planning a short future for the Northerner, but Tom informed them they’d have to walk over his own dead body to harm the colonel.

In a twist that Hollywood would love, Tom was captured and after the war was taken to Louisville to stand trial for his life. The Yankee colonel, by amazing coincidence, was captured and after the war was taken to Louisville to stand trial for his life. The Yankee colonel, by amazing coincidence, walked into the courtroom, recognized Tom as the captain who saved his life, and got the Union Countyan released.

That’s just one of the many accounts in Peyton Heady’s 1985 “Union County History in the Civil War.” The 252-page book makes what could be dry, dusty descriptions of past events come alive for the reader.

Peyton, who wrote the history because he was concerned that little had been written about Union County’s involvement in the Civil War, noted that about 60 percent of the county’s population supported the Confederate cause and families were often divided.

There were, for instance, the Lambert brothers who fought opposing armies, survived the war and never again spoke to each other—but are buried side by side in a Union County cemetery.

The book is one of 25 written and published by Peyton over the decades, and they all cover some aspect of Union County history. Some are genealogical volumes and some record the county’s cemeteries, including ob-sure resting places. While surveying those cemeteries, the retired U.S. Postal Service employee found the graves of seven Revolutionary War soldiers with monuments intact.

Peyton, who was a clerk in the civil engineering division at the camp during World War II, also wrote the history of the sprawling camp that contained 36,000 acres, had housing for 36,000 troops and 10,000 additional personnel, boasted its own utility company, had 12 dispensers and hospitals, nearly seven miles of railroad, a simulated “Japanese training village,” four movie theaters and much, much more.

Four divisions from that Army post fought in the Battle of the Bulge, and one contributed a number of major units that played a significant role in breaking down the Nazi fortress.

It was at the camp that Peyton watched a young African American soldier named Jackie Robinson play baseball, and it was there he supervised 150 German prisoners of war.

For the price of a box of Cuban cigars, one of those prisoners painted Peyton’s portrait. The painting hangs in the Morganfield home of Peyton and Cecilia, his wife of 53 years and mother of their two children, James Heady and Rebecca Henry.

On April 28, Peyton no doubt will feel he’s come full circle in his life. On that day, one of the camp administration facilities will be named the Peyton Heady Building. The dedication ceremony is part of the 40th anniversary celebration of the Earl C. Clements Job Corps Center, which is on the Camp Breckinridge property.

Peyton, 79, is being saluted largely for his determination to keep the history of Camp Breckinridge from passing into obscurity. He opted to undertake that history when he learned that government archives contained a one-page description of the giant complex that was last used as a military installation in 1963.

He is touched by the upcoming honor, but he’ll have you know that the thousands of hours of patient research and writing his books aren’t for profit or glory. “I just think if you’re going to live in a town and raise your children in a town you should do something to make it better,” he says.

Things he’s done include working with Morganfield’s Little League program for more than two decades.

Peyton is on a walker now and doesn’t often leave his home, but he isn’t complaining. “I’m a happy man,” he says. “I’m happy with my marriage (which naysayers said would never work because Cecilia’s Catholic and he’s Methodist), happy with my family and happy with my life.

His histories have sold well and seven or eight have been reprinted, but Peyton hasn’t gotten rich from the sales.

“I didn’t write them for profit,” he says. “I wrote them for history.”

TRIBUTE TO LUTHER DEATON, JR.

Mr. McCONNELL. Mr. President, I rise today to commend an accomplished Kentuckian and good friend,
Mr. Luther Deaton, Jr. A native of Breathitt County, KY, Mr. Deaton is an esteemed banker, revered community leader, inspiring mentor, and caring father.

Luther began his career in the banking industry as an assistant manager and teller with Central Bank & Trust Co. in Lexington in 1978. Little did he know that initial exposure would lead to a lifetime of professional achievements. Possessed with a resolute and unshakeable determination to advance his employer’s cause, Luther rapidly rose through the company’s ranks. In January 1996, the Board of Directors promoted Luther to president and CEO of Central Bank, and in March 2002, he was named chairman of the bank. He also serves as the chairman of Commerce Lexington, Inc., which seeks to expand and attract economic development in central Kentucky.

While Central Bank has flourished under Luther, it is his leadership presence in central Kentucky I admire most. His formidable array of accomplishments directly results from his passion to improve the quality of life for his fellow Kentuckians. In September 1997, the Lexington Theological Seminary named Luther as the second recipient of the John R. Wooden Award, an honor given to laymen whose life shows commitment to, and involvement in, a faith community and evidence of putting one’s faith to work for the welfare of humankind. In 2001, he was the recipient of the Governor’s Economic Development Leadership Award for the State of Kentucky. Additionally, the Junior Achievement of the Bluegrass inducted Luther into the 2004 Bluegrass Business Hall of Fame, due to his labor and vision to improve the quality of life in the Bluegrass area.

Later this month, Luther will be the honoree at the Volunteers of America Tribute Dinner in Lexington, KY. Here the community will have an opportunity to thank him for all of his contributions and honor his achievements.

Mr. President, today I ask my colleagues to join me in honoring and recognizing one of Kentucky’s pre-eminent professionals, Mr. Luther Deaton, Jr.

ROSEMARY VITAVEC

Mr. REID. Mr. President, I rise today to congratulate Rosemary Vitavec, a third grade teacher at Walter Bracken Magnet School in Las Vegas, who was selected as one of 95 winners from across the Nation for the Presidential Award for Excellence in Math and Science Teaching for 2004.

The awards were created in 1983 and are administered by the White House and the National Science Foundation. Each year the program recognizes outstanding mathematics and science teaching in the United States and four U.S. jurisdictions for their contributions in the classroom and to their profession.

This distinction highlights the fundamental importance of math and science education in preparing our Nation’s students for the global economy. It also highlights the outstanding work done at Bracken Magnet School in emphasizing math and science learning with technology.

Mrs. Vitavec, a 23-year veteran, has taught in the Clark County School District for 12 years.

I salute Rosemary Vitavec for her service and dedication to the students of Clark County, and extend my best wishes for a successful future.

SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today to recognize several young people who were recently selected by the American Automobile Association to receive special awards for their work as school safety patrollers.

More than 500,000 students in 50,000 schools across the country participate in AAA’s School Safety Patrol program. These young people have taken on the important responsibility of making the streets around their schools safer for all their classmates. Though their responsibilities are often routine, the patrollers on occasion must place themselves in harm’s way in order to save lives. It is my honor today to recognize six students who were selected to receive the AAA LifeSaver Award for demonstrating leadership and civic actions in fulfilling their duties as patrollers as well as the National Patroller of the Year.

The first AAA Lifesaver Award recipient is Jessica Zelter, a 10-year-old student at Huron Park Elementary School in Roseville, MI. On February 9, 2004, Jessica was on a patrol when a pickup truck driver sped on icy snow in heavy traffic. The driver probably could not have stopped even if he had had the time. He stepped on the gas and drove into the street, but fortunately Jessica quickly grabbed the student by the coat and pulled her back to safety. Others who were at the crosswalk that day thought the child was going to be hit and were shocked that she was saved.

The second AAA Lifesaver Award recipient is Michelle Grimm, a 12-year-old student at Weems Elementary School in Manassas, VA. On March 5, 2004, a group of students fell off of the sidewalk and was lying directly in the path of a school bus. The student was struggling to get up but could not regain his balance because of his heavy book bag. The bus driver did not see the child lying in the street, but Michelle ran to the student’s aid, helping him out of the way of the approaching bus.

The third AAA Lifesaver Award recipient is Estefan Santos, a 10-year-old student at Jackson Road Elementary School in Silver Spring, MD. On September 10, 2004, a 6-year-old child broke free from his sister’s care and ran into the street towards her father who was waiting in his car. Estefan realized that the 6-year-old was not going to stop at the corner and held him back from the approaching traffic. Though bitten and kicked while holding the 6-year-old back, Estefan undoubtedly saved the child’s life.

The fourth AAA Lifesaver Award recipient is also from Maryland. Her name is Pytrce Avonnia Farmer, and she is a student at Eva Turner Elementary School in Waldorf. On October 4, 2004, a 6-year-old child was waiting on the street curb under Pytrce’s direction. The child’s mother, however, moved her car forward into the second lane of traffic, and the child stepped into the street without noticing another car approaching. Pytrce acted quickly and bravely to pull the child from the path of the car. The child’s mother has said that her son would not be alive today if not for Pytrce.

The fifth AAA Lifesaver Award recipient is Jared Smith, an 11-year-old student at Dr. Martin Luther King Elementary School in Lakeland, FL. On January 7, 2005, a 7-year-old student dashed past the group of children who were waiting for a van to pick them up, darting out into the path of the van. Fortunately, Jared shouted at the child before she was hit, though the van was only a few feet away.

The sixth AAA Lifesaver Award recipient is Naomi Wall, an 11-year-old student at Dan Emmett Elementary School in Mount Vernon, OH. On March 23, 2004, a 7-year-old student named Braden walked into the road, obeying a walk sign though against his sister Naomi’s patrol flag telling him to stop. At the same time, a car had run a red light and was headed right for a car going through the intersection. Had Naomi not held her brother back by the arm, he would have been in the middle of the crash.

In addition to honoring these six brave patrolers, AAA also recognizes one student as National Patroller of the Year for demonstrating leadership qualities, strong academic performance, and civic involvement. This year, the National Patroller of the Year is Deanna Constantino, a fifth grade at Cross Street School in Williston Park, NY. Deanna is a member of the student council, serves on the school newspaper, has been a Girl Scout for 4 years, and participates in charitable fundraising activities through her school. Deanna, like all the student safety patrollers recognized by AAA, is clearly an impressive young person with tremendous potential.

I also thank AAA for making the school safety program possible. The program has helped save many lives over the years and has made our schools safer for our students, though, as the stories of the Lifesaver Award recipients demonstrate, the streets around our schools are not safe enough.

That is why I have worked for the last Congress for the Safe Routes to School program. This program would fund safety improvements on roads near schools so that children
can safely walk or ride their bicycles to school. I hope Congress passes my program this year, but whether or not it does, I am comforted to know that 500,000 AAA patrollers across the Nation will be working hard to keep the streets around our schools safe.

TRIBUTE TO SENATOR JEFFORDS

Mr. LEAHY. Mr. President, I spoke on the floor last week to briefly recount some of the many reasons that Vermont and the Nation will miss the leadership, the independence and the decency of Senator Jim Jeffords when he chooses to retire from the Senate at the end of his current term.

Since Jim Jeffords, who turned many news articles and editorials that have also catalogued and described various aspects of Jim Jeffords’ distinguished legacy. As is often the case when he writes about the events and issues of the day, Emerson Lynn, the publisher of the St. Albans Messenger in my home State of Vermont, did this particularly well. I would like to share his editorial with the members of the Senate.

I ask unanimous consent that Emerson Lynn’s recent editorial about Senator Jeffords be printed in the RECORD:

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

From the St. Albans Messenger, April 21, 2005

Jeffords Leaves Before His Time, Accomplishes Much

Senator Jim Jeffords, who turned Washington’s political world upside down 4 years ago with his defection from the Republican Party, Wednesday turned Vermont’s political world upside down with his announcement not to seek reelection.

He said it was time to begin a new chapter in a life that for 38 years has been dominated by a single election cycle that began as a state senator from Rutland in 1967, to Attorney General in 1969, to the U.S. House of Representatives in 1974 to the United States Senate in 1990. Jeffords represented Vermont in one office or another for almost four decades. If that is a chapter, most our lives can be explained in a paragraph.

Wednesday’s announcement was the sad affirmation of what many of those close to the Senator had feared: his health is less than optimum and his wife, Liz, is battling cancer. At some point the question is formulating cancer, and, is the twilight of one optimum and his wife, Liz, is battling cancer he said had left its moorings. But the senator, accomplishments extend far beyond one’s party allegiance. As Vermont’s attorney general he played a pivotal role in the implementation of Act 250, and the law to outlaw billboards. No Vermont politician has had a greater impact on dairy farming, nor does any politician have a better understanding of the industry and its needs. The senator knows only too well how that flaw is not a single bit of legislation dealing with special education or education in general that doesn’t have his fingerprints on it in some fashion or other. Some one could be said of his years in the Senate when dealing with the environment. He was also a passionate defender of the arts. What he has accomplished will endure beyond fame’s notoriously short life.

It’s axiomatic that this was not the choreographed conclusion of his choosing. His desire was to win reelection as an independent, thereby vindicating a personally wrenching decision to leave the Republican Party. Life’s bows cannot be so neatly tied and those who buy hopes of sand that disintegrate in the twisting.

Sadly, we are in an age that exploits one’s natural fissures as though they were fatal flaws. One’s vulnerabilities are extrapolated into insurmountable deficiencies, as if there were only sun and no shadows, all light, no darkness. The senator knows only too well how that game is played. The Yale Harvard educated man will be known more for a twisted tongue and a clear mind, as if being articulate were a higher calling than being thoughtful.

In the end, it’s not what others think of you but the joy you carry in your toil. And, in the end, it is what means the smile, not his accusers. He is like Sisyphus in Albert Camus’ “Myth of Sisyphus”, the character in Greek mythology who was condemned for eternity to roll a boulder up a hill, only to have it roll back down again.

Camus made the convincing argument that Sisyphus’ lot was not tragic, but uplifting. He could smile at the absurd because he understood it as such.

Camus concluded by writing: “I leave Sisyphus at the foot of the mountain! One I always find a joy. But Sisyphus teaches the higher fidelity that negates the gods and raises rocks. He too concludes that all is well. This universe hencethe world of a master seems indeterminate, no finite. Each atom of that stone, each mineral flake of that night filled mountain, in itself forms a world. The struggle itself toward the heights is enough to fill a man’s heart. One must imagine Sisyphus happy.”

We imagine Mr. Jeffords’ heart is full and that he is happy. He should be remembered as such.

The clamor to claim his political perch has begun and din, at times, will overwhelm. What Vermonters can hope for is that all followers choose Sisyphus’ path of integrity and independence.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to acknowledge and commemorate April 24, 2005, the 90th anniversary of the beginning of the Armenian Genocide and to urge all Americans to remember that these crimes never happen again.

On April 24, 1915, the Ottoman Empire began arresting hundreds of Armenian intellectuals, most of whom were subsequently executed. What soon followed can only be described as a tragedy that shocked the human conscience: by some estimates, over a million Armenians were killed, and another 500,000 were driven from their homeland. These events marked the 20th century’s first experience with such atrocities, and, sadly, they would not be the last.

Indeed it is our duty to remember this horrific tragedy, and face the crimes of humanity with unflinching determination, courage, and moral fortitude so that they never happen again.

As a country founded on the principles of justice, equality, and liberty, we will never forget the Armenian leadership role in preventing genocide.

I am proud that the Armenian American community in my home State of California—over 500,000 strong—has taken such a leadership role in ensuring that the U.S. lives up to its values by acknowledging the crimes of the past and taking action against the crimes of the present and future. Their determination and perseverance is a testament to the human spirit and the ability to overcome injustice and build a better tomorrow.

Today, we stand with the Armenian American community in commemo-
rating the start of the Armenian Geno-
cide together with the millions around the world who face persecution and even death simply because of who they are. They must know they are not alone and those who commit these crimes must know we are watching. We will never forget the Armenian Genocide as we look to the future with courage and determination.

FEDERAL REFUSAL CLAUSE

Mr. KENNEDY. Mr. President, I oppose the Federal refusal clause. The Republican leadership was wrong to include such a broad refusal clause in the fiscal year 2005 Omnibus Appropriations bill. The clause was never voted on by the Senate Appropriations Committee; it was inserted into the bill behind closed doors.

The clause would allow health care firms to refuse to comply with existing Federal, State, and local regulations that pertain to abortion services, counseling, and referrals.

Supporters of the clause claim it simply clarifies existing law. But far from clarifying it, sweeping new changes would be drafted and could be devastating to women’s health.

The reality is that no Federal law forces individuals to provide abortion care. The Church amendment, adopted in 1973, enacted a new refusal clause. It explicitly protects individuals who object to providing abortion because of their religious beliefs or moral convictions. Broader refusal clauses, such as
the Federal refusal clause, exempt a wide range of organizations, including health plans and hospitals, most of which not only have a secular purpose but also employ and serve individuals who do not share those organizations’ religious beliefs.

The Federal refusal clause also discourages States from enforcing its own policies, laws and regulations to protect access to abortion services and information. Republicans continually attack Democrats as proponents of big government who undermine State rights. Yet that is exactly what the Federal refusal clause does.

Forty-six States, including Massachusetts, already have laws that permit certain medical personnel, health facilities, and institutions to refuse to participate in abortion because of their moral or religious beliefs.

We don’t need the Federal refusal clause to protect individuals and health care organizations that oppose abortion. We already have that. It exists in both Federal and State laws. Proponents want the Federal refusal clause for one reason—to deny access and information to as many women as possible.

Health care corporations now have the right to gag their doctors and other health care providers. The clause defines “discrimination” as any requirement that a medical service provider inform a woman about her option to seek an abortion—or even refer her to another plan for that information. It’s ridiculous to say that giving a woman full information about her medical options is discrimination.

The Federal refusal clause also restricts low-income women’s access to abortion services, including information about abortion. It could prohibit the Federal Government from enforcing the requirement that Title X funded family planning clinics provide a woman facing an unintended pregnancy with an abortion referral when she requests one. We will be taking a giant step backward if we don’t repeal this refusal clause.

In addition, under the “Hyde Amendment,” States are required to provide Medicaid coverage for abortions in cases of rape, incest, or where pregnancy endangers a woman’s life. The Federal refusal clause, however, could prevent states from requiring that Medicaid HMOs provide or pay for these abortions.

Current law states that low-income women should not be denied critical medical care. Why do we want to change that? What kind of signal are we sending? Women who have suffered through the trauma of rape or incest deserve our help, not an extra burden.

The Emergency Medical Treatment and Active Labor Act guarantees that a woman who needs an emergency abortion procedure to save her life won’t be turned away. Yet the Federal refusal clause could allow hospitals to turn away women in these dire circumstances. For a woman in a rural area, with only one hospital, her life itself may be in danger if the hospital refuses to admit her.

It is wrong to deny women access to necessary and urgently needed medical procedures. The Federal refusal clause should never have been included in the fiscal year 2006 Appropriations bill, and I commend Senator BOXER for speaking against this provision.

ADDITIONAL STATEMENTS

JUST BORN, INC.

• Mr. SANTORUM. Mr. President, today I would like to congratulate Just Born, Inc. in Bethlehem, PA, on an outstanding accomplishment, shipping Peanut Chews nationwide for the first time. Pennsylvanians should be honored to have a wonderful company such as Just Born in our State, and I join in congratulating Just Born on their recent accomplishment.

Until the Spring of 2003, Peanut Chews were produced by the Goldenberg Candy Company. The Goldenberg Candy Company was founded in Philadelphia in 1890 by David Goldenberg and called D. Goldenberg, Inc. Beginning as a retail confection business, which produced and sold fudge, marshmallows, lollipops, and chocolates, Goldenberg’s also created a walnut molasses confection that later became the foundation for the Peanut Chews recipe.

As we all know, Peanut Chews offer a unique combination of a chewy peanut and molasses based center with a dark chocolate coating, making for a tasty candy. Just stop by my desk on the Senate floor to see for yourself.

Peanut Chews were developed during World War I and used by the U.S. military as a ration bar. The high energy, high protein recipe and unique taste made it popular with the troops. Following the war, Peanut Chews were first sold in the Philadelphia area of Pennsylvania. However, their popularity soon spread to New York, Baltimore, and Washington, DC.

In the 1930s, Peanut Chews were sold under the brand name Chew-ets and were often sold in movie theaters. The name stuck until 1999 when the Goldenberg’s changed the packaging and the name of Chew-ets to Milk Chocolate Peanut Chews.

Just Born purchased the Goldenberg Candy Company in 2003, adding the Goldenberg’s 61 associates to the already growing Just Born family. Just Born produces two million Peanut Chews candy pieces every day.

This month, April 2005, Peanut Chews will be launched nationally, for the first time reaching beyond to the East Coast. This is quite an achievement, and I send Just Born my best wishes in the future as their company continues to expand.

ONCOLOGY NURSING DAY AND MONTH

• Mr. BROWNBACK. Mr. President, I rise today to pay tribute to oncology nurses. May 1 marks the beginning of the 10th annual Oncology Nursing Day and Month and this year marks the 30th Anniversary of the Oncology Nursing Society.

As co-chair of the Senate Cancer Coalition, I know oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally responsible for the administration and monitoring of chemotherapy and the associated side effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our Nation’s cancer care delivery system.

Oncology nursing is the Oncology Nursing Society, ONS, on its 30th anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS honors and maintains nursing’s historical and essential commitment to advocate for the public good by providing nurses and health care professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has three chapters in my home State of Kansas, which help oncology nurses provide high-quality cancer care to patients and their families in the State.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year, in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans continue to be challenged by cancer. We honor and recognize the community known as cancer survivors.

Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last 10 years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians’ offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens
given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front line providers of care by administering chemotherapy, managing patient therapies, side effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

I thank all oncology nurses for their dedication to our Nation’s cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

HONORING DANVILLE HIGH SCHOOL

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor Danville High School which was recently selected to receive the 2955 GRAMMY Signature School Enterprise Award. The GRAMMY Signature School Program recognizes the top public high schools in the Nation that have made an outstanding commitment to music education during the school year. The GRAMMY Foundation will award Danville High School $20,000 to benefit its music program.

I commend the Danville Music Department personnel—Alana Smith, head band director and department head; Jullanna Sommers, choir/elementary director; and Julie Rutherford, assistant band director, for their vision, but most of all for their commitment to provide such a quality music education to the young people of Danville.

I would also like to recognize the following students for their contribution to the School Music Program: Jessica Harris, Dana Mendoza, Jasimen Fedison, Jessica Bryant, Patrice Davis, Marlene Mendoza, Yvette Huerta, Daniel Melton, Aaron Sanders, Devon Essman, Nicholas Paterson, Joe Claudio, Baillie Villareal, Anna Garza, Jose Ojeda, Mayra Iracheta, Tiffany Small, Ashley Hancock, Samantha Turner, Heather Gooch, Akoshua Davis, Janet Claudio, Jorge Mendoza, Vikki Xayadeth, and Margaret Devincenzo.

I ask my colleagues to join me in congratulating Danville High School and these outstanding teachers and students on receiving this well-deserved honor.

IN RECOGNITION OF RACHEL SIMON

● Mr. CARPER. Mr. President. I rise today in recognition of Rachel Simon and her extraordinary book, Riding the Bus with my Sister. The book chronicles the time her developmentally disabled sister Beth spends riding the bus. It brings to light the world of adults with developmental disabilities, finds unlikely heroes in everyday life, and discovers unrealized inner strength.

Rachel Simon was born in 1959 in Newark, NJ, the second of four children. Her family moved around New Jersey and Pennsylvania several times when she was a child, and Rachel, who was always a very social, creative person, was afraid to keep up with all her distant friends. She also wrote short stories, novels, and plays, which she enjoyed sharing with others.

Rachel graduated from Solebury School, a boarding school in New Hope, PA, in 1977. She then went on to Bryn Mawr College in Pennsylvania. During her years in college, she discovered the secrets of discipline and time management. She was also captivated by her courses in anthropology and graduated in 1981.

After college, Rachel moved to Philadelphia, where she spent the next 5 years at a variety of jobs, including paralegal, administrative assistant, and research supervisor for a television study. At 26, she entered a graduate program in creative writing.

In the next several years, Rachel wrote the story collection Little Nightmares, Little Dreams and the novel The Magic Touch. From her house in Abington, PA, she began teaching private classes in creative writing. In 1995, Rachel took a job running events at the Barnes & Noble in Princeton, NJ, and eventually moving to that area.

Around that time, Rachel also began writing commentary for the Philadelphia Inquirer and teaching at Bryn Mawr College, in addition to continuing with her private classes. In 1997, she published The Writer's Survival Guide and then worked on some long pieces of fiction.

As readers of Riding the Bus with my Sister know, Rachel's life changed when she wrote an article about her sister Beth's unusual lifestyle of riding the buses in the city where she lives. Over the course of riding with Beth for the next year, Rachel came to know most of her job behind, found her way back to her sister, and rediscovered her friendships.

In May 2005, Riding the Bus with my Sister will be televised as a Hallmark Hall of Fame movie on PBS. Rosie O'Donnell is starring as Beth, Andie MacDowell is starring as Rachel, and Janicla Huston is directing.

Both Rachel and her sister Beth are amazing women, and I rise today to honor them.

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to ensure jobs for our future with secure, affordable, and reliable energy.

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-1932. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Bureau of Justice Assistance (BJA) Fiscal Year 2003 Annual Report in accordance with the Omnibus Crime Control and Safe Streets Act of 1965, as amended; to the Committee on Appropriations.

EC-1933. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Adequate Technical Requirements: Domestic Abuse Trust Schemes” (U.C.L. 671.00-00) received on April 22, 2005; to the Committee on Finance.

EC-1934. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Children’s Online Privacy Protection Rule” (RIN3084-AB60) received on April 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1935. A communication from the Director, Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Conforming Amendments to Implement the No Child Left Behind Act of 2001” (RIN1076-AE54) received on April 22, 2005; to the Committee on Indian Affairs.

EC-1936. A communication from the Director, Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Implementation of the No Child Left Behind Act” (RIN1076-AE49) received on April 22, 2005; to the Committee on Indian Affairs.

EC-1937. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Postsecondary Education, Department of Education, pursuant to law, the report of a rule entitled “Final Regulations—34 CFR Parts 606, 607, 611, 637, 648, 656, 658, 659, 661, 662, 665, 684, 689, 690, 698, and 699” (RIN3497-AG52) received on April 22, 2005, to the Committee on Health, Education, Labor, and Pensions.

EC-1938. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Professional Development for Arts Educators Program—Notice of Final Priority, Requirements, and Definitions” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1939. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Arts in Education Model Development and Dissemination Program—Notice of Final Priority, Requirements, and Definitions” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1940. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Notice of Final Requirements and Selection Criteria—Tech-Prep Demonstration...
CONGRESSIONAL RECORD — SENATE

April 26, 2005

S4257

Program” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1941. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Notice of Final Priorities—Comprehensive School Reform Quality Initiative” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1942. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Credit Enhancement for Charter Schools Program—Final Regulations” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1943. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Notice of Final Priorities—Smaller Learning Communities Programs—Special Competition” received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1945. A communication from the Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Rights-of-Way Under the Federal Land Policy Management Act and Rights-of-Way Under the Mineral Leasing Act” (RIN1004-AC74) received on April 22, 2005; to the Committee on Energy and Natural Resources.

EC-1946. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report entitled “Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida” (RIN1018-AT85) received on April 22, 2005; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-56. A joint resolution adopted by the Legislature of the State of Maine relative to the Togus Veterans Affairs Medical Center; to the Committee on Veterans’ Affairs.

JOINT RESOLUTION

Whereas the Veterans Affairs Medical Center in Togus, Maine, is the oldest facility operated by the United States Department of Veterans Affairs in the country, having been operated in 1866; and

Whereas the Togus Veterans Affairs Medical Center provides general medical, surgical and mental health services to our nation’s veterans; and

Whereas the Togus Veterans Affairs Medical Center is the only United States Department of Veterans Affairs medical center in Maine, a large and rural state; and

Whereas the State of Maine has a large population of military veterans, with more returning from Iraq, Afghanistan and elsewhere around the globe every day; and

Whereas a cut in funding for the Togus Veterans Affairs Medical Center would be devastating to the medical center’s ability to provide basic health care services to our nation’s veterans; Now, therefore, be it

Resolved, That we, your memorialists, respectfully urge and request that the United States Congress support the Togus Veterans Affairs Medical Center as a vital resource in serving our nation’s military veterans and providing them with much-needed and deserved health care services accessible from all points in the State; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of the State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 728. A bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 109-61). By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 907. An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation’s public transportation and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

Robert J. Portman, of Ohio, to be United States Trade Representative, with rank of Ambassador.

By Mr. CRAIG for the Committee on Veterans’ Affairs.

Johnathan Brian Perlin, of Maryland, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

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.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MCCAIN (for himself, Mr. HARKIN, Mr. STEVENS, and Mr. SMITH):

S. 900. A bill to reinstate the Federal Communications Commission’s rules for the description of video programming; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN:

S. 901. A bill to provide States that meet certain requirements with waivers of the America’s Promise Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ:

S. 902. A bill to amend the Longshore and Harbor Workers’ Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON:

S. 903. A bill to provide for the correction of a certain John H. Chafee Coastal Barrier Resources System map to the Committee on Environment and Public Works.

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

S. 904. A bill to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the “Brian P. Farrar Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 905. A bill for the relief of Heilit Martinez; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mr. MURRAY):

S. 906. A bill to promote wildland firefighting safety; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 907. An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation’s public transportation and for other purposes; to the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. McCONNELL:

S. 908. A bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate rules, laws, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. DODD:

S. 909. A bill to expand eligibility for government markers for marked graves of veterans at private cemeteries; to the Committee on Veterans’ Affairs.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, and Mr. COCHRAN):

S. 910. A bill to require that health plans provide coverage for a minimum hospital stay for metastatic rectal, lung, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

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

S. J. Res. 17. A joint resolution honoring the life and legacy of Frederick William Augustus von Steuben and recognizing his contributions on the 257th anniversary of his birth; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs.
At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. FEINGOLD) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 522 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 433, a bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport.

At the request of Mr. ENNSN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicaid outpatient rehabilitation therapy caps.

At the request of Mr. CORZINE, the name of the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mr. SNOW), were added as co-sponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

At the request of Mr. CONRAD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arizona (Mr. MCCAIN), were added as cosponsors of S. 548, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

At the request of Mr. LEVIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. SPECTER), were added as co-sponsors of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. MCCAK), was added as a co-sponsor of S. 765, a bill to preserve the health benefits of certain retired miners.

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. YED), was added as a co-sponsor of S. 594, a bill to amend section 1114 of title 11, United States Code, to preserve the health benefits of certain retired miners.

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 594, a bill to amend section 1114 of title 11, United States Code, to preserve the health benefits of certain retired miners.
create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 881

At the request of Ms. CANTWELL, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from North Dakota (Mr. BURKHALTER) were added as cosponsors of S. 881, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. Res. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 17, a resolution designating the week of May 9, 2005, as “National Hepatitis B Awareness Week”.

AMENDMENT NO. 57

At the request of Mr. CORZINE, the names of the Senator from Ohio (Mr. DIWITT), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. MCCAIN), the Senator from Nebraska (Mr. NELSON), the Senator from Washington (Ms. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. BAYH), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from Colorado (Mr. SALAZAR) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 881, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 900

A bill to reinstate the Federal Communications Commission’s rules for the description of video programming; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am introducing the Television Information-Enhancement for the Visually Impaired (TIVI) Act of 2005. This bill introduced required television broadcasters, during at least 50 hours of their prime time or children’s programming every quarter, to insert verbal descriptions of actions or settings not contained in the normal audio track of a program. This access can be accomplished by technology commonly referred to as “video description services,” which allows television programming to be more accessible and enjoyable for the visually impaired.

This bill is necessary due to a 2002 decision by District of Columbia Circuit Court of Appeals. In 2000, the Federal Communications Commission (“FCC” or “Commission”), recognizing the need to make television programming accessible to the visually impaired, promulgated rules that mandated television broadcast stations and their affiliates, which met certain market requirements, provide 50 hours of video descriptions during prime time or children’s programming every quarter. Television programmers challenged the Commission’s authority to promulgate such rules. The Circuit Court held that the Commission did not have authority to issue the regulations.

This bill would provide the Commission the authority to promulgate such regulations and reinstate the FCC’s video description rules issued in 2000. Additionally, the bill would require the FCC to consider whether it is economically and technically feasible and consistent with the public interest to include “accessible information” in its video description rules, which may include written information displayed on a screen, hazardous warnings and other emergency bulletins, and local and national news bulletins.

Since the spectrum that television broadcasters utilize is a public asset, one would expect that programming over the public airwaves is accessible to all Americans. Unfortunately, that is not the case today and that is why we must pass the TIVI Act. I sincerely hope that television broadcasters will work with us to provide video descriptions for individuals with visual disabilities.

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

S. 904. A bill to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the “Brian P. Parrello Post Office Building”.

SECTION 1. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) Designation.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the “Brian P. Parrello Post Office Building.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Brian P. Parrello Post Office Building.”
By Mr. HATCH:

S. 905. A bill for the relief of Helilt Martinez; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a bill for Miss Helilt Martinez. As my colleagues know, private relief is available in rare instances. I believe that the circumstances surrounding Miss Martinez’s case are extraordinary and merit the introduction of private legislation. Therefore, I am pleased to introduce this legislation today.

Miss Martinez was brought into the United States and is currently a resident. When questioned at the port of entry, it was discovered that Miss Martinez had legal immigration status. However, when she could not produce legal documentation, it was discovered that Miss Martinez was undocumented. She was detained for some days prior to her release.

For all intents and purposes, Miss Martinez does not have a country to which to return. The United States is her home. Therefore, I urge my colleagues to support the passage of this legislation to help Miss Martinez on the path of becoming a lawful, permanent resident.

Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 906. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, Governor Gregoire has already declared a drought in Washington State and I know my colleagues and I remain very concerned about what appears to be yet another year of devastating drought throughout the West, and the hazards this could pose in terms of increased fire risk and threats to public safety.

But today, I want to focus the majority of my comments on a topic that I have focused on and hope my colleagues will pay close attention to as the 2005 fire season approaches. That’s the issue of wildland firefighter safety.

Many of my colleagues are probably aware of the fact that every summer, we send thousands of our constituents—many of them brave young men and women, college students on summer break—into harm’s way to protect our Nation’s rural communities and public lands. These men and women serve our Nation bravely.

Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. These firefighters represented a mix of Federal and State employees, volunteers and independent contractors. And they lost their lives for an array of reasons. We all realize that fighting fires on our Nation’s public lands is an inherently dangerous business. But what we cannot and must not abide are the preventable deaths—losing firefighters because rules were broken, policies ignored and no one was held accountable.

A number of my colleagues will recall that in 2001, this issue was pushed to the fore in the State of Washington, because of a horrible tragedy. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile fire burned out of control.

Four courageous young firefighters were killed. Their names: Tom Craven, 20 years old; Karen FitzPatrick, 19; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service, revisions to the Standing Fire Orders which we could improve the agency’s safety performance. And almost a year later, the Weavers and the Cravens, the grief-stricken families.

In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what’s at stake when we send these men and women into harm’s way. I can think of no worse tragedy than a parent confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency’s safety performance. And almost a year later, people all too often lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service Inspector General, the IG has not timely implemented some of the recommendations of the agency’s training and safety protocols, and what I’ve heard when I have visited with firefighters over the past 2 years, I do believe the courage of the Thirtymile families to stand up and demand change has had a positive impact on the safety of the young men and women who are preparing to battle blazes as wildland firefighters.

Yet, I’m deeply saddened by the fact that it’s clear we haven’t done nearly enough. In July 2003—2 years after Thirtymile—two more firefighters perished, this time at the Cramer fire within Idaho’s Salmon-Challis National Forest. Ted Allen and Shane Heath were killed when the fire burned over an area where they were attempting to construct a landing spot for firefighting helicopters.

After the Thirtymile fire, however, I took the Weavers to the Cravens, the families of Karen FitzPatrick and Jessica Johnson that I believed we owed it to their children to identify the causes and learn from the mistakes that were made in the Okanogan, to make wildland firefighting safer for those who would follow. That is why the findings associated with the Cramer fire simply boggle my mind.

We learned at Thirtymile that all ten of the agencies’ Standing Fire Orders and many of the 18 Watch Out Situations—the most basic safety rules—were violated or disregarded. The same thing happened at Cramer, where Heath and Allen lost their lives 2 years later.

After the Thirtymile Fire, the Occupational Safety and Health Administration (OSHA) conducted an investigation and levied against the Forest Service five citations for Serious and Willful violations of safety rules. It was eerie, then, when just in March 2004 OSHA concluded its investigation of Cramer. The result: another five OSHA citations, for Serious, Willful and Repeat violations.

Reading through the list of causal factors and contributing factors for Cramer and putting them next to those associated with the Thirtymile fire, my colleagues would be struck by the many parallels to the pinch. And haunting are the parallels between these lists and the factors cited in the investigation of 1994’s South Canyon Fire on Storm King Mountain in Colorado. It’s been more than a decade since those 14 firefighters lost their lives on Storm King Mountain—and yet, the same mistakes are being made over and over again.

These facts have also been documented by an audit and memorandum issued last September by the Department of Agriculture’s Inspector General. The IG found that “accidents on the South Canyon, Thirtymile, and Cramer Fires—accompanied by unnecessary fatalities, could have been avoided if certain individuals had followed standard safety practices and procedures in place at the time.”

The IG also noted that the Forest Service “has not timely implemented actions to improve its safety programs.” Some 27 of 81 action items identified as a result of the Storm King and Thirtymile Fires—or roughly a third—had not been fully implemented years later. While I know that the IG is monitoring implementation of some of these items, the stark similarities between Storm King, Thirtymile, and...
Cramer make it seem positively astounding that the Forest Service still finds my bill “not necessary.” I don’t believe that’s acceptable. The firefighters send into harm’s way this year—and the ones we’ve already lost—deserve better.

Training, leadership and management problems have been cited in all of the incidents I’ve discussed. Frankly, I have believed since the Thirtymile tragedy that the Forest Service has its hands a cultural problem. What can we do, from the legislative branch, to provide this agency with enough motivation to change? I believe the first step we can take is to equip ourselves with improved oversight tools, so these agencies know that Congress is paying attention. Today I’m re-introducing legislation—the Wildland Firefighter Safety Act of 2005—that would do just that.

I believe this is a modest yet important proposal. It was already passed once by the Senate, as an amendment to the 2003 Healthy Forests legislation. However, I was disappointed that it was not included in the conference version. But it is absolutely clear to me—particularly in light of OSHA’s review of the Cramer Fire—that these provisions are needed now more than ever.

First, the Wildland Firefighter Safety Act of 2005 will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies’ “wildfire preparedness” account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies’ commitment to these programs over time—without a separate break-down of these funds.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs.

Congress has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, my bill would stipulate that federal contracts with private firefighting crews require training consistent with the training of federal wildland crews. It would also direct those agencies to monitor compliance with this requirement.

This is important not just for the private contractor employees themselves—but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

The Wildland Firefighter Safety Act of 2005 is a modest beginning in addressing the challenges posed by integrating private and federal contract crews—and doing it in a manner that maximizes everyone’s safety on the fire line.

I hope my colleagues will support this simple legislation. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm’s way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners—and to future wildland firefighters.

My bill will provide this body with the additional tools it needs to do the job.

By Mr. MCCONNELL:
S. 908. A bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity; to the Committee on the Judiciary.

Mr. MCCONNELL. 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. 908

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 “Common Sense Consumption Act of 2005”.

SEC. 2. FINDINGS; PURPOSE.
(a) FINDINGS.—Congress finds that—
(1) the food and beverage industries are a significant part of our national economy;

(b) RESPONSIBILITY OF PARTIES.
(1) ENGAGED IN THE BUSINESS. The term “engaged in the business” means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)));

(c) EFFECTIVE DATE.

(d) RULE OF CONSTRUCTION.

(e) RULE OF CONSTRUCTION.

(f) RULES OF DEFINITION.
SEC. 3. PRESERVATION OF SEPARATION OF POWERS.
(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

(c) DISCOVERY.—
(1) STAY. In any action that is allegedly of the type described in section 4(5)(B) seeking to impose liability based on accumulative acts of consumption of a qualified product, the obligation of any party or non-party to make disclosures of any kind under any applicable rules or orders, shall be subject to discovery requests of any kind, as well as all proceedings unrelated to a motion to dismiss, shall be stayed prior to the time for filing a motion to dismiss and during the pendency of any such motion, unless the court finds upon motion of any party that a response to a particularized discovery request is necessary to preserve evidence or to prevent undue prejudice to that party.

(d) RESPONSIBILITY OF PARTIES.—During the pendency of any stay of discovery under paragraph (1), the responsible parties shall deliver to the court with regard to the treatment of all documents, data compilations (including electronically recorded or stored data), and tangible objects shall be construed to create a Federal or State rules of civil procedure. A party aggrieved by the failure of an opposing party to comply with this paragraph shall have the applicable remedies available by such applicable rules, provided that no remedy shall be afforded that conflicts with the terms of paragraph (1).

(e) RULE OF CONSTRUCTION.—No provision of this Act shall be construed to create a public or private cause of action or remedy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term “engaged in the business” means a person who manufactures, markets, distributes, advertises, or sells a qualified product in the person’s regular course of trade or business.

(2) MANUFACTURER.—The term “manufacturer” means, with respect to a qualified product, a person who is lawfully engaged in the business of manufacturing the product.

(3) PERSON.—The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any governmental entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term “qualified product” means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f))).

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(a) IN GENERAL.—Subject to subparagrap...
other relief arising out of, or related to a person’s accumulated acts of consumption of a qualified product and weight gain, obesity, or a health condition that is associated with a person’s weight gain or obesity, including an action brought by a person other than the person on whose weight gain, obesity, or health condition the action is based, and any derivative or related actions by any person or any representative, spouse, parent, child, or other relative of that person.

(B) Exception.—A qualified civil liability action shall not include—
(i) an action based on allegations of breach of express contract or express warranty that are grounded on recovery being alleged in such action are unrelated to a person’s weight gain, obesity, or a health condition associated with a person’s weight gain or obesity;
(ii) an action based on allegations that—
(A) a manufacturer or seller of a qualified product knowingly violated a Federal or State statute applicable to the marketing, advertisement, or labeling of the qualified product with intent for a person to rely on that violation; and
(B) a person individually and justifiably relied on that violation; and
(iii) such reliance was the proximate cause of injury related to that person’s weight gain or obesity, or a health condition associated with that person’s weight gain or obesity; or
(6) Seller.—The term “seller” means, with respect to a qualified product, a person lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product.
(7) State.—The term “State” includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other possession of the United States, and any political subdivision of any such place.
(8) Trade association.—The term “trade association” means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers, marketers, distributors, advertisers, or sellers of a qualified product.

By Mr. DODD:
S. 909. A bill to expand eligibility for governmental markers for marked graves of veterans at private cemeteries; to the Committee on Veterans’ Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will restore the rights of all veterans and their families to receive an official grave marker of the Department of Veterans Affairs. This legislation addresses an unfortunate inequity that exists for veterans who passed away during the period between November 1, 1990 and September 11, 2001.

It may come as a shock to my colleagues to learn that while all other veterans are entitled to the VA’s official grave markers, current law forbids veterans who passed away during this eleven year period from being so honored.

This situation is unacceptable and must be remedied.

Nearly one year ago today, the National World War II Memorial was unveiled to the public. Countless Americans who have passed its 50 stone pillars since that time have been reminded of the courage and sacrifice of the men and women who served our country, at its time of greatest need.

But as Senator Bob Dole stated at its dedication ceremony, the World War II Memorial is not a tribute to war and conflict. Rather, he said, “it’s a tribute to the physical and moral courage that makes heroes out of farm and city boys and that inspire Americans in every generation to lay down their lives for people they will never meet, for ideals that make life itself worth living.”

Indeed, monuments like the World War II Memorial serve as a reminder to the service and dedication of our veterans. The 4,000 stars resting on the Wall of Freedom remind us that too many paid the ultimate price.

Many Americans have a similar experience when they visit the grave of a former veteran, often a friend or relative, who served and sacrificed. Most of these sites have markers paying tribute to the veteran’s service. We place flags by their side on Memorial Day. Until 1990, moreover, the family of a deceased Veteran could receive reimbursement for a VA cemetery marker or a private headstone. However, in the name of cost-cutting, measures were taken to prevent the VA from providing markers to those families that had purchased gravestones out of their own pockets.

In my view, this measure was a serious injustice. Nearly all families today provide for some gravestone or other privately purchased marker following the death of a relative. Yet most were unaware of the new VA regulation. Many veterans were buried without any official recognition of their service to our country. As of 2001, the VA estimated that it was forced to deny nearly 20,000 requests for such markers every year.

This body first endorsed a provision restoring the right of every veteran to receive a grave marker as early as June 7, 2000 as part of the fiscal year 2001 Defense Authorization Bill. This body again approved a similar provision December 8, 2001. But it was not until December 6, 2002 that legislation was signed into law as part of the Veterans Improvement Act allowing VA markers to be provided to deceased veterans retroactively. Unfortunately, however, when the bill went to conference with the House of Representatives, this benefit was only applied retroactively to September 11, 2001 rather than to November 1, 1990, the date at which the new VA regulation came into effect.

Veterans who passed away between those two dates were cut out.

That decision has never satisfied me or many veterans and their families.

Why should one veteran receive recognition, while the family of another is told that there is nothing our government can do simply because of the date of their passing?

My legislation will correct this inequity. This bill is simple. It ensures that many veterans who have passed away since 1990 are able to receive a VA grave marker.

It is inexpensive. In 2001, the Congressional Budget Office estimated that providing such a benefit to all veterans would cost no more than 6 million per year for the first 5 years. Since most of the families of veterans who passed away between 1990 and 2001 have already completed their burial plans, it is safe to assume that a substantially smaller number of individuals would require this benefit.

Today is the seventh anniversary of the passing of Agostino Guzzo, a Connecticut resident who bravely served in the United States Armed Forces in the Philippines during World War II. His family interred his body in a mausoleum at the Cedar Hill Cemetery in Hartford, Connecticut. The family was not aware of the VA’s restrictions on grave markers, and was told by the VA that there was no way to receive an official recognition.

Agostino’s son, Thomas Guzzo, brought the matter to my attention, and, along with Representative NANCY JOHNSON, we were able pass legislation granting Agostino the memorial he deserved. But too many families are still denied such markers. This legislation honors the memory of Agostino Guzzo and all of the veterans who have served their country in war and peace. Thomas Guzzo’s commitment to this issue has not ended. The commitment of this Congress to the issue should continue as well.

I hope our colleagues will give this important legislation their favorable consideration.

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. 909
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) IN GENERAL.—Section 502(d) of the Veterans Education and Benefits Expansion Act of 2001 (38 U.S.C. 2206 note) is amended by striking “September 11, 2001” and inserting “December 1, 1990”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 502 of the Veterans Education and Benefits Expansion Act of 2001.

By Ms. SNOWE (for herself, Ms. LANDREIUE, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, and Mr. COCHRAN):
Ms. LANDRIEU. Mr. President, I rise today to introduce the Breast Cancer Patient Protection Act of 2005. I am pleased to be joined today by Senator LANDRIEU in introducing this legislation to assure women of a higher standard of breast cancer treatment. We are joined by colleagues who have supported our efforts in the past—Senator FEINSTEIN, Senator BOXER, Senator MURRAY, Senator CORZINE, and Senator DURBIN. Today in the House, Representatives KELLY and DELAURO are introducing identical legislation. Working together in this bipartisan, bicameral effort—supported by so many breast cancer advocates—we should at last achieve for American women the protections they so deserve.

A woman in the United States has a 1 in 7 chance of developing breast cancer this year. This year over 216,000 women will receive a life-altering diagnosis of invasive breast cancer. At some point in their lives, nearly every American will have a family member or friend who must battle breast cancer. Yet current standards of health care have created a situation in which thousands of women each year undergo mastectomies needlessly, and women have even undergone breast cancer surgery as an outpatient—the “drive-through mastectomy” as it has been called—being sent home without critical support for their recovery.

Our legislation empowers women and their doctors to make treatment decisions based on what is medically prudent, not simply what will achieve short-term savings. The stress of a cancer diagnosis can compound that stress, to leave a woman with the knowledge that she must undergo a disfiguring procedure due only to her financial position, or to undergo surgery without proper hospitalization, is absolutely unconscionable.

This bill achieves three important objectives. First, it assures a patient of a second opinion for any cancer diagnosis. A cancer diagnosis simply must be reliable.

Second, this legislation assures a patient of a reasonable minimum length of hospital stay for invasive treatment of breast cancer. Many of us have heard of women receiving outpatient mastectomies, being sent home without the necessary support. Such treatment is unconscionable. This legislation establishes a 48 hour minimum stay for mastectomies and lymph node dissections. I must point out that this assurance does not require a woman remain hospitalized that long if she and her doctor concur that she goes home earlier—nor does it prevent a longer hospitalization if her medical condition warrants it.

However, this provision will protect women from that small fraction of insurance plans which will not allow such reasonable treatment. This assurance is offered regardless of whether the patient’s plan is regulated by ERISA or State regulations.

Finally, this legislation does more than simply ensure a patient of reasonable hospitalization. It assures her of support in choosing the best choices about her treatment.

It is not hard to understand why the words “you have breast cancer” are some of the most frightening in the English language. For the woman who hears them, everything changes from that moment forward. No wonder, then, that it is a diagnosis not only accompanied by fear, but also by uncertainty. What will become of me? What will they have to do to me? What will I have to endure? What’s the next step? For many women answering to that last question is a mastectomy or lumpectomy. But despite the fact that studies are demonstrating that lumpectomy often is just as effective as mastectomy for treating breast cancer, an insurance coverage bias causes too many to unnecessarily undergo mastectomy. By ensuring a reasonable hospital stay, as well as coverage for radiation therapy, this legislation removes much of the financial incentive that has caused women to receive a mastectomy when a lumpectomy would have been just as effective.

In fact, when the pain, trauma, and cost of breast reconstruction is considered, together with the frequent need for follow-up surgeries, and when we consider the additional health risks which implants may pose, it is clear that mastectomy can entail greater health and economic costs. Decisions about treatment simply must be based on sound science and a long term view, not what is most financially expedient at that very moment. Women must have the ability to make a choice with their physician which considers what is in her best long term interest. This legislation ensures that choice is not influenced by a short term outlook.

I urge my colleagues to join me in supporting this bill and work towards passing it this year.

Ms. LANDRIEU. Mr. President, approximately 211,300 women will be diagnosed with breast cancer this year. No doubt, you know one of these women. In fact, they may be your sister, mother, aunt, cousin or dear friend. In most cases, the doctor will prescribe immediate and often times aggressive treatment in the hopes of stalling further progression of the disease. The quality of care that breast cancer patients receive is paramount to their survival. Despite the urgent need for Federal protections to ensure that breast cancer sufferers receive appropriate treatment, very few exist.

It may shock you to learn that women who have undergone surgical treatments such as breast removal mastectomy—or lymph node dissections are being sent home within hours of having surgery because insurance companies are unwilling to reimburse recovery time in hospitals, a practice referred to as “Drive-Through Mastectomies.” These women have reported being sent home still drowsy from anesthesia, weakened from hours of surgery, and with drainage tubes attached to their bodies, while simultaneously experiencing the immense emotional trauma associated with the removal of a breast or lymph nodes.

To this end, I am pleased to have worked with Senator SNOWE to introduce the Breast Cancer Patient Protection Act of 2005. This legislation will prevent insurance companies from restricting hospital stays resulting from mastectomies to less than 48 hours and hospital stays resulting from lymph node dissections to less than 24 hours. This bill does not prevent a doctor from discharging a woman prior to these minimum requirements, if he/she determines, in consultation with the patient, that this is the best treatment option. The Breast Cancer Patient Protection Act simply ensures that these types of medical decisions are made by doctors, not insurance companies. The legislation also prohibits insurance companies from circumventing the legislation through practices such as providing incentives to doctors or patients to reduce length of stays associated with mastectomies or lymph node dissections.

To be fair, we must acknowledge that this legislation will not change the nature of mastectomies and lymph node dissections for the majority of women. Over 19 States have already put State laws in place that work to the same end as the Breast Cancer Patient Protection Act, and the vast majority of insurance companies have already responded on their own to this problem. However, this is a case in which the injustice, while small in number of women it affects, is clear. And just as the injustice is apparent, the solution is simple. It is high time that the Federal Government took action. Yes, many states have already done so, and yes, many insurance companies have, too, but if even one woman is forced to go home too soon after such an invasive surgery, that is one woman too many. It is not the fact that this is happening to many women, it is the fact that it is happening to any woman.

For all of our sisters, mothers, daughters, aunts, friends, and loved ones, it is time for us to provide the needed protections. I ask for your support of the Breast Cancer Patient Protection Act of 2005.
Ninados: Now, therefore, be it

laughing, faith, energy, spirit, hopes, and

should be encouraged to celebrate the gifts

responsibility of all its people, and people

braving Young Americans

worked with cities throughout the country

significance of family, education, and com-

affirm for the people of the United States the

the children of the United States will help

members and encourage children to explore,

out rates are unacceptably high;

future generations;

children live in the United States;

and wish to share this custom with the rest

of the United States;

Whereas the importance of literacy and

Whereas families should be encouraged to

Whereas traditional Hispanic family life

centers largely on children;

Whereas Hispanic children should be nurtured and

Whereas the primary teachers of family

values, morality, and culture are parents and

family members, and we rely on children to

pass on these family values, morals, and cul-

ture to future generations;

Whereas more than 500,000 children drop

out of school each year, and Hispanic drop-

out rates are unacceptably high;

Whereas the importance of literacy and

education are most often communicated to

children through family members;

Whereas families should be encouraged to

engage in family and community activities that

include extended and elderly family members and encourage children to explore, develop, complete, and pursue their dreams;

Whereas the designation of a day to honor

the children of the United States will help

affirm for the people of the United States the

significance of family, education, and com-

munity;

Whereas the designation of a day of special

recognition for the children of the United

States will provide an opportunity for chil-

dren to reflect on their future, to articulate

their dreams and aspirations, and to find

comfort and security in the support of their

family members and communities;

Whereas the National Latino Children’s In-

stitute, serving as a voice for children, has

worked with cities throughout the country

to declare April 30 as “Dia de los Niños: Ce-

brating Young Americans”—a day to bring

together Hispanics and other communities

nationwide to celebrate and uplift children; and

Whereas the children of a nation are the

responsibility of all its people, and people

should be encouraged to celebrate the gifts

of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as “Dia de los

Niños: Celebrating Young Americans”; and

(2) calls on the people of the United States
to join with all children, families, organiza-

tions, communities, churches, cities, and

States across the United States to observe the
day with appropriate ceremonies, includ-

ing activities that—

(A) center around children, and are free or

minimal in cost so as to encourage and fa-
cilitate the participation of all our people;

(B) are positive and that help children ex-

press their hopes and dreams;

(C) provide opportunities for children of

all backgrounds to learn about one another’s
cultures and to share ideas;

(D) include all members of the family, and

especially extended and elderly family mem-

bers, so as to promote greater communica-

tion among the generations within a family,

enabling children to appreciate and benefit

from the experiences and wisdom of their el-

derly family members;

(E) provide opportunities for families with-

in a community to get acquainted; and

(F) provide children with the support they

need to develop skills and confidence, and
to find the inner strength—the will and fire

of the human spirit—to make their dreams

come true.

Mr. HATCH, Mr. President, I rise
today to submit an important resolu-
tion designating the 30th day of April

2005 as Dia de los Niños: Celebrating
Young Americans.”

Nations throughout the world, and

especially within Latin America, cele-
brate Dia de los Niños on the 30th of

April, in recognition and celebration of

their country’s future—their children.

Many American Hispanic families con-

trinue the tradition of honoring their

children on this day by celebrating Dia

de los Niños in their homes.

The designation of a day to honor the

children of the Nation will help affirm for

the people of the United States the

significance of family, education, and com-

munity. This special recognition of

children will provide us with an opportu-

nity to focus on their future, artic-

ulate their dreams and aspirations, and

find comfort and security in the support of

their family members and communities.

This resolution calls on the American people to join with all

children, families, organizations, com-

munities, churches, cities, and states

cross the Nation to observe the day

with appropriate ceremonies and ac-

tivities.

Joining me as original co-sponsors to this Resolution are

JOHN CORNYN,

CHARLES E. GRASSLEY, KAY BAILEY

HUTCHISON, MEL MARTINEZ, and LISA

MURKOWSKI.

I strongly urge my colleagues to join

us in promptly passing this Resolution

designating April 30, 2005: Dia de los

Niños: Celebrating Young Americans.

SENATE RESOLUTION 124—RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM SPECTRUM DISORDERS, SUPPORTING PROGRAMS FOR INCREASED RESEARCH AND IMPROVED TREATMENT OF AUTISM, AND IMPROVING TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. FEIN-

GRINGOLD, and Ms. STABENOW) submitted

the following resolution; which was re-

ferred to the Committee on Health,

Education, Labor, and Pensions:

S. Res. 124

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, The Dan Marino Foundation, and numerous other organizations commemorate April as National Autism Awareness Month;

Whereas autism is a developmental dis-
order that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in

every 106 children in America;

Whereas autism “is 4 times more likely in

boys than in girls, and can affect anyone, re-

gardless of race, ethnicity, or other factors; Whereas the cost of specialized treatment in a development center for people with autism is approximately $80,000 per indi-

vidual per year;

Whereas the cost of special education pro-

grams for school-aged children with autism

is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for

persons affected by autism is estimated at

upwards of $90,000,000,000 per year; and

Whereas despite the fact that autism is one of the most common developmental dis-

orders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder. Now, therefore, be it

Resolved, That the Senate—

(1) supports the establishment of April as National Autism Awareness Month;

(2) recognizes and supports parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support serv-

ices;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treat-

ment, expand programs for individuals with autism across their lifespan, and promote understanding of the special needs of people with autism;

(4) commends the Department of Health and Human Services for its rapid implemen-
tation of the Children’s Health Act of 2000, particularly for establishing 4 “Centers of Excellence” at the Centers for Disease Con-

trol and Prevention to study the epidemi-

ology of autism and related disorders and the proposed “Centers of Excellence” at the National Institutes of Health for autism re-

search;

(5) stresses the need to begin early inter-

vention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and early intervention significantly
improves outcomes for people with autism and can reduce the level of funding and services needed later in life; and

(6) supports the Federal Government’s nearly $1 billion commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (IDEA);

(7) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(8) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 125—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS WOMEN’S ICE HOCKEY TEAM FOR WINNING THE 2004–2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WOMEN’S ICE HOCKEY CHAMPIONSHIP

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. Res. 125

Whereas, on Sunday, March 27, 2005, the University of Minnesota Golden Gophers won the National Collegiate Athletic Association (NCAA) Division I Women’s Hockey Championship for the second straight year;

Whereas the University of Minnesota Golden Gophers defeated Harvard University in the championship game by a score of 7 to 2 in the semifinals; Whereas, during the 2004–2005 season, the Golden Gophers won an outstanding 36 out of 40 games;

Whereas Ms. Krissy Wendell was honored with the prestigious Patty Kazmaier Award, which is bestowed annually to the Nation’s most outstanding women’s collegiate hockey player;

Whereas Ms. Natalie Darwitz, Ms. Lyndsay Wall, and Ms. Krissy Wendell were selected for the 2004–2005 NCAA All-Tournament Team, and Ms. Darwitz was named the tournament’s Most Outstanding Player;

Whereas Ms. Lyndsay Wall, Ms. Krissy Wendell, and Ms. Natalie Darwitz were named to the CCM Women’s Ice Hockey All-American Second Team, and Ms. Jody Horak was named to the CCM Women’s Ice Hockey All-American Second Team;

Whereas the team’s seniors—Ms. Jody Horak, Ms. Brenda Reinen, Ms. Kelly Stephens, Ms. Noelle Sutton, and Ms. Stacy Troumbly—will graduate, leaving the University of Minnesota Golden Gophers women’s ice hockey program throughout their collegiate careers;

Whereas the University of Minnesota Golden Gophers women’s ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team; Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Golden Gophers women’s ice hockey team for winning the 2005 National Collegiate Athletic Association’s Division I Women’s Ice Hockey Championship;

(2) recognizes the outstanding achievements of the team’s players, coaches, and support staff; and

(3) directs the Secretary of the Senate to transmit this resolution to the president of the University of Minnesota.

SENATE CONCURRENT RESOLUTION TO ANNUALLY CELEBRATE NATIONAL AUTISM AWARENESS MONTH: Now, therefore, be it

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

(1) the Administration should utilize effective remedies and solutions in addressing the large-scale intellectual property protection problem in China and Russia, using all available tools provided by Congress;

(2) the Administration should ensure that any country that enjoys benefits under the Generalized System of Preferences (GSP) program, such as Russia, lives up to its obligations to provide adequate and effective protection for intellectual property rights, or lose its eligibility to participate in trade preference programs;

(3) the Administration should ensure that action is taken against any country with which the United States shares mutual commitments under the WTO, such as China, when the country fails to live up to its WTO commitments;

(4) the Administration should urge Russia to promote measures to enforce intellectual property protection which will ensure compliance with the intellectual property commitments required by the WTO; and

(5) the President should take any additional action the Presidential Proclamation appropriates appropriate to protect the intellectual property rights of United States businesses.

AMENDMENTS SUBMITTED AND PROPOSED

SA 567. Mr. INHOFE proposed an amendment to the bill H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 568. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 569. Mr. CHAMILB (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 570. Mr. CHAMILB (for himself, Mr. ISAKSON, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 571. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 572. Mr. THUNE proposed an amendment to the Senate amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 573. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 574. Mrs. DOLE (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 575. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

Whereas the United States Government must convey to these countries that failure to act will have political and economic consequences for relationships with the United States; and

Whereas Congress has enacted legislation regarding the protection of intellectual property, including measures which direct the Administration to collaborate with governments that fail to provide adequate and effective protection for intellectual property: Now, therefore, be it

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

(1) the Administration should utilize effective remedies and solutions in addressing the large-scale intellectual property protection problem in China and Russia, using all available tools provided by Congress;

(2) the Administration should ensure that any country that enjoys benefits under the Generalized System of Preferences (GSP) program, such as Russia, lives up to its obligations to provide adequate and effective protection for intellectual property rights, or lose its eligibility to participate in trade preference programs;

(3) the Administration should ensure that action is taken against any country with which the United States shares mutual commitments under the WTO, such as China, when the country fails to live up to its WTO commitments;

(4) the Administration should urge Russia to promote measures to enforce intellectual property protection which will ensure compliance with the intellectual property commitments required by the WTO; and

(5) the President should take any additional action the Presidential Proclamation appropriates appropriate to protect the intellectual property rights of United States businesses.

Whereas the University of Minnesota Golden Gophers women’s ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team: Now, therefore, be it

Resolved, That the Senate—

Whereas the copyright industries employ approximately 11,500,000 workers or 8.41 percent of total employment in the United States; whereas the levels of employment in the health care and social assistance sector (15,300,000 employees) and the entire manufacturing sector (14,500,000 workers in all industries) are much larger; Whereas there is great concern about the failure of many of our trading partners to live up to their international obligations in the area of intellectual property protection; Whereas counterfeiters of copyrighted products in digital and other formats, as well as counterfeiting of all types of trademarked products, has grown to an enormous scale; Whereas many of our trading partners, in particular Russia and China, have laws in place to prevent counterfeiting, but are failing to enforce the laws; Whereas Russia and China alone are responsible for over $4,000,000,000 in losses a year to United States industries due to piracy; Whereas piracy in Russia and China is open, notorious, and permitted to operate by the government without interference from the governments of those countries; Whereas China should be encouraged to meet its intellectual property protection obligations as a member of the World Trade Organization (WTO); Whereas Russia should be encouraged to explore means to provide effective piracy enabling compliance with the rules set forth by the WTO;
SA 576. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 577. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 578. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 580. Mr. VOLINOVICH (for himself, Mr. DEWINE, Mr. COLEMAN, Mr. DURBIN, Mr. OBAMA, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 581. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 567. Mr. INHOFE proposed an amendment to the bill H.R. 3. Reserved; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Title I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

Title II—STRENGTHENING AND RESTORING OUR TRANSPORTATION PROGRAMS

Subtitle B—Infrastructure and Safety

Subtitle C—Highway Safety Improvement Program

Subtitle D—Safety

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

Section 101. Integration of natural resource concerns into State and metropolitan transportation planning.

Section 102. Coordination between transportation agencies and resource agencies in transportation planning.

Section 103. Identification of natural resource concerns into transportation project planning.

Section 104. Federal involvement in transportation planning and projects.

Section 105. Project mitigation.

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

Section 201. Transportation project development process.

Section 202. Assumption of responsibility for categorical exclusions.

Section 203. Surface transportation project delivery pilot program.

Section 204. Parks, recreation areas, wildlife and waterfowl refuges, and historic sites.

Section 205. Regulations.

CHAPTER 3—MISCELLANEOUS

Title III—INFRASTRUCTURE INVESTMENTS

Subtitle A—FEDERAL-AID HIGHWAYS

By amendment of the House, the Senate agreed to the amendment intended to be proposed by it to the bill H.R. 3, supra; which was ordered to lie on the table.

S4266

CONGRESSIONAL RECORD—SENATE

April 26, 2005
April 26, 2005

CONGRESSIONAL RECORD — SENATE

S4267

Sec. 3002. Amendment of Federal aid in Fish Restoration Act.
Sec. 3003. Authorization of appropriations.
Sec. 3004. Division of annual appropriations.
Sec. 3005. Miscellaneous projects.
Sec. 3006. Boating infrastructure.
Sec. 3007. Requirements and restrictions concerning use of amounts for expenses for administration.
Sec. 3008. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Marianas Islands, and the Virgin Islands.
Sec. 3009. Multimodal conservation grant program.

TITLE IV—SOLID WASTE DISPOSAL

Sec. 4001. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.
Sec. 4002. Use of granular mine tailings.

SEC. 2. GENERAL DEFINITIONS.
In this Act:

(1) DEPARTMENT.—The term ‘‘Department’’ means the Department of Transportation.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Transportation.

SEC. 3. DEFINITIONS FOR TITLE 23.
Section 101 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

‘‘(a) DEFINITIONS.—In this title:

‘‘(1) APPOINTMENT.—The term ‘‘appointment’’ includes an unexpended apportionment made for the performance, in accordance with the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.

‘‘(2) FUND PROJECT.—‘‘(A) IN GENERAL.—The term ‘carpool project’ means any project to encourage the use of carpools and vanpools.

‘‘(B) INCLUSIONS.—The term ‘carpool project’ includes any project—

‘‘(i) to provide carpooling opportunities to the elderly and individuals with disabilities;

‘‘(ii) to develop and implement a system for locating potential riders and informing the riders of carpool opportunities;

‘‘(iii) to acquire vehicles for carpool use;

‘‘(iv) to maintain highway lanes as preferred carpool highway lanes;

‘‘(v) to provide carpool-related traffic control devices; and

‘‘(vi) to provide facilities for use for preferred parking for carpools.

‘‘(3) CONSTRUCTION.—‘‘(A) IN GENERAL.—The term ‘construction’ means the planning, design, inspection, and actual building of, and incurring of all costs incident to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid projects or in projects that directly benefit the Federal-aid highway program.

‘‘(B) INCLUSIONS.—The term ‘construction’ includes—

‘‘(i) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration);

‘‘(ii) resurfacing, restoration, and rehabilitation;

‘‘(iii) acquisition of rights-of-way;

‘‘(iv) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

‘‘(v) improvement of hazards of railway grade crossings;

‘‘(vi) elimination of roadside obstacles;

‘‘(vii) improvements that directly facilitate and control traffic flow, such as—

‘‘(I) grade separation of intersections;

‘‘(II) widening of lanes;

‘‘(III) disciplinary control of traffic;

‘‘(IV) traffic control systems; and

‘‘(V) passenger loading and unloading areas;

‘‘(viii) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as—

‘‘(I) scales (fixed and portable);

‘‘(II) scale pits;

‘‘(III) scale installation; and

‘‘(IV) scale houses;

‘‘(ix) operating costs relating to traffic monitoring, management, and control;

‘‘(x) operational improvements; and

‘‘(xi) transportation system management and operations;

‘‘(4) COUNTY.—The term ‘county’ includes—

‘‘(A) a corresponding unit of government under any other name in a State that does not have counties; and

‘‘(B) in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over highways and trails.

‘‘(5) FEDERAL-AID HIGHWAY.—

‘‘(A) IN GENERAL.—The term ‘Federal-aid highway’ means a highway eligible for assistance under this Act.

‘‘(B) EXCLUSIONS.—The term ‘Federal-aid highway’ does not include a highway classified as a local road or rural minor collector.

‘‘(6) FEDERAL-AID SYSTEM.—The term ‘Federal-aid system’ means any of the Federal-aid highway systems described in section 103.

‘‘(7) FEDERAL LANDS HIGHWAY.—The term ‘Federal lands highway’ means—

‘‘(A) a forest highway;

‘‘(B) a recreation road;

‘‘(C) a public Forest Service road;

‘‘(D) a park road;

‘‘(E) a parkway;

‘‘(F) a refuge road;

‘‘(G) an Indian reservation road;

‘‘(H) a public lands highway.

‘‘(8) FOREST HIGHWAY.—The term ‘forest highway’ means a forest road that is—

‘‘(A) under the law enacted, and is maintained by, a public authority; and

‘‘(B) open to public travel.

‘‘(9) FOREST ROAD OR TRAIL.—The term ‘forest road or trail’ means—

‘‘(A) in general.—The term ‘forest road or trail’ means a road or trial wholly or partly within, or adjacent to, and serving National Forest System land that is necessary for the protection, administration, use, and development of the resources of that land.

‘‘(B) INCLUSIONS.—The term ‘forest road or trail’ includes—

‘‘(i) a classified forest road;

‘‘(ii) an unclassified forest road;

‘‘(iii) a temporary forest road; and

‘‘(iv) a public service road.

‘‘(10) FREIGHT TRANSPORTATION Gateway.—

‘‘(A) IN GENERAL.—The term ‘freight transportation gateway’ means a nationally or regionally significant transportation port of entry or hub for domestic and global trade or military mobilization.

‘‘(B) INCLUSIONS.—The term ‘freight transportation gateway’ includes—

‘‘(i) an integrated traffic control system;

‘‘(ii) an incident management program; and

‘‘(iii) a traffic control center.

‘‘(20) OPERATIONAL IMPROVEMENT.—

‘‘(A) IN GENERAL.—The term ‘operational improvement’ means—

‘‘(i) a capital improvement for installation or implementation of—
(I) a transportation system management and operations program;
(II) traffic and transportation security surveillance and control equipment;
(III) a centralized signal system;
(IV) a motorist information system;
(V) an integrated traffic control system;
(VI) an incident management program;
(VII) systems programs for transportation response to manmade and natural disasters; or
(VIII) a transportation demand management program; and
(ii) such other capital improvements to a public road as the Secretary may designate by regulation.

(B) Exclusions.—The term ‘operational improvement’ does not include—
(i) a resurfacing, restorative, or rehabilitative improvement;
(ii) construction of an additional lane, interchange, or grade separation; or
(iii) construction of a new facility on a new location.

(21) PARK ROAD.—The term ‘park road’ means a public road (including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles) that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

(22) PARKWAY.—The term ‘parkway’ means a parkway authorized by an Act of Congress on land to which title is vested in the United States.

(23) PROJECT.—The term ‘project’ means—
(A) an undertaking to construct a particular portion of a highway; or
(B) if the context so implies, a particular portion of a highway so constructed; and
(C) any other undertaking eligible for assistance under this title.

(24) PROJECT AGREEMENT.—The term ‘project agreement’ means the formal instrument to be executed by the Secretary and recipient of funds under this title.

(25) PUBLIC AUTHORITY.—The term ‘public authority’ means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

(26) PUBLIC FOREST SERVICE ROAD.—The term ‘public Forest Service road’ means a classified forest road—
(A) that is open to public travel;
(B) for which title and maintenance responsibility is vested in the Federal Government; and
(C) that has been designated a public road by the Forest Service.

(27) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term ‘public lands development roads and trails’ means roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and management of public lands and resources under the control of the Secretary of the Interior.

(28) PUBLIC LANDS HIGHWAY.—The term ‘public lands highway’ means—
(A) a motorized road;
(i) under the jurisdiction of, and maintained by, a public authority; and
(ii) open to public travel; and
(B) a highway through unappropriated or unreserved public land, nontaxable Indian land, or any other Federal reservation (including a major highway through such land or resource that is on the Federal-aid system) that is—
(i) under the jurisdiction of, and maintained by, a public authority; and
(ii) open to public travel;
(C) public road.—The term ‘public road’ means any road or street that is—
(A) under the jurisdiction of, and maintained by, a public authority; and
(B) open to public travel.

(30) RECREATIONAL ROAD.—The term ‘recreational road’ means a public road—
(A) that provides access to a museum, lake, reservoir, visitors center, gateway to a major wilderness area, public use area, or recreational or historic site; and
(B) for which title is vested in the Federal Government.

(31) REFUGE ROAD.—The term ‘refuge road’ means a public road—
(A) that provides access to or within a unit of the National Wildlife Refuge System or a national fish hatchery; and
(B) for which title and maintenance responsibility is vested in the United States Government.

(32) RURAL AREA.—The term ‘rural area’ means an area of a State that is not included in—
(33) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

(34) STATE.—The term ‘State’ means—
(A) a State;
(B) the District of Columbia; and
(C) the Commonwealth of Puerto Rico.

(35) STATE FUNDS.—The term ‘State funds’ includes—
(A) raised under the authority of the State (or any political or other subdivision of a State); and
(B) made available for expenditure under the direct control of the State transportation department.

(36) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means the department, agency, commission, board, or official of any State charged by the laws of the State with the responsibility for highway construction.

(37) TERRITORIAL HIGHWAY SYSTEM.—The term ‘territorial highway system’ means the system of arterial highways, collector roads, and necessary interisland connectors in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands that have been designated by the appropriate Governor or chief executive officer of a territory, and approved by the Secretary, in accordance with section 215.

(38) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term ‘transportation enhancement activity’ means, with respect to any project or the area to be served by the project, any of the following activities as the activities relate to surface transportation—
(A) Provision of facilities for pedestrians and bicyclists.
(B) Provision of safety and educational activities for pedestrians and bicyclists.
(C) Acquisition of scenic easements and scenic or historic sites (including historic battlefields).
(D) Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
(E) Landscaping and other scenic beautification.
(F) Historic preservation.
(G) Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
(H) Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).
(I) Control and removal of outdoor advertising.
(J) Archaeological and research.
(K) Environmental mitigation—
(i) to address water pollution due to highway runoff; or
(ii) reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—
(A) IN GENERAL.—The term ‘transportation systems management and operations’ means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal, intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve safety, and reliability of the transportation system.
(B) INCLUSIONS.—The term ‘transportation systems management and operations includes—
(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and
(ii) improvements to the transportation system such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, operations enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.

(40) URBAN AREA.—The term ‘urban area’ means—
(A) an urbanized area (or, in the case of an urbanized area encompassing more than 1 State, the portion of the urbanized area in each State); and
(B) an urban place designated by the Secretary of the Census that—
(i) has a population of 5,000 or more; and
(ii) is not located within any urbanized area; and
(iii) is located within boundaries that—
(A) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and
(B) encompass, at a minimum, the entire urban place designated by the Secretary of the Census (except in the case of cities in the State of Maine and in the State of New Hampshire).

(41) URBANIZED AREA.—The term ‘urbanized area’ means an area that—
(A) has a population of 50,000 or more; and
(B) is designated by the Secretary of the Census; and
(C) is located within boundaries that—
(i) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and
(ii) encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):—

(A) Interstate Maintenance Program.—For the Interstate maintenance program under section 119 of title 23, United States Code:

(B) $5,799,188,140 for fiscal year 2005;
(C) $6,032,059,334 for fiscal year 2006;
(D) $6,443,591,248 for fiscal year 2007.

(B) Mass Transit Account.—For the Mass Transit Account:

(C) $6,049,378,729 for fiscal year 2007;
(D) $5,715,969,528 for fiscal year 2008;
(E) $6,453,501,248 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title:

(A) $7,051,146,316 for fiscal year 2005;
(B) $7,333,629,462 for fiscal year 2006;
(C) $7,354,650,712 for fiscal year 2007;
(D) $7,720,825,041 for fiscal year 2008; and
(E) $7,833,068,496 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 105 of title 23, United States Code, $7,318,023,129 for each of fiscal years 2005 through 2009.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 172 of such title, $532,518,499 for each of fiscal years 2005 through 2009.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 170 of such title, $8,930,818 for each of fiscal years 2005 through 2009.

(6) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under section 149 of such title—

(A) $1,979,088,016 for fiscal year 2005;

(B) $2,049,068,323 for fiscal year 2006;

(C) $2,054,941,629 for fiscal year 2007;

(D) $2,157,424,382 for fiscal year 2008; and

(E) $2,188,954,810 for fiscal year 2009.

(7) DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 170 of such title, $332,518,499 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title, $54,154,424 for each of fiscal years 2005 through 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title, $290,251,572 for fiscal year 2005;

(ii) $312,578,616 for fiscal year 2006;

(iii) $334,905,660 for fiscal year 2007;

(E) $1,328,233,842 for fiscal year 2009.

(10) NATIONALLY DESIGNATED HIGHWAYS.—For Federal lands highways under section 204 of such title, $267,922,453 for each of fiscal years 2005 through 2009.

(11) MULTISTATE CORRIDOR PROGRAM.—For the multistate corridor program under section 171 of such title—

(A) $120,566,038 for fiscal year 2005;

(B) $120,752,986 for each of fiscal years 2006 through 2009;

(C) $160,754,717 for fiscal year 2007; and

(D) $180,849,057 for fiscal year 2008; and

(E) $200,943,396 for fiscal year 2009.

(12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of such title—

(A) $31,255,005 for each of fiscal years 2005 through 2006;

(B) $32,150,943 for fiscal year 2006;

(C) $33,044,025 for fiscal year 2007; and

(D) $34,830,189 for each of fiscal years 2008 and 2009.

(13) INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM.—For carrying out the infrastructure performance and maintenance program under section 139 of such title—

$0 for fiscal year 2004.

(14) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry terminal facilities under section 147 of such title, $54,154,424 for each of fiscal years 2005 through 2009.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 173 of such title—

(A) $129,486,855 for fiscal year 2005;

(B) $133,069,182 for fiscal year 2006;

(C) $137,534,591 for fiscal year 2007;

(D) $142,893,082 for fiscal year 2008; and

(E) $145,572,327 for fiscal year 2009.

(16) PUBLIC PARTNERSHIPS PILOT PROGRAM.—For the public-private partnerships pilot program under section 106(c)(3) of such title, $8,930,818 for each of fiscal years 2005 through 2009.


(18) DELTA REGION TRANSPORTATION DEVELOPMENT PROGRAM.—For planning and construction activities authorized under the Delta Regional Authority, $71,446,541 for each of fiscal years 2005 through 2009.

(19) INTERMODAL PASSENGER FACILITIES.—For intermodal passenger facilities under subchapter III of chapter 55 of title 49, United States Code, $8,930,818 for each of fiscal years 2005 through 2009.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Subject to subsections (g) and (h), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(A) $34,425,380,000 for fiscal year 2005;

(B) $37,154,999,523 for fiscal year 2006;

(C) $37,450,167,691 for fiscal year 2007;

(D) $38,816,364,417 for fiscal year 2008; and

(E) $40,321,257,845 for fiscal year 2009.

(b) EXCEPTION.—The limitations under subsection (a) shall not apply if the Secretary determines that obligation authority provided by subsection (a) is needed to accommodate increasing safety requirements, including requirements under the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 199); or that public interest projects for which obligation authority has not lapsed or been used; and

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2005 through 2009, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code;

(B) programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code; and

(C) amounts authorized for the highway use tax accounted for and audited by the Bureau of Transportation Statistics;

(2) shall distribute an amount equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) to Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) shall determine the ratio that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 110(b) of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2), bears to

(c) DETERMINATION OF RATIO.—For each of fiscal years 2005 through 2009, the Secretary shall—

(1) section 125 of title 23, United States Code;

(2) the Transportation Assistance Act of 1978 (23 U.S.C. 149 note; 92 Stat. 2714); and


(d) DETERMINATION OF RATIO.—For each of fiscal years 2005 through 2009, the Secretary shall—

(1) section 125 of title 23, United States Code;

(2) the Federal-Aid Highway Act of 1970 (42 U.S.C. 1302 note; Public Law 91–688; 94 Stat. 1809);

(3) the Federal-Aid Highway Act of 1970 (42 U.S.C. 1302 note; Public Law 91–688; 94 Stat. 1809); and

(4) section 110(b) of the Transportation Assistance Act of 1982 (Public Law 97–424; 96 Stat. 2119).

(e) DETERMINATION OF RATIO.—For each of fiscal years 2005 through 2009, the Secretary shall—

(1) section 125 of title 23, United States Code;

(2) the Federal-Aid Highway Act of 1970 (42 U.S.C. 1302 note; Public Law 91–688; 94 Stat. 1809); and


(f) DETERMINATION OF RATIO.—For each of fiscal years 2005 through 2009, the Secretary shall—

(1) section 125 of title 23, United States Code; and

(2) the Federal-Aid Highway Act of 1970 (42 U.S.C. 1302 note; Public Law 91–688; 94 Stat. 1809); and

(g) DETERMINATION OF RATIO.—For each of fiscal years 2005 through 2009, the Secretary shall—

(1) section 125 of title 23, United States Code; and

and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for the programs that are apportioned to each State for the fiscal year; bear to

(B) the total of the amounts authorized to be apportioned for the programs that are apportioned to all States for the fiscal year.

(3) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), if an amount distributed cannot be obligated in any fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code—

(A) in the case of obligations made available under subsection (a) shall be used for obligation, in the fiscal year due to the imposition of any obligation limitation imposed by subsection (a) to apply to contraction for transportation research programs carried out under—

(1) chapter 5 of title 23, United States Code; and

(B) title II of this Act.

(4) EXCEPTION.—Obligation authority made available in a fiscal year under—

(A) for transportation research programs carried out under—

(1) the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

(2) for the programs specified in paragraph (2) that is less than the percentage calculated under subsection (b).

(5) SPECIFIC PROGRAMS.—The programs referred to in subsection (a) are—

(A) the Interstate maintenance program under section 119; and

(B) the national highway system program under section 193; and

(C) the metropolitan planning programs under section 104(f)(1) (other than planning programs funded by amounts provided under the equity bonus program under this section); and

(D) the infrastructure performance and maintenance program under section 139.

(6) FEDERAL SHARE.—Funds apportioned to a State under this subsection shall be matched in accordance with section 120(b) unless the Secretary determines that the interests of the Federal-aid highway program would best be served without the match.

(c) ALASKA HIGHWAY.—Section 104(b)(1)(A) of title 23, United States Code, is amended by striking "1998 through 2002" and inserting "2005 through 2009."

SEC. 1104. EQUITY BONUS PROGRAM.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"1105. Equity bonus program

"(a) PROVISIONS.—

"(1) IN GENERAL.—Subject to subsections (c) and (d), for each of fiscal years 2005 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a percentage of the total apportionments for the fiscal year for the programs specified in paragraph (2) that is less than the percentage calculated under subsection (b).

"(2) SPECIFIC PROGRAMS.—The programs referred to in subsection (a) are—

(A) the Interstate maintenance program under section 119; and

(B) the national highway system program under section 193; and

(C) the metropolitan planning programs under section 104(f)(1) (other than planning programs funded by amounts provided under the equity bonus program under this section); and

(D) the surface transportation program under section 133; and

(E) the highway safety improvement program under section 148; and

(F) the congestion mitigation and air quality improvement program under section 149; and

(G) metropolitan planning programs under section 104(f)(1) (other than planning programs funded by amounts provided under the equity bonus program under this section); and

(H) the infrastructure performance and maintenance program under section 139.

"(i) the equity bonus program under this section; and

(ii) the Appalachian development highway system program under subtitle IV of title 40; and

(iii) the recreational trails program under section 206; and

(iv) the rural roads safety program under section 150; and

(v) the rail-highway grade crossing program under section 206; and

(vi) the Intermodal Surface Transportation Efficiency Act of 2000.

"(2) SPECIFIC PROGRAMS.—The programs referred to in subsection (a) are—

(A) the Interstate maintenance program under section 119; and

(B) the national highway system program under section 193; and

(C) the metropolitan planning programs under section 104(f)(1) (other than planning programs funded by amounts provided under the equity bonus program under this section); and

(D) the surface transportation program under section 133; and

(E) the highway safety improvement program under section 148; and

(F) the congestion mitigation and air quality improvement program under section 149; and

(G) metropolitan planning programs under section 104(f)(1) (other than planning programs funded by amounts provided under the equity bonus program under this section); and

(H) the infrastructure performance and maintenance program under section 139.

"(i) the equity bonus program under this section; and

(ii) the Appalachian development highway system program under subtitle IV of title 40; and

(iii) the recreational trails program under section 206; and

(iv) the rural roads safety program under section 150; and

(v) the rail-highway grade crossing program under section 206; and

(vi) the Intermodal Surface Transportation Efficiency Act of 2000.
apportioned under this section by the proportion that—
(1) the amount of funds apportioned to each State for each program referred to in subparagraphs (A), (B), and (C) of section 104(f) of subsection (a)(2) for a fiscal year, bears to
(2) the total amount of funds apportioned to each State for all such programs for the fiscal year.

(e) METRO PLANNING SIST ASIDE.—Notwithstanding section 104(f), no set aside provided for under that section shall apply to funds apportioned under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year of the amounts allocated under this subsection, Paragraphs (2) and (3) of subsection (c), no less than the amount received by the States under this section before the end of the preceding fiscal year.

(g) National Highway System Program—
(1) In general.—Except as provided in paragraph (2), if the Secretary—
(I) preserves, maintains, or otherwise expends, for fiscal year 2005, 119 percent; and
(II) preserves, maintains, or otherwise expends, for fiscal years 2006 through 2009, 116 percent
(ii) in paragraph (1), by inserting “as in effect on September 30, 2002” after “12 U.S.C. 901(b)(2)(B)(i)(I)(ccc)”; and
(iii) in paragraph (2)—
(I) by striking “If the amount” and inserting the following:
(A) In general.—Except as provided in subparagraph (B) if the amount;
(B) by inserting “(as in effect on September 30, 2002)” after “12 U.S.C. 901(b)(2)(B)(i)(I)(ccc)”; and
(C) by striking “the succeeding” and inserting “the following:
(D) by striking “and the motor carrier safety grant program”;
(E) by adding at the end the following:
(A) IN GENERAL.—No reduction under subparagraph (A) shall be made for a fiscal year if, as of October 1 of the fiscal year, the cash balance in the Highway Trust Fund (other than the Mass Transit Account) exceeds $6,000,000,000;”;
(B) in subsection (b)(1), by striking sub-paragraph (A) and inserting the following:
(C) by striking the highway safety improvement program;
(D) by striking the surface transportation program;
(E) by striking sections (e), (f), and (g).

S 1105. REVENUE ALIGNED BUDGET AUTHORITY.
Section 110, Revenue Aligned Budget Authority, is amended by striking the item relating to section 105 and inserting the following:

9. REVENUE BONUS PROGRAM.
SEC. 1106. REVENUE ALIGNED BUDGET AUTHORITY.
Section 110 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.

SEC. 1106. REVENUE ALIGNED BUDGET AUTHORITY.
Section 110 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.

B. In general.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.

SEC. 1106. REVENUE ALIGNED BUDGET AUTHORITY.
Section 110 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.

B. In general.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.

B. In general.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

10. REVENUE BONUS PROGRAM.
(2) in the second paragraph, by striking “It is hereby declared” and inserting the following:

(2) COMPLETION OF INTERSTATE SYSTEM.—Congress hereby declares: 

(3) by striking the last paragraph and inserting the following:

(3) TRANSPORTATION NEEDS OF 21ST CENTURY.—(A) It is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century; 

(B) the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to change; 

(C) continued planning for and investment in the surface transportation system is critical to ensure the surface transportation system adequately meets the changing travel demands of the future; 

(D) among the foremost needs that the surface transportation system must meet to provide for a strong and vigorous national economy are safe, efficient, and reliable—

(i) freight and passenger transportation systems; 

(ii) flow of interstate and international commerce and freight transportation; and 

(iii) travel movements essential for national security; 

(E) special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals; 

(F) it is in the national interest to seek ways to eliminate barriers to transportation investment caused by the current modal structure of transportation financing; 

(G) the connection between land use and infrastructure is significant; 

(H) transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life; and 

(I) the Secretary should take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st Century. 

(b) NATIONAL SURFACE TRANSPORTATION SYSTEM STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) initiate an investigation and study of the current condition and future needs of the surface transportation system of the United States, including—

(i) the National Highway System; 

(ii) the Interstate System; 

(iii) the strategic highway network; 

(iv) congressional high priority corridors; 

(v) regional, state, and local highway system; 

(vi) freight facilities; 

(vii) navigable waterways; 

(viii) mass transportation; 

(ix) high-speed rail and other passenger rail infrastructure and facilities; and 

(x) surface access to airports; and 

(B) develop a conceptual plan, with alternative approaches, for the future to ensure that the surface transportation system will continue to serve the needs of the United States, including specific recommendations regarding design and operational standards, Federal policies, and legislative changes. 

(2) SPECIFIC ISSUES.—In conducting the investigation and study, the Secretary shall specifically address—

(A) the current condition and performance of the Interstate System (including the physical condition of bridges and pavements and operational characteristics and performance), relying primarily on existing data sources; 

(B) the future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year time periods; 

(C) the expected demographics and business uses that impact the surface transportation system; 

(D) the expected use of the surface transportation system, including the effects of changing vehicle types, modes of transportation, fleet size and weights, and traffic volumes; 

(E) desirable design policies and standards for future improvements of the surface transportation system, including additional access points; 

(F) a quantification of urban, rural, national, and interregional needs for the surface transportation system; 

(G) the potential for expansion, upgrades, or other changes to the surface transportation system, including—

(i) deployment of advanced materials and intelligent technologies; 

(ii) critical multistate, urban, and rural corridors needing capacity, safety, and operational enhancements; 

(iii) improvements to intermodal linkages; 

(iv) security and military deployment enhancements; 

(v) strategies to enhance asset preservation; and 

(vi) implementation strategies; 

(H) the improvement of emergency preparedness and evacuation using the surface transportation system, including—

(i) examination of the potential use of all modes of the surface transportation system in the safe and efficient evacuation of citizens during times of emergency; 

(ii) identification of the location of critical bottlenecks; 

(iii) development of strategies to improve system redundancy, especially in areas with a high potential for terrorist attacks; 

(I) alternatives for addressing environmental concerns associated with the future development of the surface transportation system; 

(J) the evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection, traffic monitoring, and transportation systems operations and management; and 

(K) a range of policy and legislative alternatives for addressing future needs for the surface transportation system, including funding needs and potential approaches to provide funds. 

(3) TECHNICAL ADVISORY COMMITTEE.—The Secretary shall establish a technical advisory committee, in a manner consistent with the Federal Advisory Committee Act (5 U.S.C. App.), to collect and evaluate technical input from—

(A) the Department of Defense; 

(B) appropriate Federal, State, and local officials with responsibility for transportation; 

(C) appropriate State and local elected officials; 

(D) transportation and trade associations; 

(E) emergency management officials; 

(F) freight providers; 

(G) the general public; and 

(H) other persons determined appropriate by the Secretary to ensure a diverse range of views. 

(4) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make readily available to the public, a report on the results of the investigation and study conducted under this subsection. 

SEC. 1203. FREIGHT TRANSPORTATION GATEWAYS; FREIGHT INTERMODAL CONNECTIONS. 

(a) FREIGHT TRANSPORTATION GATEWAYS.—Chapter 3 of title 23, United States Code, is amended by adding the following:

(325. Freight transportation gateways)

(1) IN GENERAL.—The Secretary shall establish a freight transportation gateways program to improve the port, rail, and highway infrastructure, and safety of freight transportation gateways, while mitigating congestion and community impacts in the area of the gateways. 

(2) PURPOSES.—The purposes of the freight transportation gateways program shall be—

(A) to facilitate and support multimodal freight transportation initiatives at the State and local levels in order to improve freight transportation gateways and mitigate the impact of congestion on the environment in the area of the gateways; 

(B) to provide capital funding to address infrastructure and freight operational needs at freight transportation gateways; 

(C) to encourage adoption of new financing strategies to leverage State, local, and private investment in freight transportation gateways; 

(D) to facilitate access to intermodal freight transfer facilities; and 

(E) to increase economic efficiency by facilitating the movement of goods. 

(B) STATE RESPONSIBILITIES.—

(1) PROJECT DEVELOPMENT PROCESS.—Each State, in coordination with metropolitan planning organizations, shall ensure that intermodal freight transportation, trade facilitation, and economic development needs are adequately considered and fully integrated into the project development process, including transportation planning through final design and construction of freight-related transportation projects. 

(2) FREIGHT TRANSPORTATION COORDINATOR.—

(A) IN GENERAL.—Each State shall designate a freight transportation coordinator. 

(B) DUTIES.—The coordinator shall—

(i) foster public and private sector collaboration needed to implement complex solutions to freight transportation gateway problems, including—

(I) coordination of metropolitan and statewide transportation activities with trade and economic interests; 

(II) coordination with other States, agencies, and organizations to find regional solutions to freight transportation problems; and 

(III) coordination with local officials of the Department of Defense and the Department of Homeland Security, with other organizations, to develop regional solutions to military and homeland security transportation needs; and 

(ii) promote programs that build professional capacity to better plan, coordinate, integrate, and understand freight transportation needs for the State. 

(c) INNOVATIVE FINANCING STRATEGIES.—

(1) IN GENERAL.—States and localities are encouraged to adopt innovative financing strategies for freight transportation gateway improvements, including—

(A) new user fees; 

(B) modifications to existing user fees, including trade facilitation charges; 

(C) a blending of Federal-aid and innovative finance programs. 

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities with respect to the strategies.
“(d) Intermodal Freight Transportation Projects.—

“(1) Use of Surface Transportation Program Funds.—A State may obligate funds apportioned to the State under section 104(b)(3) for publicly-owned intermodal freight transportation projects that provide community and highway benefits by addressing economic, systematic, safety, security, or environmental issues associated with freight transportation gateways.

“(2) Eligible Projects.—A project eligible for funding under this section—

“(A) may include publicly-owned intermodal freight facilities, access to the facilities, and operational improvements for the facilities (including capital investment for intelligent transportation systems), except that projects located within the boundaries of port terminals shall only include the surface transportation infrastructure modifications necessary to facilitate direct railroad access into and out of the port; and

“(B) may involve the combining of private and public funds.

“(b) Eligibility for Surface Transportation Program Funds.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

“(12) Intermodal freight transportation projects in accordance with section 332(d)(2).”.

“(c) Freight Intermodal Connections to NHS.—Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

“(7) Freight intermodal connections to the NHS.—

“(A) Funding Set-Aside.—Of the funds apportioned to a State for each fiscal year under section 104(b)(1), an amount determined in accordance with subparagraph (B) shall only be available to the State to be obligor for intermodal freight transportation projects connecting to intermodal freight terminals identified according to criteria specified in the report to Congress entitled ‘Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals’ dated May 24, 1996, referred to in paragraph (1), and any modifications to the connections that are consistent with paragraph (4);

“(ii) strategic highway network connectors to strategic intermodal ports; and

“(iii) projects to eliminate railroad crossings or make railroad crossing improvements.

“(B) Determination of Amount.—The amount of funds for each State for a fiscal year that shall be set aside under subparagraph (A) shall be equal to the greater of—

“(i) the product obtained by multiplying—

“(I) the total amount of funds apportioned to the State under section 104(b)(1); by

“(II) the percentage of miles that routes specified in subparagraph (A) constitute of the total miles on the National Highway System in the State; or

“(ii) 2 percent of the annual apportionment to the State of funds under 104(b)(1).

“(C) Exemption from Set-Aside.—For any fiscal year, a State may obligate the funds otherwise set aside by this paragraph for any project that is eligible under paragraph (6) and is located in the State on a segment of the National Highway System specified in paragraph (2), if the State certifies and the Secretary concurs that—

“(i) the designated National Highway System intermodal connectors described in subparagraph (A) are in good condition and provide a service for military and civilian commercial vehicle use; and

“(ii) significant needs on the designated National Highway System intermodal connectors are being met or do not exist.”.

“(d) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(m) Increased Federal Share for Connections.—In the case of a project to support a National Highway System intermodal freight connection or strategic highway network connector to a strategic military deployment port described in section 103(b)(7), except as otherwise provided in section 120, the Federal share of the total cost of the project shall be 90 percent.”.

“(e) Length Limitations.—Section 3111(e) of title 49, United States Code, is amended by striking ‘The’ and inserting the following:

“(I) In general.—The; and

“(II) by adding at the end the following:

“(2) Length Limitations.—In the interests of economic competitiveness, security, and intermodal connectivity, not later than 3 years after the date of enactment of this paragraph, States shall update the list of those qualifying highways to include—

“(A) strategic highway network connectors to strategic intermodal ports; and

“(B) National Highway System intermodal freight connections serving military and commercial truck traffic going to major intermodal terminals as described in section 103(b)(7)(A)(i).”.

“(f) Conforming Amendment.—(i) The Administrator of the Federal Highway Administration, as authorized by section 147, shall prepare and publish a report on the cost per mile of construction or improvement of any facility design, specifications, or method described in this section.

“(II) The report shall include a description of competitive bidding procedures used in each State; and

“(III) by striking the item relating to section 147 and inserting the following:

“147. Construction of ferry boats and ferry terminal and maintenance facilities; coordination of ferry construction and maintenance

“(a) Construction of Ferry Boats and Ferry Terminals and Maintenance Facilities; Coordination of Ferry Construction and Maintenance

“(A) General Authority.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal and maintenance facilities in accordance with this section.

“(B) Federal Share.—The Federal share of the cost of construction of ferry boats and ferry terminals and maintenance facilities under this subsection shall be 90 percent.

“(C) Allocation of Funds.—(1) The Secretary shall give priority in the allocation of funds under this subsection to those ferry systems, and public entities responsible for developing ferries, that—

“(A) carry the greatest number of passengers and vehicles;

“(B) carry the greatest number of passengers in passenger-only service; or

“(C) provide critical access to areas that are not well-served by other modes of surface transportation.

“(D) Non-Contract Authority Authorization of Appropriations.—(1) In general.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $54,154,424 for each fiscal year to carry out this section.

“(2) Availability.—Notwithstanding section 118(a), funds made available under paragraph (1) shall be available in advance of an annual appropriation.

“(e) References.—(1) This section applies—

“(A) in the analysis for chapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147 and inserting the following:

“(147. Construction of ferry boats and ferry terminal and maintenance facilities.”.


“SEC. 1205. Designation of Interstate Highways.—

“(a) Designation of Daniel Patrick Moynihan Interstate Highway.—

“(1) Designation.— Interstate Route 86 in the State of New York, extending from the Pennsylvania border near Lake Erie through Otsego County, New York, shall be known and designated as the ‘Daniel Patrick Moynihan Interstate Highway’.

“(2) References.—Any reference in a map, regulation, document, paper, or other record of the United States to the highway referred to in paragraph (1) shall be deemed to refer to the ‘Amo Houghton Byway’.

“(b) Designation of Amo Houghton Byway.—

“(1) Designation.—The 3-mile segment of Interstate Route 86 between the interchange of Interstate Route 86 with New York State Route 15 in the vicinity of Painted Post, New York, and the interchange of Interstate Route 86 with New York State Route 552 in the vicinity of Corning, New York, shall be known and designated as the ‘Amo Houghton Byway’.

“(2) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway referred to in paragraph (1) shall be deemed to refer to the Amo Houghton Byway.”

“SEC. 1206. State-by-State Comparison of Highway Construction Costs.—

“(a) Collection of Data.—

“(1) In General.—The Administrator of the Federal Highway Administration (referred to in this section as the ‘Administrator’) shall collect from States any bid price data that is necessary to make State-by-State comparisons of highway construction costs.

“(2) Data Required.—In determining which data to collect and the procedures for collecting data, the Administrator shall take into account the data collection deficiencies identified in the report prepared by the General Accounting Office numbered GAO-04-113R.

“(b) Report.—

“(1) In General.—The Administrator shall submit to Congress an annual report on the bid price data collected under subsection (a).

“(2) Inclusions.—The report shall include—

“(A) State-by-State comparisons of highway construction costs for the previous fiscal year (including the cost to construct a 1-mile road segment of a standard design, as determined by the Administrator); and

“(B) a description of the competitive bidding procedures used in each State; and

“(C) a determination by the Administrator as to whether the competitive bidding procedures described in subparagraph (B) are effective.

“(c) Innovative and Cost-Effective Materials.—The Secretary shall encourage and provide incentives to States to make maximum use of innovative and cost-effective materials and products in highway construction.

“Subtitle C—Finance

“SEC. 1301. Federal Share.—

“Section 120 of title 23, United States Code, is amended—

“(1) in subsection (a), by striking paragraph (1) and inserting the following:
"(1) IN GENERAL.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Intermodal System (including a project to add high occupancy lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost of the project;"

(2) in paragraph (a)(2)(B), by inserting "shall be —" and all that follows and inserting "shall be 80 percent of the cost of the project.";

(3) at the end of paragraph (c), by adding the following:

"(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under paragraph (1)."

"(d) INCREASED FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share payable under subsection (a) or (b) may be increased for projects and activities in each State which is located—

(A) nontaxable Indian land;
(B) public land (reserved or unreserved);
(C) national forest; or
(D) a national park or monument.

(2) AMOUNT.—

(A) IN GENERAL.—The Federal share for paragraph (1) shall be increased by a percentage of the remaining cost that —

(i) is equal to the percentage that—

(I) the area of all land described in paragraph (1) in a State, bears to

(II) the total area of the State; but

(ii) does not exceed 95 percent of the total cost of the project or activity for which the Federal share is provided.

(B) ADJUSTMENT.—The Secretary shall adjust the Federal share for States under subparagraph (A) as the Secretary determines necessary, on the basis of data provided by the Federal agencies that are responsible for maintaining the data.

SEC. 1302. TRANSFER OF HIGHWAY AND TRANSPORT FED FUNDS.

Section 104 of title 23, United States Code, is amended by striking subsection (k) and inserting the following:

"(k) TRANSFER OF HIGHWAY AND TRANSPORT FED FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), funds made available for transit projects or transportation planning under title 23, United States Code, is amended by striking subsection (k) and inserting the following:

"(B) INCREASED FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS FOR HIGHWAY PROJECTS.—Funds made available for highway projects or transportation planning under chapter 3 of title 23 may be transferred to and administered by the Secretary in accordance with this title.

"(3) TRANSFER OF HIGHWAY FUNDS TO OTHER FEDERAL AGENCIES.—

"(A) IN GENERAL.—Except as provided in clause (ii) and subparagraph (B), funds made available under this title or any other Act that are derived from Highway Trust Fund (other than the Mass Transit account) may be transferred to another Federal agency if—

"(i) an expenditure is specifically authorized in Federal-aid highway legislation or as an amendment to an appropriation act, or

"(ii) a State transportation department consents to the transfer of funds;

"(ii) the Secretary determines, after consultation with the State transportation department (as appropriate), that the Federal agency shall carry out a project with the funds or another Federal agency under the procedures of the Federal agency.

"(iii) other Federal agency agrees to accept the transfer of funds and to administer the project.

"(B) ADMINISTRATION.—

(i) PROCEDURES.—A project carried out with funds transferred to a Federal agency under subparagraph (A) shall be administered by the Secretary.

(ii) APPROPRIATIONS.—Funds transferred to a Federal agency under subparagraph (A) shall not be considered an augmentation of the appropriations of the Federal agency.

"(iii) NON-FEDERAL SHARE.—The provisions of this title, or an Act described in subparagraph (A), relating to the non-Federal share shall be applied to a project carried out with the transferred funds, unless the Secretary determines that it is in the best interest of the United States that the non-Federal share be waived.

"(4) TRANSFER OF FUNDS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary may, at the request of a State, transfer funds apportioned or allocated to the State to another State, to the Federal Highway Administration, for the purpose of funding 1 or more specific projects.

"(B) ADMINISTRATION.—The transferred funds shall be used for the same purpose and in the same manner for which the transferred funds were authorized.

"(C) APPORTIONMENT.—The transfer shall have no effect on any apportionment formula used to distribute funds to States under this section or section 105 or 144.

"(5) TRANSFER OF OBLIGATION AUTHORITY.—

Funds that are transferred under this subsection shall be used for the same purpose and in the same manner for which the transferred funds were authorized.

"(6) SURFACE TRANSPORTATION PROGRAM.—

Funds that are transferred under this subsection shall be used for the same purpose and in the same manner for which the transferred funds were authorized.

"(7) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall determine the eligibility and project selection of projects or programs funded with transferred funds.

"(B) DETERMINATION OF ELIGIBILITY.—

The Secretary of Transportation shall determine whether the projects or programs are eligible for funding with transferred funds.

"(C) PROJECT SELECTION.—

The Secretary shall select projects or programs for funding with transferred funds.

"(D) SURFACE TRANSPORTATION PROGRAM.—

"(E) TRANSFER OF FEDERAL CREDIT INSTRUMENT.—

The Secretary may transfer to a Federal agency under the provisions of this section a credit instrument that is not used for Federal-aid highway projects or programs and that is in the capital market.

"(F) TRANSFER OF CREDIT INSTRUMENT.—

The Secretary may transfer to a Federal agency under the provisions of this section a credit instrument that is not used for Federal-aid highway projects or programs and that is in the capital market.

SEC. 1303. TRANSFER OF INTRASTATE FINANCE AND INNOVATION ACT FUNDS.

(a) DEFINITIONS.—Section 181 of title 23, United States Code, is amended—

(1) in paragraph (1), by striking "$100,000,000" and inserting "$50,000,000"; and

(2) in subsection (b), by striking "50" and inserting "20"; and

(b) in paragraph (4)—

(1) by striking "Project financing" and inserting "The Federal credit instrument"; and

(2) by inserting before the period at the end the following: "that also secure the project obligations"; and

(3) in subparagraph (b), by striking "criterion" and inserting "the second place it appears and inserting "requirements"; and

(c) Section 183 of title 23, United States Code, is amended—

(1) in subsection (b), by striking "in the amount (A) 33 percent of the reasonably anticipated eligible project costs; or

(2) in paragraph (4), by striking "marketability" and inserting "(A) a public freight rail facility or a private facility providing public benefit;"

"(b) an intermodal freight transfer facility;"

"(c) a means of access to a facility described in item (aa) or (bb);"

"(d) a service improvement for a facility described in item (aa) or (bb) (including a capital investment for an intelligent transportation system); or

"(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed the lesser of—

(A) 50 percent of the reasonably anticipated eligible project costs; or

(B) the amount of the senior project obligations;"

"(3) IN GENERAL.—

"(4) FEDERAL SHARE.—

SEC. 1304. TRANSFER OF INTRASTATE FINANCE AND INNOVATION ACT FUNDS.?
(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (A), by striking “during the 10 years”; and

(ii) in subparagraph (B)(ii), by striking “loan” and all that follows and inserting “loans for projects”;

(d) LINES OF CREDIT.—Section 184 of title 23, United States Code, is amended—

(1) in subsection (b)(3), by striking “interest, any debt service reserve fund, and any other available reserve” and inserting “interest (but not including reasonably required financial reserves);”

(B) in paragraph (4), by striking “marketable United States Treasury securities as of the date on which the line of credit is obligated” and inserting “United States Treasury securities as of the date of execution of the line of credit agreement”;

(C) in paragraph (5)(A)(iv), by inserting “alternative revenue sources to support long- range” after “sourc[es]”;

and

(D) in paragraph (5)(B), by inserting “alternative revenue sources to support long-range” after “sourc[es];”

(2) in subsection (c), by striking “loan” and all that follows and inserting “loans for projects”;

(e) LINE OF CREDIT.—Section 185 of title 23, United States Code, is amended to read as follows:

“§ 185. Program administration

(a) REQUIREMENT.—The Secretary shall establish and administer a uniform system to service the Federal credit instruments made available under this subchapter.

(b) FEES.—The Secretary shall establish fees and charges, including fees and charges in the Federal credit instruments referred to in paragraph (1), to cover all or a portion of the costs to the Federal government of servicing the Federal credit instruments.

(c) SERVICE.—(1) The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

(2) The servicer shall act as the agent for the Secretary.

(d) FEE.—The servicer shall receive a servicing fee, subject to approval by the Secretary.

(e) IMPEACHMENT.—The Secretary may retain the services of expert firms, including counsel, in the field of technical services.

(f) CONTRACT AUTHORITY.—The Secretary may retain the services of expert firms, including counsel, in the field of technical services.

(g) REPEAL.—Section 189 of title 23, United States code, is repealed.

(h) CONFORMING AMENDMENTS.—The analysis for chapter 1 of title 23, United States Code, is amended—

(1) by striking the item relating to section 317 and inserting the following: “185. Program administration.”;

and

(2) by striking the item relating to section 189.

SEC. 1304. FACILITATION OF INTERNATIONAL REGISTRATION PLANS AND INTERNATIONAL FUEL TAX AGREEMENTS.

(a) IN GENERAL.—Chapter 317 of title 49, United States Code, is amended by adding at the end the following:

“§ 31708. Facilitation of international registration plans and international fuel tax agreements

“The Secretary may provide assistance to any State that is participating in the International Registration Plan and International Fuel Tax Agreement, as provided in sections 31704 and 31705, respectively, and that serves as a base jurisdiction for motor carriers that are domiciled in Mexico, to assist the State with administrative costs resulting from serving as a base jurisdiction for motor carriers from Mexico.”;

(b) CONFORMING AMENDMENT.—The analysis for chapter 317 of title 49, United States Code, is amended by adding at the end the following:

“31708. Facilitation of international registration plans and international fuel tax agreements.”

SEC. 1305. NATIONAL COMMISSION ON FUTURE REVENUE SOURCES TO SUPPORT THE HIGHWAY TRUST FUND AND FINANCE THE NEEDS OF THE SURFACE TRANSPORTATION SYSTEM.

(a) ESTABLISHMENT.—There is established a commission to be known as the “National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System” (referred to in this section as the “Commission”).

(b) MEMBERSHIP.—(1) COMPOSITION.—The Commission shall be composed of 11 members, of whom—

(A) 3 members shall be appointed by the President; and

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 2 members shall be appointed by the minority leader of the House of Representa tives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 2 members shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed under paragraph (1) shall have experience in or represent the interests of—

(A) public service, including experience in developing State and local revenue resources;

(B) surface transportation program administration;

(C) organizations that use surface transportation facilities;

(D) academic research into related issues; or

(E) other activities that provide unique perspectives on current and future requirements for revenue sources to support the Highway Trust Fund.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of establishment of the Commission.

(4) TERMS.—A member shall be appointed for the life of the Commission.

(5) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(6) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(7) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(8) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(9) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) conduct a comprehensive study of alternate revenue sources to replace or to supplement the fuel tax as the principal revenue source to support the Highway Trust Fund and suggest new or alternative sources of revenue to fund the surface transportation system over at least the next 30 years; and

(B) conduct the study in a manner that builds on—

(i) findings, conclusions, and recommendations of the recent study conducted by the Transportation Research Board on alternatives to the fuel tax to support highway program financing; and

(ii) other relevant prior research;

(2) CONSIDERATION.—The Commission shall consider policies, including policies that—

(A) minimize the revenue risk if the Federal share of the cost of the new or alternative revenue source is increased; and

(B) achieve policy goals to preserve, modernize, and improve the Nation’s transportation system and provide economic growth and mobility benefits for all Americans;

(C) do not impose a heavy burden on the States, the transportation industry, or the economy; and

(D) do not impose a heavy burden on the economy, the States, or the transportation industry;

(3) APPOINTMENT.—The Commission shall appoint as members of the Commission persons or organizations that—

(A) have knowledge or expertise in or are responsible for transportation finance, including experience in developing State and local revenue resources;
term Federal surface transportation financing requirements;
(C) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various components of the transition strategy;
(D) recommendations for additional research, including research needed to implement recommended alternatives; and
(E) the extent to which revenues should reflect the relative use of the highway system.

(3) AUTHORITY.—To the maximum extent practicable, the study shall build on related work that has been done by—
(a) the Secretary of Transportation;
(b) the Secretary of Energy;
(c) the Transportation Research Board; and
(d) other entities and persons.

(4) FACTORS.—In developing recommendations under this subsection, the Commission shall consider—
(A) the ability to generate sufficient revenue from all modes to meet anticipated long-term surface transportation financing needs;
(B) the roles of the various levels of government in sector in meeting future surface transportation financing needs;
(C) administrative costs (including enforcement costs) to implement each option;
(D) the expected increase in non-taxed fuels and the impact of taxing those fuels;
(E) the likely technological advances that could ease implementation of each option;
(F) the equity and economic efficiency of each option;
(G) the flexibility of different options to allow transitioning alternatives to be implemented; and
(H) potential compatibility issues with State and local tax mechanisms under each alternative.

(5) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2007, the Commission shall submit to Congress a final report that contains—
(A) a detailed statement of the findings and conclusions of the Commission; and
(b) the recommendations of the Commission on regulation and administrative actions as the Commission considers appropriate.

(d) POWERS.—
(1) HEARINGS.—The Commission may hold hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary for the purpose of carrying out this section.
(2) INFORMATION FROM FEDERAL AGENCIES.—
(A) IN GENERAL.—The Commission may request information from Federal agencies.
(B) CIVIL SERVICE STATUS .
This subsection shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 55 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) CONTRACTOR.—The Commission may contract with an appropriate organization, agency, or entity to conduct the study required under this section, under the strategic guidance of the Commission.

(3) ADMINISTRATIVE SUPPORT.—On the request of the Commission, the Administrator of the Federal Highway Administration shall provide, to the extent necessary, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out the duties of the Commission under this section.

(4) DETAIL OF DEPARTMENT PERSONNEL.—
(A) IN GENERAL.—On the request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department to the Department to the Commission to assist the Commission in carrying out the duties of the Commission under this section.
(B) CIVIL SERVICE STATUS .—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(c) Authorization of Appropriations.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,679,245 for fiscal year 2005.

(d) Termination.—The Commission shall terminate on the date that is 180 days after the date on which the Commission submits the report of the Commission under subsection (c)(5).

(e) Authorization of Appropriations.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section:

SEC. 1306. STATE INFRASTRUCTURE BANKS.
Section 1511(b)(1)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 181 note; 112 Stat. 251) is amended by striking “Missouri,” and all that follows through “for the establishment” and inserting “Missouri, Rhode Island, Texas, and any other State that seeks such an agreement for the establishment”.

SEC. 1307. PUBLIC-PRIVATE PARTNERSHIPS
Section 109(c) of title 23, United States Code, is amended by adding at the end the following:

“(d) PUBLIC-PRIVATE PARTNERSHIPS PILOT PROJECT.—
“(A) IN GENERAL.—The Secretary may undertake a pilot program to demonstrate the advantages of public-private partnerships for critical capital development projects, including highway, bridge, and freight intermodal connector projects authorized under this title.

“(B) PROJECTS.—In carrying out the program, the Secretary shall—
“(i) select not less than 10 qualified public-private partnerships that are authorized under applicable State and local laws; and

SEC. 1308. WAGING.
(a) IN GENERAL.—Chapter 35 of the Internal Revenue Code of 1986 is repealed.
(b) CONFORMING AMENDMENTS.—
(1) Section 4901 of the Internal Revenue Code is amended to read as follows:

“SEC. 4901. PAYMENT OF TAX.
“(a) IN GENERAL.—Except as provided in paragraphs (2) and (3),—
“(B) PROJECTS.
(2) Section 4903 of such Code is amended by striking “other than the tax imposed by section 4911.”
(3) Section 4905 of such Code is amended to read as follows:

“SEC. 4905. LIABILITY IN CASE OF DEATH OR CHANGE OF LOCATION.
“When any person who has paid the special tax for any trade or business dies, his spouse or a personal representative may be assessed tax, after giving notice to the Administrator, the Secretary, or other legal representatives, may occupy the house or premises and, in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. When any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the register kept in the office of the official in charge of the internal revenue district at the place to which he removes without the payment of any additional tax: Provided, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the Secretary, under regulations to be prescribed by the Secretary.”.
(4) Section 4907 of such Code is amended by striking “, except the tax imposed by section 4911.”
(5) Section 6103(l)(1)(A) of such Code is amended—
(A) by striking “, except to the extent authorized by subsection (d),” and inserting “to any person, other than another officer or employee of such office whose official duties require such inspection, disclosure, any return or return information described in section 6103(a) in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer, nor shall such officer or employee disclose any other” and inserting “disclose any” and
(B) by striking “such other officer” and inserting “such officer”.

(6) Section 6103(l)(8)(A) of such Code is amended to read as follows:

“(8) DISCLOSURE OF RETURNS AND RETURN INFORMATION WITH RESPECT TO TAXES IMPOSED BY SUBTITLE D.—Returns and return information with respect to taxes imposed by subtitle D (relating to taxes on alcohol, tobacco, and firearms) shall be open to inspection or disclosure to officers and employees of a Federal agency whose official duties require such inspection or disclosure.
(7) Subchapter B of chapter 65 of such Code is amended by striking section 6191 (relating to excise tax on wagering).
(B) The table of sections of subchapter B of chapter 65 of such Code is amended by striking the item relating to section 6419.

(G) Section 6006 of such Code is amended by striking the item relating to section 6006 and inserting in its place “under subchapter B of chapter 36.”

(H) Section 5244 of this Act, is amended to strike the item relating to section 5244 and inserting “under subchapter B of chapter 36.”

(2) Section 7012 of such Code is amended by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(9)(A) Subchapter B of chapter 75 of such Code is amended by striking section 7262 (relating to violation of occupational tax laws

(B) The table of sections of subchapter B of chapter 75 of such Code is amended by striking the item relating to section 7262.

(11) Section 7272 of such Code, as amended by section 5241 of this Act, is amended to read as follows:

SEC. 7272. PENALTY FOR FAILURE TO REGISTER.

“Any person (other than persons required to register under subtitle E, or persons engaging in a trade or business on which a special tax is imposed by such subtitle) who fails to register with the Secretary as required by this title or by regulations issued thereunder shall be liable to a penalty of $50 ($10,000 in the case of a failure to register under subsection (10)).

(12) Section 7613(a) is amended by striking “or other data in the case of” and all that follows and inserting “or other data in the case of tobacco, and firearms taxes, see subtitle E.”.

(13) The table of chapters of subtitle D of such Code is amended by striking the item relating to chapter 35.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to wagers placed after the date of enactment of this Act.

(2) SPECIAL TAXES.—In the case of amendments made by this section relating to special taxes imposed by subchapter B of chapter 35, the amendments made by this section shall take effect on July 1, 2005.

Subtitle D—Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) SAFETY IMPROVEMENT.—

(1) IN GENERAL.—Section 1401 of title 23, United States Code, is amended to read as follows:

§ 148. Highway safety improvement program

(1) DEFINITIONS.—In this section—

(1) the term ‘Highway safety improvement program’ means a program carried out under this section.

(2) A highway safety improvement project—

(A) is developed—

(i) to reduce or eliminate safety hazards that constitute a danger to motorists, bicyclists, pedestrians

(B) The term ‘highway safety improvement project’ includes a project for—

(i) an intersection safety improvement;

(ii) a highway safety improvement project under section 130, including the separation or protection of grades at highway-highway crossings;

(iii) a highway safety improvement project under section 130, including the separation or protection of grades at highway-highway crossings;

(iv) construction of a traffic calming feature;

(v) elimination of a roadway obstacle;

(vi) improvement of highway signage and pavement markings;

(vii) installation of a priority control system for emergency vehicles at signalized intersections;

(viii) installation of a traffic control or other warning device at a location with high accident potential;

(ix) safety-conscious planning;

(x) improvement in the collection and analysis of crash data;

(xi) planning, integrated, interoperative emergency communications, equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety;

(xii) installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators;

(xiii) the addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife;

(xiv) installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones.

(2) SAFETY PROJECT UNDER ANY OTHER SECTION.

(A) IN GENERAL.—The term ‘safety project under any other section’ means a project carried out for the purpose of safety under any other section of this title.

(B) INCLUSION.—The term ‘safety project under any other section’ includes a project to—

(i) promote the awareness of the public and educate the public concerning highway safety matters;

(ii) enforce highway safety laws.

(3) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘State highway safety improvement program’ means projects or strategies included in the State strategic highway safety plan carried out as part of the State transportation improvement program under section 133.(f).

(4) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term ‘State strategic highway safety plan’ means a plan developed by the State transportation department that—

(A) is consistent with the provisions of this Act through—

(i) a highway safety representative of the Governor of the State;

(ii) regional transportation planning organizations and metropolitan planning organizations, if any;

(iii) representatives of major modes of transportation;

(iv) State and local traffic enforcement officials;

(v) persons responsible for administering section 139 at the State level;

(vi) representatives conducting Operation Lifesaver;

(vii) representatives conducting a motor carrier safety program under section 3104 or 3107 of title 49;

(viii) motor vehicle administration agencies; and

(ix) other major State and local safety stakeholders;

(x) analyzes and makes effective use of State, regional, or local crash data;

(xi) considers the results of State, regional, or local transportation and highway safety planning processes;

(x) describes a program of projects or strategies to reduce or eliminate safety hazards;

(x) is approved by the Governor of the State or a responsible State agency; and

(II) consistent with the requirements of section 133.(f).

(5) EFFECTIVE DATE.—

(6) ELIGIBILITY.—

(7) PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.

(8) PURPOSE.—The purpose of the highway safety improvement program shall be to—

(B) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(C) ELIGIBILITY.—

(D) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(E) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(F) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(G) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(H) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(I) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(J) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(K) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(L) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(M) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(N) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(O) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(P) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(Q) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(R) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(S) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(T) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(U) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(V) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(W) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(X) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(Y) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.

(Z) The term ‘highway safety improvement program’ means a program carried out for the purpose of safety under any other section of this title.
(ii) focus resources on areas of greatest need; and
(iii) are coordinated with other State highway safety programs;
(iv) advance the capabilities of the State for traffic records data collection, analysis, and integration with other sources of safety data (such as road inventories) in a manner that—
(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49; and
(ii) includes all public roads;
(iii) identifies hazardous locations, sections, and elements on public roads that constitute a danger to motorists, bicyclists, pedestrians, and other highway users; and
(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of accidents, injuries, deaths, and traffic volume levels;
(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through crash data analysis;
(ii) identify opportunities for preventing the development of such hazardous conditions; and
(iii) establish and implement a schedule of highway safety improvement projects for hazardous location and hazardous prevention;
(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and
(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.
(d) ELIGIBLE PROJECTS.—
(1) IN GENERAL.—A State may obligate funds apportioned to the State under section 104(b)(3) to carry out a project that—
(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or
(B) as provided in subsection (e), for other safety projects.
(2) USE OF OTHER FUNDING FOR SAFETY.—
(A) EFFECT OF SECTION.—Nothing in this section applies under any other section as provided in the State strategic highway safety plan.
(B) USE OF OTHER FUNDS.—States are encouraged to use the full scope of their safety needs and opportunities by using funds made available under other provisions of this title for highway safety improvement projects.
(e) FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN.—
(1) IN GENERAL.—To further the implementation of a State strategic highway safety plan, a State may use up to 25 percent of the amount of funds made available under this section for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan.
(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection affects the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically authorizes the use of funds).
(f) FUNDING FOR BICYCLE AND PEDESTRIAN SAFETY.—A State for bicycle-and pedestrian improvements in the State a percentage of the funds remaining after implementation of sections 130(e) and 150, in an amount that is equal to or greater than the percentage of all fatal crashes in the States involving bicyclists and pedestrians.
(g) FEDERAL SHARK OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds made available under this section shall be 90 percent.
(h) FUNDS FOR BICYCLE AND PEDESTRIAN IMPROVEMENT PROGRAMS. —
(1) IN GENERAL.—A State shall allocate 0.25 percent of the funds apportioned under this paragraph.
(b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Section 104(b) of title 23, United States Code, is amended by inserting after “improvement program,” the following: “the highway safety improvement program;” and
(2) by adding at the end the following:
(G) APPOINTMENTS FOR STATE HIGHWAY IMPROVEMENT PROGRAMS.—
(A) IN GENERAL.—For the highway safety improvement program in accordance with the following formula:
(i) 25 percent of the apportionsment in the ratio that—
(I) the total lane miles of Federal-aid highways in each State; bears to
(II) the total lane miles of Federal-aid highways in all States; and
(ii) 49 percent of the apportionsments in the ratio that—
(I) the total vehicle miles traveled on lanes of Federal-aid highways in each State; bears to
(II) the total vehicle miles traveled on lanes of Federal-aid highways in all States.
(B) MINIMUM APPORTIONMENT.—Nothing in this paragraph, (A), (B), (C), (D), (E), or (F) shall be subject to discovery or admitted into evidence in any action or proceeding, and shall not be subject to discovery or admitted into evidence if a Federal or State court proceeding or considered for other purposes in any action for damages arising from any unintended or unanticipated occurrence or addressed in such reports, surveys, schedules, lists, or other data.
(2) ADMINISTRATION. —
(1) IN GENERAL.—
(I) the Secretary shall establish the content and schedule for making reports under subsection (c)(1)(D) available to the public through—
(A) the Internet site of the Department; and
(ii) such other means as the Secretary determines to be appropriate.
(2) DISCOVERY AND DISCLOSURE.—Nothing in this section prohibits the use of funds made available under this section for a fiscal year to carry out a project that—
(1) meets the requirements of this section; and
(2) is carried out in accordance with procedures and criteria established by this section for a fiscal year.
(3) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary shall determine to be appropriate.
(2) IMPROVEMENT.—The Secretary shall establish the content and schedule for a report under paragraph (1).
(3) TRANSPARENCY.—The Secretary shall make reports under subsection (c)(1)(D) available to the public through—
(A) the Internet site of the Department; and
(B) such other means as the Secretary determines to be appropriate.
(4) DISCOVERY AND DISCLOSURE.—Nothing in this section for a fiscal year to carry out a project that—
(1) meets the requirements of this section; and
(2) is carried out in accordance with procedures and criteria established by this section for a fiscal year.
(3) ADMINISTRATION.—The Secretary shall determine to be appropriate.
(4) IMPROVEMENT.—The Secretary shall establish the content and schedule for a report under paragraph (1).
(5) TRANSPARENCY.—The Secretary shall make reports under subsection (c)(1)(D) available to the public through—
(A) the Internet site of the Department; and
(5) such other means as the Secretary determines to be appropriate.
Section 101. Bus axle weight exemption.
Section 102 of the Intermodal Surface Transportation Efficiency Act of 1991, (23 U.S.C. 127 note; 105 Stat. 151) is amended by striking subsection (b) and inserting the following:

(1) OVER-THE-ROAD BUS AND PUBLIC TRANSIT VEHICLE EXEMPTION.

(2) STATE ACTION.

A State may continue to obligate funds apportioned to a State under this section for a fiscal year after the date of enactment of this Act and until the date on which the Secretary or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which the Secretary shall set aside and use $92,515,723 to carry out this section.

SEC. 1403. License suspension.

(a) In general. — The term 'license suspension means the suspension of all driving privileges of an individual for the first 90 days of the suspension period, followed by reinstatement of limited driving privileges requiring the individual to operate only motor vehicles equipped with an ignition interlock system or other device approved by the Secretary during the remainder of the suspension period.

(b) Conforming amendment. — Section 1101(6) shall be redistributed to this Act, funds made available to the State before the date of enactment of this Act.

SEC. 1405. Safe routes to schools program.

(a) In general. — Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 149 the following:

§ 150. Safe routes to schools program.

(1) Eligible recipients.

(i) To provide financial assistance to States in accordance with section 148(c) of title 23, United States Code, and implementing such a plan, the Secretary shall apportion funds to a State for the high-

(ii) Any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

(iii) Any public road in the vicinity of a school.

(iv) Any over-the-road bus (as defined in section 301 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12181)); or

(v) Any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

(b) Eligible projects.

(i) Equipment. — Equipment shall be defined as any item, with a purchase price in excess of $25,000.

(ii) Street improvements.

(iii) Sidewalk improvements.

(iv) Pedestrian safety, health, and environment.

(v) Safe routes to school program.

(vi) Secure bicycle parking facilities.

(vii) Traffic signal improvements.

(viii) Pedestrian-railroad grade crossing improvements.

(c) Allocation of Projects. — Infrastruc-

ture-related projects under subparagraph (A) may be carried out on:

(i) Any public road in the vicinity of a school;

(ii) Any bicycle or pedestrian pathway or trail in the vicinity of a school.

SEC. 1406. Purchases of equipment.

(a) In general. — Subject to subsection (b), a State shall purchase device, tool or other equipment needed for the project only after completing and providing a written analysis demonstrating the cost savings associated with purchasing the equipment compared with renting the equipment from a qualified equipment rental provider before the project commences.

(b) Application. — This section shall apply to:

(i) Items such as ear moving, road machinery, and material handling equipment, or any other item, with a purchase price in excess of $75,000; and

(ii) All state work platforms with a purchase price in excess of $25,000.

(c) Conforming Amendments. — The analysis for subsection (a) of this section of title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

"152. Purchases of equipment."
is amended by adding at the end the following:

“(7) Recommending all federally-assisted projects in excess of $15,000,000 to enter into contracts with work zone safety service contractors, traffic control contractors, and trench safety and sharing contractors that carry general liability insurance in an amount of $15,000,000.”

“(8) Recommending federally-assisted projects the costs of which exceed $15,000,000 to include work zone intelligent transportation systems contractors, traffic control contractors, and trench safety and sharing contractors that carry general liability insurance in an amount of $15,000,000.”

“(d) Key Factors.—In promulgating regulations under this section, the Secretary shall require that an information-based identity authentication program carried out under this section establish processes that:

“(1) use multiple sources of matching information;

“(2) enable the measurement of the accuracy of the determination of an applicant’s identity;

“(3) support continuous auditing of compliance with applicable laws, policies, and practices governing use, and distribution of information in the operation of the program; and

“(4) incorporate industry best practices to protect significant privacy interests in the information used in the program and the appropriate safeguarding of the storage of the information.”

“(e) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter I of title 23, United States Code (as amended by section 1824(b)), is amended by adding at the end the following:

“§ 179. Identity authentication standards.”

SEC. 1410. OPEN CONTAINER REQUIREMENTS.

Section 154 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) TRANSFER OF FUNDS.—

“(1) IN GENERAL.—The Secretary shall withhold the applicable percentage for the fiscal year of Federal-aid highway apportionments for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b), if a State has not enacted or is not enforcing a provision described in subsection (b), as follows:

“For:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>2 percent.</td>
</tr>
<tr>
<td>2009</td>
<td>2 percent.</td>
</tr>
<tr>
<td>2011 and each subsequent fiscal year</td>
<td>82 percent.</td>
</tr>
</tbody>
</table>

“(2) RESTORATION.—If during the 4-year period beginning on the date the apportionment for any State is reduced in accordance with this subsection the Secretary determines that the State has enacted and is enforcing a provision described in subsection (b), the apportionment of the State shall be increased by an amount equal to the amount of the reduction made during the 4-year period.”

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

SEC. 1501. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO STATE AND METROPOLITAN TRANSPORTATION PLANS.

(a) METROPOLITAN PLANNING.—Section 134(f) of title 23, United States Code, is amended—

“(1) in paragraph (1)—

“(A) in subparagraph (D)—

“(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species);” and

“(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the metropolitan area);” and

“(B) in subparagraph (G), by inserting “and efficient use” after “preservation”; and

“(c) in paragraph (2) as paragraphs (5), (6), and (7), respectively; and

“(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF FACTORS.—After soliciting and considering any relevant public comments, the metropolitan planning organization shall determine which of the factors described in paragraph (1) are most appropriate for the metropolitan area to consider.”

(b) STATEWIDE PLANNING.—Section 135(c) of title 23, United States Code, is amended—

“(1) in paragraph (1)—

“(A) in subparagraph (D)—

“(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species);” and

“(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State);” and

“(B) in subparagraph (G), by inserting “and efficient use” after “preservation”; and

“(2) by redesigning paragraph (2) as paragraph (3); and

“(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF PROJECTS AND STRATEGIES.—After soliciting and considering any relevant public comments, the State shall determine which of the factors described in paragraph (1) are most appropriate for the State to consider.”

SEC. 1502. CONSULTATION BETWEEN TRANSPORTATION AGENCIES AND RESOURCE AGENCIES IN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 134(g) of title 23, United States Code, is amended—

“(1) in paragraph (2)—

“(A) by redesigning subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

“(B) by inserting after subparagraph (A) the following:

“(2) MITIGATION ACTIVITIES.—

“(1) IN GENERAL.—A long-range transportation plan shall include a discussion of—

“(A) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

“(B) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(2) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.”;

“(b) STATEWIDE PLANNING.—Section 135(c) of title 23, United States Code, is amended—

“(1) in paragraph (1)—

“(A) in subparagraph (D)—

“(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species);” and

“(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State);” and

“(B) in subparagraph (G), by inserting “and efficient use” after “preservation”; and

“(c) in paragraph (2) as paragraphs (5), (6), and (7), respectively; and

“(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF PROJECTS AND STRATEGIES.—After soliciting and considering any relevant public comments, the State shall determine which of the factors described in paragraph (1) are most appropriate for the State to consider.”

SEC. 1503. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO STATE AND METROPOLITAN PLANNING—APPLICABILITY.

(a) IN GENERAL.—Section 134(f) of title 23, United States Code, is amended—

“(1) in paragraph (1)—

“(A) in subparagraph (D)—

“(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species);” and

“(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State);” and

“(B) in subparagraph (G), by inserting “and efficient use” after “preservation”; and

“(c) in paragraph (2) as paragraphs (5), (6), and (7), respectively; and

“(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF PROJECTS AND STRATEGIES.—After soliciting and considering any relevant public comments, the State shall determine which of the factors described in paragraph (1) are most appropriate for the State to consider.”

SEC. 1504. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO STATE AND METROPOLITAN PLANNING—APPLICATION.

(a) IN GENERAL.—Section 134(f) of title 23, United States Code, is amended—

“(1) in paragraph (1)—

“(A) in subparagraph (D)—

“(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species);” and

“(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State);” and

“(B) in subparagraph (G), by inserting “and efficient use” after “preservation”; and

“(c) in paragraph (2) as paragraphs (5), (6), and (7), respectively; and

“(3) by inserting after paragraph (1) the following:
connectivity between wildlife habitat link-
age areas.

(b) Improved Consultation During State Transportation Planning.—

(1) CONSULTATION.—Section 133(h)(2) of title 23, United States Code, is amended by adding at the end the following:

"(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State and local agencies.

(ii) LAND USE; NATURAL RESOURCES; ENVIRONMENTAL PROTECTION; AND HISTORICAL PRESERVATION.—

(A) In general.—Before approving a project, the metropolitan planning organization shall, to the maximum extent practicable—

(1) hold any public meetings at convenient and accessible locations and times;

(2) employ visualization techniques to describe plans and projects;

(3) make public information available in electronically accessible formats and means, such as the World Wide Web;

(B) METHODOLOGY.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

(1) hold any public meetings at convenient and accessible locations and times;

(2) employ visualization techniques to describe plans and projects;

(3) make public information available in electronically accessible formats and means, such as the World Wide Web.

(C) STATEWIDE PLANNING.—

(1) PARTICIPATION BY INTERESTED PARTIES.—Section 135(e)(3) of title 23, United States Code (as redesignated by section 150a(a)(1)), is amended by inserting before the semicolon the following: " (including (to the maximum extent practicable) in electronically accessible formats and means such as the World Wide Web)."

(D) STATEWIDE PLANNING.—

(1) PARTICIPATION BY INTERESTED PARTIES.—Section 135(e)(3) of title 23, United States Code (as redesignated by section 150a(a)(1)), is amended by inserting before the semicolon the following: " (including (to the maximum extent practicable) in electronically accessible formats and means such as the World Wide Web)."

"(2) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 133(h)(6)(B) of title 23, United States Code (as redesignated by section 150a(a)(1)), is amended by inserting before the semicolon the following:

(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

(1) hold any public meetings at convenient and accessible locations and times;

(2) employ visualization techniques to describe plans and projects;

(3) make public information available in electronically accessible formats and means, such as the World Wide Web.

(2) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 133(h)(6)(B) of title 23, United States Code (as amended by section 150b(b)(2)), is amended by adding at the end the following:

"(B) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.""

SEC. 1560. PROVISIONS RELATING TO STATEWIDE PLANNING.

(a) MITIGATION FOR SURFACE TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—A State shall, in developing and implementing a transportation project plan, identify mitigation and environmental assessment activities to the maximum extent practicable, in coordination with section 4(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)).

"(2) MITIGATION FOR SURFACE TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—A State may use amounts deposited in the State fund for projects to protect existing roadways from anticipated flooding of a closed basin lake, including—

(i) construction;

(ii) monitoring, studies, evaluations, designs, or preliminary engineering relating to construction; and

(iii) monitoring and evaluations relating to proposed construction.

(B) REMUNERATION.—The Secretary may permit a State that expends funds under paragraph (A) to be reimbursed for the expenditures through the use of amounts made available under section 150c(a)(1).

(c) CONSISTENCY WITH APPLICABLE REQUIREMENTS.—Contributions from the State fund to mitigation efforts may occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulation).

(d) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155 and inserting the following: "155. State habitat, streams, and wetlands mitigation funds."

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

SEC. 1511. TRANSPORTATION PROJECT DEVELOPMENT PROCESS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 122a), is amended by inserting after section 325 the following:

"326. Transportation project development process

"(a) DEFINITIONS.—In this section:
“(1) AGENCY.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or federally recognized tribal government.

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed statement of the environmental impacts of a project required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term ‘environmental review process’ means the process for preparing, for and completion of any environmental permit, approval, review, or study required for a project; and

(i) an environmental impact statement; or

(ii) any other document or analysis required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ROLES AND RESPONSIBILITIES OF CO-OPERATING AGENCIES.—

(1) IN GENERAL.—With respect to a project, each Federal agency shall carry out any obligations of the Federal agency in the environmental review process in accordance with this section and applicable Federal law.

(2) I NCLUSIONS.—The term ‘environmental review process’ includes the process for completion of any environmental permit, approval, review, or study required for a project.

(B) PROJECT.—The term ‘project’ means any highway or rail project that requires the approval of the Secretary.

(C) CONCURRENCE OF PROJECT SPONSOR.—The term ‘project sponsor’ means an agency or other entity (including any private or public-private entity), that seeks approval of the Secretary for a project.

(2) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means any statewide agency of a State with responsibility for transportation.

(b) PROCESSES.—

(A) LEAD AGENCY.—

(A) IN GENERAL.—The Department of Transportation shall be the lead Federal agency in the environmental review process for a project.

(B) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) CONCURRENCE OF PROJECT SPONSOR.—The lead agency may carry out the environmental review process in accordance with this section only with the concurrence of the project sponsor.

(2) REQUEST FOR PROCESS.—

(A) IN GENERAL.—A project sponsor may require the lead agency to carry out the environmental review process for a project or group of projects in accordance with this section.

(B) GRANT OF REQUEST; PUBLIC NOTICE.—

The lead agency shall—

(i) grant a request under subparagraph (A); and

(ii) provide public notice of the request.

(3) EFFECTIVE DATE.—The environmental review process described in this section may be applied to a project only after the date on which public notice is provided under subparagraph (B)(ii).

(c) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility to—

(A) identify and invite cooperating agencies in accordance with subsection (d);

(B) develop an agency coordination plan with review, schedule, and timelines in accordance with subsection (e); and

(C) determine the purpose and need for the project in accordance with subsection (f);

(D) determine the range of alternatives to be considered in accordance with subsection (g);

(E) convene dispute-avoidance and decision resolution meetings and related efforts in accordance with subsection (h);

(F) take such other actions as are necessary and appropriate to the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

(G) prepare to ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(2) D EVELOPMENT OF FLEXIBLE PROCESS AND TIMELINE.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—The lead agency shall establish a coordination plan, which may be incorporated into a memorandum of understanding, to coordinate agency and public participation in and comment on the environmental review process for a project or category of projects.

(B) WORKPLAN.—

(i) IN GENERAL.—The lead agency shall develop, as part of the coordination plan, a workplan for completing the collection, analysis, and evaluation of baseline data and future impacts modeling necessary to complete the environmental review process, including any data, analyses, and modeling necessary for related permits, approvals, reviews, or studies required for the project under other laws.

(ii) CONSULTATION.—In developing the workplan under clause (i), the lead agency shall consult with—

(A) each cooperating agency for the project;

(B) the State in which the project is located; and

(C) if the State is not the project sponsor, the project sponsor.

(C) SCHEDULE.—

(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan, after consultation with each cooperating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

(A) participation in and comment on the environmental review process for a project or category of projects;

(B) the sensitivity of the natural and historic resources that could be affected by the project;

(C) resources available to the cooperating agencies;

(D) overall size and complexity of a project;

(E) the overall schedule for and cost of a project; and

(F) the sensitivity of the natural and historic resources that could be affected by the project.

(D) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (C) shall be consistent with any other relevant time periods established under Federal law.

(E) MODIFICATION.—The lead agency may—

(i) lengthen a schedule established under subparagraph (C) for good cause; and

(ii) short an schedule only with the concurrence of the affected cooperating agency.

(F) DISSEMINATION.—A copy of a schedule under subparagraph (C), and of any modifications to the schedule, shall be provided to all cooperating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, the project sponsor), and

(ii) made available to the public.

(2) COMMENTS AND TIMELINES.—
“(A) IN GENERAL.—A schedule established under paragraph (1)(C) shall include—

(i) opportunities for comment, deadline for receipt of any comments submitted, deadline for lead agency response to comments; and

(ii) except as otherwise provided under paragraph (1)—

(I) an opportunity to comment by agencies and the public on a draft or final environmental impact statement for a period of not more than 60 days longer than the minimum period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law requiring an agency that is not the lead agency to determine or consider applications for a project, such an agency acting, permitting, approving under, or otherwise applying Federal law with respect to a project shall adopt the alternative of no action if the need for the project made by the lead agency.

(II) the overall schedule and cost of the project.

(B) EXTENSION OF COMMENT PERIODS.—The lead agency may extend a period of comment established under this paragraph for good cause.

(C) LATE COMMENTS.—A comment concerning a project submitted under this paragraph after the date of termination of the applicable comment period or extension of a comment period shall not be eligible for consideration unless the agency determining the adequacy of the environment impact statement for a period of not more than 60 days longer than the minimum period required under Federal law (including regulations), if available; or

(bb) 30 days after the final day of the minimum period required under Federal law (including regulations), if available; or

(aa) 30 days after the final day of the minimum period required under Federal law (including regulations), if available; or

(i) opportunities for comment, deadline for receipt of any comments submitted, deadline for lead agency response to comments; and

(ii) except as otherwise provided under paragraph (1)—

(I) an opportunity to comment by agencies and the public on a draft or final environmental impact statement for a period of not more than 60 days longer than the minimum period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law requiring an agency that is not the lead agency to determine or consider applications for a project, such an agency acting, permitting, approving under, or otherwise applying Federal law with respect to a project shall adopt the alternative of no action if the need for the project made by the lead agency.

(II) the overall schedule and cost of the project.

(D) Environmental protection plans, including plans for the protection or treatment of—

(i) air quality;

(ii) water quality and runoff;

(iii) habitat needs of plants and animals;

(iv) threatened and endangered species;

(v) invasive species;

(vi) historic properties; and

(vii) other environmental resources.

(E) EFFECT ON OTHER REVIEWS.—Nothing in this subsection shall alter the environmental review process for a project, including the determination of the environmental protection plans for the protection or treatment of—

(i) air quality;

(ii) water quality and runoff;

(iii) habitat needs of plants and animals;

(iv) threatened and endangered species;

(v) invasive species;

(vi) historic properties; and

(vii) other environmental resources.

(F) Economic development plans adopted by—

(i) units of State, local, or tribal government;

(ii) established economic development planning organizations or authorities.

(G) environmental protection plans, including plans for the protection or treatment of—

(i) air quality;

(ii) water quality and runoff;

(iii) habitat needs of plants and animals;

(iv) threatened and endangered species;

(v) invasive species;

(vi) historic properties; and

(vii) other environmental resources.

(H) Any publicly available plans or policies relating to the national defense, national security, or foreign policy of the United States.

(I) PROMPT ISSUE IDENTIFICATION AND RESOLUTION PROCESS.—

(i) units of State, local, or tribal government;

(ii) established economic development planning organizations or authorities.

(III) The lead agency shall determine the alternatives to be considered for a project.

(J) IN GENERAL.—The lead agency shall determine the alternatives to be considered for a project.

(K) IN GENERAL.—Before determining the alternatives for a project, the lead agency shall solicit for 30 days and consider any relevant comments on the draft statement of purpose and need for a proposed project received from the public and cooperating agencies.

(L) EFFECT ON OTHER REVIEWS.—Any other agency acting under or applying Federal law with respect to a project shall consider only the alternatives determined by the lead agency.

(M) SAVINGS.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an expert agency under applicable law (including regulations) with respect to a project.

(N) FACTORS TO CONSIDER.—The lead agency may determine that any of the following factors and documents are appropriate for consideration in determining the alternatives for a project:

(i) the overall size and complexity of the proposed action;

(ii) the sensitivity of the potentially affected resources.
granting a permit or other approval that is needed for a project, as determined by a cooperating agency.

(4) ISSUE RESOLUTION.—On identification of a major issue of concern under paragraph (3), or at any time upon the request of a project sponsor or the Governor of a State, the lead agency shall promptly convene a meeting of representatives of each of the relevant cooperating agencies, the project sponsor, and the Governor to address and resolve the issue.

(5) NOTIFICATION.—If a resolution of a major issue of concern under paragraph (4) cannot be achieved by the date that is 30 days after such a meeting convened under that paragraph is convened, the lead agency shall provide notification of the failure to resolve the major issue of concern to—

(A) the heads of all cooperating agencies;
(B) the project sponsor;
(C) the Governor involved;
(D) the Committee on Environment and Public Works of the Senate; and
(E) the Committee on Transportation and Infrastructure of the House of Representatives.

(1) PERFORMANCE MEASUREMENT.—

(1) PROGRESS REPORTS.—The Secretary shall establish a program to measure and report data toward improving and expediting the planning and environmental review process.

(2) MINIMUM REQUIREMENTS.—The program shall include—

(A) the establishment of criteria for measuring consideration of—

(i) State and metropolitan planning, project planning, and design criteria for projects reviewed under this section;

(ii) environmental processing times and costs;

(B) the collection of data to assess performance based on the established criteria; and

(C) the annual reporting of the results of the performance measurement studies.

(3) INVOLVEMENT OF THE PUBLIC AND COOPERATING AGENCIES.—

(A) In general.—The Secretary shall biennially conduct a survey of agencies participating in the environmental review process under this section to assess the expectations and experiences of such surveyed agencies with regard to the planning and environmental assessment process for projects reviewed under this section.

(B) Public Participation.—In conducting the survey, the Secretary shall solicit comments from the public or other interested parties.

(4) ASSISTANCE TO AFFECTED FEDERAL AND STATE AGENCIES.—

(A) In general.—The Secretary may approve a request by a State or recipient to provide funds made available under this title for a highway project, or made available under chapter 53 of title 49 for a mass transit project, to agencies participating in a coordinated environmental review process established under this section in order to provide high-quality personnel necessary to meet any time limits established under this section.

(B) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for such additional amounts as the Secretary determines are necessary for the affected Federal and State agencies to meet the time limits for environmental review; and

(B) if those time limits are less than the customary time necessary for that review.

(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in any United States district court or State court.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect—

(A) the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute; or

(B) the responsibility of any Federal officer to comply with or enforce such a statute.

(2) CONFORMING AMENDMENTS.

(1) Chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 325 (as added by section 1203(b)) the following:

"§ 326. Transportation project development process.

(2) Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed.

SEC. 1512. ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

(a) In General.—Chapter 3 of title 23, United States Code (as amended by section 1511(a)), is amended by inserting after section 326 the following:

"§ 327. Assumption of responsibility for categorical exclusions.

(1) CATEGORICAL EXCLUSION DETERMINATION.

(A) In general.—The Secretary may assume responsibility under paragraph (2) for determining whether certain designated activities are categorically excluded from procedural and substantive requirements as the Secretary determines are necessary for the affected Federal and State agencies to meet the time limits for environmental review.

(B) Other applicable Federal laws.—If a Secretary determines that the conducting of an environmental review is not required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

(2) SOLE RESPONSIBILITY.—A State that assumes responsibility under paragraph (1) with respect to a project shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

(3) MEMORANDUM OF UNDERSTANDING.—

(A) In general.—The Secretary and the State, after providing public notice and opportunity for comment, shall enter into a memorandum of understanding setting forth the responsibilities to be assigned under this section and the terms and conditions under which the assignments are made, including the establishment of the circumstances under which the Secretary would reassume responsibility for categorical exclusion determinations.

(B) Term.—A memorandum of understanding—

(A) shall have term of not more than 3 years; and

(B) shall be renewable.

(4) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibilities under the memorandum of understanding.

(5) MONITORING.—The Secretary shall—

(A) monitor compliance by the State with the memorandum of understanding and the provision by the State of financial resources to carry out the memorandum of understanding; and

(B) take into account the performance by the State when considering renewal of the memorandum of understanding.

(6) TERMINATION.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

(e) STATE AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under paragraph (5) of understanding shall be deemed to be a Federal agency for the purposes of the Federal law under which the responsibility is exercised.

(f) CONDUCTING AN ANALYSIS.—For chapter 3 of title 23, United States Code (as amended by section 1511(b)), is amended by inserting after the item relating to section 326 the following:

"§ 327. Assumption of responsibility for categorical exclusions.

SEC. 1513. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.

(a) In General.—Chapter 3 of title 23, United States Code (as amended by section 1512(a)), is amended by inserting after section 327 the following:

"§ 328. Surface transportation project delivery pilot program

(1) ESTABLISHMENT.—

(A) In general.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the "program").

(B) ASSUMPTION OF RESPONSIBILITY.—

(A) In general.—The Secretary shall exercise, as the need arises to carry out the provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the responsibilities of the Secretary for environmental review, consultation, or other related analysis required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other related analysis required under any Federal environmental law pertaining to the review or approval of a specific project; but

(ii) the Secretary may not assign—

(A) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

(B) responsibility imposed on the Secretary by section 134 or 135.

(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

(b) FEDERAL LIABILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement.
under this section shall remain the responsibility of the Secretary.

"(E) No effect on authority.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

"(b) State participation.—

(1) Number of participating states.—The Secretary shall not participate in a project unless a State is identified by the Secretary as having responsibilities under this section.

(2) Application.—Not later than 270 days after the submission of an application, the Secretary shall publish the complete application of the State for the program in the Federal Register.

"(c) Notice and solicitation.—For the purposes of paragraph (2), the Secretary shall have the right to intervene in any action described in paragraph (1).

"(d) Effect of assumption of responsibility.—A State that assumes responsibility under subsection (a) shall be solely responsible and liable for carrying out, in lieu of or in addition to the Secretary, the requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(e) Jurisdiction.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(f) Limitations on agreements.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under the Federal law.

"(g) Audits.—

(1) In general.—To ensure compliance by a State with any agreement of the State under subsection (a) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), the Secretary shall conduct audits as provided in subsection (b). The Secretary shall conduct audits in accordance with the consultation process described in paragraph (2), for each State participating in the program under this section, the Secretary shall conduct—

(A) semiannual audits during each of the first 2 years of State participation; and

(B) annual audits during each subsequent year of State participation.

(2) Public availability and comment.—(A) In general.—An audit conducted under paragraph (1) shall be provided to the public for comment.

(B) Response.—Not later than 60 days after the date on which the period for public comment specified in paragraph (2)(A) ends, the Secretary shall respond to public comments received under subparagraph (A).

"(h) Report to congress.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

"(1) Termination.—(A) In general.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

(B) Termination by Secretary.—The Secretary shall terminate the program on the date that is 6 years after the date of enactment of this section.

"(2) Legal standards and requirements.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(j) Other Federal agency views.—The Secretary shall consult with another Federal agency for the purposes of this section only if—

(A) the regulatory requirements under paragraph (2) have been met;

(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary under subsection (c) that describes the administration of the program.

"(k) Other Federal agency views.—If a State assumes responsibility under subsection (a) for activities that are required to be implemented as a mitigation, or enhancement measures to projects identified with respect to an area described in subsection (a), the requirements of this section shall be considered to be satisfied with respect to an area described in subsection (a).

(2) Legal standards and requirements.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(m) Notice and solicitation.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(n) Effect of assumption of responsibility.—A State that assumes responsibility under subsection (a) shall be solely responsible and solely liable for carrying out, in lieu of or in addition to the Secretary, the requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(o) Jurisdiction.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(p) Limitations on agreements.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under the Federal law.

"(q) Audits.—(1) In general.—To ensure compliance by a State with any agreement of the State under subsection (a)(1) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), the Secretary shall conduct audits as provided in subsection (b). The Secretary shall conduct audits in accordance with the consultation process described in paragraph (2), for each State participating in the program under this section, the Secretary shall conduct—

(A) semiannual audits during each of the first 2 years of State participation; and

(B) annual audits during each subsequent year of State participation.

(2) Public availability and comment.—(A) In general.—An audit conducted under paragraph (1) shall be provided to the public for comment.

(B) Response.—Not later than 60 days after the date on which the period for public comment specified in paragraph (2)(A) ends, the Secretary shall respond to public comments received under subparagraph (A).

"(r) Requirements.—(1) In general.—The requirements of this section shall be considered to be satisfied with respect to an area described in subsection (a) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

(2) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(s) Historic sites.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470h), that—

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project.

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation, if participating in the consultation);

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

(2) Parks, recreation areas, and wildlife and waterfowl refuges.—With respect to parks, recreation areas, and wildlife or waterfowl refuges, the Secretary shall make a finding of de minimis impact only if—

(A) the Secretary has determined, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public notice and opportunity for public review and comment), that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received written concurrence from officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

"(2) Title 23.—(a) Programs and Projects with De Minimis Impacts.—

(1) Title 23.—Section 138 of title 23, United States Code, is amended—

(A) in the first sentence, by striking "‘It is hereby'" and inserting the following: "‘DECLARATION OF POLICY.—It is'"; and

(B) by adding at the end the following:

‘‘(d) De Minimis Impacts.—

‘‘(1) Requirements.—

‘‘(A) In general.—The requirements of this section shall be considered to be satisfied with respect to an area described in subsection (a) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

‘‘(B) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

‘‘(C) Historic sites.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

‘‘(i) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470h), that—

‘‘(I) the transportation program or project will have no adverse effect on the historic site; or

‘‘(II) there will be no historic properties affected by the transportation program or project.

‘‘(ii) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation, if participating in the consultation);

‘‘(iii) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

‘‘(D) Parks, recreation areas, and wildlife and waterfowl refuges.—With respect to parks, recreation areas, and wildlife or waterfowl refuges, the Secretary shall make a finding of de minimis impact only if—

‘‘(I) the Secretary has determined, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public notice and opportunity for public review and comment), that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

‘‘(II) the finding of the Secretary has received written concurrence from officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

‘‘(2) Title 23.—Section 303 of title 49, United States Code, is amended—

(A) by striking ‘‘(c) The Secretary’’ and inserting the following:

‘‘(c) Approval of Programs and Projects.—Subject to subsection (d), the Secretary;’’

and

(B) by adding at the end the following: ‘‘(2) De Minimis Impacts.—

‘‘(1) Requirements.—

‘‘(A) In general.—The requirements of this section shall be considered to be satisfied with respect to an area described in subsection (a) of paragraph (2) if the Secretary determines, in accordance with this subsection,
that a transportation program or project will have a de minimis impact on the area.

"(B) CRITERIA.—In making any determination under this subsection, the Secretary shall—(i) consider the impact of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of a de minimis impact only if—

"(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470), that—

"(i) the transportation program or project will have no adverse effect on the historic site; or

"(ii) there will be no historic properties affected by the transportation program or project;

"(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation, if participating in the consultation);

"(C) the finding of the Secretary has been developed in consultation with parties consulted as part of the process referred to in subparagraph (A);

"(D) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

"(E) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

\( \text{CHAPTER 3—MISCELLANEOUS} \)

\text{SEC. 1521. CRITICAL REAL PROPERTY ACQUISITION.} Section 108 of title 23, United States Code, is amended by adding at the end the following:

\( \text{(d) CRITICAL REAL PROPERTY ACQUISITION.} \)

"(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to a State under this title may be used to pay the costs of acquiring any real property that is determined to be critical under paragraph (2) for a project proposed for funding under this title.

"(2) TIMELINESS.—The Federal share of the costs referred to in paragraph (1) shall be eligible for reimbursement out of funds appropriated under this title if, before the date of acquisition—

"(A) the Secretary determines that the property is offered for sale on the open market;

"(B) the Secretary determines that in acquiring the property, the State will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

"(C) the State determines that immediate acquisition of the property is critical because—

"(i) based on an appraisal of the property, the value of the property is increasing significantly;

"(ii) there is an imminent threat of development or redevelopment of the property; and

"(iii) the property is necessary for the implementation of the goals stated in the proposal for the project.

\( \text{(e) APPLICABLE LAW.} \)

"An acquisition of real property under this section shall be considered to be an exempt project under section 176 of the Clean Air Act (42 U.S.C. 7506).

\( \text{(f) ENVIRONMENTAL REVIEW.} \)

"(A) IN GENERAL.—A project proposed to be conducted on property acquired under paragraph (1) until all required environmental reviews for the project have been completed.

"(B) EXEMPTIONS OF PROJECT ALTERNATIVES.—The number of critical acquisitions of real property associated with a project shall not affect the consideration of project alternatives during the environmental review process.

"(g) PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.—Section 156(c) shall not apply to the sale, use, or lease of any real property acquired under paragraph (1).”.

\text{SEC. 1522. PLANNING CAPACITY BUILDING INITIATIVE.} Section 104 of title 23, United States Code, is amended by adding at the end the following:

\( \text{(m) PLANNING CAPACITY BUILDING INITIATIVE.} \)

"(1) IN GENERAL.—The Secretary shall carry out a planning capacity building initiative to support enhancements in transportation planning to—

"(A) strengthen the processes and products of metropolitan and statewide transportation planning under this title;

"(B) enhance tribal capacity to conduct joint transportation planning under chapter 2;

"(C) participate in the metropolitan and statewide transportation planning programs under this title; and

"(D) increase the knowledge and skill level of participants in metropolitan and statewide transportation planning.

"(2) PRIORITY.—The Secretary shall give priority to planning practices and processes that—

"(A) the transportation elements of homeland security planning, including—

"(i) training and best practices relating to emergency evacuation;

"(ii) developing materials to assist areas in coordinating emergency management and transportation officials; and

"(iii) developing training on how planning organizations may examine security issues;

"(B) performance-based planning, including—

"(i) data and data analysis technologies to be shared with States, metropolitan planning organizations, local governments, and nongovernmental organizations that—

"(I) participate in transportation planning;

"(II) use the data and data analysis to engage in metropolitan, tribal, or statewide transportation planning;

"(III) involve the public in the development of transportation plans, projects, and alternative scenarios; and

"(IV) develop strategies to avoid, minimize, mitigate the impacts of transportation facilities and projects; and

"(ii) improvement of the quality of congestion management systems, including the development of—

"(I) a measure of congestion;

"(II) a measure of transportation system reliability; and

"(III) a measure of induced demand;

"(C) safety planning, including—

"(i) development of State strategic safety plans consistent with section 148;

"(ii) incorporation of work zone safety into planning; and

"(iii) training in the development of data systems relating to highway safety;

"(D) operations planning, including—

"(i) developing training of the integration of transportation system operations and management into the transportation planning process; and

"(ii) training and best practices relating to regional concepts of operations;

"(E) freight planning, including—

"(i) air quality planning, including—

"(II) assisting new and existing nonattainment and maintenance areas in developing
the technical capacity to perform air quality conformity analysis;
(ii) providing training on areas such as modeling and data collection to support air quality conformity analysis;
(iii) developing concepts and techniques to assist areas in meeting air quality performance timeframes; and
(iv) developing materials to explain air quality issues to decisionmakers and the public; and
(G) integration of environment and planning;
(3) USE OF FUNDS.—The Secretary shall use amounts made available under paragraph (4) to make grants to, or enter into contracts, agreements, and other transactions with, a Federal agency, State agency, local agency, federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education for research, program development, information collection and dissemination, and technical assistance.
(4) SET-ASIDE.—
(A) IN GENERAL.—On October 1 of each fiscal year, of the funds made available under paragraph (3)(A) which are specifically reserved for the purposes of paragraph (3)(B), the Secretary shall set aside $3,572,327 to carry out this subsection.
(B) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using funds made available under subparagraph (A) shall be 100 percent.
(C) AVAILABILITY.—Funds made available under subparagraph (A) shall remain available until expended.

SEC. 1523. INTERMODAL PASSENGER FACILITIES.
(a) IN GENERAL.—Chapter 55 of title 49, United States Code, is amended by adding at the end the following:

SUBCHAPTER III—INTERMODAL PASSENGER FACILITIES

§5571. Policy and purposes.
(a) DEVELOPMENT AND ENHANCEMENT OF INTERMODAL PASSENGER FACILITIES.—It is in the economic interest of the United States to improve the efficiency of public surface transportation modes by ensuring their connection with and access to intermodal passenger terminals, thereby streamlining the transfer of passengers among modes, enhancing travel options, and increasing passenger transportation operating efficiencies.
(b) GOALS.—The purposes of this subchapter are to accelerate intermodal integration among North America’s passenger transportation modes through—
(1) ensuring intercity public transportation access to intermodal passenger facilities;
(2) encouraging the development of an integrated system of public transportation information; and
(3) providing intercity bus intermodal passenger facility grants.
§5572. Definitions.
(a) In general.—
(1) ‘capital project’ means a project for
(A) acquiring, constructing, improving, or renovating an intermodal facility that is related primarily functionally to intercity bus service and establishes or enhances coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, seaports, and the National Highway System, such as physical infrastructure associated with private bus operations at existing and new intermodal facilities, including special lanes, curb cuts, ticket kiosks and counters, baggage and package express storage, employee parking, office space, security, and lighting;
(B) establishing or enhancing coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, and the National Highway System through an integrated system of public transportation information;
(2) ‘intercity service’ means service designed primarily to provide daily work trips within the local commuting area.
(b) Intermodal means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capability for transporting baggage carried by passengers, and which makes meaningful connections with scheduled intercity bus service and regional fixed route transportation service if available and may include package express service, if incidental to passenger transportation, but does not include air, commuter, water or rail service.
(c) ‘intermodal passenger facility’ means passenger terminal that does, or can be modified to, accommodate several modes of transportation and related facilities, including some or all of the following: intercity rail, intercity bus, commuter rail, intracity rail transit and bus transportation, airport limousine service and airline ticket offices, rent-a-car facilities, taxis, private parking, and other transportation services.
(d) ‘local governmental authority’ includes—
(A) a political subdivision of a State;
(B) an authority of at least one State or political subdivision of a State;
(C) an Indian tribe; and
(D) a public corporation, board, or commission established under the laws of the State.
(e) ‘owner or operator of a public transportation facility’ means an owner or operator of intercity-rail, intercity-bus, commuter-rail, commuter-bus, rail-transit, or ferry service.
(f) ‘recipient’ means a State or local governmental authority or a nonprofit organization that receives a grant to carry out this section directly from the Federal government.
(g) ‘Secretary’ means the Secretary of Transportation.
(h) ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.
(i) ‘urban area’ means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

§5573. Assurance of access to intermodal passenger facilities.
(a) IN GENERAL.—The Secretary of Transportation may make grants under this section to recipients in financing a capital project only if the Secretary finds that the proposed project is justified and has adequate financial commitment.
(b) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national competitively solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.
(c) SHARE OF NET PROJECT COSTS.—A grant shall not exceed 50 percent of the net project cost, as determined by the Secretary.

§5574. Intercity bus intermodal passenger facility grants.
(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants under this section to recipients in financing a capital project only if the Secretary finds that the proposed project is justified and has adequate financial commitment.
(b) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national competitively solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.
(c) SHARE OF NET PROJECT COSTS.—A grant shall not exceed 50 percent of the net project cost, as determined by the Secretary.

§5575. Funding.
(a) HIGHWAY ACCOUNT.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $3,572,327 for each of fiscal years 2006 through 2009.
(b) PERIOD OF AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

Subtitle F—Environment

SEC. 1601. ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT: CONTROL OF INVASIVE PLANT SPECIES AND ESTABLISHMENT OF NATIVE SPECIES.
(a) MODIFICATION TO NHS/STP FOR ENVIRONMENTAL RESTORATION, POLLUTION ABATEMENT, AND INVASIVE SPECIES.—
(1) MODIFICATIONS TO NATIONAL HIGHWAY SYSTEM.—Section 133(b)(6) of title 23, United States Code, is amended by adding at the end the following:

(‘Q) Environmental restoration and pollution abatement in accordance with section 165.
(R) Control of invasive plant species and establishment of native species in accordance with section 166.
(b) MODIFICATIONS TO SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by striking paragraph (14) and inserting the following:

‘(14) Environmental restoration and pollution abatement in accordance with section 165.

(15) Control of invasive plant species and establishment of native species in accordance with section 166.’.
(c) ELIGIBLE ACTIVITIES.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

‘§1165. Eligibility for environmental restoration and pollution abatement
(a) IN GENERAL.—Subject to subsection (b), environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of storm water treatment systems to treat Federal-aid highway runoff) shall be carried out in accordance with the following:
(1) The Secretary of Transportation is undergoing reconstruction, rehabilitation, resurfacing, or restoration, the expenditure of funds
under this section for environmental restora-
tion or pollution abatement described in sub-
section (a) shall not exceed 20 percent of the
total cost of the reconstruction, rehabili-
tation, resurfacing, or restoration of the fac-
ility.

§ 166. Control of invasive plant species and estab-
ishment of native species

(a) In this section:

(1) INVASIVE PLANT SPECIES.—The term ‘‘invasive plant species’’ means a nonindige-
nous species the introduction of which causes or is likely to cause economic or envi-
ronmental harm or harm to human health.

(2) NATIVE PLANT SPECIES.—The term ‘‘na-
tive plant species’’ means, with respect to a particular ecosystem, a species that, other
than as a result of an introduction, histori-
cally occurred or currently occurs in that
ecosystem.

(b) RESEARCH, TECHNICAL ASSISTANCE,
MARKETING, AND PROMOTION.—Section 162
of title 23, United States Code, is amended
by adding at the end the following:

‘‘(1) In general.—The Secretary may carry
out technical assistance, marketing, market
research, and promotion with respect to
State Scenic Byways, National Scenic By-
ways, All-American Roads, and America’s
Byways.

(2) COOPERATION, GRANTS, AND CON-
TRACTS.—The Secretary may make grants to,
or enter into contracts, cooperative agree-
ments, and other transactions with, any Fed-
eral agency, State agency, authority, asso-
ciation, institution, for-profit or nonprofit
corporation, organization, or person, to
carry out projects and activities under this
section.

(3) FUNDS.—The Secretary may use not
more than $1,786,164 for each fiscal year of
funds made available for the National Scenic
Byways Program to carry out projects and
activities under this subsection.

(c) RESEARCH, TECHNICAL ASSISTANCE,
MARKETING, AND PROMOTION.—Section 206
of title 23, United States Code, is amended
by adding at the end the following:

‘‘(2) (I) PROCUREMENT.—The Secretary
gives priority under this subsection to part-
nerships that leverage Federal funds for re-
search, technical assistance, marketing and
promotion; and

(3) (ii) by inserting after subsection (c) the fol-
lowing:

‘‘(1) IN GENERAL.—The Secretary may carry
out technical assistance, marketing, market
research, and promotion with respect to
State Scenic Byways, National Scenic By-
ways, All-American Roads, and America’s
Byways.

(2) COOPERATION, GRANTS, AND CON-
TRACTS.—The Secretary may make grants to,
or enter into contracts, cooperative agree-
ments, and other transactions with, any Fed-
eral agency, State agency, authority, asso-
ciation, institution, for-profit or nonprofit
corporation, organization, or person, to
carry out projects and activities under this
section.

(3) FUNDS.—The Secretary may use not
more than $1,786,164 for each fiscal year of
funds made available for the National Scenic
Byways Program to carry out projects and
activities under this subsection.

(d) RESEARCH, TECHNICAL ASSISTANCE,
MARKETING, AND PROMOTION.—Section 104(h)(1)
of title 23, United States Code, is amended
by adding at the end the following:

‘‘(2) (I) PROCUREMENT.—The Secretary
shall give priority under this subsection to
partnerships that leverage Federal funds for re-
search, technical assistance, marketing and
promotion; and

(3) (ii) by adding at the end the following:

‘‘(A) In general.—In any case in which;

(b) RECREATIONAL TRAILS PROGRAM

(a) RECREATIONAL TRAILS PROGRAM
FORMULA.—Section 104(h)(1) of title 23, United States Code, is amended—

(1) by striking ‘‘Whenever’’ and inserting

‘‘(A) In general.—In any case in which;’’;

(2) by striking ‘‘research and technical as-
sistance, marketing, and promotion’’ and
inserting ‘‘research, technical assistance,
marketing, and promotion’’;

(3) by inserting after subsection (c) the fol-
lowing:

‘‘(1) In general.—The Secretary may carry
out technical assistance, marketing, market
research, and promotion with respect to
State Scenic Byways, National Scenic By-
ways, All-American Roads, and America’s
Byways.

(2) COOPERATION, GRANTS, AND CON-
TRACTS.—The Secretary may make grants to,
or enter into contracts, cooperative agree-
ments, and other transactions with, any Fed-
eral agency, State agency, authority, asso-
ciation, institution, for-profit or nonprofit
corporation, organization, or person, to
carry out projects and activities under this
section.

(3) FUNDS.—The Secretary may use not
more than $1,786,164 for each fiscal year of
funds made available for the National Scenic
Byways Program to carry out projects and
activities under this subsection.

(d) RESEARCH, TECHNICAL ASSISTANCE,
MARKETING, AND PROMOTION.—Section 104(h)(1)
of title 23, United States Code, is amended—

(1) by striking ‘‘Whenever’’ and inserting

‘‘(A) In general.—In any case in which;’’;

(2) by striking ‘‘research and technical as-
sistance, marketing, and promotion’’ and
inserting ‘‘research, technical assistance,
marketing, and promotion’’;

(3) by inserting after subsection (c) the fol-
lowing:

‘‘(1) In general.—The Secretary may carry
out technical assistance, marketing, market
research, and promotion with respect to
State Scenic Byways, National Scenic By-
ways, All-American Roads, and America’s
Byways.

(2) COOPERATION, GRANTS, AND CON-
TRACTS.—The Secretary may make grants to,
or enter into contracts, cooperative agree-
ments, and other transactions with, any Fed-
eral agency, State agency, authority, asso-
ciation, institution, for-profit or nonprofit
corporation, organization, or person, to
carry out projects and activities under this
section.

(3) FUNDS.—The Secretary may use not
more than $1,786,164 for each fiscal year of
funds made available for the National Scenic
Byways Program to carry out projects and
activities under this subsection.

(c) RESEARCH, TECHNICAL ASSISTANCE,
MARKETING, AND PROMOTION.—Section 104(h)(1)
of title 23, United States Code, is amended—

(1) by striking ‘‘Whenever’’ and inserting

‘‘(A) In general.—In any case in which;’’;

(2) by striking ‘‘research and technical as-
sistance, marketing, and promotion’’ and
inserting ‘‘research, technical assistance,
marketing, and promotion’’;

(3) by inserting after subsection (c) the fol-
lowing:

‘‘(1) In general.—The Secretary may carry
out technical assistance, marketing, market
research, and promotion with respect to
State Scenic Byways, National Scenic By-
ways, All-American Roads, and America’s
Byways.

(2) COOPERATION, GRANTS, AND CON-
TRACTS.—The Secretary may make grants to,
or enter into contracts, cooperative agree-
ments, and other transactions with, any Fed-
eral agency, State agency, authority, asso-
ciation, institution, for-profit or nonprofit
corporation, organization, or person, to
carry out projects and activities under this
section.

(3) FUNDS.—The Secretary may use not
more than $1,786,164 for each fiscal year of
funds made available for the National Scenic
Byways Program to carry out projects and
activities under this subsection.

SEC. 1602. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by striking ‘‘the roads as’’ and all that follows and inserting

‘‘(A) National Scenic Byways;

(B) All-American Roads; or

(C) America’s Byways.’’;

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ‘‘design-
ated as’’ and all that follows and inserting

‘‘(i) National Scenic Byways;

(ii) All-American Roads; or

(iii) America’s Byways; and’’;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ‘‘Byway, All-American Road, or 1 of America’s Byways’’; and

(ii) in subparagraph (B), by striking ‘‘design-
ated as’’ and all that follows and inserting

‘‘(i) National Scenic Byways;

(ii) All-American Roads; or

(iii) America’s Byways; and’’;

(3) in subsection (c)(4), by striking ‘‘pass-
ing lane’’.

(4) in paragraph (6), by adding at the end the follow-
ing:

‘‘(i) permissible under other law;

(ii) necessary and recommended by a
statewide comprehensive outdoor recreation
plan that is—

(A) required under the Land and Water
4 et seq.); and

(B) in effect; and

(iii) approved by the administering agen-
cy of the State designated under subsection
(c)(1)(A); and

(iv) approved by each Federal agency hav-
ing jurisdiction over the affected land, under
such terms and conditions as the head of the
Federal agency determines to be appro-
priate, except that the approval shall be con-
tingent upon compliancy with all applicable
laws, including—

(A) the National Environmental Policy
Act of 1969 (42 U.S.C. 421 et seq.);

(B) the Forest and Rangeland Renewable
Resources Planning Act of 1974 (16 U.S.C. 1600
et seq.); and

(C) the Federal Land Policy and Manage-
ment Act of 1976 (43 U.S.C. 1701 et seq.).

(5) In section (a), the phrase ‘‘pur-
chase and lease of recreational trail
construction and maintenance equip-
ment’’ is declared to be approp-
riated for the purpose of—

(A) providing for the construction and main-
tenance of recreational trails across Federal
land;

(B) construction of the trails shall be

(i) permissible under other law;

(ii) necessary and recommended by a
statewide comprehensive outdoor recreation
plan that is—

(A) required under the Land and Water
4 et seq.); and

(B) in effect; and

(iii) approved by the administering agen-
cy of the State designated under subsection
(c)(1)(A); and

(iv) approved by each Federal agency hav-
ing jurisdiction over the affected land, under
such terms and conditions as the head of the
Federal agency determines to be appro-
priate, except that the approval shall be con-
tingent upon compliancy with all applicable
laws, including—

(A) the National Environmental Policy
Act of 1969 (42 U.S.C. 421 et seq.);

(B) the Forest and Rangeland Renewable
Resources Planning Act of 1974 (16 U.S.C. 1600
et seq.); and

(C) the Federal Land Policy and Manage-
ment Act of 1976 (43 U.S.C. 1701 et seq.).

(5) In section (a), the phrase ‘‘pur-
chase and lease of recreational trail
construction and maintenance equip-
ment’’ is declared to be approp-
riated for the purpose of—
SEC. 1605. STANDARDS.

A project funded under this section—
(a) shall be in accordance with subsection (f); and
(b) shall be consistent with applicable Federal requirements.

SEC. 1606. USE OF HIGH OCCUPANCY VEHICLE LANE PASSERGER REQUIREMENTS.

Section 102 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

(a) High Occupancy Vehicle Lane Passenger Requirements.

1. Definitions. In this subsection:

(A) Responsible agency. The term ‘responsible agency’ means—

(i) a State transportation department;

(ii) a local agency in a State that is responsible for transportation matters; and

(iii) a public authority, or a public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility;

(B) Seriously degraded. The term ‘seriously degraded’, with respect to a high occupancy vehicle lane, means, in the case of a high occupancy vehicle lane, the minimum average operating speed, performance threshold, and associated time period of the high occupancy vehicle lane, determined jointly by all applicable responsible agencies and based on conditions unique to the roadway, are unsatisfactory.

(C) Tolling of Vehicles. In imposing a toll under clause (i), a responsible agency shall—

(i) vary the toll charged in order to manage the demand for use of high occupancy vehicle lanes; and

(ii) enforce violations; and

(D) Designated Public Transportation Vehicles. In this subpara-

1. Designated public transportation vehicles.

(i) In general. The term ‘designated public transportation vehicles’ means—

(A) public transportation vehicles; and

(B) alternative fueled vehicles described in paragraphs (A), (B), and (D) that do not satisfy established occupancy requirements, to use a high occupancy vehicle lane only if the responsible agency charges those vehicles a toll.

(E) Affirmative Action. The responsible agency may permit vehicles, in addition to the vehicles described in paragraphs (A), (B), and (D), that do not satisfy established occupancy requirements, to use a high occupancy vehicle lane system if the responsible agency determines that those vehicles a toll.

[Further text continues here, and so forth.]
necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

(ii) PERFORMANCE MONITORING, EVALUATION, AND REPORTING.—

"(i) In General.—A responsible agency that permits any of the exceptions specified in this paragraph shall comply with clauses (ii) and (iii).

(ii) Performance Monitoring, Evaluation, and Reporting.—A responsible agency described in clause (i) shall establish, manage, and support a performance monitoring, evaluation, and reporting program under which the responsible agency continuously monitors, assesses, and reports on the effects that any vehicle permitted to use a high occupancy vehicle lane under an exception under this paragraph may have on the operation of:

(I) individual high occupancy vehicle lanes; and

(ii) the entire high occupancy vehicle lane system.

(iii) Operation of Hov Lane or System.—A responsible agency described in clause (i) shall limit use of, or cease to use, any of the exceptions permitted to be used in this paragraph if the presence of any vehicle permitted to use a high occupancy vehicle lane under an exception under this paragraph seriously degrades the operation of:

(I) individual high occupancy vehicle lanes; and

(ii) the entire high occupancy vehicle lane system.

SEC. 1607. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) In General.—Section 217 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting "pedestrian and" after "safe";

(2) in subsection (c), by striking "bicycles", each time it appears and inserting "pedestrians or bicyclists";

(3) by striking subsection (f) and inserting the following:

"(f) Federal Share.—The Federal share of the construction of bicycle transportation facilities and pedestrian walkways, and for carrying out nonconstruction projects relating to bicycle transportation facilities and pedestrian safety, shall be determined in accordance with section 129(b);"

(4) by redesignating subsection (j) as subsection (k); and

(5) by inserting after subsection (j) the following:

"(j) Bicycle and Pedestrian Safety Grants.—

"(1) In General.—The Secretary shall select and make grants to a national, non-profit organization engaged in promoting bicycle and pedestrian safety—

"(A) to operate a national bicycle and pedestrian clearinghouse;

"(B) to develop information and education programs regarding walking and bicycling; and

"(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

"(2) Funding.—The Secretary may use funds set aside under section 104(n) to carry out this subsection.

"(3) Applicability of Title 2.—Funds authorized to be appropriated to carry out this subsection shall be available for obligation in the same manner as if the funds were appropriated under section 104, except that the funds shall remain available until expended.

"(4) Appropriation.—By redesignating paragraph (4) as paragraph (5); and

(b) by inserting after paragraph (3) the following:

"(d) Shared Use Path.—The term 'shared use path' means a multiuse trail or other path that is—

"(1) physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or with an independent right-of-way; and

"(2) usable for transportation purposes (including by pedestrians, bicyclists, skaters, equestrians, and other nonmotorized users).

(b) Reservation of Funds.—Section 104 of title 23, United States Code (as amended by section 1522), is amended by adding at the end the following:

"(b) Bicycle and Pedestrian Safety Grants.—On October 1 of each of fiscal years 2006 through 2008, the Secretary, after making the deductions authorized by subsections (a) and (f), shall set aside $446,541 of the remaining funds apportioned under subsection (b)(3) for use in carrying out the bicycle and pedestrian safety grant program under section 217.

SEC. 1608. IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.

Section 129 of title 23, United States Code, is amended by adding at the end the following:

"(d) Idling Reduction Facilities in Interstate Rights-of-Way.—

"(1) In General.—Notwithstanding subsection (a), a State may—

"(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or maintained on rights-of-way of the Interstate System in the State, so long as those idling reduction measures do not—

"(i) reduce the existing number of designated truck stops or parking spaces at any given rest or recreation area; or

"(ii) preclude the use of those spaces by trucks employing alternative idle reduction technologies; and

"(B) charge a fee, or permit the charging of a fee, for the use of those parking spaces actively providing power to a truck to reduce idling.

"(2) Purpose.—The exclusive purpose of the facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

"(A) to reduce idling of a truck while parked in the rest or recreation area; and

"(B) to use the equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.

SEC. 1609. TOLL PROGRAMS.

(a) Interstate System Reconstruction and Rehabilitation Pilot Program.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended—

(1) in paragraph (1)—

(I) by striking "The Secretary" and inserting "Notwithstanding section 301, the Secretary"; and

(ii) by striking "that could not otherwise be adequately maintained or functionally improved without the collection of tolls";

(B) in paragraph (2), by inserting after the first sentence the following: "One such facility shall be located in Virginia.";

(C) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C) An analysis demonstrating that financing the reconstruction or rehabilitation of the facility with the collection of tolls under this pilot program is the most efficient, economical, or expedient way to advance the project.

"(D) in paragraph (4)—

(i) by striking subparagraph (A) and inserting the following:

"(A) The State's analysis showing that financing the reconstruction or rehabilitation of a facility with the collection of tolls under this pilot program is the most efficient, economical, or expedient way to advance the project.

(ii) by striking subparagraph (B) and inserting the following:

"(B) the facility needs reconstruction or rehabilitation, including major work that may require replacing parts of the existing facility on new alignment.

(iii) by striking subparagraph (C); and

(iv) by redesigning subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(2) is redesignated as subsection (d) of section 129 of title 23, United States Code, and inserted to appear at the end of that section; and

(3) by striking "of title 23, United States Code" each place it appears.

(b) Fast and Sensible Toll (Fast) Lanes Program.—Section 129 of title 23, United States Code (as amended by subsection (a)(3)), is amended by adding at the end the following:

"(e) Fast and Sensible Toll (Fast) Lanes Program.—

"(1) Definition.—In this subsection:

"(A) Eligible Toll Facility.—The term 'eligible toll facility' includes—

"(i) a facility in existence on the date of enactment of this subsection that collects tolls;

"(ii) a facility in existence on the date of enactment of this subsection that serves high occupancy vehicles;

"(iii) a facility modified or constructed after the date of enactment of this subsection to create additional tolled capacity (including a facility constructed by a private entity or using private funds); and

"(iv) in the case of a new lane added to a previously non-tolled facility, only the new lane.

"(B) Nonattainment Area.—The term 'nonattainment area' has the meaning given it in section 171 of the Clean Air Act (42 U.S.C. 7501).

"(2) Establishment.—Notwithstanding sections 129 and 301, the Secretary shall permit a State, public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including facilities on the Interstate System—

"(A) to manage high levels of congestion;

"(B) to reduce emissions in a nonattainment area or maintenance area; or

"(C) to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridges, tunnel, support, and other structures necessary for that construction) on the Interstate System.

"(3) Limitation on Use of Revenues.—

"(i) General.—Toll revenues received under paragraph (2) shall be used by a State, public authority, or private entity designated by a State, for—

"(A) debt service for debt incurred on 1 or more highway or transit projects carried out under this title or title 49;

"(B) a reasonable return on investment of any private financing; or

"(III) the costs necessary for proper operation and maintenance of any facilities (including by a State, including reconstruction, resurfacing, restoration, and rehabilitation); or
(IV) if the State, public authority, or private entity annually certifies that the tolled facility is being adequately operated and maintained, any other purpose relating to a highway program or project carried out under this title or section 49.

(B) REQUIREMENTS.—

(i) VARIABLE PRICE REQUIREMENT.—A facility that elects to install tolls under this subsection, including any toll collection facility that charges tolls in a manner that is not uniform with respect to the time of day or level of traffic, as determined by the applicable State, may require.

(ii) HOV VARIABLE PRICING REQUIREMENT.—The Secretary shall require, for each high occupancy vehicle facility that charges tolls on a discretionary basis, that the toll be uniform in price according to the time of day or level of traffic, as appropriate to manage congestion or improve air quality.

(iii) HOV PASSENGER REQUIREMENTS.—In addition to the exceptions to the high occupancy vehicle passenger requirements established under section 102(a)(2), a State may permit motor vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes as part of a variable toll pricing program established under this subsection.

(C) AGREEMENT.—

(i) IN GENERAL.—Before the Secretary may permit a facility to charge tolls under this subsection, the Secretary and the applicable public authority, or private entity designated by a State shall enter into an agreement for each facility incorporating the conditions described in subparagraphs (A) and (B).

(ii) TERMINATION.—An agreement under clause (i) shall terminate with respect to a facility upon the decision of the State, public authority or private entity designated by a State to discontinue the variable tolling program under this subsection for the facility.

(D) DEBT.—

(i) IN GENERAL.—If there is any debt outstanding on a facility at the time at which the State, public authority or private entity designated by a State to discontinue the variable tolling program under this subsection for the facility.

(ii) NOTICE.—On retirement of the debt of a tolled facility, the applicable State, public authority, or private entity designated by a State shall provide notice to the public of that retirement.

(E) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a project on a facility shall not exceed 80 percent, except that the Federal share may exceed 80 percent to the extent that the Secretary determines that the toll collection facility shall be a percentage, not to exceed 80 percent, determined by the applicable State.

(F) FUNDING.—To be eligible to participate in the program under this subsection, a State, public authority, or private entity designated by a State shall provide to the Secretary a plan that—

(a) a description of the congestion or air quality problems sought to be addressed under the program;

(b) a description of—

(i) the goals sought to be achieved under the program; and

(ii) the performance measures that would be used to verify progress made toward reaching those goals; and

(C) such other information as the Secretary may require.

(G) FEE COLLECTION.—Fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology that eliminates the free flow of traffic on the tolled facility.

(H) INTEROPERABILITY.—

(A) RULE.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall promulgate a final rule specifying requirements, standards, or performance measures that are applied to or automated toll collection systems implemented under this section.

(ii) DEVELOPMENT.—In developing that rule, the Secretary shall take into consideration—

(I) the need to accelerate progress toward the national goal of achieving a nationwide interoperable electronic toll collection system;

(ii) the need to take into account the use of noncash electronic technology currently deployed within an appropriate geographical area of travel and the noncash electronic technology likely to be in use within the next 5 years; and

(iii) seek to minimize additional costs and maximize convenience to users of toll facility and to the toll facility owner or operator.

(B) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under subparagraph (A) as necessary.

(7) REPORTING.—

(a) IN GENERAL.—The Secretary, in cooperation with the applicable agencies and other program participants and with opportunity for public comment, shall—

(i) develop and publish performance goals for each FAST lane project;

(ii) establish a program for regular monitoring and reporting on the achievement of performance goals, including—

(I) effects on travel, traffic, and air quality;

(ii) distribution of benefits and burdens; and

(iii) use of alternative transportation modes; and

(iii) use of revenues to meet transportation or impact mitigation needs.

(b) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a description of the congestion or air quality problems sought to be addressed under the program;

(B) a description of—

(i) the goals sought to be achieved under the program; and

(ii) the performance measures that would be used to verify progress made toward reaching those goals; and

(C) such other information as the Secretary may require.

(D) PREPAREDNESS STUDY.—The Secretary shall, not later than the date on which the Secretary promulgates a final rule under paragraph (A), prepare a report to Congress containing an analysis of the extent to which a FAST tolling system is prepared to—

(i) operate in a manner that provides for the resolution of conflicts at the state and local levels with other programs or agencies; and

(ii) implement interoperability and interoperability requirements.

(E) FEE COLLECTION.—

(i) IN GENERAL.—The Secretary shall promulgate a rule allowing the use of noncash electronic technology to eliminate the free flow of traffic on a tolled facility.

(ii) COMPLIANCE.—The Secretary shall ensure that any project or activity carried out under this section complies with the requirements established under section 106 of this title and section 307 of title 49.

(10) VOLUNTARY USE.—Nothing in this subchapter requires any highway user to use a FAST lane.

(11) ENVIRONMENTAL REQUIREMENTS.—Nothing in this subchapter affects any environmental requirement applicable to the construction or operation of an eligible toll facility under this title or any other provision of law.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1012 of the Interstate Surface Transportation Equity Act (23 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is amended by striking subsection (b).

(2) CONTINUATION OF PROGRAM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall monitor and allow any value pricing program established under a cooperative agreement in effect on the day before the date of enactment of this Act to continue.

SEC. 1610. FEDERAL REFERENCE METHOD.

(a) IN GENERAL.—Section 6102 of the Transportation Equity Act for the 21st Century (22 U.S.C. 1907 note; 112 Stat. 464) is amended by striking subsection (e) and inserting the following:

"(e) FIELD STUDY.—Not later than 2 years after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Administrator shall—

(i) conduct a field study of the ability of the PM2.5 Federal Reference Method to differentiate those particles that are larger than 2.5 micrometers in diameter;

(ii) develop a Federal reference method to measure directly particles that are larger than 2.5 micrometers in diameter without reliance on subtracting from coarse particle measurements those particles that are equal to or smaller than 2.5 micrometers in diameter;

(iii) develop a method of measuring the percentage of coarse particles; and

(iv) submit a report on the efficiency and responsibilities of the Administrator under paragraphs (1) through (3) to—

(A) the Committee on Commerce of the House of Representatives; and

(B) the Committee on Environment and Public Works of the Senate."

SEC. 1611. ADDITION OF PARTICULATE MATTER AREAS TO CMAQ.

Section 104(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)—
(A) in the matter preceding clause (i), by striking “ozone or carbon monoxide” and inserting “ozone, carbon monoxide, or fine particulate matter (PM₁₀);”

(B) by striking clause (i) and inserting the following:

“(i) 1.0, if at the time of apportionment, the area is a maintenance area;”;

(C) by striking (ii), by striking “or” after the semicolon; and

(D) in clause (vii)—

(i) by striking “area as described in section 149(b) for ozone,” and inserting “area for ozone (as described in section 149(b) or for PM₂.₅);” and

(ii) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:—

“(viii) 1.0 if, at the time of apportionment, any county that is not designated as a nonattainment or maintenance area under the 1-hour ozone standard is designated as nonattainment under the 8-hour ozone standard; or

“(ix) 1.2 if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone or carbon monoxide, but is an area designated nonattainment under the PM₂.₅ standard;.”

(3) by striking subparagraph (C) and inserting the following:

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi) or clause (vii) of subparagraph (B), shall be further multiplied by a factor of 1.2;”;

(4) by redesigning subparagraph (D) and (E) as subparagraphs (D) and (F) respectively; and

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

“(D) ADDITIONAL ADJUSTMENT FOR PM₂.₅ AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone or carbon monoxide, or both as described in section 149(b), any county within the area was also classified under the PM₂.₅ standard as a nonattainment or maintenance area, the weighted nonattainment or maintenance area population of those counties shall be further multiplied by a factor of 1.2.”

SEC. 1613. IMPROVED INTERAGENCY CONSULTATION.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

“(g) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment areas to ensure that on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.”

SEC. 1614. TRAVEL-RELATED ASSESSMENT OF CMAQ PROJECTS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

“(B) EVALUATION AND ASSESSMENT OF PROJECTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall consider the recommendations and findings of the report submitted to Congress under section 113(e) of the Transportation Equity Act for the 21st Century, including recommendations and findings that would improve the operation and evaluation of the congestion mitigation and air quality improvement programs and projects.

“(2) DATABASE.—Using appropriate assessments of projects funded under the mitigation and air quality program and results from other research, the Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects.”

SEC. 1615. SYNCHRONIZED PLANNING AND CONFORMITY TIMELINES, REQUIREMENTS, AND HORIZON.

(a) METROPOLITAN PLANNING.—

(1) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—Section 134(b) of title 23, United States Code, is amended by striking “periodically, according to a schedule that the Secretary determines to be appropriate,” and inserting “every 4 years (or more frequently, in a case in which the metropolitan planning organization elects to update a transportation plan more frequently) in areas designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), and in areas that were nonattainment that have been redesignated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)), with a maintenance plan under section 175A of that Act (42 U.S.C. 7565a), or every 5 years (or more frequently, in a case in which the metropolitan planning organization elects to update a transportation plan more frequently) in areas designated as attainment (as defined in section 107(d) of that Act (42 U.S.C. 7407(d))).”

(2) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(h) of title 23, United States Code, is amended by adding at the end the following:

“(c) Travel-Related Aspects.—

“(A) in paragraph (1)(D), by striking “2 years” and inserting “4 years”; and

“(B) in paragraph (2)(A), by striking “3 years” and inserting “4 years”.”

(3) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f)(1)(A) of title 23, United States Code, is amended by inserting after “program” the following: “(which program shall cover a period of 4 years and be updated every 4 years)”.

(b) SYNCHRONIZED CONFORMITY DETERMINATION.—Section 176(c) of the Clean Air Act (42 U.S.C. 7566(c)) is amended—

(1) in paragraph (2)—

“(A) by striking “(2) Any transportation plan” and inserting the following:

“(2) TRANSPORTATION PLANS AND PROGRAMS.—Any transportation plan;”

(B) in subparagraph (C)(iii), by striking the period at the end and inserting a semicolon;

(C) in subparagraph (D)(1), by striking “Any project” and inserting “any transportation project”; and

(D) by adding at the end the following:—

“(E) the appropriate metropolitan planning organization shall determine conformance of existing transportation plans and programs not incorporated in any program under section 135, after the date on which the Administrator—

“(i) finds a motor vehicle emissions budget to be adequate in accordance with section 301(a)(1)(B)(v) of title 23, United States Code, Regulations (as in effect on October 1, 2003);”

(ii) approves an implementation plan that establishes a motor vehicle emissions budget that has not yet been used in a conformity determination prior to approval; or
SEC. 1618. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.

(a) In General.—Section 319 of the Clean Air Act (42 U.S.C. 7596(c)) is amended by inserting after paragraph (8) the following:

"(9) A significant change in the design and application of the latest travel and emissions models;"

"(9) an implementation plan that is on a facility that serves a regionally significant project;"

"(9) a transportation plan that extends through the end of the last year of the implementation plan required by paragraph (2)(B); and"

"(9) by adding at the end the following:

"(9) CONFORMITY HORIZON FOR TRANSPORTATION PLANS.—(A) IN GENERAL.—For the purposes of this section, a transportation plan in a nonattainment or maintenance area shall be considered to be a transportation plan or a portion of a transportation plan that extends for the longest of the following periods:

(i) The first 10-year period of any such transportation plan.

(ii) The latest year in the implementation plan applicable to the area that contains a motor vehicle emissions budget.

(iii) The year after the completion date of a regionally significant project, if the project requires approval before the subsequent conformity determination.

(B) EXCEPTION.—In a case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or has approved the revision, the transportation plan shall be considered to be a transportation plan or portion of a transportation plan that extends through the last year of the implementation plan required under section 175A(b).

(C) DEFINITIONS.—In this subsection:

(I) the transportation plan or program;

(aa) consistent with the most recent estimates of mobile source emissions;

(bb) provides for the expeditious implementation of a transportation control measure in the applicable implementation plan;

and

(cc) with respect to an oxygen or carbon monoxide nonattainment area, contributes to annual emissions reductions consistent with sections 182(b)(1) and 187(a)(7); and

(II) the transportation project;

(aa) comes from a conforming transportation plan and program described in this subparagraph; and

(bb) with respect to a carbon monoxide nonattainment area, eliminates or reduces the severity and number of violations of the carbon monoxide standards in the area substantially affected by the project; or

(bb) a significant change in the design and application of the latest travel and emissions models;"

"(B) SIGNIFICANT REVISION.—The term ‘significant revision’ means—

(i) with respect to a regionally significant project, a significant change in design concept or scope to the project; and

(ii) with respect to any other kind of project, a change that converts a project that is not a regionally significant project into a regionally significant project.

(C) TRANSPORTATION PROJECT.—The term ‘transportation project’ includes only a project that is—

(i) a regionally significant project; or

(ii) a project that makes a significant revision to an existing project.”

SEC. 1617. REDUCED BARRIERS TO AIR QUALITY IMPROVEMENTS.

Section 1617 of the Clean Air Act (42 U.S.C. 7565(c)(4)) is amended by—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

“(B) SUBSTITUTION FOR TRANSPORTATION CONTROL MEASURES.—

(A) IN GENERAL.—Transportation control measures that are specified in an implementation plan may be replaced or added to the implementation plan with alternate or additional transportation control measures if—

(i) the substitute measures achieve equivalent or greater emissions reductions than the control measure; or

(ii) the substitute measures were evaluated with an analysis that is consistent with the current methodology used for evaluating the replaced control measure in the implementation plan.

(B) SIGNIFICANT REVISION.—The term ‘significant revision’ means—

(i) with respect to a regionally significant project, a significant change in design concept or scope to the project; and

(ii) with respect to any other kind of project, a change that converts a project that is not a regionally significant project into a regionally significant project.

II) the substitute control measures are implemented—

(i) in accordance with a schedule that is consistent with the schedule provided for control measures in the implementation plan; or

(ii) if the implementation plan date for implementation of the control measure to be replaced has passed, as soon as practicable after the implementation plan date but not later than the date on which emission reductions are necessary to achieve the purpose of the implementation plan.

(C) SIGNIFICANT REVISION.—The term ‘significant revision’ means—

(i) a regionally significant project; or

(ii) a project that makes a significant revision to an existing project.”

SEC. 1616. TRANSITION TO NEW AIR QUALITY STANDARDS.

Section 176(c) of the Clean Air Act (42 U.S.C. 7565(c)) is amended by striking paragraph (3) and inserting the following:

“(3) METHODS OF CONFORMITY DETERMINATION BEFORE BUDGET IS AVAILABLE.—(A) IN GENERAL.—(I) the transportation plan or program to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or the results of the consultation process required under paragraph (4)(D)(i), with—

(i) a motor vehicle emission budget that has been found adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or that has been approved, conformity of such a plan, program, or project shall be demonstrated, in accordance with clauses (i) and (ii) and as selected through the consultation process required under paragraph (4)(D)(i), with—

(ii) the conformity determination for the longest of the following periods:

(I) the transportation plan; or

(II) consultation with the Administrator; and

(III) reasonable public notice and opportunity for comment; and

(ii) a revision of the implementation plan.

(B) NO REQUIREMENT FOR EXPRESS PERMISSION.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not be contingent on there being any provision in the implementation plan that expressly permits such a substitution or addition.

(C) NO REQUIREMENT FOR NEW CONFORMITY DETERMINATION.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not require—

(i) a new conformity determination for the transportation control measure; or

(ii) a revision of the implementation plan.

(D) CONTINUATION OF CONTROL MEASURE BEING REPLACED.—A control measure that is being replaced by a substitute measure under this paragraph shall remain in effect until the substitute control measure is adopted by the State pursuant to subparagraph (B).

(E) EFFECT OF ADOPTION.—Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure; or

SEC. 1618. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.
(1) by striking the section heading and all that follows through “after notice and opportunity for public hearing” and inserting the following:

"SEC. 1618. DATA QUALITY MONITORING.

(1) IN GENERAL.—After notice and opportunity for public hearing; and
(2) by adding at the end the following:

(B) Air Quality Monitoring Data Influen
ted by Exceptional Events.

(1) Definition of Exceptional Event.—In this section:

(A) IN GENERAL.—The term ‘exceptional event’ means an event that:

(i) affects air quality;
(ii) is not reasonably controllable or preventable;
(iii) is a natural event; or
(iv) an event caused by human activity that is unlikely to recur at a particular location;

(B) the Administrator shall promulgate final regulations regarding the proposed regulations, oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate final regulations governing the review and handling of air quality monitoring data influenced by exceptional events.

(C) Civil Action to Compel Promulga
tion.

(1) To improve the quality of stormwater discharge mitigation program established under subsection (b).

(D) Establishment.—The Secretary shall establish a highway stormwater discharge mitigation program.

(1) to improve the quality of stormwater discharge from Federal-aid highways or Federal-aid highways and associated facilities; and

(2) to enhance groundwater recharge.

(2) PRINCIPLES AND REQUIREMENTS.

(1) Principles.—In promulgating regulations under this section, the Administrator shall follow—

(i) the principle that protection of public health is the highest priority;

(ii) the principle that timely information should be provided to the public in any case in which the air quality is unhealthy;

(iii) the principle that all ambient air quality data should be included in a timely manner, an appropriate Federal air quality database that is accessible to the public;

(iv) the principle that each State must take necessary measures to safeguard public health regardless of the source of the air pol
tion; and

(v) the principle that air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.

(2) Regulations.—

(A) Proposed Regulations.—Not later than March 1, 2005, after consultation with Federal land managers and State air pollution control agencies, the Administrator shall publish in the Federal Register proposed regulations governing the review and handling of air quality monitoring data influenced by exceptional events.

(B) Final Regulations.—Not later than 1 year after the date on which the Administrator publishes proposed regulations under subparagraph (A), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate final regulations governing the review and handling of air quality monitoring data influenced by an exceptional event that are consis
tent with paragraph (3).

(3) Principles and Requirements.

(1) Principles.—In promulgating regulations under this section, the Administrator shall follow—

(A) IN GENERAL.—The Administrator shall promulgate final regulations governing the review and handling of air quality monitoring data influenced by exceptional events that:...


(A) In General.—The Administrator shall promulgate, and periodically update, the following:

(B) TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS.—The Administrator, with the concurrence of the Secretary of Transportation, shall promulgate and inserting the following:

(C) CIVIL ACTION TO COMPEL PROMULGA
tion.—A civil suit; and

(D) Establishment.—The Secretary shall establish a highway stormwater discharge mitigation program.

(1) to improve the quality of stormwater discharge from Federal-aid highways or Federal-aid highways and associated facilities; and

(2) to enhance groundwater recharge.
“167. Highway stormwater discharge mitigation program.”

SEC. 1621. EXEMPTION FROM CERTAIN HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS.

(a) DEFINITION OF ELIGIBLE PERSON.—In this section, the term "eligible person" means an agricultural producer that has gross sales of commodities for cash of not less than $446,541.

(b) EXEMPTION.—Subject to subsection (c), part 216 of title 49, Code of Federal Regulations, shall not apply to an eligible person that transports a fertilizer, pesticide, propane, gasoline, or diesel fuel for agricultural purposes, to the extent determined by the Secretary.

(c) APPLICABILITY.—Subsection (b) applies to security plan requirements under subpart I of part 216 of title 49, Code of Federal Regulations (or a successor regulation).

SEC. 1622. FUNDS FOR REBUILDING FISH STOCK.

Section 105 of the Miscellaneous Appropriations and Offsets Act, 2004 (Division H of the Consolidated Appropriations Act, 2004 (Public Law 108–101)) is amended by repealing.

SEC. 1701. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) SURFACE TRANSPORTATION PROGRAM ELIGIBILITY.—Section 139(b) of title 23, United States Code (as amended by section 160(a)(2)), is amended by adding at the end the following:

(18) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, such as traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.

(17) Rush hour congestion relief.

(16) In general.

(A) The Secretary—

(i) to develop a region-wide coordinated plan to mitigate traffic delays caused by motor vehicle accidents and breakdowns on highways during peak driving times;

(B) Use of funds.—A State, metropolitan planning organization, or local government may use the funds under subparagraph (A)—

(i) to purchase or lease telecommunications equipment for first responders;

(ii) to purchase or lease towing and recovery services;

(iii) to pay contractors for towing and recovery;

(iv) to rent vehicle storage areas adjacent to roadways;

(v) to fund service patrols, equipment, and operations;

(vi) to purchase incident detection equipment;

(vii) to carry out training; and

(B) Congestion Mitigation and Air Quality Improvement Program Eligibility.—Section 194(b)(5) of title 23, United States Code (as added by section 160(a)(2)), is amended by adding at the end the following:

(18) Regional transportation operations collaboration and coordination activities, after "intersections.",

(c) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(1) In general.—Subchapter I of chapter 1 of title 23, United States Code (as added by section 160(b)), is amended by adding at the end the following:

"168. Transportation systems management and operations.

(a) In general.—The Secretary shall carry out a transportation systems management and operations program to—

(1) ensure efficient and effective management and operation of transportation systems through collaboration, coordination, and real-time information sharing at a regional and Statewide level among—

(A) managers and operators of major modes of transportation;

(B) public safety officials; and

(C) the general public; and

(2) manage and operate transportation system management and operations program to preserve the capacity and maximize the performance of transportation facilities and services for travelers and carriers.

(b) Authorized activities.—

(1) In general.—In carrying out the program under subsection (a), the Secretary may carry out—

(A) encourage managers and operators of major modes of transportation, public safety officials, and transportation planners in urbanized areas that are responsible for conducting the day-to-day management, operations, public safety, and planning of transportation facilities and services to collaborate on and coordinate, on a regional level and in a continuous and sustained manner, improved transportation systems management and operations; and

(B) encourage—

(i) to establish a system of basic real-time monitoring for the surface transportation system; and

(ii) to provide the means to share the data gathered under clause (i) among—

(A) highway, transit, and public safety agencies;

(B) jurisdictions (including States, cities, counties, and metropolitan planning organizations);

(C) private-sector entities; and

(iv) the general public.

(2) Guidance.—Activities to be carried out under paragraph (1) include—

(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants with respect to the manner in which the transportation systems of the region should be managed, operated, and measured;

(B) the sharing of information among operators, service providers, public safety officials, and the general public; and

(C) guiding, in a regionally-coordinated manner and in a manner consistent with and integrated into the metropolitan and Statewide transportation planning processes and regional intelligent transportation system architecture, the implementation of regional transportation system management and operations including—

(i) emergency evacuation and response;

(ii) traffic incident management;

(iii) technology deployment; and

(iv) traveler information systems delivery.

(c) Cooperation.—In carrying out the program under subsection (a), the Secretary may assist and cooperate with other Federal agencies, State and local governments, metropolitan planning organizations, private industry, and other transportation and public safety agencies, managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

(d) Guidance; regulations.—

(1) In general.—In carrying out the program under subsection (a), the Secretary may issue guidance or promulgate regulations for the procurement of transportation system management and operations facilities, equipment, and services, including—

(A) equipment in preparation for natural disasters, disasters caused by human activity, and emergencies;

"(B) system hardware;

"(C) software; and

"(D) software integration services.

(2) Considerations.—In developing the guidance or regulations under paragraph (1), the Secretary may consider innovative procurement methods that support the timely and streamlined execution of transportation systems management and operations programs and projects.

(3) Financial assistance.—The Secretary may authorize the use of funds made available under section 104(b)(3) to provide assistance for regional operations collaboration and coordination activities that are associated with regional improvements, such as—

(A) traffic incident management;

(B) technology deployment;

(C) emergency management and response; and

(D) traveler information and "

"(2) providing accurate traveler information on the incident; and

SEC. 1702. REAL-TIME SYSTEM MANAGEMENT INFORMATION FORMATION.

(a) In general.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 170(c)(1)), is amended by adding at the end the following:

"169. Real-time system management information program.

(a) In general.—The Secretary shall carry out a real-time system management information program to—

(1) provide a nationwide system of basic real-time information for managing and operating the surface transportation system;

(2) identify long-range real-time highway and transit monitoring needs; and

(3) provide plans and strategies for meeting those needs;

(4) provide the capability and means to share the basic real-time information with State and local governments and the traveling public; and

(5) provide the nationwide capability to monitor, in real-time, the traffic and travel conditions of major highways in the United States, and to share that information with State and local governments and the traveling public, to—

(A) improve the security of the surface transportation system;

(B) address congestion problems; and

(C) support improved response to weather events; and

(D) facilitate the distribution of national and regional traveler information.

(b) Data exchange formats.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems (including statewide incident reporting systems) can readily be exchanged between jurisdictions to facilitate the nationwide availability of information on traffic and travel conditions.

(c) Statewide incident reporting system.—Not later than 2 years after the date of enactment of this section, or not later than 5 years after the date of enactment of this section if the Secretary determines that adequate real-time communications capability will not be available within 2 years after the date of enactment of this section, each State shall establish a statewide incident reporting system to facilitate the real-time electronic reporting of highway and transit incidents to a central location for use in—

(1) monitoring an incident; and

(2) providing accurate traveler information on the incident; and
“(1) I N GENERAL.—In the developing or updating of regional intelligent transportation system architectures under section 940.9 of title 23, Code of Federal Regulations (or any successor regulation), States and local governments are encouraged to incorporate the real-time highway and transit information needs of the State or local government, including coverage, monitoring systems, data-fusion and archiving, and methods of exchanging or sharing information; and

“(B) the systems needed to meet those needs.

“(2) DATA EXCHANGE FORMATS.—In developing or updating regional intelligent transportation system architectures, States and local governments are encouraged to incorporate the data exchange formats developed by the Secretary under subsection (b) to ensure that the data provided by highway and transit monitoring systems can readily be—

“(A) exchanged between jurisdictions; and

“(B) shared with the traveling public.

“(e) VALUE ENGINEERING ANALYSIS.—Subject to project approval by the Secretary, a State may—

“(1) use funds available to the State under section 505(a) to carry out activities relating to the planning of real-time monitoring elements; and

“(2) use funds apportioned to the State under paragraphs (1) and (3) of section 104(b) to carry out activities relating to the planning and deployment of real-time monitoring elements.

“(f) CONFORMING AMENDMENT.—The analysis for subchapter 1 of chapter 1 of title 23, United States Code (as amended by section 101(c)(2)), is amended adding at the end the following:

“(1) ○ REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.”

SEC. 1703. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

“(1) in subparagraph (A), by striking “title 40” and inserting “title 12”;

“(2) by striking subparagraph (B);

“(3) by redesignating subparagraphs (C) through (H) as paragraphs (B) through (E), respectively; and

“(4) by striking subparagraph (G).

SEC. 1704. OFF-DUTY TIME FOR DRIVERS OF COMMERICAL VEHICLES.

Section 345(a)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31306 note; 109 Stat. 613) is amended by adding at the end the following: “No additional off-duty time for a driver of such a vehicle shall be required in order for the driver to operate the vehicle.”

SEC. 1705. DESIGNATION OF TRANSPORTATION MANAGEMENT AREAS.

(a) FUNDING.—Section 134(d)(3)(C)(ii) of title 23, United States Code, is amended by striking the text of clause (ii) and inserting the following:

“(II) □ ALLOCATION.—The allocation of funds to the Oklahoma City—Norman Transportation Management Area designated under clause (i) shall be based on the aggregate population of all areas reported to in that clause, as determined by the Bureau of the Census.”

Subtitle H—Federal-Aid Stewardship

SEC. 1801. RECONSTRUCTION AND IMPROVEMENT OF INTERSTATE SYSTEM ROUTES.

Section 103(c)(4)(B) of title 23, United States Code, is amended—

“(1) in clause (i), by striking “12” and inserting “20;” and

“(2) in clause (iii)—

“(A) in subclause (I), by striking “in the agreement between the Secretary and the State or States;” and

“(B) by adding at the end the following:

“(III) EXISTING AGREEMENTS.—An agreement described in clause (ii) that is entered into before the date of enactment of this subparagraph shall be deemed to include the 20-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.”

SEC. 1802. STEWARDSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

“(1) D EFINITION OF VALUE ENGINEERING ANALYSIS.—

“(1) ○ DEFINITION OF VALUE ENGINEERING ANALYSIS.—

“(A) IN GENERAL.—In this subsection, the term ‘value engineering analysis’ means the systematic process of review and analysis of a project, during the concept and design phases, by a multidisciplinary team of persons not involved in the project, that is conducted to provide recommendations such as those described in subparagraph (B) for—

“(i) providing the needed functions safely, reliably, and at the lowest overall cost;

“(ii) improving the value and quality of the project; and

“(iii) reducing the time to complete the project.

“(B) INCLUSIONS.—The recommendations referred to in subparagraph (A) include, with respect to a project—

“(i) combining or eliminating otherwise inefficient use of costly parts of the original proposed design for the project;

“(ii) redesigning the project using different technologies, materials, or methods so as to accomplish the original purpose of the project.

“(C) ANALYSES.—The State shall provide a value engineering analysis or other cost-reduction analysis for—

“(1) each project on the Federal-Aid System with an estimated total cost of $25,000,000 or more;

“(2) a bridge project with an estimated total cost of $25,000,000 or more; and

“(3) any other project the Secretary determines to be appropriate.

“(3) MAJOR PROJECTS.—The Secretary may require the analysis described in paragraph (2) for a major project described in subsection (h).

“(4) REQUIREMENTS.—Analyses described in paragraph (1) for a bridge project shall—

“(A) include bridge substructure requirements based on construction material; and

“(B) be evaluated—

“(1) on engineering and economic bases, taking into consideration acceptable designs for bridges; and

“(2) by striking subsections (g) and (h) and inserting the following:

“(g) □ OVERSIGHT PROGRAM.—

“(1) □ PROJ ECT MANAGEMENT.

“(A) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds made available under this title.

“(B) MINIMUM REQUIREMENTS.—At a minimum, the program shall monitor and require the reporting relating to financial integrity and project delivery.

“(2) □ FINANCIAL INTEGRITY.—

“(A) □ FINANCIAL MANAGEMENT SYSTEMS.

“(1) IN GENERAL.—The Secretary shall perform annual reviews of the financial management systems of State transportation departments that affect projects approved under subsection (a).

“(B) PROJECT COSTS.—The Secretary shall—

“(i) develop minimum standards for estimating project costs; and

“(ii) periodically evaluate practices of the States for—

“(I) estimating project costs;

“(II) awarding contracts; and

“(III) reducing project costs.

“(C) RESPONSIBILITY OF THE STATES.—

“(1) IN GENERAL.—Each State shall be responsible for ensuring that requirements of Federal funds within the State under this section have—

“(i) sufficient accounting controls to properly manage the Federal funds; and

“(ii) adequate project delivery systems for projects approved under this section.

“(ii) REVIEW BY SECRETARY.—The Secretary shall periodically review monitoring by the States of those subrecipients.

“(3) PROJECT DELIVERY.—The Secretary shall—

“(A) perform annual reviews of the project delivery system of each State, including analysis of 1 or more activities that are involved in the life cycle of a project; and

“(B) employ risk assessment procedures to identify areas to be reviewed.

“(4) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section discharges or otherwise affects any oversight responsibility of the Secretary—

“(A) specifically provided for under this title or other Federal law; or

“(B) for the design and construction of all Appalachian development highways under section 14501 of title 40 or section 170 of this title.

“(b) MAJOR PROJECTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more, and recipients for such other projects as may be identified by the Secretary, shall submit to the Secretary for each project—

“(A) a project management plan; and

“(B) an annual financial plan.

“(2) PROJECT MANAGEMENT PLAN.—A project management plan shall document—

“(A) the procedures and processes that are in effect to provide timely information to the project decisionmakers to effectively manage the scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and

“(B) the role of the agency leadership and management team in the delivery of the project.

“(3) FINANCIAL PLAN.—A financial plan shall—

“(A) be based on detailed estimates of the cost to complete the project; and

“(B) provide for the annual submission of updates to the Secretary that are based on CIP estimates, assumptions, as determined by the Secretary, of future increases in the cost to complete the project.
SEC. 1803. DESIGN-BUILD CONTRACTING.

Section 1102 of title 23, United States Code, is amended, by striking subparagraph (C) and inserting the following:

"(C) QUALIFIED PROJECTS.—A qualified project is a project under this chapter (including intermodal projects for which the Secretary has approved the use of design-build contracting under criteria specified in regulations promulgated by the Secretary)."

SEC. 1804. PROGRAM EFFICIENCIES—FINANCE.

(a) ADVANCE CONSTRUCTION.—Section 1105 of title 23, United States Code, is amended, by striking subsection (c) as a subsection (d); and

(b) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

(2) NATIONAL SECURITY EXCEPTION.

If the Secretary finds that mandatory debarment is not appropriate in cases involving fraud relating to a project directly to the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

(b) REIMBURSEMENT.—On execution of a procurement agreement with a State described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2); and

(2) in the last sentence, by striking “any sums” and inserting “the following:

"(c) RECOVERY AND CREDITING OF FUNDS.—Any sums”.

(c) ALLOCATIONS.—Section 202 of title 23, United States Code, is amended—

(1) in subsection (a), by striking "(a) On October 1" and all that follows through “Such allocation” and inserting the following:

"(a) On October 1 and all that follows through “Such allocation” and inserting the following:

"(a) ALLOCATION BASED ON NEED.—(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 35 percent of the sums authorized to be appropriated for the fiscal year for public lands highways among those States having unappropriated or unreserved public lands, or nontaxable Indian lands or other Federal reservations on the basis of 35 percent of the total public land in the United States, respectively, as determined by the Secretary, on the request of the States, under paragraph (1); and

(2) PLANNING.—The allocation under paragraph (1):"

(2) by striking subsection (b) and inserting the following:

"(b) ALLOCATION FOR PUBLIC LANDS HIGHWAYS.—"

"(1) PUBLIC LANDS HIGHWAYS.—"

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 35 percent of the sums authorized to be appropriated for the fiscal year for public lands highways among those States having unappropriated or unreserved public lands, or nontaxable Indian lands or other Federal reservations on the basis of 35 percent of the total public land in the United States, respectively, as determined by the Secretary, on the request of the States, under paragraph (1).

"(B) REIMBURSEMENT.—Making the allocation under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land withdrawals, dispositions, or Federal-aid projects, and the States proposing to make the allocations to the States that contains at least 3 percent of the total public land in the United States.

"(2) FOREST HIGHWAYS.—"

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 65 percent of the sums authorized to be appropriated for the fiscal year for public lands highways among those States having unappropriated or unreserved public lands, or nontaxable Indian lands or other Federal reservations on the basis of 35 percent of the total public land in the United States, respectively, as determined by the Secretary, on the request of the States, under paragraph (1); and

"(B) REIMBURSEMENT.—Making the allocation under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land withdrawals, dispositions, or Federal-aid projects, and the States proposing to make the allocations to the States that contains at least 3 percent of the total public land in the United States.

"(3) FRAUDULENT ACTIVITY.—Paragraph (1) shall not apply in any case in which a State or local transit agency is found by the Attorney General, in consultation with the Secretary, to have been involved or negligent with respect to the fraudulent activity."
percent of the funds authorized to be appropriated for public lands highways for forest highways in accordance with section 13H of the Federal-Aid Highway Act of 1987 (23 U.S.C. 109h note; 115)."

") PUBLIC ACCESS TO AND WITHIN NATIONAL FOREST SYSTEM.—In making the allocation under subparagraph (A), the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through—

"(i) available resource and land use planning; and

(ii) assessments of the impact of that planning on transportation facilities.");

"(B) PRIORITY.

(1) In general.—On any other provision of law, with respect to funds authorized for park roads and parkways, the Secretary shall give priority in the allocation of funds to projects for highways that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(2) PRIORITY CONFLICTS.

If there is a conflict between projects described in subparagraph (A), the Secretary may select one or more projects in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under section 1911.

(3) FUNDING.

A project that is funded under the Transportation Equity Act for the 21st Century (Public Law 105-178) or the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(4) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(5) PLANNING PHASE.

A demonstration project under this subclause shall be completed in a planning phase that is required to carry out this subparagraph.

(b) E ligibility.—An Indian tribe or consortium described in paragraph (a) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(c) On CONGRESS.—Not later than September 30, 2006, the Congress shall submit a report describing the implementation of the demonstration project and any recommendations for improving the project.

(D) PRIORITY.

(1) In general.—An Indian tribe (or consortium) participating in a demonstration project in the demonstration project under this subclause shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(2) PRIORITY.

The Secretary shall give priority in the allocation of funds to projects for highways that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(3) PRIORITY CONFLICTS.

If there is a conflict between projects described in subparagraph (A), the Secretary may select one or more projects in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under section 1911.

(4) FUNDING.

A project that is funded under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(5) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(6) SPECIFIC APPLICATION.

An Indian tribe (or consortium) participating in a demonstration project under this subclause is required to carry out this subparagraph.

(7) AGENT.

Notwithstanding any other provision of law, with respect to funds distributed under that clause, the Secretary shall give highest priority to projects that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(8) FUNDING.

A project that is funded under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(9) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(10) E ligibility.—An Indian tribe or consortium described in paragraph (a) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(A) On CONGRESS.—Not later than September 30, 2006, the Congress shall submit a report describing the implementation of the demonstration project and any recommendations for improving the project.

(B) PRIORITY.

The Secretary shall give priority in the allocation of funds to projects for highways that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(2) PRIORITY CONFLICTS.

If there is a conflict between projects described in subparagraph (A), the Secretary may select one or more projects in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under section 1911.

(3) FUNDING.

A project that is funded under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(4) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(5) SPECIFIC APPLICATION.

An Indian tribe (or consortium) participating in a demonstration project under this subclause is required to carry out this subparagraph.

(6) AGENT.

Notwithstanding any other provision of law, with respect to funds distributed under that clause, the Secretary shall give highest priority to projects that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(7) FUNDING.

A project that is funded under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(8) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(9) E ligibility.—An Indian tribe or consortium described in paragraph (a) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(A) On CONGRESS.—Not later than September 30, 2006, the Congress shall submit a report describing the implementation of the demonstration project and any recommendations for improving the project.

(B) PRIORITY.

The Secretary shall give priority in the allocation of funds to projects for highways that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.

(2) PRIORITY CONFLICTS.

If there is a conflict between projects described in subparagraph (A), the Secretary may select one or more projects in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under section 1911.

(3) FUNDING.

A project that is funded under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded under subclause (cc) shall not be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

(4) PLANNING PHASE.

On any other provision of law, with respect to funds distributed under that clause, the Secretary shall complete a planning phase that is required to carry out this subparagraph shall be required to carry out this subparagraph.

(5) SPECIFIC APPLICATION.

An Indian tribe (or consortium) participating in a demonstration project under this subclause is required to carry out this subparagraph.

(6) AGENT.

Notwithstanding any other provision of law, with respect to funds distributed under that clause, the Secretary shall give highest priority to projects that—

(i) are in, or that provide access to, parks and national monuments that are adjacent to a National Park of a forested region; or

(ii) are in, or that provide access to, parks and national monuments that are adjacent to a National Forest System.
“(B) obtains the advance review of the plans and specifications from a licensed professional that has certified that the plans and specifications meet or exceed the applicable Federal, State, or local, standards; and
“(C) provides the design for the certification under subparagraph (B) to the Assistant Secretary of the Interior for Indian Affairs;”.

(3) ADDITIONAL PROVISIONS.—In subsection (a)(1), by inserting “refuge roads, recreation roads,” after “parkways,”; and by striking subsection (b) and inserting the following:

“(1) MEASURES.—Funds available for public lands highways, recreation roads, park roads and parkways, forest highways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of transportation planning, research, engineering, operation and maintenance of transit facilities, and construction of the highways, roads, parkways, forest highways, and transit facilities located on public land, national parks, and Indian reservations.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a construction contract or other appropriate agreement with—

“(A) a State (including a political subdivision of a State); or
“(B) an Indian tribe.

“(3) BLUEPRINTS.—In the case of an Indian reservation road—

“(A) Indian labor may be used, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and
“(B) a roadmap available to carry out this section may be used to pay bridge construction costs (including planning, design, and engineering).

“(4) FEDERAL EMPLOYMENT.—No maximum on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

“(5) AVAILABILITY OF FUNDS.—Funds available under this subsection for each class of Federal lands highway shall be available for any kind of transportation project eligible for assistance under this subsection, if it is within Federal land boundaries or that provides access to or within an Indian reservation, or to that provides access to or within a national park.

“(6) FEDERAL RESPONSIBILITY.—The Secretary of the Interior shall exercise Federal responsibility for any environmental impact statement required under section 102(2)(E) of the National Environmental Policy Act of 1969 (Public Law 91–190) for a project identified under this subsection.

“(B) obtains the advance review of the plans and specifications from a licensed professional that has certified that the plans and specifications meet or exceed the applicable Federal, State, or local, standards; and
“(C) provides a copy of the certification under subparagraph (B) to the Assistant Secretary of the Interior for Indian Affairs;”.

(4) ADDITIONAL PROVISIONS.—In subsection (a)(1), by inserting “refuge roads, recreation roads,” after “parkways,”; and by striking subsection (b) and inserting the following:

“(1) MEASURES.—Funds available for public lands highways, recreation roads, park roads and parkways, forest highways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of transportation planning, research, engineering, operation and maintenance of transit facilities, and construction of the highways, roads, parkways, forest highways, and transit facilities located on public land, national parks, and Indian reservations.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a construction contract or other appropriate agreement with—

“(A) a State (including a political subdivision of a State); or
“(B) an Indian tribe.

“(3) BLUEPRINTS.—In the case of an Indian reservation road—

“(A) Indian labor may be used, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and
“(B) a roadmap available to carry out this section may be used to pay bridge construction costs (including planning, design, and engineering).

“(4) FEDERAL EMPLOYMENT.—No maximum on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

“(5) AVAILABILITY OF FUNDS.—Funds available under this subsection for each class of Federal lands highway shall be available for any kind of transportation project eligible for assistance under this subsection, if it is within Federal land boundaries or that provides access to or within an Indian reservation, or to that provides access to or within a national park.

“(6) FEDERAL RESPONSIBILITY.—The Secretary of the Interior shall exercise Federal responsibility for any environmental impact statement required under section 102(2)(E) of the National Environmental Policy Act of 1969 (Public Law 91–190) for a project identified under this subsection.
shall not require any additional environmental reviews or assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(A) the Federal agency that promulgated the land use plan analyzed the specific proposal for the maintenance or improvement project under that Act; and

"(B) as of the date on which the funds are to be expended, there are—

"(i) no significant changes to the proposal bearing on environmental concerns; and

"(ii) the significant new information.

"(5) EXCEPTION.—The cost sharing requirements under the Federal Water Project Reclamation Act (7 U.S.C. 1501 et seq.), shall not apply to funds made available to the Bureau of Reclamation under this subsection.

"(b) CONFORMING AMENDMENTS.—

"(1) Sections 120(e) and 125(e) of title 23, United States Code, are amended by striking "public lands highways," each place it appears and inserting "public lands highways, recreation roads,".

"(2) Sections 120(e), 125(e), 201, 202(a), and 203 of title 23, United States Code, are amended by striking "forest development roads" each place it appears and inserting "National Forest System roads".

"(3) Section 202(2) of title 23, United States Code, is amended by striking "Refuge System," and inserting "Recreation and the various national fish hatcheries."

"(4) Section 204 of title 23, United States Code, is amended—

"(A) In subsection (a)(1), by striking "public lands highways," and inserting "public lands highways, recreation roads, forest highways,";

"(B) in subsection (i), by striking "public lands highways" each place it appears and inserting "public lands highways, recreation roads, and forest highways";

"(5) Section 205 of title 23, United States Code, is amended—

"(1) by striking the section heading and inserting the following:

"§ 205. National Forest System roads and trails;

"(2) in subsections (a) and (d), by striking "forest development roads" each place it appears and inserting "National Forest System roads";

"(3) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 205 and inserting the following:

"205. National Forest System roads and trails.

"(4) Section 217(c) of title 23, United States Code, is amended by inserting "refuge roads," after "Indian reservation roads."

SEC. 5. HIGHWAY BRIDGE PROGRAM.

"(a) In General.—Section 144 of title 23, United States Code, is amended—

"(1) by striking the section heading and all that follows paragraph (a) and inserting the following:

"§ 144. Highway bridge program

"(a) Congressional Statement.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be established to enable States to improve the condition of their bridges through replacement, rehabilitation, and preventive maintenance on highways over waterways, other topographical barriers, other highways, or railroads at any time at which the States and the Secretary determine that a bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

"(2) by striking subsection (d) and inserting the following:

"(d) Participation in Program.—

"(1) in General.—On application by a State to the Secretary for assistance in replacing or rehabilitating a highway bridge that is or is eligible to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

"(A) the bridge across a navigable waterway with a comparable bridge; or

"(B) rehabilitating the bridge.

"(2) Specific Kinds of Rehabilitation.—On application by a State to the Secretary for assistance in painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or applying of acid or acid or sodium acetate/formate or such anti-icing or de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or application of acid or acid or sodium acetate/formate or such anti-icing or de-icing composition to, the structure.

"(e) Eligibility.—

"(A) In general.—Except as provided in subparagraph (B), the Secretary shall determine the eligibility of highway bridges for replacement or repair or replacement or rehabilitation under this section based on the number of unsafe highway bridges in the State.

"(B) Preventative Maintenance.—A State may carry on a project for preventative maintenance on a bridge, seismic retrofit of a bridge, or installation of scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.

"(f) in subsection (e)—

"(1) by striking "square foot" and inserting "area";

"(2) in the fourth sentence—

"(i) by striking "by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and,;" and

"(ii) by striking "1997" and inserting "2003"; and

"(3) in the seventh sentence, by striking "the Federal-aid primary system" and inserting "Federal-aid highways";

"(g) by striking subsections (f) and (g) and inserting the following:

"(f) Set Aside.—

"(1) Discretionary Bridge Program.—

"(A) in General.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 2005 through 2009, all but $133,962,264 shall be apportioned as provided in subsection (b) and (c). 

"(B) Availability.—The $133,962,264 referred to in subparagraph (A) shall be available at the discretion of the Secretary, except that not to exceed $22,577,044 of that amount shall be available only for projects for the seismic retrofit of bridges.

"(g) Set Aside.—For fiscal year 2005, the Secretary shall apportion—

"(1) $44,654,088 to the State of Nevada for construction of a replacement of the federally-owned bridge over the Hoover Dam in the Lake Mead National Recreation Area, and

"(2) $44,654,088 to the State of Missouri for construction of a bridge in the Missouri River that crosses the city of St. Louis, Missouri, to the State of Illinois.

"(2) Off-system bridges.—

"(A) In General.—Not less than 15 percent of the apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, perform systematic preventative maintenance or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway, or to complete the Water of the River (including the construction of a people mover between the Station and the T.F. Green Airport).

"(b) Reduction of Expenditures.—The Secretary, after consultation with State and local officials, may, with respect to the State, reduce the requirement for expenditures on bridges not on a Federal-aid highway if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(5) in subsection (i)—

"(A) in paragraph (3), by striking "and"; and

"(B) in paragraph (4), by striking the period at the end and inserting "; and"

"(C) by striking "Such reports and all that follows through "to Congress,"; and

"(D) by adding at the end the following:

"(5) biennially submit such reports as are required under this subsection to the appropriate committees of Congress simultaneously with the report required by section 502(e).

"(6) in the first sentence of subsection (n), by striking "all standards" and inserting "all general engineering standards";

"(7) in subsection (o)—

"(A) in paragraph (3)—

"(i) by striking "title (including this section)" and inserting "section"; and

"(ii) by inserting "200 percent of after "shall not exceed"; and

"(B) in paragraph (4)(B)—

"(i) in the second sentence, by inserting "200 percent of after "to not exceed"; and

"(ii) in the last sentence, by striking "title" and inserting "section";

"(8) by redesignating subsections (b) through (q) as subsections (g) through (p), respectively; and

"(9) by adding at the end the following:

"(p) Continuation of Annual Materials Report on New Bridge Construction and Bridge Rehabilitation.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall publish a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

"(q) Federal Share.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.

"(b) Conforming Amendment.—The analysis for chapter I of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge program.

"SEC. 1808. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

"(a) Apportionment.—

"(1) In General.—The Secretary shall apportion funds made available under section 1101(7) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 among the States on the basis of the latest available estimate of the cost to construct highways and access

"A468, Appalachia Development Highway System.
roads for the Appalachian development highway system program prepared by the Appalachian Regional Commission under section 14501 of title 49.

(2) AVAILABILITY. — Funds described in paragraph (1) shall be available to construct highways and access roads under chapter 145 of title 49.

(3) APPLICABILITY OF TITLE. — Funds made available under section 11017 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the Appalachian development highway system shall be available for obligation in the same manner as if the funds were apportioned under this chapter, except that —

(1) the Federal share of the cost of any project under this section shall be determined in accordance with subtitle IV of title 23; and

(2) the funds shall remain available until expended.

(b) CONFORMING AMENDMENTS. —

(1) UNIT OF TOLL CREDITS. — Section 120(b)(1) of title 23, United States Code is amended by inserting “and the Appalachian development highway system program under subtitle IV of title 23” after “the highway system program established under this chapter”.

(2) ANALYSIS. — The analysis of chapter 1 of title 23, United States Code (as amended by section 12507 of title 40) shall be amended by adding at the end the following:

“170. Appalachian development highway system.”

SEC. 1809. MULTISTATE CORRIDOR PROGRAM. —

(a) ESTABLISHMENT AND PURPOSE. —

The Secretary shall carry out a program to —

(1) support and encourage multistate transportation planning and development; and

(2) facilitate transportation decision-making and coordinate project delivery involving multistate corridors.

(2) ELIGIBLE RECIPIENTS. —

A State transportation department and a metropolitan planning organization may receive and administer funds provided under this section.

(c) ENFORCEMENT. —

The Secretary shall make allocations under this program for multistate highway and multimodal planning studies and construction.

(d) OTHER PROVISIONS REGARDING ELIGIBILITY. —

(1) STUDIES. — All studies funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135.

(2) CONSTRUCTION. — All construction funded under this program shall be consistent with section 133(b)(1).

(3) SELECTION CRITERIA. — The Secretary shall select studies and projects to be carried out under this program.

(4) PROGRAM PRIORITIES. — In administering the program, the Secretary shall —

(1) encourage and enable States and other jurisdictions to work together to develop plans for multimodal and multijurisdictional transportation decisionmaking; and

(2) give priority to studies or projects that emphasize multimodal planning, including planning for operational improvements that —

(1) increase —

(i) mobility;

(ii) freight productivity;

(iii) access to marine or inland ports;

(iv) safety and security; and

(v) reliability; and

(B) enhance the environment.

(2) APPLICABILITY. — Funds authorized to be appropriated under section 133(b)(1) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under this chapter.

(b) CONFORMING AMENDMENT. — The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1209(b)) is amended by adding at the end the following:

“171. Multistate corridor program.”

SEC. 1810. BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY PROGRAM. —

(a) IN GENERAL. —

Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1208(a)), is amended by adding at the end the following:

“§172. Border planning, operations, technology, and capacity program. —

(a) DEFINITIONS. — In this section:


(2) PROGRAM. — The term ‘program’ means the border planning, operations, technology, and capacity program established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE. —

The Secretary shall make allocations under this program to support coordination and improvement in bi-national border crossings, including operational improvements that emphasize multimodal planning; and carry out a border planning, operations, technology, and capacity improvement program to support coordination and improvement in bi-national border crossings, including operational improvements, including operational and environmental planning for —

(1) multimodal planning;

(2) improvements in infrastructure; and

(3) operational improvements that —

(A) increase safety, security, freight capacity, or highway access to rail, marine, and air services; and

(B) enhance the environment.

(c) MANDATORY PROGRAM. —

(1) IN GENERAL. — For each fiscal year, the Secretary shall make allocations under this program to support coordination and improvement in bi-national border crossings, including operational improvements that emphasize multimodal planning; and carry out a border planning, operations, technology, and capacity improvement program to support coordination and improvement in bi-national border crossings, including operational improvements, including operational and environmental planning for —

(A) multimodal planning;

(B) improvements in infrastructure; and

(C) operational improvements that —

(i) increase safety, security, freight capacity, or highway access to rail, marine, and air services; and

(ii) enhance the environment.

(d) APPLICABILITY. —

(1) IN GENERAL. — Each project funded under the program shall be carried out in accordance with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135.

(2) REGIONALLY SIGNIFICANT PROJECTS. —

To be funded under the program, a regionally significant project shall be included in the applicable transportation plan and program required by sections 134 and 135.

(e) PROGRAM PRIORITIES. — Border States shall give priority to projects that emphasize —

(1) multimodal planning;

(2) improvements in infrastructure; and

(3) operational improvements that —

(A) increase safety, security, freight capacity, or highway access to rail, marine, and air services; and

(B) enhance the environment.

(f) MANDATORY PROGRAM. —

(1) IN GENERAL. — For each fiscal year, the Secretary shall make allocations under this program to support coordination and improvement in bi-national border crossings, including operational improvements that emphasize multimodal planning; and carry out a border planning, operations, technology, and capacity improvement program to support coordination and improvement in bi-national border crossings, including operational improvements, including operational and environmental planning for —

(A) multimodal planning;

(B) improvements in infrastructure; and

(C) operational improvements that —

(i) increase safety, security, freight capacity, or highway access to rail, marine, and air services; and

(ii) enhance the environment.

(g) FEDERAL SHARE. — Except as provided in section 120, the Federal share of the cost of a study or project carried out under this program, shall be 80 percent.

(h) APPLICABILITY. — Funds authorized to be appropriated under section 133(b)(1) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under this chapter.

(2) DISTRIBUTION. —

Subject to paragraph (3), the amount allocated to a border State under this paragraph shall be determined by the Secretary, as follows:

(1) 25 percent in the ratio that —

(i) the average annual weight of all cargo entering the border State by commercial vehicle across the international border with Canada or Mexico be bears to

(ii) the average annual weight of all cargo entering all border States by commercial vehicle across the international border with Canada or Mexico, as the case may be; bears to

(iii) the average annual weight of all cargo imported into the border State by commercial vehicle across the international border with Canada or Mexico, as the case may be; bears to

(iv) the average annual value of all commercial vehicles annually entering the border State across the international border with Canada or Mexico, as the case may be; bears to

(v) the number of all commercial vehicles annually entering all border States across the international borders with Canada and Mexico, as the case may be; bears to

(2) 25 percent in the ratio that —

(i) the average annual weight of all cargo entering all border States by commercial vehicle across the international border with Canada and Mexico, as the case may be; bears to

(ii) the average annual weight of all cargo entering all border States by commercial vehicle across the international border with Canada and Mexico, as the case may be; bears to

(iii) the average annual weight of all cargo entering all border States by commercial vehicle across the international borders with Canada and Mexico, as the case may be; bears to

(iv) the number of all commercial vehicles annually entering all border States across the international borders with Canada and Mexico, as the case may be; bears to

(v) the number of all commercial vehicles annually entering all border States across the international borders with Canada and Mexico, as the case may be; bears to

(vi) the number of all commercial vehicles annually entering all border States across the international borders with Canada and Mexico, as the case may be; bears to

(3) DATA SOURCE. —

(A) IN GENERAL. — The data used by the Secretary in making allocations under this section shall be based on the Bureau of Transportation Statistics’ Transborder Surface Freight Database (or any similar database).

(B) BASIS OF CALCULATION. — All formula calculations shall be made using the average values for the most recent 5-year period for which data are available.

(C) FUNDING LOCATION. — Notwithstanding paragraph (2), for each fiscal year, each border State shall receive at least ½ of
1 percent of the funds made available for allocation under this paragraph for the fiscal year.

"(g) Federal share.—Except as provided in section 120, the Federal share of the cost of a project carried out under the program shall be 80 percent.

"(h) Obligation.—Funds made available under section 110(1) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 to carry out the program shall be available for obligation in the same manner as if the funds were appropriated under this chapter.

"(i) Information Exchange.—No individual project or the scope of work of which is limited to information exchange shall receive an allocation under the program in an amount that exceeds $500,000 for any fiscal year.

"(j) Projects in Canada or Mexico.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border vehicle and commercial cargo movements at an international gateway or port of entry into the border region of the State, may be constructed using funds made available under the program if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary that any facility constructed under this subsection will be—

"(1) constructed in accordance with standards equivalent to applicable standards in the United States; and

"(2) maintained and used over the useful life of the facility for the purpose for which the Secretary allocated funds to the project.

"(k) Transfer of Funds to the General Services Administration.—

"(1) State funds.—At the request of a border State, funds made available under the program may be transferred to the General Services Administration for the purpose of funding 1 or more specific projects if—

"(A) the Secretary determines, after consultation with the State transportation department of the border State, that the General Services Administration should carry out the project;

"(B) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

"(2) Federal share.—

"(A) in general.—A border State that makes a request under paragraph (1) shall provide directly to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A)."

"(B) no augmentation of appropriations.—The Secretary, after consultation with the State transportation department of the border State to which funds were transferred, may transfer funds made available to the General Services Administration, and

"(ii) available for obligation in the same manner as if the funds were appropriated under this chapter.

"(C) Obligation Authority.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A)."

"(l) Projects in Canada or Mexico.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border vehicle and commercial cargo movements at an international gateway or port of entry into the border region of the State, may be constructed using funds made available under the program if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary that any facility constructed under this subsection will be—

"(1) constructed in accordance with standards equivalent to applicable standards in the United States; and

"(2) maintained and used over the useful life of the facility for the purpose for which the Secretary allocated funds to the project.

"(m) Transfer of Funds to the General Services Administration.—

"(1) State funds.—At the request of a border State, funds made available under the program may be transferred to the General Services Administration for the purpose of funding 1 or more specific projects if—

"(A) the Secretary determines, after consultation with the State transportation department of the border State, that the General Services Administration should carry out the project;

"(B) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

"(2) Federal share.—

"(A) in general.—A border State that makes a request under paragraph (1) shall provide directly to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A).

"(B) no augmentation of appropriations.—The Secretary, after consultation with the State transportation department of the border State to which funds were transferred, may transfer funds made available to the General Services Administration, and

"(ii) available for obligation in the same manner as if the funds were appropriated under this chapter.

"(C) Obligation Authority.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A)."

SEC. 1811. PUERTO RICO HIGHWAY PROGRAM.

(a) in general.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(a)), is amended by adding at the end the following:

"173. Puerto Rico highway program.—

"(a) In general.—The Secretary shall allocate funds authorized by section 110(1) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for each of fiscal years 2005 through 2009 to the Commonwealth of Puerto Rico for carrying out the highway program in the Commonwealth.

"(b) Applicability of Title.—

"(1) In general.—Amounts made available by section 110(1) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for each of fiscal years 2005 through 2009 to the Commonwealth of Puerto Rico for carrying out a highway program in the Commonwealth.

"(2) Limitation on Obligations.—The amounts shall subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

"(c) Treatment of Funds.—Amounts made available to carry out this section for a fiscal year shall be administered as follows:

"(1) Appropriation.—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.

"(2) Penalties.—The amounts treated as being apportioned to Puerto Rico under each section referred to in paragraph (1) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.

"(3) Effect on Allocations and Appropriations.—Subject to paragraph (2), nothing in this section affects any allocation under section 165 and any apportionment under sections 104 and 144.

(b) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(b)), is amended by adding at the end the following:

"174. National historic covered bridge preservation.—

"(a) Definition of historic covered bridge.—In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

"(b) Historic Covered Bridge Preservation.—Subject to the availability of appropriations, the Secretary shall—

"(1) collect and disseminate information on historic covered bridges;

"(2) conduct research on the history of historic covered bridges;

"(3) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

"(c) Grants.—

"(1) in general.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

"(2) Eligible Projects.—A grant under paragraph (1) may be made for a project—

"(A) to rehabilitate or repair a historic covered bridge; or

"(B) to preserve a historic covered bridge, including through—

"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

"(ii) installation of a system to prevent vandalism and arson; or

"(iii) relocation of a bridge to a preservation site.

"(3) AUTHORITY REQUIREMENTS.—A grant under paragraph (1) may be made for a project only if—

"(A) to the maximum extent practicable, the project is carried out in the most historically appropriate manner; and

"(B) preserves the existing structure of the historic covered bridge; and

"(c) Oversight.—The project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

"(d) Eligible Federal Funds.—A project carried out as provided in section 120, the Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

"(e) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(b)), is amended by adding at the end the following:

"174. National historic covered bridge preservation—"
SEC. 1813. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1812(a)), is amended by adding at the end the following:

"175. Transportation and community and system preservation program

"(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive program to facilitate the coordination, development, and implementation of strategies by States, metropolitan planning organizations, federally recognized Indian tribes, and local governments to integrate transportation, community, and system preservation plans and practices that address the goals described in subsection (b).

"(b) GOALS.—The goals of the program are to—

"(1) improve the efficiency of the transportation system in the United States;

"(2) reduce the impacts of transportation on the environment;

"(3) reduce the need for costly future investments in public infrastructure;

"(4) provide efficient access to jobs, services, and centers of trade; and

"(5) examine development patterns, and to identify strategies, to encourage private sector development patterns that achieve the goals identified in paragraphs (1) through (4).

"(c) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

"(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

"(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

"(A) have instituted preservation or development plans and programs that—

"(i) meet the requirements of this title and chapter 53 of title 49, United States Code; and

"(ii) are coordinated with State and local adopted preservation or development plans and programs that—

"(I) meet the requirements of this title and chapter 53 of title 49, United States Code; or

"(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

"(iii) are intended to promote innovative private sector strategies.

"(B) are located in growing areas or communities that encourage the efficient and sustainable use of transportation systems and resources;

"(C) are intended to promote efficient and strategic investments in transportation infrastructure that support economic development in growing areas or communities;

"(D) are intended to encourage the development of projects that reduce the adverse impacts of transportation and development on communities and the environment; and

"(E) propose projects for funding that address the purposes of this section and

"(ii) the equitable distribution of funds to a diversity of populations and geographic regions.

"(4) USE OF ALLOCATED FUNDS.—

"(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application submitted by the recipient to the Secretary.

"(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

"(i) any project to address the shortage of long-term parking for drivers of commercial motor vehicles on the National Highway System;

"(ii) equitable distribution of funds.

"(A) IN GENERAL.—The Secretary shall allocate funds made available under this subsection to States, metropolitan planning organizations, and local governments.

"(B) CRITERIA.—In allocating funds under this subsection, the Secretary shall give priority to an applicant that—

"(i) demonstrates a severe shortage of commercial vehicle parking capacity on the corridor to be addressed;

"(ii) consults with affected State and local governments, community groups, private providers of commercial vehicle parking, and motorist and trucking organizations; and

"(iii) demonstrates that the project proposed by the applicant will have a positive effect on highway safety, traffic congestion, or air quality.

"(C) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—A recipient of funds allocated under this subsection shall use the funds to carry out the project proposed in the application submitted by the recipient to the Secretary.

"(B) TYPES OF PROJECTS.—Funds under this subsection shall be available for obligation for projects that serve the National Highway System, including—

"(i) construction of safety rest areas that include parking for commercial motor vehicles;

"(ii) construction of commercial motor vehicle parking facilities that are adjacent to commercial truck stops and travel plazas;

"(iii) costs associated with the opening of facilities (including inspection and weigh stations and park-and-ride facilities) to provide commercial motor vehicle parking;

"(iv) projects that promote awareness of the availability of public or private commercial motor vehicle parking on the National Highway System, including parking in connection with intelligent transportation systems and other systems;

"(v) construction of turnouts along the National Highway System for commercial motor vehicles;

"(vi) capital improvements to public commercial motor vehicle truck parking facilities closed on a seasonal basis in order to allow the facilities to remain open year-around; and

"(vii) improvements to the geometric design at interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

"(D) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this subsection.

"(E) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be consistent with section 605.

"(6) FUNDING.—

"(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,430,818 for each of fiscal years 2005 through 2009.

SEC. 1814. PARKING PILOT PROGRAMS.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1813(a)), is amended by adding at the end the following:

"176. Parking pilot programs

"(a) COMMERCIAL TRUCK PARKING PILOT PROGRAM

"(1) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a program to address the shortage of long-term parking for drivers of commercial motor vehicles on the National Highway System.

"(2) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—The Secretary shall allocate funds made available under this subsection to States, metropolitan planning organizations, and local governments.

"(B) CRITERIA.—In allocating funds under this subsection, the Secretary shall give priority to an applicant that—

"(i) demonstrates a severe shortage of commercial vehicle parking capacity on the corridor to be addressed;

"(ii) consults with affected State and local governments, community groups, private providers of commercial vehicle parking, and motorist and trucking organizations; and

"(iii) demonstrates that the project proposed by the applicant will have a positive effect on highway safety, traffic congestion, or air quality.

"(C) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—A recipient of funds allocated under this subsection shall use the funds to carry out the project proposed in the application submitted by the recipient to the Secretary.

"(B) TYPES OF PROJECTS.—Funds under this subsection shall be available for obligation for projects that serve the National Highway System, including—

"(i) construction of safety rest areas that include parking for commercial motor vehicles;

"(ii) construction of commercial motor vehicle parking facilities that are adjacent to commercial truck stops and travel plazas;

"(iii) costs associated with the opening of facilities (including inspection and weigh stations and park-and-ride facilities) to provide commercial motor vehicle parking;

"(iv) projects that promote awareness of the availability of public or private commercial motor vehicle parking on the National Highway System, including parking in connection with intelligent transportation systems and other systems;

"(v) construction of turnouts along the National Highway System for commercial motor vehicles;

"(vi) capital improvements to public commercial motor vehicle truck parking facilities closed on a seasonal basis in order to allow the facilities to remain open year-around; and

"(vii) improvements to the geometric design at interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

"(D) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this subsection.

"(E) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be consistent with section 605.

"(6) FUNDING.—

"(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,500,818 for each of fiscal years 2005 through 2009.
In section 1810, Interstate OASIS program—

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(a)), is amended by adding at the end the following:

"177. Interstate oasis program.

(a) In General.—Not later than 180 days after the date of enactment of this section, the Secretary shall provide Federal financial assistance to the States to carry out the provisions of this section. The Secretary shall:

(1) establish an Interstate oasis program; and

(2) develop standards for designating, as an Interstate oasis, a facility that—

(A) offers—

(i) products and services to the public;

(ii) 24-hour access to restrooms; and

(iii) parking for automobiles and heavy trucks; and

(B) meets other standards established by the Secretary.

(b) Standards for designation.—The standards for designation under subsection (a) shall include standards relating to—

(1) the appearance of a facility; and

(2) the appearance of a facility to the Interstate System.

(c) Eligibility for designation.—If a State elects to participate in the interstate oasis program, the standards established by the Secretary shall be eligible for designation under this section.

(d) Logging.—The Secretary shall design a logo to be associated with a facility designated under this section.

(2) Types of Projects.—Funds under this subsection shall be available for obligation for projects that serve the Federal-aid system, including—

(i) construction of corridor and fringe parking facilities;

(ii) costs associated with the opening of facilities;

(iii) projects that promote awareness of the availability of corridor and fringe parking through the use of signage and other means;

(iv) capital improvements to corridor and fringe parking facilities closed on a seasonal basis to increase the number of facilities to remain open year-round; and

(v) improvements to the geometric design on adjoining roadways to facilitate access to, and egress from, corridor and fringe parking facilities.

(3) Report.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this subsection.

(4) Federal Share.—The Federal share of the cost of projects carried out under this subsection shall be consistent with section 129.

(5) Funding.—

(A) In General.—There is authorized to be appropriated to the National Forest System, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate.

SEC. 1818. TERRITORIAL HIGHWAY PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by striking section 215 and inserting the following:

"215. Territorial highway program

(a) Definitions.—In this section:

(1) Program.—The term 'program' means the territorial highway program established under subsection (b).

(2) Territory.—The term 'territory' means any of the following territories of the United States:

(A) American Samoa.

(B) The Commonwealth of the Northern Mariana Islands.

(C) Guam.

(D) The United States Virgin Islands.

(b) Program.—

(1) In General.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each territorial government in the construction and improvement of a system of arterial and collector highways, including necessary inter-island connectors, that is—

(A) designated by the Governor or chief executive officer of each territory; and

(B) approved by the Secretary.

(2) Federal Share.—The Secretary shall provide Federal financial assistance to territories under this section in accordance with section 216.

(3) Technical Assistance.—

(A) In General.—To continue a long-range highway development program, the Secretary may provide assistance to the governments of the territories to enable the territories to, on a continuing basis—

(i) engage in highway planning;

(ii) conduct environmental evaluations; and

(iii) administer right-of-way acquisition and relocation assistance programs; and

(B) Design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

(4) Form and Terms of Assistance.—

Technical assistance provided under this paragraph (1), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by paragraph (3).

(5) Nonapplicability of Certain Provisions.—

(A) In General.—Except to the extent that provisions of chapter 1 are determined by the Secretary to be inconsistent with the needs of the territories and the intent of the program, chapter 1 (other than provisions of chapter 1 relating to the apportionment and allocation of funds) shall be authorized to be appropriated for the program.

(B) Applicable Provisions.—The specific sections of chapter 1 that are applicable to each territory, and the extent of the applicability of those sections, shall be identified in the agreement required by subsection (e).

(C) Agreement.—

(1) In General.—Except as provided in paragraph (3), none of the funds made available for the program shall be available for obligation or expenditure with respect to a territory until the Chief Executive Officer of the territory enters into a new agreement with the Secretary (which new agreement shall be entered into not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005),
providing that the government of the territory shall—
(A) implement the program in accordance with applicable provisions of chapter 1 and section 132 of title 23, United States Code, as amended by this section; and
(B) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with applicable agreements.

(i) appropriate for each territory; and
(ii) approved by the Secretary;

(C) provide for the maintenance of facilities constructed or operated under this section in a condition to adequately serve the needs of present and future traffic; and

(D) implement standards for traffic operations, uniform traffic control devices that are approved by the Secretary.

(ii) Technical Assistance.—The new agreement entered into under paragraph (1) shall—
(A) specify the kind of technical assistance to be provided under the program;

(B) include appropriate provisions regarding information sharing among the territories; and

(C) delineate the oversight role and responsibilities of the territories and the Secretary.

(iii) Review and Revision of Agreement.—The new agreement entered into under paragraph (1) shall be reevaluated and, as necessary, revised, at least every 2 years.

(iv) Exceptions.—With respect to an agreement between the Secretary and the Governor or chief executive officer of a territory that is in effect as of the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005—
(A) the agreement shall continue in force until replaced by a new agreement in accordance with paragraph (1); and

(B) amounts made available for the program under the agreement shall be available for obligation or expenditure so long as the agreement, or a new agreement under paragraph (1), is in effect.

(ii) Permissible Uses of Funds.—(1) In general.—Funds made available for the program may be used only for the following projects and activities carried out in a territory:

(A) Eligible surface transportation program projects described in section 133(b).

(B) Cost-effective, preventive maintenance consistent with section 116.

(C) Terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

(D) Engineering and economic surveys and investigations, including the planning and the financing, of future highway programs.

(E) Studies of the economy, safety, and convenience of highway use.

(F) The regulation and equitable taxation of highway use.

(G) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

(2) Prohibition on Use of Funds for Routine Maintenance.—None of the funds made available for the program shall be obligated or expended for routine maintenance.

(iii) Location of Projects.—Territorial highway projects (other than those described in paragraphs (1), (3), and (4) of section 133(b)) may not be undertaken on roads functionally classified as local:

(b) Conforming Amendments.—(1) In general.—Section 109(b)(6) of title 23, United States Code, is amended by striking paragraph (P) and inserting the following:

(P) Projects eligible for assistance under the territorial highway program under section 215.

(2) Funding.—Section 104(b)(1)(A) of title 23, United States Code, is amended by striking “to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands” and inserting “for the territorial highway program authorized under section 215”.

(3) Analysis.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 215 and inserting the following:

“215. Territorial highway program.”

SEC. 1819. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

Section 322 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “Not later than” and inserting the following:

“INITIAL SOLICITATION.—Not later than”;

and

(B) by adding at the end the following:

“(2) ADDITIONAL SOLICITATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary may solicit additional applications from States, or authorities designated by 1 or more States, for financial assistance for MAGLEV projects.”;

(2) in subsection (e), by striking “Prior to soliciting applications” and inserting “The Secretary”;

(3) in subsection (h)(1)—

(A) in subparagraph (A), by striking clause (i) and inserting the following:

“(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) for each fiscal year 2005 through 2009”; and

(B) in subparagraph (B), by striking clause (i) and inserting the following:

“(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph for each fiscal year 2005 through 2009.”;

(3) in subsection (i)—

(A) the regulation and equitable taxation of highway use.

(4) by striking subsection (e).

SEC. 1820. DONATIONS AND CREDITS.

Section 223 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (c), by inserting “or a local government from offering to donate funds, materials, or services performed without charge by government employees,” after “services”; and

(2) striking subsection (e).

SEC. 1821. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for programs under titles I, II, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—In this section:

(1) SMALL BUSINESS CONCERN.—

(A) In general.—The term “small business concern” means an concern that is certified as a small business concern under section 3 of the Small Business Act (15 U.S.C. 632).

(B) Exclusion.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that has average annual gross receipts exceeding $17,420,000, as adjusted by the Secretary for inflation.

(c) Socially and Economically Disadvantaged Individuals.—The term “socially and economically disadvantaged individuals” has the meaning given the term under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated under that section, except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this section.

(d) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in whole or in part, of the percentages of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and by otherwise socially and economically disadvantaged individuals.

(e) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include on-site visits, personal interviews, licenses, ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and closure of work performed.

(f) Compliance with Court Orders.—Nothing in this section limits the eligibility of a concern or person made available under titles I, II, and VI of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

SEC. 1822. [RESERVED.]

SEC. 1823. PRIORITY FOR PEDESTRIAN AND BICYCLE FACILITY ENHANCEMENT PROJECTS.

Section 133(e)(5) of title 23, United States Code, is amended by adding at the end the following:

“(D) Priority for Pedestrian and Bicycle Facility Enhancement Projects.—The Secretary shall encourage States to give priority to pedestrian and bicycle facility enhancement projects to improve coordinated physical activity or healthy lifestyles programs.”

SEC. 1824. THE DELTA REGIONAL AUTHORITY.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1814(a)), is amended by adding at the end the following:

“178. Delta Region transportation development program

(“a) In General.—The Secretary shall carry out a program to—

(1) support and encourage multistate transportation planning and corridor development;

(2) provide for transportation project development;

(3) facilitate transportation decision-making; and

(4) support transportation construction.

(b) Eligible Recipients.—A State transportation department or metropolitan planning organization may receive and administer funds provided under the program.

(c) Eligible Activities.—The Secretary shall make allocations under the program for multistate highway and transit planning, development, and construction projects.

(d) Other Provisions Regarding Eligibility.—All activities funded under this program shall be consistent with the continuing, cooperative, and comprehensive —
plans for multimodal and multijurisdictional transportation decisionmaking; and
(2) give priority to projects that emphasize multimodal planning, including planning for operational improvements that—
(A) increase the mobility of people and goods; and
(B) improve the safety of the transportation system with respect to catastrophic—
(i) natural disasters; or
(ii) disasters caused by human activity; and
(C) contribute to the economic vitality of the area in which the project is being carried out.

(g) FEDERAL SHARE.—Amounts provided by the Delta Regional Authority to carry out a project under this section shall be applied to the non-Federal share required by section 120.

(h) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until expended.

(i) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 181(b)), is amended by adding at the end the following:

"178. Delta Regional transportation development program."SEC. 1825. MULTISTATE INTERNATIONAL CORRIDOR DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program to develop international trade corridors to facilitate the movement of freight from international ports of entry and inland ports through and to the interior of the United States.

(b) ELIGIBLE RECIPIENT.—State transportation departments and metropolitan planning organizations shall be eligible to receive and administer funds provided under the program.

(c) ELIGIBLE ACTIVITIES.—The Secretary shall carry out this program for any activity eligible for funding under title 23, United States Code, including multistate highway and multimodal planning and project construction.

(d) OTHER PROVISIONS REGARDING ELIGIBILITY.—All activities funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135 of title 23, United States Code.

(e) SELECTION CRITERIA.—The Secretary shall only select projects for corridors—
(1) that have significant levels or increases in truck and traffic volume relating to international freight movement;
(2) connect to at least 1 international terminus or inland port;
(3) traverse at least 3 States; and

(f) PROGRAM PRIORITIES.—In administering the program, the Secretary shall—
(1) encourage and enable States and other jurisdictions to work together to develop planning processes required by section 134 and 135.

SEC. 1826. AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATION ROADS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking "$1,500,000 for each of fiscal years 1998 through 2003" and inserting "$1,607,547 for each of fiscal years 2005 through 2009".

Title I—Technical Corrections

SEC. 1901. REPEAL OR UPDATE OF OBSOLETE TEXT.

(a) LETTING OF CONTRACTS.—Section 112 of title 23, United States Code, is amended—
(1) by striking subsection (f); and
(2) by redesignating subsection (g) as subsection (f).

(b) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 135(a) of title 23, United States Code, is amended in the first sentence by striking "on the Federal-aid urban system" and inserting "on a Federal-aid highway".

SEC. 1902. CLARIFICATION OF DATE.

Section 109(g) of title 23, United States Code, is amended in the first sentence by striking "the Secretary" and inserting "the Secretary shall".

SEC. 1903. INCLUSION OF REQUIREMENTS FOR REPORTING FUNDING SOURCES IN TITLE 23.

(a) IN GENERAL.—Section 154 of the Federal-Aid Highway Act of 1962 (23 U.S.C. 101 note; 101 Stat. 209) is amended—
(1) transferred to title 23, United States Code;
(2) redesignated as section 321;
(3) moved to appear after section 320 of that title; and
(4) amended by striking the section heading and inserting the following:

"321. Signs identifying funding sources.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 320 the following:

"321. Signs identifying funding sources."

SEC. 1904. INCLUSION OF BUY AMERICA REQUIREMENTS IN TITLE 23.

(a) IN GENERAL.—Section 165 of the Highway Improvement Act of 1982 (23 U.S.C. 101 note; 96 Stat. 2136) is amended—
(1) transferred to title 23, United States Code;
(2) redesignated as section 313;
(3) moved to appear after section 312 of that title; and
(4) amended by striking the section heading and inserting the following:

"315. Buy America."

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 312 the following:

"313. Buy America."

(2) Section 313 of title 23, United States Code (as added by subsection (a)), is amended—

Title II—Transportation Research

Subtitle A—Funding

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) SURFACE TRANSPORTATION RESEARCH.

(A) IN GENERAL.—For carrying out sections 502, 503, 504, 505, 506, 507, and 511 of title 23, United States Code,

(i) $188,410,252 for fiscal year 2005;

(ii) $192,012,579 for fiscal year 2006;

(iii) $194,691,824 for fiscal year 2007;

(iv) $196,477,987 for fiscal year 2008; and

(v) $199,157,233 for fiscal year 2009.

(B) SURFACE TRANSPORTATION-ENVIRONMENTAL COOPERATIVE RESEARCH PROGRAM.

For each of fiscal years 2005 through 2009, the Secretary shall set aside $17,861,635 of the funds authorized under subparagraph (A) to carry out the surface transportation—environmental cooperative research program under section 507 of title 23, United States Code.

(2) TRAINING AND EDUCATION.—For carrying out section 504 of title 23, United States Code—

(A) $25,006,289 for fiscal year 2005;

(B) $25,899,371 for fiscal year 2006;

(C) $26,792,453 for fiscal year 2007; and

(D) $27,665,535 for fiscal year 2008; and

(E) $28,578,616 for fiscal year 2009.

(3) FEDERAL SHARE OF TRAFFIC SAFETY STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49,

(4) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—For carrying out section 522, 523, 526, 527, and 529 of title 23, United States Code—

(A) $109,849,057 for fiscal year 2005;
(B) $112,526,302 for fiscal year 2006;
(C) $111,202,747 for fiscal year 2007;
(D) $117,866,792 for fiscal year 2008; and
(E) $120,566,038 for fiscal year 2009.


(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Each amount authorized to be appropriated by subsection (a)—

(1) shall be available for obligation in the same manner as if the funds were appropriated under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using the funds shall be the share applicable under section 120(b) of title 23, United States Code, as adjusted under subsection (d) of that section (unless otherwise specified or otherwise determined by the Secretary); and

(2) shall remain available until expended.

(c) ALLOCATIONS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Of the amounts made available under subsection (a)(1)—

(A) $24,113,208 for each of fiscal years 2005 through 2009 shall be available to carry out advanced, high-risk, long-term research under section 502(d) of title 23, United States Code;
(B) $16,075,472 for fiscal year 2005, $15,182,390 for fiscal year 2006, $13,396,226 for fiscal year 2007, $12,949,686 for fiscal year 2008, and $8,930,818 for fiscal year 2009 shall be available to carry out the long-term pavement performance program section 502(e) of that title (to the extent not to exceed 10 percent of the amount allocated); and
(C) $5,358,491 for each of fiscal years 2005 through 2009 shall be available to carry out the high-performance concrete bridge research and technology transfer program under section 502(i) of that title, of which $893,082 for each fiscal year shall be used by the Secretary to carry out demonstration projects involving the use of ultra-high-performance concrete with ductility;

(D) $5,358,491 for each of fiscal years 2005 through 2009 shall be made available to carry out research on asphalt used in highway pavements;

(E) $5,358,491 for each of fiscal years 2005 through 2009 shall be available to carry out research on aggregates used in highway pavements;

(F) $2,679,245 for each of fiscal years 2005 through 2009 shall be made available to carry out research on ultra-high performance concrete;

(G) $4,242,138 for each of fiscal years 2005 through 2009 shall be made available for further development and deployment of techniques to prevent and mitigate alkali silica reactivity;

(H) $7,186,164 for fiscal year 2005 shall be available until expended for asphalt and asphalt-related research and demonstration projects at the South Dakota School of Mines; and

(I) $2,679,245 for each of fiscal years 2005 through 2009 shall be made available to carry out research on construction materials other than those specified under paragraphs (A) through (G) and (I), respectively.

(2) SAFETY.—Of the amounts made available under subsection (a)(2)—

(A) $11,163,522 for fiscal year 2005, $11,610,063 for fiscal year 2006, $12,056,604 for fiscal year 2007, $12,503,145 for fiscal year 2008, and $12,949,686 for fiscal year 2009 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);
(B) $13,396,226 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(b) of that title (relating to local technical assistance); and
(C) $2,679,245 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(c)(2) of that title (relating to the Eisenhower Transportation Fellowship Program).

(3) INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.—Of the amounts made available under subsection (a)(1), $446,341 for each of fiscal years 2005 through 2009 shall be available to carry out section 506 of title 23, United States Code.

(4) NEW STRATEGIC HIGHWAY RESEARCH PROGRAM.—For each of fiscal years 2005 through 2009 to carry out section 508 of title 23, United States Code, the Secretary shall set aside—

(A) $13,396,226 of the amounts made available to carry out the interstate maintenance program under section 119 of title 23, United States Code, for the fiscal year;
(B) $15,988,531 of the amounts made available for the National Highway System under section 101 of title 23, United States Code, for the fiscal year; and
(C) $11,610,063 of the amounts made available to carry out the bridge program under section 144 of title 23, United States Code, for the fiscal year.

(5) TRANSPORTATION INTELLIGENCE SYSTEM RESEARCH AND DEVELOPMENT PROGRAM.—Of the amounts made available to carry out section 135 of title 23, United States Code, for the fiscal year;

(B) $4,465,409 of the amounts made available to carry out the interstate maintenance program under section 119 of title 23, United States Code, for the fiscal year; and
(C) $2,679,245 of the amounts made available to carry out the highway safety improvement program under section 148 of title 23, United States Code, for the fiscal year.

(6) COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE PROGRAM.—Of the amounts made available under subsection (d) not less than $39,792,463 for each of fiscal years 2005 through 2009 shall be available to carry out section 527 of title 23, United States Code.

(7) TRANSFERS OF FUNDS.—The Secretary may transfer—

(a) to an amount made available under paragraphs (1), (2), or (4) of subsection (c), not to exceed 10 percent of the amount allocated for a fiscal year under any of those paragraphs; and

(b) to an amount made available under subparagraphs (A), (B), or (C) of subsection (c), not to exceed 10 percent of the amount allocated for a fiscal year under any of those subparagraphs.

SEC. 2003. NOTICE.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 1001(a)(1) shall not exceed—

(1) $388,669,286 for fiscal year 2005;
(2) $395,813,942 for fiscal year 2006;
(3) $402,065,516 for fiscal year 2007;
(4) $407,421,909 for fiscal year 2008; and
(5) $413,675,582 for fiscal year 2009.

SEC. 2004. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds required to carry out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, notice of that action shall be concurrently provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of the reorganization to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Subtitle B—Research and Technology

SEC. 2101. RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended to read as follows:

"CHAPTER 5—RESEARCH AND TECHNOLOGY"

"SUBCHAPTER I—SURFACE TRANSPORTATION"

"SEC. 501. Definitions.
"SEC. 502. Surface transportation research.
"SEC. 503. Technology application program.
"SEC. 504. Training and education.
"SEC. 505. State planning and research.
"SEC. 506. International highway transportation research.
"SEC. 507. Surface transportation—environmental cooperative research program.
"SEC. 508. Surface transportation research technology deployment and strategic planning.
"SEC. 509. New strategic highway research program.
"SEC. 510. University transportation centers.
"SEC. 511. Multistate corridor operations and management.
"SEC. 512. Transportation analysis simulation program.
"SEC. 513. INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM.
"SEC. 521. Finding.
"SEC. 522. Goals and purposes.
"SEC. 523. Definitions.
"SEC. 524. General authorities and requirements.
"SEC. 527. Commercial vehicle intelligent transportation system infrastructure program.
"SEC. 528. Research and development.
"SEC. 529. Use of funds.

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM"

"SEC. 501. Definitions.

"(1) FEDERAL LABORATORY.—The term 'Federal laboratory' includes—
(A) a Government-owned, Government-operated laboratory; and
(B) a Government-owned, contractor-operated laboratory.

"(2) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to—
(A) vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics;
(B) accident investigations;
(C) integrated, interoperable emergency communications;
§502. Surface transportation research

(a) In General.—The Secretary may carry out research, development, and technology transfer activities with respect to—

(A) all phases of transportation planning and development (including new technologies, construction, transportation systems management and operations development, maintenance, safety, security, financing, data collection and analysis, demand forecasting, multimodal assessment, and traffic conditions); and

(B) Federal laboratories.

(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

(3) FEDERAL SHARE.—(A) In general.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties, may be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710 et seq.).

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.

(1) IN GENERAL.—The Secretary shall include as priority areas of effort within the surface transportation research program—

(A) the development of new technologies and methods in materials, pavements, structures, design, and construction, with the objectives of—

(i) increasing to 50 years the expected life of pavements;

(ii) increasing to 100 years the expected life of bridges;

(iii) significantly increasing the durability of other infrastructure;

(B) lowering the life-cycle costs, including—

(i) construction costs;

(ii) maintenance costs;

(iii) operations costs; and

(iv) user costs;

(C) the development, and testing for effectiveness, of nondestructive evaluation technologies for civil infrastructure using existing and new technologies;

(D) the investigation of—

(i) the application of current natural hazard mitigation techniques to manmade hazards; and

(ii) the continuation of hazard mitigation research combining manmade and natural hazards;

(E) the improvement of safety—

(i) at intersections;

(ii) with respect to accidents involving vehicles run off the road; and

(iii) on rural roads;

(F) the reduction of work zone incursions and improvement of work zone safety;

(G) the improvement of geometric design of roads for the purpose of safety;

(H) the examination of data collected through the national bridge inventory conducted under section 144 using the national bridge inventory standards established under section 151, with the objectives of determining whether—

(i) the most useful types of data are being collected;

(ii) any improvement could be made in the types of data collected and the manner in which the data is collected, with respect to bridges in the United States;

(iii) the improvement of the infrastructure investment needs report described in subsection (g)(4); and

(iv) the study and implementation of new methods of collecting better quality data, particularly with respect to performance, congestion, and infrastructure conditions;

(B) monitoring of the surface transportation system in a system-wide manner, through the use of—

(i) other new data collection technologies as sources of better quality performance data;

(C) the determination of critical metrics that should be used to determine the condition and performance of the surface transportation system; and

(D) the study and implementation of new methods of statistical analysis and computer models to improve the prediction of future infrastructure investment requirements;

(9) the development of methods to improve the determination of benefits from infrastructure improvements, including—

(A) more accurate calculations of benefit-to-cost ratios, considering benefits and im- plementation, the local and regional transportation systems;

(B) improvements in calculating life- cycle costs;

(C) valuation of assets;

(10) the improvement of planning processes to better predict outcomes of transportation projects, including the application of computer simulations in the planning process to predict outcomes of planning decisions;

(D) the multimodal applications of Geographic Information Systems and remote sensing, including such areas of application as—

(A) planning;

(B) environmental decisionmaking and project delivery; and

(C) freight movement;

(12) the development and application of methods of providing revenues to the Highway Trust Fund with the objective of offsetting potential reductions in fuel tax receipts; the development and testing of new methodologies to determine the benefits and costs to communities of major transportation investments and projects;

(14) the conduct of extreme weather research, including research to—

(A) reduce contraction and expansion damage;

(B) reduce or repair road damage caused by freezing and thawing;

(C) improve deicing or snow removal techniques;

(D) develop better methods to reduce the risk of thermal collapse, including collapse from changes in underlying permafrost;

(E) improve concrete installation in extreme weather conditions; and

(F) make other improvements to protect highway infrastructure or enhance highway safety or performance;

(15) the improvement of surface transportation planning;

(16) environmental research;

(17) surface transportation system management and operations; and

(18) any other surface transportation research topics that the Secretary determines, in accordance with the surface transportation research and technology development strategic plan developed

(1) In general.—The Secretary shall establish and carry out, in accordance with the surface transportation research and technology development strategic plan developed
under section 508(c) and research priority areas described in subsection (c), an advanced research program that addresses longer-term, higher-risk research with potential transformative breakthroughs for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) aspects of highway and intermodal transportation systems.

(2) PARTNERSHIPS.—In carrying out the program, the Secretary shall seek to develop partnerships with the public and private sectors.

(3) REPORT.—The Secretary shall include in the strategic plan required under section 508(c) a description of each of the projects, and the amount of funds expended for each project, carried out under this subsection during the fiscal year.

(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

(1) AUTHORITY.—The Secretary shall continue, through September 30, 2009, the long-term pavement performance program tests, monitoring, and data analysis.

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract; 

(B) analyze the data obtained in carrying out such program (A); and

(C) prepare products to fulfill program objectives and meet future pavement technology needs.

(3) SUBMISSION.—On completion of the program under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(A) an analysis of any research objectives that remain to be achieved under the program;

(B) an analysis of other associated longer-term expenditures under the program that are in the public interest;

(iii) a detailed plan regarding the storage, maintenance, and user support of the database, information management system, and materials reference library of the program;

(iv) an estimated implementation of the necessary data collection and analysis and project plan under the program; and

(v) an estimate of the costs of carrying out each of the activities described in clauses (i) through (iv) for each fiscal year during which the program is carried out.

(4) DEADLINE; USEFULNESS OF ADVANCES.—The Secretary shall, to the maximum extent practicable—

(i) ensure that the long-term pavement performance program is concluded not later than September 30, 2009; and

(ii) make such allowances as are necessary to ensure the usefulness of the technological advances resulting from the program.

(5) SEISMIC RESEARCH.—The Secretary shall—

(1) in consultation and cooperation with Federal agencies participating in the National Earthquake Hazards Reduction Program under section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704), coordinate the conduct of seismic research; 

(2) take such actions as are necessary to ensure that the coordination of the research is consistent with—

(A) planning and coordination activities of the Federal Emergency Management Agency under section 508(b) of that Act (42 U.S.C. 7704(b)); and

(3) in cooperation with the Center for Civil Engineering Research at the University of Nevada, Reno, carry out a seismic research program—

(a) to identify the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity;

(b) to develop and implement cost-effective methods to reduce the vulnerability; and

(c) to conduct seismic research and upgrade earthquake simulation facilities necessary to do so.

(6) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

(1) IN GENERAL.—Not later than July 31, 2005, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(A) estimates of the future highway and bridge needs of the United States; and

(B) the backlog of current highway and bridge needs.

(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the necessary information to relate and compare the conditions and service measures used in the previous biennial reports.

(3) SECURITY-RELATED RESEARCH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: Aiming for America's Future, in consultation with the Secretary of Homeland Security, with key stakeholder input (including other stakeholders as appropriate), shall develop a 5-year strategic plan for research and technology development and deployment activities pertaining to the security aspects of highway infrastructure and operations.

(2) COMPONENTS OF PLAN.—The plan shall include—

(A) an identification of which agencies are responsible for the conduct of various research and technology transfer activities;

(B) a description of the manner in which those activities are conducted; and

(C) a description of the process to be used to ensure that the advances derived from relevant activities supported by the Federal Highway Administration are consistent with the operational guidelines, policies, recommendations, and regulations of the Department of Homeland Security;

(3) SUBMISSION.—On completion of the research that should be conducted to address, at a minimum—

(i) vulnerabilities of, and measures that may be taken in, emergency response capabilities and evacuations;

(ii) recommended upgrades of traffic management during crises;

(iii) integrated, interoperable emergency communications among the public, the military, law enforcement, fire and emergency medical services, and transportation agencies;

(iv) protection of critical, security-related infrastructures; and

(v) structural reinforcement of key facilities.

(4) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

(5) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

(6) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to—

(A) disseminate the results of research sponsored by the Secretary; and

(B) facilitate technology transfer.

(7) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

(8) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities carried out under this subsection with the efforts of the Secretary to—

(A) develop and implement strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants; and

(B) facilitate technology transfer.

(9) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.
(7) REPORTS.—The results and progress of activities carried out under this section shall be published as part of the annual transportation research report prepared by the Secretary or her designee.

(8) ALLOCATION.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for use by those States.

(b) INNOVATIVE SURFACE TRANSPORTATION INFRASTRUCTURE RESEARCH AND CONSTRUCTION PROGRAM.

(1) IN GENERAL.—The Secretary shall establish and carry out a program for the application of innovative material, design, and construction technologies in the construction, maintenance, and rehabilitation of elements of surface transportation infrastructure.

(2) GOALS.—The goals of the program shall include—

(A) the development of new, cost-effective, and innovative materials; and
(B) the reduction of maintenance costs and life-cycle costs of elements of infrastructure, including the costs of new construction, replacement, and rehabilitation;
(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;
(D) the development of engineering design criteria for innovative products and materials used in surface transportation infrastructure;
(E) the development of highway bridges and structures that will withstand natural disasters and disasters caused by human activity; and
(F) the development of new, non-destructive technologies and techniques for the evaluation of elements of transportation infrastructure.

(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.

(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

(i) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations, to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials and methods; and
(ii) States, to pay the Federal share of the cost of research, development, and new construction of elements of surface transportation infrastructure that demonstrate the application of innovative materials and methods.

(B) APPLICATIONS.—

(i) IN GENERAL.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(ii) APPROVAL.—The Secretary shall select and approve an application based on whether the proposed project that is the subject of the application would meet the goals described in paragraph (2).

(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to—

(A) expedite the information and technology resulting from research conducted under paragraph (3) made available to State and local transportation departments and other interested parties, as specified by the Secretary; and
(B) encourage the use of the information and technology.

(5) FUND SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

§ 504. Training and education

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—The Secretary shall—

(A) operate, in the Federal Highway Administration, a National Highway Institute (referred to in this subsection as the 'Institute'); and
(B) administer, through the Institute, the authority vested in the Secretary by this title for the development and conduct of education and training programs relating to highways.

(2) DUTIES OF THE INSTITUTE.—In cooperation with Federal Highway Administration, Departments, industries in the United States, and national or international entities, the Institute shall develop and administer education and training programs.

(B) Federal Highway Administration, State, and local transportation agency employees;
(B) regional, State, and metropolitan planning organizations;
(C) State and local police, public safety, and motor vehicle employees; and
(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

(D) COURSES.

(A) IN GENERAL.—The Institute shall—

(i) develop or update existing courses in asset management, including courses that include such criteria as—

(A) the determination of life-cycle costs;
(B) the valuation of assets;
(C) benefit-to-cost ratio calculations; and
(iv) objective decisionmaking processes for project selection; and
(ii) continually develop courses relating to the application of emerging technologies for—

(D) transportation infrastructure application and asset management;
(ii) intelligent transportation systems;
(iii) operations (including security operations);
(I) the collection and archiving of data;
(V) expediting the planning and development of transportation projects; and
(VI) the intermodal movement of individuals and commodities.

(B) ADDITIONAL COURSES.—In addition to the courses developed under subparagraph (A), the Institute, in consultation with State transportation departments, metropolitan planning organizations, and the American Association of State Highway and Transportation Officials, may develop courses relating to technology, methods, techniques, engineering, construction, safety, maintenance, environmental mitigation and compliance, regulations, management, inspection, and finance.

(C) REVISION OF COURSES OFFERED.—The Institute shall periodically—

(i) review the course inventory of the Institute; and
(ii) revise or cease to offer courses based on course content, applicability, and need.

(3) ELIGIBILITY; FEDERAL SHARE.—The funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of education and training programs authorized under this subsection.

(4) ELIGIBILITY; FEDERAL SHARE.—The funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of education and training programs authorized under this subsection.

(5) FEDERAL RESPONSIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall make grants to, and enter into cooperative agreements and contracts with public agencies, institutions, individuals, and the Institute.

(B) PAYMENT OF FUND COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training (including the cost of course development) received by the agencies, entities, and individuals. The Institute determines that payment of a lesser amount of the cost is of critical importance to the public interest.

(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and
(B) exercise the authority of the Institute independently or in cooperation with any—
(i) other Federal or State agency;
(ii) association, authority, institution, or organization;
(iii) for-profit or nonprofit corporation;
(iv) national or international entity;
(v) foreign country; or
(vi) person.

(7) COLLECTION OF FEES.—

(A) IN GENERAL.—In accordance with this subsection, the Institute may assess and collect fees to defray the costs of the Institute in developing or administering education and training programs under this subsection.

(B) FEES SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

(i) persons and entities for whom education or training programs are developed or administered under this subsection; and
(ii) persons and entities to whom education or training is provided under this subsection.

(C) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that—

(i) the amount of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity; and
(ii) use. All fees collected under this subsection shall be used, without further appropriation, to defray costs associated with the development or administration of education and training programs authorized under this subsection.

(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under—

(A) paragraph (7);
(B) memoranda of understanding;
(C) regional compacts; and
(D) other similar agreements.

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.

(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

(A) highway and transportation agencies in urbanized areas;
(B) highway and transportation agencies in rural areas; and
(C) contractors that perform work for the agencies; and
(D) infrastructure security.

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education
and training, technical assistance, and related support services to—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

(i) develop and expand expertise in road and transportation systems (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incidents in transportation, and traffic safety countermeasures);

(ii) improve roads and bridges;

(iii) enhance technical services for the movement of passengers and freight; and

(iv) deal effectively with transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

(B) develop technical assistance for tourism and recreational travel;

(C) identify, package, and deliver transportation technology and traffic safety information and technical assistance to assist rural transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);

(D) operate, in cooperation with State transportation departments and universities—

(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and towns and cities; and

(ii) local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and

(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

(c) Research Fellowships.—

(1) General authority.—The Secretary, acting independently or in cooperation with other Federal agencies and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by law.

(2) Dwight David Eisenhower Transportation Fellowship Program.—The Secretary shall establish and implement a transportation fellowship program to be known as the Dwight David Eisenhower Transportation Fellowship Program; for the purpose of attracting qualified students to the field of transportation.

§ 505. State planning and research

(a) In general.—Two percent of the sums apportioned to a State for fiscal year 2005 and each fiscal year thereafter under sections 104, 108, and 109 shall be available for expenditure by the State, in consultation with the Secretary, only for—

(1) the conduct of engineering and economic surveys and investigations;

(2) the planning of—

(A) future highway programs and local public transportation systems; and

(B) the financing of those programs and systems, including metropolitan and statewide planning under sections 134 and 135;

(3) the improvement and implementation of management systems under section 303; and

(4) the conduct of studies on—

(A) the economy, safety, and convenience of surface transportation systems; and

(B) the desirable regulation and equitable taxation of those systems;

(5) research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems;

(6) the conduct of studies, research, and training relating to the engineering standards and technical materials for surface transportation systems described in paragraph (5) (including the evaluation and accreditation of inspection and testing and the regulation and charging of and charging for the use of the standards and materials); and

(7) the conduct of activities relating to the planning of real-time monitoring elements.

(b) Minimum Expenditures on Research, Development, and Technology Transfer Activities.—

(1) In general.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be expended by the State for research, development, and technology transfer activities that—

(A) are described in subsection (a); and

(B) relate to highway, public transportation, and intermodal transportation systems.

(2) Waivers.—The Secretary may waive the application of paragraph (1) with respect to a State if the Secretary determines that—

(A) the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 133 and 135 will exceed 75 percent of the funds described in paragraph (1); and

(B) the Secretary accepts the certification of the State.

(c) Nonavailability of Assessment.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

(d) Federal share.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.

(e) Administration of Sums.—Funds subject to subsection (a) shall be—

(1) combined and administered by the Secretary as a single fund; and

(2) available for obligation for the period described in section 118(c).

(f) Eligible Uses of Funds.—A State, in coordination with the Secretary, may obligate funds made available to carry out this section for any purpose authorized under section 506(a).

§ 506. International highway transportation outreach program

(a) Establishment.—The Secretary may establish an international highway transportation outreach program.

(b) Purposes.—The purposes of the program under this section are—

(1) to develop more accurate models for design, construction, and individual trip costs of international travel conducted in carrying out activities described in this section.

§ 507. Surface transportation-environmental cooperative research program

(a) General.—The Secretary shall establish and carry out a surface transportation-environmental cooperative research program.

(b) Contents.—The program carried out under this section may include research—

(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments (including metropolitan planning organizations) in designing implementation plans to be considered by the Federal, State, and local environmental requirements;

(2) to improve understanding of the factors that contribute to the demand for transportation;

(3) to develop indicators of economic, social, and environmental performance of...
transportation systems to facilitate analysis of potential alternatives; “(4) to meet additional priorities as determined by the Secretary in the strategic planning process;” and “(5) to refine, through the conduct of workshops, symposia, and panels, and in consultation with stakeholders (including the Department of Energy, the Environmental Protection Agency, and other appropriate Federal and State agencies and associations) the scope and research emphases of the program. “(c) PROGRAM ADMINISTRATION.—The Secretary shall— “(1) administer the program established under this section; and “(2) ensure, to the maximum extent practicable, that— “(A) the best projects and researchers are selected to conduct research in the priority areas described in subsection (b) — “(i) on the basis of merit of each submitted proposal; and “(ii) through the use of open solicitations and selection by a panel of appropriate experts; “(B) a qualified, permanent core staff with the ability and expertise to manage a large multiyear budget is used; “(C) the stakeholders are involved in the governance of the program, at the executive, oversight, and general advisory levels, through the use of expert panels and committees; and “(D) there is no duplication of research effort between the program established under this section and the new strategic highway research program established under section 508. “(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsections (b) and (c) as the Secretary determines to be appropriate. “§ 508. Surface transportation research technology deployment and strategic planning “(a) PLANNING.— “(1) ESTABLISHMENT.—The Secretary shall— “(A) establish, in accordance with section 306 of title 5, a strategic planning process that— “(i) enhances effective implementation of this section through the establishment in accordance with paragraph (2) of the Surface Transportation Research Technology Advisory Committee; “(ii) focuses on surface transportation research funded through paragraphs (1), (2), (4), and (5) of section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, taking into consideration national surface transportation system needs and intermodality requirements; “(B) coordinate Federal surface transportation research, technology development, and deployment activities; “(C) at such intervals as are appropriate and permitted under section 508, audits of those activities and the ways in which the activities affect the performance of the surface transportation systems of the United States; and “(D) ensure, to the maximum extent practicable, that planning and reporting activities carried out under this section are coordinated with other surface transportation planning and reporting requirements. “(2) SURFACE TRANSPORTATION RESEARCH TECHNOLOGY ADVISORY COMMITTEE.— “(A) Coordinate Federal—Not later than 90 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall establish a committee to be known as the ‘Surface Transportation Research Technology Advisory Committee’ (referred to in this section as the ‘Committee’). “(B) MEMBERSHIP.—The Committee shall be composed of 12 members appointed by the Secretary— “(i) each of which shall have expertise in a particular area relating to Federal surface transportation programs, including— “(I) safety; “(II) operations; “(III) infrastructure (including pavements and structures); “(IV) planning and environment; “(V) policy; and “(VI) asset management; and “(ii) of which— “(I) 3 members shall be individuals representing the Federal Government; “(II) 3 members— “(aa) shall be exceptionally qualified to serve on the Committee, as determined by the Secretary, based on education, training, and experience; and “(bb) shall not be officers or employees of the United States; “(III) 3 members— “(aa) shall represent the transportation industry (including the pavement industry); and “(bb) shall not be officers or employees of the United States; and “(IV) shall represent State transportation departments from 3 different geographical regions of the United States. “(C) MEETINGS.—The advisory subcommittees shall meet on a regular basis, but not less than twice each year. “(D) DUTIES.—The Committee shall provide to the Secretary, on a continuous basis, advice and guidance to the Secretary— “(i) the determination of surface transportation research priorities; “(ii) the improvement of the research planning and implementation process; “(iii) the design and selection of research projects; “(iv) the review of research results; “(v) the planning and implementation of technology transfer activities; and “(vi) the formulation of the surface transportation research and technology deployment and strategic plan required under subsection (c). “(E) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated from the Highway Trust Fund (other than the Highway Mass Transit Account) to carry out this paragraph $178,616 for each fiscal year. “(f) IMPLEMENTATION.—The Secretary shall— “(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, other private organizations, and public sector organizations engaged in surface transportation-related research and development activities; and “(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs. “(g) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEPLOYMENT STRATEGIC PLAN.— “(1) IN GENERAL.—After receiving, and based on, extensive consultation and input from stakeholders representing the transportation community, the Surface Transportation Research Advisory Committee, the Secretary shall, not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, and complete, and shall periodically update thereafter, a strategic plan for the core surface transportation research areas, including— “(A) safety; “(B) operations; “(C) infrastructure (including pavements and structures); “(D) planning and environment; “(E) policy; and “(F) asset management. “(2) COMPONENTS.—The strategic plan shall specify— “(A) surface transportation research objectives and priorities; “(B) specific surface transportation research projects to be conducted; “(C) recommended technology transfer activities to promote the deployment of advances resulting from the surface transportation research conducted; and “(D) short- and long-term technology development and deployment activities. “(3) REVIEW AND SUBMISSION OF FINDINGS.— The Secretary shall enter into a contract with the Transportation Research Board of the National Research Council on behalf of the Research and Technology Coordinating Committee of the National Research Council, under which— “(A) the Transportation Research Board shall— “(i) review the research and technology planning and implementation process used in Federal Highway Administration; and “(ii) evaluate each of the strategic plans prepared under this subsection— “(I) to ensure that sufficient stakeholder input is being solicited and considered throughout the preparation process; and “(II) to offer recommendations relevant to research priorities, project selection, and deployment strategies; and “(B) the Secretary shall ensure that the Research and Technology Coordinating Committee, in a timely manner, informs the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the findings of reviews and evaluation under subparagraph (A). “(4) RESPONSES OF SECRETARY.—Not later than 60 days after the date of completion of the strategic plan under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written responses to each of the recommendations of the Research and Technology Coordinating Committee under paragraph (3)(A)(i)(II). “(d) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 3. “§ 509. New strategic highway research program “(a) IN GENERAL.—The National Research Council shall establish and carry out, through fiscal year 2009, a new strategic highway research program. “(b) BASIS; PRIORITIES.—With respect to the program established under subsection (a)— “(1) the program shall be based on— “(A) National Research Council Special Report No. 266, entitled ‘Strategic Highway Research Program’; and “(B) the results of the detailed planning work subsequently carried out to scope the
research areas through National Cooperative Research Program Project 20-58.

(2) the scope and research priorities of the program shall—
(A) be refined through stakeholder input in the form of workshops, symposia, and panels; and
(B) include an examination of—
(1) the role of highway infrastructure, drivers, and vehicles in fatalities on public roads;
(ii) high-risk areas and activities associated with the greatest numbers of highway fatalities;
(iii) the roles of various levels of government and non-governmental organizations in reducing highway fatalities (including recommendations for methods of strengthening highway safety partnerships);
(iv) measures that may save the greatest number of lives in the short- and long-term;
(v) renewal of aging infrastructure with minimum impact on users of facilities;
(vi) driving behavior and likely crash causal factors to support improved countermeasures;
(vii) reduction in congestion due to non-recurring congestion;
(viii) planning and designing of new road capacity to meet mobility, economic, environmental, and community needs;
(B) the program will consider, at a minimum, the results of studies relating to the implementation of the Strategic Highway Safety Plan prepared by the American Association of State Highway and Transportation Officials; and
(C) an estimate of costs that would be incurred in expediting implementation of those results; and
(D) recommendations for the way in which implementation of the results of the program under this section should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those responsibilities.

(3) SELECTION OF REGIONAL CENTERS.—
(A) Not later than October 1, 2005, the Secretary shall provide grants to nonprofit institutions of higher learning (or consortia of institutions of higher learning) to be used during the period of fiscal years 2005 through 2009 to establish and operate 1 university transportation center in each of the 10 Federal regions that comprise the Standard Federal Regional Boundary System.

(2) SELECTION OF REGIONAL CENTERS.—

(a) Proposals.—In order to be eligible to receive a grant under this subsection, an institution described in paragraph (1) shall submit to the Secretary a proposal, in response to any request for proposals that shall be made by the Secretary, that is in such form and contains such information as the Secretary shall prescribe.

(b) REQUEST SCHEDULE.—The Secretary shall request proposals once for the period of fiscal years 2005 and 2006 and once for the period of fiscal years 2007 through 2009.

(c) ELIGIBILITY.—Any institution of higher learning (or consortium of institutions of higher learning) that meets the criteria described in subsection (c) (including any institution identified in subsection (a)(ii)) may apply for a grant under this subsection.

(3) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this subsection through a competitive process on the basis of—

(i) the location of the center within the Federal region to be served;
(ii) the demonstrated research capability and extension resources available to the recipient to carry out this section;
(iii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems;
(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program; and
(v) the strategic plan that the recipient proposes to carry out using funds from the grant.

(c) CENTER REQUIREMENTS.—

(1) IN GENERAL.—With respect to a university transportation center established under subsection (a) or (b), the institution or consortium that receives a grant to establish the center—

(A) shall annually contribute at least $250,000 to the operation and maintenance of the center, except that payment by the institution or consortium of the salary required
for transportation-related faculty and staff for a period greater than 90 days may not be counted against that contribution;

"(B) shall have established, as of the date of receipt of the grant, undergraduate or graduate programs in—

"(i) civil engineering;

"(ii) transportation engineering;

"(iii) transportation system management and operations; or

"(iv) any other field significantly related to surface transportation systems, as determined by the Secretary; and

"(C) not later than 120 days after the date on which the institution or consortium receives notice of selection as a site for the establishment of a university transportation center under this section, shall submit to the Secretary a 6-year program plan for the university transportation center that includes, with respect to the center—

"(i) a description of the purposes of programs to be conducted by the center;

"(ii) a description of the undergraduate and graduate transportation education efforts to be carried out by the center;

"(iii) a description of the nature and scope of research to be conducted by the center;

"(iv) a list of personnel, including the roles and responsibilities of those personnel within the center; and

"(v) a detailed budget, including the amount of funding requested by the institution or consortium under subparagraph (C); and

"(D) shall establish an advisory committee that—

"(i) is composed of a representative from each of the State transportation department of the State in which the institution or consortium is located, the Department of Transportation, and the institution or consortium, as appointed by those respective entities;

"(ii) in accordance with paragraph (2), shall review and approve or disapprove the plan of the institution or consortium under subparagraph (C); and

"(iii) shall, to the maximum extent practicable, ensure that the proposed research to be carried out by the university transportation center will contribute to the national highway research and technology agenda, as periodically updated by the Secretary, in consultation with stakeholders representing the highway community.

"(2) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary shall require that each research project carried out using funds made available for this section be subjected to peer review.

"(B) PURPOSES OF PEER REVIEW.—Peer review of a report under this section shall be carried out to evaluate—

"(i) the relevance of the research described in the report with respect to the strategic plan under, and the goals of, this section;

"(ii) the research covered by the report, and to recommend modifications to individual project plans;

"(iii) the results of the research before publication of those results; and

"(iv) the overall outcomes of the research.

"(C) INTERNET AVAILABILITY.—Each report under section (a)(4)(D) approved by the Secretary shall be published on the Internet.

"(D) BY UNIVERSITY TRANSPORTATION CENTER.—Each report required under section (a)(4)(D) that is received by the Secretary shall be published on the Internet.

"(E) REVIEW.—A report under this section shall be—

"(i) submitted to the Secretary in a timely manner, for use by the Secretary in the preparation of the annual report under section 508(c)(5) of title 23, an annual report on the projects and activities of the university transportation center established under this section, for the fiscal year ending September 30 of the fiscal year for which the report is submitted;

"(ii) not later than $500,000 shall be used to establish and maintain new faculty positions for the teaching of undergraduate, transportation-related courses; and

"(iii) not more than $500,000 for the fiscal year may be used for student internships of not more than 180 days in duration to enable students to gain experience by working on transportation-related laboratory facilities and laboratories run by a university transportation center established under this subsection.

"(F) MAINTENANCE OF EFFORT.—The Secretary may require that each institution receiving funds under this section be required to—

"(i) maintain a level of effort commensurate with the total amount of funding obligated to the institution under this section;

"(ii) not more than $15,000,000 in the aggregate, may be used to construct or improve transportation-related laboratory facilities and equipment at the institution;

"(iii) not more than $1,000,000 in the aggregate, may be used to construct or improve transportation-related laboratory facilities and equipment at the institution.

"(G) PROGRAM COORDINATION.—The Secretary shall coordinate a national program of research, education, and training, which programs shall be—

"(i) centered on the National Institute of Transportation and Hybrid Systems Research and Education that is described in paragraph (1)(C); and

"(ii) subject to the approval of the Secretary before the start of each calendar year.

"(H) CONSULTATION.—The Secretary shall consult with the institutional and professional transportation organizations and the National Academy of Sciences concerning issues of national importance to the transportation field.

"(I) ENFORCEMENT.—The Secretary may, in its discretion, require that each institution receiving funds under this section shall—

"(i) coordinate the research, education, and training efforts of the institution with similar efforts carried out by recipients of grants under this section; and

"(ii) establish and operate a clearinghouse for, and disseminate, the results of those activities.

"(3) NUMERICAL AND DOCUMENTS.—The Secretary shall make the following grants under this subsection:

"(A) GROUP A.—For each of fiscal years 2005 through 2007, the Secretary shall make a grant in the amount of $893,882 to each of the institutions in group A (as described in subsection (a)(4)(A)).

"(B) GROUP B.—The Secretary shall make a grant to each of the institutions in group B (as described in subsection (a)(4)(B)) in the amount of—

"(i) $357,240 for fiscal year 2005; and

"(ii) $355,860 for each of fiscal years 2006 and 2007.

"(C) GROUP C.—For each of fiscal years 2005 through 2007, the Secretary shall make a grant in the amount of $893,882 to each of the institutions in group C (as described in subsection (a)(4)(C)).

"(D) GROUP D.—For each of fiscal years 2005 through 2009, the Secretary shall make a grant in the amount of $1,736,164 to each of the institutions in group D (as described in subsection (a)(4)(D)).

"(E) LIMITED GRANTS FOR GROUPS B AND C.—For fiscal year 2005, the Secretary shall make a grant in the amount of $535,860 for each of fiscal years 2006 and 2007, to each of the institutions classified in groups B and C (as described in subsection (a)(4)(B)), the Secretary shall select and make grants in an amount totaling $35,724,000 to not more than 15 institutions.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—Of the funds made available for a fiscal year to a university transportation center established under this subsection (a) or (b)—

"(i) not less than $250,000 shall be used to establish and maintain new faculty positions for the teaching of undergraduate, transportation-related courses; and

"(ii) not more than $300,000 for the fiscal year may be used for student internships of not more than 180 days in duration to enable students to gain experience by working on transportation-related laboratory facilities and laboratories run by a university transportation center established under this subsection.

"(B) FACILITIES AND ADMINISTRATION.—Not more than 10 percent of any grant made under this subsection may be used for the establishment or maintenance of a university transportation center or any institution or consortium that establishes such a center for a fiscal year may be used to pay to the appropriate non-profit organization or agency for maintenance and operation of the national institute for higher learning any administrative or facilities fee (or any similar overhead fee) for the fiscal year.

"(C) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available under this subsection shall remain available for obligation for a period of 2 years after September 30 of the fiscal year for which the funds are made available.

“§ 511. Multistate corridor operations and management

"(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation systems management and operations.

"(b) INTERSTATE ROUTE I-95 CORRIDOR COALITION.—Transportation System Management and Operations.

"(i) IN GENERAL.—The Secretary shall make grants under this subsection to States to continue intelligent transportation systems management and operations in the Interstate Route I-95 corridor coalition region initiated under the Intermodal Surface Transportation

"(iii) make grants under this subsection to States for the purpose of—

"(1) assisting States in making grants under this subsection to States for the purpose of—

"(ii) the overall outcomes of the research.

"(iii) a description of the nature and scope of research to be conducted by the center;

(2) **FUNDING.**—Of the amounts made available under section 2001(a)(4) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall use to carry out this section:

(A) $8,950,818 for fiscal year 2005;
(B) $10,716,981 for fiscal year 2006;
(C) $10,716,981 for fiscal year 2007; and
(D) $10,716,981 for fiscal year 2008.

§ 512. Transportation analysis simulation systems.

(a) **CONTINUATION OF TRANSIMS DEVELOPMENT.**—

(1) **IN GENERAL.**—The Secretary shall continue the development of the advanced transportation model known as the "Transportation Analysis Simulation System" (referred to in this section as "TRANSIMS") developed by the Los Alamos National Laboratory.

(b) **REQUIREMENTS AND CONSIDERATIONS.**—In carrying out paragraph (1), the Secretary shall—

(A) further improve TRANSIMS to reduce the cost and complexity of using the TRANSIMS system;

(B) continue development of TRANSIMS for applications to facilitate transportation planning, regulatory compliance, and response to natural disasters and other transportation emergencies; and

(C) assist State transportation departments and metropolitan planning organizations, especially smaller metropolitan planning organizations, in the implementation of TRANSIMS by providing training and technical assistance.

(b) **ELIGIBLE ACTIVITIES.** —The Secretary shall use funds made available to carry out this section—

(1) to further develop TRANSIMS for additional applications, including—

(A) congestion analyses;

(B) major investment studies;

(C) economic impact analyses;

(D) alternative analyses;

(E) freight movement studies;

(F) emergency evacuation studies;

(G) port studies; and

(H) airport access studies.

(2) The Secretary and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with a responsibility for travel modeling;

(3) develop programs to simulate the national transportation infrastructure as a single, integrated system for the movement of individuals and goods;

(4) provide funding to State transportation departments and metropolitan planning organizations for implementation of TRANSIMS.

(c) **ALLOCATION OF FUNDS.**—Of the funds made available under this section, not less than 15 percent shall be allocated for activities described in subsection (b)(3).

(d) **FUNDING.**—Of the amounts made available under section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for each of fiscal years 2005 through 2009, the Secretary shall use $893,082 to carry out this section.

(e) **AVAILABILITY OF FUNDS.**—Funds made available under this section shall be available to the Secretary through the Transportation Planning, Research, and Development Account of the Office of the Secretary.

(b) **OTHER UNIVERSITY FUNDING.**—No university or other public or private university or institution of higher education shall be required to participate in the Transportation Analysis Simulation System, as defined in subsection (a) of this section. The Secretary shall enter into agreements with such institutions for the purpose of national security; and

(f) **ASSESSMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the House Transportation and Infrastructure Committee and the Senate Committee on Environment and Public Works, as well as to the Comptroller General of the United States, on the Secretary’s efforts to provide coordination and funding for State and local agencies and departments to implement the Transportation Analysis Simulation System, including recommendations for improving the effectiveness and efficiency of such implementation.
in or combined with the Transportation Statistics Annual Report required by subsection (j).

(1) EXPENDITURE OF FUNDS.—Funds from the Highway Trust Fund (other than the Mass Transit Account) that are authorized to be appropriated, and made available, in accordance with section 2001(a)(3) of the Safe, Accountable, Flexible, and Efficient Transportation Act of 2005 shall be used only for the collection and statistical analysis of information relating to surface transportation systems.

(3) 'Transport Account' (as redesignated by subparagraph (A)), by inserting 'surface transportation' after 'sale of'.

SEC. 2103. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) Establishment.—The Secretary shall establish the centers for surface transportation excellence described in subsection (b) to promote high-quality outcomes in support of strategic national programs and activities, including—

(1) the environment;
(2) operations;
(3) surface transportation safety;
(4) project finance; and
(5) asset management.

(b) Centers.—The centers for surface transportation excellence referred to in subsection (a) shall—

(1) a Center for Environmental Excellence to provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes to assist States in planning and delivering environmentally-sound surface transportation projects;
(2) a Center for Operations Excellence to provide support for an integrated and coordinated national program for implementing operations in planning and management (including development) for the transportation system in the United States;
(3) a Center for Excellence in Surface Transportation Safety to implement a program of support for State transportation departments, including—
(A) the maintenance of an Internet site to provide critical information on safety programs;
(B) the provision of technical assistance to support a lead State transportation department for each of the safety emphasis areas (as identified by the Secretary); and
(C) the provision of training and education to enhance knowledge of personnel of State transportation departments in support of safety highway goals;
(4) a Center for Excellence in Project Finance to—
(A) provide support to State transportation departments in the development of finance plans and project oversight tools; and
(B) to develop and offer training in state-of-the-art financing methods to advance projects and leverage funds; and
(5) a Center for Excellence in Asset Management to develop and conduct research, provide training and education, and disseminate information on the benefits and tools for asset management.

(c) Program Administration.—

(1) In general.—Before funds authorized under this section for fiscal years 2005 through 2009 are obligated, the Secretary shall review and approve a multiyear strategic plan to be submitted by each of the centers.

(2) Timing.—The plan shall be submitted before the beginning of fiscal year 2005 and, subsequently, shall be annually updated.

(3) Elements.—The plan shall include—

(A) a list of research and technical assistance projects and objectives; and
(B) a description of any other technology transfer activities, including a summary of training efforts.

(d) Cooperation and Competition.—

(1) In general.—The Secretary shall carry out this section by making grants to, or entering into contracts, cooperative agreements, and other transactions with—

(i) the National Academies of Sciences;
(ii) the American Association of State Highway and Transportation Officials;
(iii) planning organizations;
(iv) a Federal laboratory;
(v) a State agency;
(vi) an association, association, institution, or organization; or
(vii) a for-profit or nonprofit corporation.

(2) Competition; Review.—All parties entering into contracts, cooperative agreements, or other transactions with the Secretary, or receiving grants, to perform research or provide technical assistance under this section shall be selected, to the maximum extent practicable—

(i) on a competitive basis; and
(ii) on the basis of the results of peer review of proposals submitted to the Secretary.

(e) Nonduplication.—The Secretary shall ensure that activities conducted by each of the centers do not duplicate, and to the maximum extent practicable, are integrated and coordinated with research, development, and actions conducted by the Federal Highway Administration, the local technical assistance program, university transportation centers, and other research efforts supported with funds authorized by this title.

(f) Allocations.—

(1) In general.—For each of fiscal years 2005 through 2009, of the funds made available under section 2001(a)(1)(A), the Secretary shall set aside $8,930,818 to carry out this section.

(2) Allocation of Funds.—Of the funds made available under paragraph (1)—

(A) 20 percent shall be allocated to the Center for Environmental Excellence established under subsection (b)(1);
(B) 30 percent shall be allocated to the Center for Operations Excellence established under subsection (b)(2);
(C) 20 percent shall be allocated to the Center for Excellence in Surface Transportation Safety established under subsection (b)(3);
(D) 10 percent shall be allocated to the Center for Excellence in Project Finance established under subsection (b)(4); and
(E) 20 percent shall be allocated to the Center for Excellence in Asset Management established under subsection (b)(5).

(g) Applicability of Title 23.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

SEC. 2104. COOPERATION AND COMPETITION.

(a) Grants.—The Secretary shall provide grants for the purpose of conducting a comprehensive, in-depth motor-vehicle crash causation study that employs the common international methodology for in-depth motor-vehicle accident investigation of the Organization for Economic Cooperation and Development.

(b) Funding.—Of the amounts made available under paragraph (a), $339,521 for fiscal year 2005 shall be available to carry out this section.

SEC. 2105. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 449; 112 Stat. 864; 115 Stat. 2350) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence—

(I) by striking ‘‘Build an’’ and inserting ‘‘Build or integrate an’’; and
(II) by striking ‘‘$2,000,000’’ and inserting ‘‘$2,500,000’’; and
(ii) in the second sentence—

(I) by striking ‘‘300,000’’ and that’’ and inserting ‘‘300,000’’; and
(II) as inserted, before the period at the end of the following: ‘‘, and includes major transportation corridors serving that metropolitan area’’;

(B) in clause (ii), by striking that follows ‘‘will be’’ and inserting ‘‘reinvested in the intelligent transportation infrastructure system’’.

(C) by striking clause (iii); and

(D) by redesigning clauses (iv) and (v) as clauses (iii) and (iv), respectively.

(2) in subparagraph (C)(i), by striking ‘‘July 1, 2002’’ and inserting ‘‘the date that is 180 days after the date of enactment of the Surface Transportation Flexibility, and Efficient Transportation Equity Act of 2005’’;

(3) in subparagraph (E), by striking clause (ii) and inserting the following:

(‘‘ii) Transportation technology projects that support the metropolitan areas of Albany, Atlanta, Austin, Baltimore, Birmingham, Boston, Burlington Vermont, Charlotte, Chicago, Cleveland, Columbus, Dallas/Ft. Worth, Denver, Detroit, Greensboro, Hartford, Honolulu, Jackson, Kansas City, Las Vegas, Los Angeles, Louisville, Miami, Milwaukee, Minneapolis-St. Paul, Nashville, New Orleans, New York/Northern New Jersey, Norfolk, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Sacramento, Salt Lake, San Diego, San Francisco, San Jose, St Louis, Seattle, Tampa, Tucson, Tulsa, and Washington, District of Columbia.’’;

(4) in subparagraph (F)—

(A) by striking ‘‘Of the amounts’’ and inserting the following:

(‘‘i) THIS ACT.’’;

(B) by adding at the end the following:

(‘‘ii) SAFETEA.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $4,465,409 for each fiscal year to carry out this paragraph.

(III) AVAILABILITY.—No reduction or set-aside of any funds made available by this subparagraph—

(A) shall remain available until expended;

(II) shall not apply to any reduction or set-aside; and

(5) by adding at the end the following:

(‘‘HII USE OF RIGHTS-OF-WAY.’’;

(i) In general.—An intelligent transportation system project described in paragraph (3) or (6) that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund shall not be subject to any law (including a regulation) of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been used for planning, design, construction, or maintenance, if the Secretary determines that such use is in the public interest.

(‘‘HII EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph affects the authority of a State or political subdivision of a State to regulate highway safety.’’.
Substitute C—Intelligent Transportation System Research

SEC. 2201. INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code (as amended by section 2201), is amended by adding at the end the following:

"§ 521. Finding.

"Congress finds that continued investment in architecture and standards development, research, technical assistance for State and local governments, and systems integration is needed to encourage the rate at which intelligent transportation systems—

"(1) are incorporated into the national surface transportation network; and

"(2) as a result of that incorporation, improve transportation safety and efficiency and reduce costs and negative impacts on communities and environment.

§ 522. Goals and purposes

"(a) GOALS.—The goals of the intelligent transportation system research and technical assistance program include—

"(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade;

"(A) to meet a significant portion of future transportation needs, including public access to employment, goods, and services; and

"(B) to reduce regulatory, financial, and other transaction costs to public agencies and system users;

"(2) the acceleration of the use of intelligent transportation systems to assist in the achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and non-motorized vehicles, with particular emphasis on decreasing the number and severity of collisions;

"(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments in achieving national environmental goals;

"(4) accommodation of the needs of all users of surface transportation systems, including—

"(A) operators of commercial vehicles, passengers, vehicles, and motorcycles;

"(B) transportation users (with respect to intelligent transportation system user services); and

"(C) individuals with disabilities; and

"(5) improvement of the ability of the United States to respond to emergencies and natural disasters; and

"(b) ENHANCEMENT OF NATIONAL SECURITY AND DEFENSE MOBILITY.

"(b) PURPOSES.—The Secretary shall carry out activities under the intelligent transportation system research and technical assistance program to, at a minimum:

"(1) assist in the development of intelligent transportation system technologies;

"(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

"(3) improve regional cooperation, interoperability, and operations for effective intelligent transportation system performance;

"(4) promote the innovative use of private resources;

"(5) assist State transportation department in developing a workforce capable of developing, operating, and maintaining intelligent transportation systems;

"(6) maintain an updated national ITS architecture and consensus-based standards while ensuring an effective Federal presence in the formulation of domestic and international ITS standards;

"(7) advance commercial vehicle operations components of intelligent transportation systems;

"(A) to improve the safety and productivity of commercial vehicles and drivers; and

"(B) to reduce costs associated with commercial vehicle emissions and Federal and State commercial vehicle regulatory requirements;

"(8) evaluate costs and benefits of intelligent transportation system projects;

"(9) improve, as part of the Archived Data User Service and in cooperation with the Bureau of Transportation Statistics, the collection of surface transportation system condition and performance data through the use of intelligent transportation system technologies; and

"(10) ensure access to transportation information and services by travelers of all ages.

§ 523. Definitions

"In this subchapter:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term "commercial vehicle information systems and networks" means the information systems and communications networks that support commercial vehicle operations.

"(2) COMMERCIAL VEHICLE OPERATIONS.—

"(A) IN GENERAL.—The term "commercial vehicle operations" means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods (including hazardous materials) and passengers.

"(B) INCLUSIONS.—The term "commercial vehicle operations", with respect to the public sector, includes—

"(i) the issuance of operating credentials;

"(ii) the administration of motor vehicle and fuel taxes; and

"(iii) roadside safety and border crossing inspection and regulatory compliance operations.

"(3) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" includes all components of the surface transportation system as defined by the Secretary.

"(4) INTELLIGENT TRANSPORTATION SYSTEM.—The term "intelligent transportation system" means electronic, communications, or information processing systems used singly or in combination to improve the efficiency or safety of a surface transportation system.

"(5) NATIONAL ITS ARCHITECTURE.—The term "national ITS architecture" means the common framework for interoperability adopted by the Secretary that defines—

"(A) the functions associated with intelligent transportation system user services;

"(B) the technical requirements for systems within which the functions reside;

"(C) the data interfaces and information flows between physical subsystems; and

"(D) the communications requirements associated with the information flows.

"(6) STANDARD.—The term "standard" means a document that—

"(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions; and

"(B) is developed as a result of cooperation among the users of intelligent transportation systems technologies and services.

"(7) advance commercial vehicle information systems and networks; and

"(8) evaluate costs and benefits of intelligent transportation system projects; and

"(9) improve, as part of the Archived Data User Service and in cooperation with the Bureau of Transportation Statistics, the collection of surface transportation system condition and performance data through the use of intelligent transportation system technologies; and

"(10) ensure access to transportation information and services by travelers of all ages.

§ 524. General authorities and requirements

"(a) SCOPE.—Subject to this subchapter, the Secretary shall carry out an ongoing intelligent transportation system research program—

"(1) to research, develop, and operationally test intelligent transportation systems; and

"(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation system of the United States.

"(b) POLICY.—Intelligent transportation system operational tests and projects funded under this subchapter shall encourage, but not displace, public-private partnerships or private sector investment in those tests and projects.

"(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system research and technical assistance program in cooperation with—

"(1) State and local governments and other public entities;

"(2) the private sector;

"(3) Federal laboratories (as defined in section 301); and

"(4) colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

"(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system research program, the Secretary, as appropriate, shall consult with—

"(1) the Secretary of Commerce;

"(2) the Secretary of the Treasury;

"(3) the Administrator of the Environmental Protection Agency; and

"(4) the Director of the National Science Foundation; and

"(5) the Secretary of Homeland Security.

"(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

"(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support the adequate consideration of transportation system management and operations (including intelligent transportation systems) within metropolitan and statewide transportation planning processes.

"(g) INFORMATION CLEARINGHOUSE.—The Secretary shall—

"(1) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

"(2) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

"(h) ADVISORY COMMITTEES.—

"(1) IN GENERAL.—In carrying out this subchapter, the Secretary—

"(A) may use 1 or more advisory committees; and

"(B) shall designate a public-private organization, the members of which participate in projects relating to research, planning, standards development, deployment, and marketing of ITS programs, products, and services, and coordinate the development and deployment of intelligent transportation systems in the United States, as the Federal advisory committee authorized by section 520(h) of the..."

"(2) FUNDING.—Of the amount made available to carry out this subchapter, the Secretary shall make available such amounts for each fiscal year for advisory committees described in paragraph (1).

"(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE REQUIREMENTS.—Any advisory committee described in paragraph (1) shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(i) EVALUATION METHODS.—The Secretary shall develop and provide appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting the appropriate methods of demonstration and procurement for intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as Information Technology Omnibus Procurement (as developed by the Secretary).

"(ii) GUIDELINES AND REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and other intelligent transportation system projects carried out under this subchapter.

"(B) EFFECTIVE DATES.—The guidelines and requirements issued under subparagraph (A) shall be subject to notice and comment.

"(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish funding levels based on the size and scope of each test that ensure adequate evaluation of the results of the test or project.

"(3) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test or program assessment activity under this subchapter shall not be subject to chapter 35 of title 44.

§ 525. National ITS Program Plan

"(a) IN GENERAL.—The National ITS Program Plan shall—

"(i) specify the goals, objectives, and milestones for the research and development of intelligent transportation systems in the context of—

"(I) major metropolitan areas;

"(II) smaller metropolitan and rural areas; and

"(III) commercial vehicle operations;

"(ii) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (a)(1); and

"(iii) identify activities that provide for the dynamic development, testing, and necessary refinement of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish and maintain the National ITS Program Plan.

"(4) DETERMINATION.—The Secretary shall publish in the Federal Register a notice that describes—

"(i) the process by which the Secretary will develop the plan and establishes the processes by which the Secretary will determine the National ITS Program Plan;

"(ii) the National ITS Program Plan for each fiscal year.

"(b) REPORTING.—The Secretary shall submit the National ITS Program Plan to Congress not later than 1 year after the date of enactment of this Act.

"(c) MAINTENANCE.—The Secretary shall ensure that the National ITS Program Plan is updated annually, and the National ITS Program Plan is made available to the public.

"(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL CRITICAL STANDARD.—If the Secretary determines to be appropriate, the Secretary may authorize exceptions to paragraph (1) for projects designed to achieve specific research objectives outlined in—

"(i) the National ITS Program Plan under section 525.

"(ii) the Surface Transportation Policy Board's national ITS architecture and standards.

"(ii) the Secretary's determination to be appropriate.

"(C) core deployment.

"(D) enhance the safe passage of commercial vehicles across international borders.

"(3) CORE DEPLOYMENT.—The term 'core deployment' means the deployment of systems

"(i) identifying desired surface transportation system performance levels; and

"(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

"(b) REPORTING.—The National ITS Program Plan shall be transmitted and biennially updated to the surface transportation research and technology development strategic plan developed under section 508(c).

"§ 526. National ITS architecture and standards

"(a) IN GENERAL.—

"(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national ITS architecture and standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

"(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture shall promote interoperability and efficiency of intelligent transportation system technologies implemented throughout the United States.

"(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

"(b) PROVISIONAL STANDARDS.—

"(1) IN GENERAL.—If the Secretary finds that the development or selection of an intelligent transportation system standard is required by the timely achievement of one or more objectives identified in subsection (a), the Secretary may establish a provisional standard.

"(A) after consultation with affected parties; and

"(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

"(2) CRITICAL STANDARDS.—If a standard identified by the Secretary as critical has not been adopted and published by the appropriate standards development organization by the date of enactment of this subchapter, the Secretary shall establish a provisional standard.

"(A) after consultation with affected parties; and

"(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

"(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall be—

"(A) published in the Federal Register; and

"(B) remain in effect until such time as the appropriate standards development organization adopts and publishes a standard.

"(c) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL CRITICAL STANDARD.—

"(1) IN GENERAL.—The Secretary may waive the requirement under subsection (b)(2) to establish a provisional standard if the Secretary determines that additional time could be productive in, or that establishment of a provisional standard would be counterproductive to, the timely achievement of the objectives identified in subsection (a).

"(2) NOTICE.—The Secretary shall publish in the Federal Register a notice that describes—

"(A) each standard for which a waiver of the provisional standard requirement is granted under paragraph (1); and

"(B) the reasons for and effects of granting the waiver; and

"(C) an estimate as to the date on which the standard is expected to be adopted through the process commenced under section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

"(d) CONFORMITY WITH NATIONAL ITS ARCHITECTURE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund conform to the national ITS architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

"(2) DISCRETION OF SECRETARY.—The Secretary may authorize exceptions to paragraph (1) for projects designed to achieve specific research objectives outlined in—

"(a) the National ITS Program Plan under section 525.

"(b) the surface transportation research and technology development strategic plan developed under section 508(c).

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

"§ 527. Commercial vehicle information systems and networks deployment

"(a) DEFINITIONS.—In this section:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'commercial vehicle information systems and networks' means the information systems and communications networks that provide the capability to—

"(A) improve the safety of commercial vehicle operations;

"(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement actions;

"(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

"(D) enhance the safe passage of commercial vehicles across the United States and across international borders;

"(E) promote the timely communication of information among the States and encourage multistate cooperation and corridor development.

"(2) COMMERCIAL VEHICLE OPERATIONS.—The term 'commercial vehicle operations' includes—

"(i) the issuance of operating credentials;

"(ii) the administration of motor vehicle and fuel taxes; and

"(iii) the administration of roadside safety and border crossing inspection and regulatory compliance activities associated with the commercial movement of goods (including hazardous materials) and passengers.

"Pursuant to the term 'commercial vehicle operations', with respect to the public sector, includes—

"(i) the issuance of operating credentials;

"(ii) the administration of motor vehicle and fuel taxes; and

"(iii) the administration of roadside safety and border crossing inspection and regulatory compliance activities associated with the commercial movement of goods (including hazardous materials) and passengers.

"(3) CORE DEPLOYMENT.—The term 'core deployment' means the deployment of systems
in a State necessary to provide the State with—

(1) safety information exchange to—

(i) electronically collect and transmit commercial vehicle and driver inspection data at a majority of inspection sites;

(ii) connect to the Safety and Fitness Electronic Records system for access to—

(III) commercial vehicle credentials information; and

(iii) exchange carrier data and commercial vehicle safety and credentials information within the State and connect to Safety and Fitness Electronic Records system for access to interstate carrier and commercial vehicle data;

(B) interstate credentials administration to—

(i) perform end-to-end (including carrier application) jurisdiction application processing, and credential issuance, of at least the International Registration Plan and International Fuel Tax Agreement credentials, part 1 registration, and part 2 registration;

(ii) connect to the International Registration Plan and International Fuel Tax Agreement clearinghouses; and

(iii) have at least 10 percent of the transaction volume handled electronically; and

(C) have the capability to add more carriers and to extend to branch offices where applicable; and

(c) roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of 1 fixed or mobile inspection site and to replicate the screening at other sites.

(4) EXPANDED DEPLOYMENT.—The term ‘‘expanded deployment’’ means the deployment of systems in a State that—

(1) exceed the requirements of a core deployment of commercial vehicle information systems and networks;

(2) improve safety and the productivity of commercial vehicle operations; and

(C) enhance transportation security.

(b) core deployment grants. — An eligible State shall carry out a commercial vehicle information systems and networks program to—

(1) provide and ensure that the core deployment of commercial vehicle information systems and networks are in place for a minimum of 1 fixed or mobile inspection site;

(ii) subject to subsection (d), improving any motor carrier safety programs already carried out by the Secretary do not exceed $1,000,000 for each State.

(4) USE OF FUNDS.—(A) IN GENERAL.—Subject to subparagraph (B), funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks.

(B) REMAINING FUNDS.—An eligible State that has completed the core deployment of commercial vehicle information systems and networks, or completed the deployment before core deployment grant funds are expended, may use core deployment grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

(e) EXPANDED DEPLOYMENT GRANTS.—

(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made core deployment grants under subsection (d), the Secretary may make grants to each eligible State, on request, for the expanded deployment of commercial vehicle information systems and networks.

(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks shall be eligible for an expanded deployment grant.

(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible amount that does not exceed $1,000,000 for each State.

(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

(f) FUNDING.—Funds authorized to be appropriated to carry out this section shall be available in the same manner and to the same extent as if the funds were appropriated under chapter 1, except that the funds shall remain available until expended.

§ 528. Research and Development

(a) In General.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent transportation systems and other similar activities that are necessary to carry out this subsection.

(b) Prior to the initiation of the program, the Secretary shall give priority to funding projects that—

(i) assist in the development of an interconnected national intelligent transportation system network that—

(A) improves the reliability of the surface transportation system;

(B) supports national security;

(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(D) could assist in deployment of the Armed Forces in response to a crisis; and

(E) demonstrates and validates evacuation of the public during an emergency situation;

(ii) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems with goals of—

(A) reducing metropolitan congestion by 5 percent by 2010;

(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

(C) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;

(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

(5) incorporate human factors research, including the science of the driving process; test, evaluate, and implement the intelligent transportation system network that

(A) improves the reliability of the surface transportation system;

(B) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(C) could assist in deployment of the Armed Forces in response to a crisis; and

(D) demonstrates and validates evacuation of the public during an emergency situation;

(e) FUNDING.—Funds available for obligation in the same manner and to the same extent as if the funds were appropriated under chapter 1, except that the funds shall remain available until expended.

§ 528. Research and Development

(a) In General.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent transportation systems and other similar activities that are necessary to carry out this subsection.

(b) Prior to the initiation of the program, the Secretary shall give priority to funding projects that—

(i) assist in the development of an interconnected national intelligent transportation system network that—

(A) improves the reliability of the surface transportation system;

(B) supports national security;

(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(D) could assist in deployment of the Armed Forces in response to a crisis; and

(E) demonstrates and validates evacuation of the public during an emergency situation;

(ii) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems with goals of—

(A) reducing metropolitan congestion by 5 percent by 2010;

(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

(C) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;

(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

(5) incorporate human factors research, including the science of the driving process; test, evaluate, and implement the intelligent transportation system network that

(A) improves the reliability of the surface transportation system;

(B) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(C) could assist in deployment of the Armed Forces in response to a crisis; and

(D) demonstrates and validates evacuation of the public during an emergency situation;

(f) FUNDING.—Funds available for obligation in the same manner and to the same extent as if the funds were appropriated under chapter 1, except that the funds shall remain available until expended.

§ 528. Research and Development

(a) In General.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent transportation systems and other similar activities that are necessary to carry out this subsection.

(b) Prior to the initiation of the program, the Secretary shall give priority to funding projects that—

(i) assist in the development of an interconnected national intelligent transportation system network that—

(A) improves the reliability of the surface transportation system;

(B) supports national security;

(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(D) could assist in deployment of the Armed Forces in response to a crisis; and

(E) demonstrates and validates evacuation of the public during an emergency situation;

(ii) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems with goals of—

(A) reducing metropolitan congestion by 5 percent by 2010;

(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

(C) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;

(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

(5) incorporate human factors research, including the science of the driving process; test, evaluate, and implement the intelligent transportation system network that

(A) improves the reliability of the surface transportation system;

(B) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(C) could assist in deployment of the Armed Forces in response to a crisis; and

(D) demonstrates and validates evacuation of the public during an emergency situation;

(f) FUNDING.—Funds available for obligation in the same manner and to the same extent as if the funds were appropriated under chapter 1, except that the funds shall remain available until expended.

§ 528. Research and Development

(a) In General.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent transportation systems and other similar activities that are necessary to carry out this subsection.

(b) Prior to the initiation of the program, the Secretary shall give priority to funding projects that—

(i) assist in the development of an interconnected national intelligent transportation system network that—

(A) improves the reliability of the surface transportation system;

(B) supports national security;

(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(D) could assist in deployment of the Armed Forces in response to a crisis; and

(E) demonstrates and validates evacuation of the public during an emergency situation;

(ii) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems with goals of—

(A) reducing metropolitan congestion by 5 percent by 2010;

(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

(C) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;

(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

(5) incorporate human factors research, including the science of the driving process; test, evaluate, and implement the intelligent transportation system network that

(A) improves the reliability of the surface transportation system;

(B) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation system network components;

(C) could assist in deployment of the Armed Forces in response to a crisis; and

(D) demonstrates and validates evacuation of the public during an emergency situation;

(f) FUNDING.—Funds available for obligation in the same manner and to the same extent as if the funds were appropriated under chapter 1, except that the funds shall remain available until expended.
"(13) develop and test high-accuracy, lane- 
level, real-time accessible digital map archi-
tectures that can be used by intelligent vehi-
cles and intelligent infrastructure elements to 
facilitate crash avoidance (in-
cluding establishment of national standards for 
an open-architecture digital map of all 
public roads that is compatible with elec-
tronics); and
"(14) encourage the dual-use of intelligent 
transportation system technologies (such as 
wireless communications) for—
(A) emergency services; and
(B) road pricing; and
(C) local economic development; and
(15) advance the use of intelligent trans-
portation system technologies to facil-
itate high-performance 
transportation systems, such as through—
(A) congestion-pricing; 
(B) real-estate management; 
(C) rapid-emergency response; and 
(D) just-in-time transit.
(c) OPERATIONAL TESTS.—Operational 
tests conducted under this section shall be 
designed for—
(1) the collection of data to permit objec-
tive evaluation of the results of the tests; 
(2) the derivation of cost-benefit informa-
tion that is useful to others contemplating 
development of similar systems; and 
(3) the development and implementation 
of standards.
(d) FEDERAL SHARE.—The Federal share of 
the costs of operational tests under subsec-
tion (a) shall not exceed 80 percent.

§ 229. Use of funds

(a) IN GENERAL.—For each fiscal year, not 
more than $5,000,000 of the funds made avail-
able to carry out this subchapter shall be 
used for intelligent transportation system 
outreach, public relations, displays, tours, 
and brochures.
(b) APPLICABILITY.—Subsection (a) shall 
not apply to intelligent transportation sys-
tem testing, scardships, or the publica-
tion or distribution of research findings, 
technical guidance, or similar documents.
(c) CONFORMING AMENDMENT.—Title V of 
the Transportation Equity Act for the 21st 
Century is amended by striking subtilte C (23 

TITILE III—RECREATIONAL BOATING 
SAFETY PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Sport Fish-
ning and Recreational Boating Safety Act”.

SEC. 3002. AMENDMENT OF FEDERAL AID IN 
FISH RESTORATION ACT.

Except as otherwise expressly provided, 
whenever in this subtitle an amendment or 
repeal is expressed in terms of an amend-
ment to, or repeal of, a section or other pro-
vision, the reference shall be considered to 
be made to a section or other provision of the 
Act entitled “An Act to provide that the United 
States shall aid the States in fish re-
stitution and management projects, and for 
other purposes,” approved August 9, 1950 (64 
Stat. 990; 16 U.S.C. 777 et seq.).

SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 (16 U.S.C. 777b) is 
amended—
(1) by striking “the succeeding fiscal year,” in 
the third sentence and inserting “succeeding fiscal years;”; and 
(2) by striking “in carrying on the research 
program of the Fish and Wildlife Service in 
respect to fish of material value for sport 
and recreation,” and inserting “to supple-
ment the 57 percent of the balance of each 
annual appropriation to be apportioned 
among the States, as provided for in section 4(c).”;

(b) CONFORMING AMENDMENTS.—
(1) IN GENERAL.—Section 3 of the Dingell-
Johnson Sport Fish Restoration Act (16 
U.S.C. 777b) is amended in the first 
sentence—
(A) by striking “Sport Fish Restoration 
Account” and inserting “Sport Fish Restora-
tion Trust Fund”; and 
(B) by striking “that Account” and inser-
ting “that is provided in section 9503(c) of the Internal Revenue Code of 
1986”;
(2) EFFECTIVE DATE.—The amendments 
made by paragraph (1) take effect on October 1, 
2004.

SEC. 3004. DIVISION OF ANNUAL APPROPRIA-
TIONS.

Section 4 (16 U.S.C. 777c) is amended—
(1) by striking subsections (a) through (c) 
and redesignating subsections (d) through (g) 
as subsections (b) through (e), respectively; 
(2) by inserting before subsection (b) (as 
redesigned by paragraph (1)), the following: 
(a) IN GENERAL.—For fiscal years 2004 
through 2009, the balance of each annual 
appropriation made in accordance with the 
provisions of section 3 of this title remaining 
after the distributions are made for adminis-
trative expenses and other purposes under 
sections 4(b) and for multistate conservation 
grant programs under section 14 shall be 
distributed as follows: 
COASTAL WETLANDS.—18.5 percent to 
the Secretary of the Interior for distribu-
tion as provided in the Coastal Wetlands 
Planning, Protection, and Restoration Act (16 
U.S.C. 3651 et seq.).
BOATING SAFETY.—18.5 percent to the 
Secretary of Homeland Security for State 
recreational boating safety programs under 
sections 704(h) and 704(i) of title 46, United States Code.
CLEAN VESSEL ACT.—90 percent to the 
Secretary of Homeland Security for 
qualifying projects under section 5604(c) of the 
(4) of subsection (a) that are unobligated by 
the end of the fiscal year shall be transferred to the Secretary of 
Homeland Security and shall be expended for State 
recreational boating safety programs under sec-
section 13106(a) of title 46, United States Code.”;

SEC. 3005. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—
(1) by striking “in carrying out the re-
search program of the Fish and Wildlife 
Service in respect to fish of material value 
for sport or recreation,” and inserting “to supple-
mint the 57 percent of the balance of each annual appropriation to 
be apportioned among the States under 
section 4(c).”; and 
(2) in subsection (d)(3), by striking “subsec-
tion (c) or (d) of section 4” and inserting “section 4(a)(5) or section 4(b)”.

SEC. 3006. BOATING INFRASTRUCTURE.

Section 704(d)(1) of the Sportfishing and 
Boating Safety Act of 1998 (16 U.S.C. 777g- 
1d)(1)) is amended by striking “section 4(b)(3)(B)” and inserting “section 4(a)(4)”.

SEC. 3007. REQUIREMENTS AND RESTRICTIONS 
CONCERNING USE OF AMOUNTS FOR EXPENSES 
FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—
(1) by striking “section 4(d)(1)” in sub-
section (a) and inserting “section 4(b)”; and 
(2) by striking “section 4(b)” in sub-
section (b)(1) and inserting “section 4(b)”.

SEC. 3008. PAYMENTS OF FUNDS TO AND CO-
OPERATION WITH PUERTO RICO, THE DISTRICT OF 
COLUMBIA, GUAM, AMERICAN SAMOA, THE COMMON-
WEALTH OF THE NORTHERN MARIANA ISLANDS, AND THE VIRGIN IS-
LANDS.

Section 12 (16 U.S.C. 777k) is amended by 
striking “in carrying on the research pro-
gram of the Fish and Wildlife Service in 
respect to fish of material value for sport or 
recreation,” and inserting “to supplement 
the 57 percent of the balance of each annual 
appropriation to be apportioned among the 
States under section 4(b) of this title.”.

SEC. 3009. MULTISTATE CONSERVATION GRANT 
PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—
(1) by striking so much of subsection (a) as 
precedes paragraph (2) and inserting the fol-
lowing: 
(a) IN GENERAL.—For fiscal year 2006 and 
each subsequent fiscal year, before making a 
distribution under subsection (a), the 
Secretary of the Interior may use not more than 
the available amount specified in subpara-
graph (B) for the fiscal year for expenses of 
administration incurred in the implementa-
tion of programs of the Fish and Wildlife 
Service in respect to fish of material value for 
sport or recreation;
(c) paragraph (A) applies only to State 
grants under section 2 of this title that are 
unobligated by 
June 30 of the fiscal year following the 
end of the fiscal year to which the grant 
was awarded; 
(d) in subsection (c) (as redesignated by 
paragraph (1)), by striking “subsection (a)” and inserting “subsection (b)”;
(3) in subsection (b)(1) as redesignated by 
paragraph (1), by striking subparagraph (A) 
and inserting the following: 
(A) SET-ASIDE.—For fiscal year 2006 and 
each subsequent fiscal year, before making a 
distribution under subsection (a), the 
Secretary of the Interior may use not more than 
the available amount specified in subpara-
graph (B) for the fiscal year for expenses of 
administration incurred in the implementa-
tion of programs of the Fish and Wildlife 
Service in respect to fish of material value for 
investment in carrying on the research pro-
gram of the Fish and Wildlife Service in 
respect to fish of material value for sport or 
recreation.”;
(2) by striking “section 4(e)” each place it 
appears in subsection (a)(2)(B) and inserting “section 4(c)”;
(3) by striking “Of the balance of each 
anual appropriation made under section 3 re-
mained after the distribution of each annual 
appropriation to multistate conservation 
grant programs in accordance with this section.”;
(4) by striking “section 4(e)” each place it 
appears in subsection (a)(2)(B) and inserting “section 4(c)”;
(5) by striking “the succeeding fiscal year,” in 
the third sentence and inserting “succeeding fiscal years;”;
(6) in paragraph (1) of subsection (e) as re-
designated by paragraph (1), by striking “subsections (a), (b)(3)(A), (b)(3)(B), and (c)” 
and inserting “paragraphs (1), (3), (4), and (5) of subsection (a)”;
(7) by adding at the end the following: 
(7) Transfer of Certain Funds.— 
Amounts available under paragraphs (3) and 
(4) of subsection (a) that are unobligated by 
the end of the fiscal year shall be transferred to the Secretary of Homeland 
Security and shall be expended for State 
recreational boating safety programs under sec-
section 13106(a) of title 46, United States Code.”.
TITLE IV—SOLID WASTE DISPOSAL

SEC. 4001. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) IN GENERAL.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"SEC. 6005. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY HEAD.—The term ‘agency head’ means—

"(A) the Secretary of Transportation; and

"(B) an official of a Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) CEMENT OR CONCRETE PROJECT.—The term ‘cement or concrete project’ means a project for the construction or maintenance of a highway or other transportation facility or a Federal, state, or local government building or other public facility that—

"(1) involves the procurement of cement or concrete, and

"(2) is carried out in whole or in part using Federal funds.

"(b) RECOVERED MINERAL COMPONENT.—The term ‘recovered mineral component’ means—

"(1) ground granulated blast furnace slag;

"(2) coal combustion fly ash; and

"(3) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) IMPLEMENTATION OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) CONFORMANCE.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) IMPLEMENTATION STUDY.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—The study shall—

"(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements; and

"(B) identify any potential environmental or economic effects that may result from increased substitution of recovered mineral component in those cement or concrete projects.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

"(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) affects or otherwise describes in subsection (c)(2)(C)(ii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the date of the report in accordance with subsection (c)(3), take additional actions authorized under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

"(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) eliminate barriers identified under subsection (c).

"(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).

"(f) TABULAR CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. 6901) is amended by adding the following:

"Sec. 6005. Increased use of granular mine tailings.

SEC. 6006. USE OF GRANULAR MINE TAILINGS.

(a) IN GENERAL.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"Sec. 6006. Use of granular mine tailings.

SEC. 6007. USE OF GRANULAR MINERAL TAILINGS.

(a) GENERAL.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish criteria under paragraph (3), the Administrator and each agency head shall—

"(A) quantify the extent to which recovered mineral component in types of cement or concrete projects currently use or have been used only minimally; and

"(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law, and

"(C) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines under subsection (c)(2) that provide for the use of cement and concrete incorporating recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator and each agency head shall submit to Congress a report on the study.

"(4) APPLICABILITY OF CRITERIA.—On the establishment of the criteria under paragraph (3), any use of the granular mine tailings described in paragraph (1) in a transportation project that is carried out, in whole or in part, using Federal funds before the criteria established under paragraph (3).

"(b) EFFECT OF SECTIONS.—Nothing in this section or section 6005 affects any requirement of any law (including a regulation) in effect on the date of enactment of this section.

"(c) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. 6901) (as amended by section 4001(b)) is amended by adding after the item relating to section 6005 the following:

"Sec. 6006. Use of granular mine tailings.

SA 568. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE V—OCEANS SUBSIDIES

SEC. 01. SHORT TITLE.

This title may be cited as the “Stopping Overseas Subsidies Act of 2005”.

SEC. 02. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1771(a)(1)) is amended by inserting “including a nonmarket economy country” after “country” each place it appears.

SEC. 03. EFFECTIVE DATE.

The amendments made by section 02 apply to petitions filed under section 702 of the Tariff Act of 1930 on or after the date of the enactment of this title.

SA 569. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. 01. INTERSTATE ROUTE 1-14 AND 3RD INDIAN TRIBES DIVISION HIGHWAY.

Not later than December 31, 2005, any funds made available to commission a study and report regarding the construction and designation of a new Interstate route linking Savannah, Georgia, Augusta, Georgia, and Knoxville, Tennessee, shall be provided to the Secretary to—

(1) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to construct a new Interstate route designated as “Interstate Route 1-14” and known as the 14th Amendment Highway, from Augusta, Georgia to Natchez, Mississippi (formerly designated the Fall Line Freeway in the State of Georgia); and

(2) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to designate a new Interstate route linking Savannah, Georgia, Augusta, Georgia, and Knoxville, Tennessee, to extend the 14th Amendment Highway, extending from Savannah,
SA 570. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. ___. INTERSTATE ROUTE I-14 AND 3RD INFANTRY DIVISION HIGHWAY.

Not later than December 31, 2005, any funds made available to commission a study and report regarding construction and designation of a new Interstate route linking Augusta, Georgia, Macon, Georgia, Columbus, Georgia, Montgomery, Alabama, and Natchez, Mississippi, shall be provided to the Secretary to—

(1) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to construct a new interstate route to be designated as “Interstate Route I-14” and known as the 14th Amendment Highway, from Augusta, Georgia to Natchez, Mississippi (formerly designated the Fall Line Route of Georgia); and

(2) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to designate and construct a new interstate route for the 3rd Infantry Division Highway, extending from Savannah, Georgia, to Knoxville, Tennessee (formerly the Savannah River Parkway in the State of Georgia), following a route generally defined through Sylvania, Waynesboro, Augusta, Lincolnton, Elberton, Hartwell, Toccoa, and Young Harris, Georgia, and Maryville, Tennessee.

SA 571. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

SEC. ___ APPROVAL AND FUNDING FOR CERTAIN CONSTRUCTION PROJECT.

(a) In General.—Notwithstanding any other provision of law, the Secretary shall approve project STP-199-116:CT 3 in Gwinnett County, Georgia, and reserve such Federal funds available to the Secretary as are necessary for the project, not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transportation for the project.

(b) Exempt Project.—The project shall be considered to be an exempt project under section 93.126 of title 40, Code of Federal Regulations (or successor regulations).

SA 572. Mr. THUNE proposed an amendment to amendment SA 567 proposed by Mr. INhoffe to the bill H.R. 3, Reserved; as follows:

Strike section 1603(a) and insert the following:

(a) In General.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) not later than by striking “the roads as” and all that follows and inserting “the roads as—

(B) National Scenic Byways;

(C) All-American Roads; or

(D) America’s Byways.

(ii) in paragraph (2)—

(A) by striking “(To be considered)” and inserting the following:

(A) In General.—“To be considered”;

(ii) in paragraph (A) as designated by clause (i)—

(i) by inserting “, an Indian tribe, “ after “nominated by a State”;

(ii) by inserting “, an Indian scenic byway,” after “designated as a State scenic byway”;

(iii) by adding at the end the following:

(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

(i) jurisdiction over the road; or

(ii) responsibility for managing the road.

(C) SAFETY.—Indian tribes shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A); and

(D) by adding at the end the following:

(4) RECIPROCAL NOTIFICATION. States, Federal land management agencies, and Indian tribes shall notify each other regarding nominations under this subsection for roads that—

(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible; and

(ii) in subparagraph (B), by striking “designated as” and all that follows and inserting “designated as—

(i) National Scenic Byways;

(ii) All-American Roads;

(iii) America’s Byways;

(iv) State scenic byways; or

(v) Indian scenic byways; and”, and

(iii) in subparagraph (B), by inserting “or Indian” after “State”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Byway or All-American Road” and inserting “Byway, All-American Road, or 1 of America’s Byways”;

(ii) in subparagraph (B)—

(I) by striking “State-designated” and inserting “State or Indian”; and

(II) by striking “designation as” and all that follows and inserting “designation as—

(i) a National Scenic Byway;

(ii) an All-American Road; or

(iii) 1 of America’s Byways; and”, and

(iii) in subparagraph (C), by inserting “or Indian” after “State”;

(C) in paragraph (3)—

(i) by inserting “Indian scenic byway,” after “improvements to a State scenic byway,”; and

(ii) by inserting “Indian scenic byway,” after “designation as a State scenic byway”; and

(D) in paragraph (4), by striking “passing lane,”; and

(E) by striking “Indian scenic byway,” after “designation as a State scenic byway,”; and

(2) by inserting “urban areas” and inserting “urbanized areas”;

(C) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(2) by striking “urban” and inserting “urbanized”;

(2) by striking “under sections 5309 and 5310 of this title”;

(d) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) in paragraph (1)—

(A) by striking “improved mass” and inserting “improved public”; and

(B) by striking “and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(2) in paragraph (2)—

(A) by striking “urban mass” and inserting “public”; and

(B) by striking “public and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(3) in paragraph (3)—

(A) by striking “urban mass” and inserting “public”; and

(B) by striking “public and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(4) in paragraph (5), by striking “urban mass” and inserting “public”.

SA 573. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—PUBLIC TRANSPORTATION

SEC. 6001. SHORT TITLE.

This title may be cited as the “Federal Public Transportation Act of 2005.”

SEC. 6002. AMENDMENTS TO TITLE 49, UNITED STATES CODE; UPDATED TERMINOLOGY.

(a) AMENDMENTS TO TITLE 49.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(b) UPDATED TERMINOLOGY.—Except for sections 5301(f), 5302(a)(7), and 5315, chapter 53, including the chapter analysis, is amended by striking “mass transportation” each place it appears and inserting “public transportation”.

SEC. 6003. POLICIES, FINDINGS, AND PURPOSES.

(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—Section 5301(a) is amended to read as follows:

(A) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the economic interest of the United States to encourage the development and operation of public transportation systems, which are coordinated with other modes of transportation, that maximize the efficient, secure, and accessible mobility of individuals and minimize environmental impacts.”.

(b) GENERAL FINDINGS.—Section 5301(b)(1) is amended—

(1) by striking “70 percent” and inserting “two-thirds”; and

(2) by striking “urban” and inserting “urbanized”.

(c) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(1) by striking “an urban” and inserting “urbanized”;

(2) by striking “under sections 5309 and 5310 of this title”;

(d) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) by striking “improved mass” and inserting “improved public”; and

(B) by striking “and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(2) in paragraph (2)—

(A) by striking “urban mass” and inserting “public”; and

(B) by striking “public and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(3) in paragraph (3)—

(A) by striking “urban mass” and inserting “public”; and

(B) by striking “public and private mass transportation companies” and inserting “public transportation companies and private companies engaged in public transportation”;

(4) in paragraph (5), by striking “urban mass” and inserting “public”.

SEC. 6004. DEFINITIONS.

Section 5302(a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G)(i), by inserting “including the intercity bus and intercity rail portions of such facility or mall,” after “transportation mall,”;

(B) in subparagraph (G)(ii), by inserting “exempt from the intercity or intermodal facilities or malls,” after “commercial revenue-producing facility”;
The term ‘nonmetropolitan area’ means any geographic area and as an integral part of an intermodal transportation system for the metropolitan area.

(4) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area—

(A) by agreement between the Governor and units of general purpose local government that combined represent not less than 75 percent of the affected population; and

(B) in accordance with procedures established by applicable State or local law.

(2) STRUCTURE.—Each metropolitan planning organization designated under paragraph (1) that serves an area identified as a transportation management area shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

(C) appropriate State officials.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, functions, and responsibilities of the Metropolitan Planning Organization designated under subsection (c).
(e) COORDINATION IN MULTISTATE AREAS.—

(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area to designate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) METROPOLITAN COMPACTS.—States are authorized—

(A) to enter into agreements or compacts with other States, which agreements or compacts are consistent with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) LAKE TAHOE REGION.—

(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’ in subdivision (a) of section 1102 of title 23 of the United States Code, as defined in the first section of Public Law 96–551 (94 Stat. 2324).

(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

(i) to enter into agreements with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region for a transportation planning process for the region; and

(ii) subject to paragraph (3)(C), enter into agreements or compacts with the metropolitan planning organizations of the Lake Tahoe region, for a coordinated transportation planning process with the planning process required of State and local governments under this section and section 5304.

(3) INTERSTATE COMPACT.—

(I) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (c), to carry out the transportation planning process required by this section, California and Nevada may designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governor of the State of California, the Governor of the State of Nevada, and units of general purpose local government that combined represent not less than 75 percent of the affected population (including the incorporated city or cities named by the Bureau of the Census in designating the urbanized area), or in accordance with a plan adopted by the Board established by applicable State or local law.

(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

(4) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and this chapter, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

(5) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

(A) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

(B) may, in accordance with chapter 7 of title 23, be funded using funds allocated in the Lake Tahoe region.

(6) COORDINATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(A) ADDITIONAL METROPOLITAN AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7501 et seq.), each metropolitan planning organization shall coordinate its planning process with the metropolitan planning organizations designated for such area and the State in the coordination of plans required by this section.

(B) TRAVEL IMPROVEMENTS LOCATED IN MULTIPLE METROPOLITAN PLANNING AREAS.—If a transportation improvement funded from the highway trust fund is located in more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans regarding the transportation improvement.

(C) INTERREGIONAL AND INTERSTATE PROJECT IMPACTS.—Planning for National Highway System, commuter rail projects, or other projects with substantial impacts outside a single metropolitan planning area or State shall be coordinated directly with the affected, contiguous, metropolitan planning organizations and States.

(D) COORDINATION WITH OTHER PLANNING PROCESSES.—

(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to coordinate its planning process with the maximum extent practicable, with those officials and agencies responsible for the planning activities that are affected by transportation, including State and local land use planning, economic development, environmental protection, airport operations, housing, and freight.

(B) OTHER CONSIDERATIONS.—The metropolitan planning process shall develop transportation plans that preserve or enhance the environment, including, without limitation—

(i) the design and implementation of transportation services within the metropolitan area that are provided by—

(A) recipients of assistance under this chapter;

(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(C) recipients of assistance under section 206 of this title.

(6) SCOPE OF PLANNING PROCESS.—

(A) IN GENERAL.—The goals and objectives developed as part of the planning process for a metropolitan planning area under this section shall address, in accordance with this subsection, and update such plan—

(i) not less frequently than once every 4 years in areas designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), and in areas that were nonattainment that have been redesignated as attainment, in accordance with paragraph (2) of subsection (a) of section 171A of the Clean Air Act (42 U.S.C. 7503(a)); or

(ii) not less frequently than once every 5 years in areas designated as attainment, as defined in section 107(d) of the Clean Air Act.

(B) COORDINATION FACTORS.—In developing the transportation plan under this section, each metropolitan planning organization shall consider the factors described in subsection (f) over a 20-year forecast period.

(4) FINANCIAL ASSISTANCE.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperate in developing a plan that will be available to support plan implementation.

(5) MITIGATION ACTIVITIES.—

(A) IN GENERAL.—A transportation plan under this subsection shall include a discussion of—

(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in implementing the plan for loss of habitat, wetland, and other environmental functions; and

(ii) potential areas to carry out these activities, including a description of the area that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

(B) CONSULTATION.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State wildlife, land management, and regulatory agencies.

(5) CONTENTS.—A transportation plan under this subsection shall be in a form that the Secretary determines to be appropriate and shall contain—

(A) an identification of transportation facilities, including major roadways, transit, commuter rail, bicycle, and pedestrian systems, and other modal connectors, and other relevant facilities identified by the metropolitan planning
organization, which should function as an integrated metropolitan transportation system, emphasizing those facilities that serve important national and regional transportation needs.

"(B) a financial plan that—

"(i) demonstrates how the adopted transportation plan can be implemented;

"(ii) goes beyond sources from public and private sources that are reasonably expected to be made available to carry out the plan;

"(iii) recommends any additional financing strategies for needed projects and programs; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the transportation plan if approved by the Secretary and reasonable additional resources beyond those identified in the financial plan were available;

"(C) operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;

"(D) capital investment and other strategies to preserve the existing metropolitan transportation infrastructure and provide for multi-modal capacity increases based on regional priorities and needs; and

"(E) proposed transportation and transit enhancement activities.

(4) CONSULTATION.—

"(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

"(B) ISSUES.—The consultation shall involve—

"(i) comparison of transportation plans with State conservation plans or with maps, if available;

"(ii) comparison of transportation plans to inventories of natural or historic resources, if available; or

"(iii) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between habitat linkages.

"(5) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas in non-attainment areas for carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

(6) APPROVAL OF THE TRANSPORTATION PLAN.—Each transportation plan prepared by a metropolitan planning organization shall be—

"(A) approved by the metropolitan planning organization; and

"(B) submitted to the Governor for information purposes at such time and in such manner as the Secretary may reasonably require.

"(I) PARTICIPATION BY INTERESTED PARTIES.—

"(I) DEVELOPMENT OF PARTICIPATION PLAN.—Not less frequently than every 4 years, each metropolitan planning organization shall develop and adopt a plan for participation in the process for developing the metropolitan transportation plan and programs by—

"(A) citizens;

"(B) affected public agencies; and

"(C) representatives of public transportation employees;

"(D) freight shippers;

"(E) providers of freight transportation services;

"(F) private providers of transportation;

"(G) representatives of users of public transportation;

"(H) representatives of users of pedestrian walkways and bicycle transportation facilities; and

"(I) other interested parties.

"(II) CONTENTS OF PARTICIPATION PLAN.—The participation plan—

"(A) shall be developed in a manner the Secretary considers appropriate;

"(B) shall be developed in consultation with all interested parties; and

"(C) shall provide that all interested parties have reasonable opportunities to comment on—

"(i) the process for developing the transportation plan;

"(ii) the contents of the transportation plan;

"(III) METHODS.—The participation plan shall provide that the metropolitan planning organization shall, to the maximum extent practicable—

"(A) hold any public meetings at convenient and accessible times and locations; and

"(B) employ visualization techniques to describe plans and

"(C) make public information available in electronic and other formats and means, such as the World Wide Web.

"(IV) CERTIFICATION.—Before the metropolitan planning organizations approve or approve amendments to such metropolitan planning organization shall certify that it has complied with the requirements of the participation plan it has adopted.

"(A) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(I) DEVELOPMENT AND UPDATE.—

"(A) IN GENERAL.—In cooperation with the State and affected operators of public transportation, a metropolitan planning organization designated for a metropolitan area planning organization shall develop and maintain a transportation improvement program for the area.

"(B) PARTICIPATION.—In developing the transportation improvement program, the metropolitan planning organization, in cooperation with the Governor and any affected operator of public transportation, shall provide for participation by interested parties in the development of the program, in accordance with subsection (i).

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Before the Secretary shall make any change to the project list described in paragraph (i) of this subsection, the Secretary shall—

"(I) hold any public meetings at convenient and accessible times and locations; and

"(II) receive input from interested public and stakeholders on the project list.

"(C) UPDATES.—The transportation improvement program shall be updated no later than once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

"(D) FUNDING ESTIMATE.—In developing the transportation improvement program, the metropolitan planning organization, operators of public transportation, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(E) PROJECT ADVANCEMENT.—Projects listed in the transportation improvement program may be selected for advancement consistent with the project selection requirements.

"(F) MAJOR AMENDMENTS.—Major amendments to the list described in subparagraph (B), including the addition, deletion, or concept and scope change of a regionally significant project, may not be advanced without—

"(i) appropriate public involvement;

"(ii) financial plan; and

"(iii) transportation conformity analyses; and

"(iv) a finding by the Federal Highway Administration and Federal Transit Administration that the amended plan was produced in a manner consistent with this section.

"(2) INCLUSION OF PROJECTS.—

"(A) PROJECTS UNDER SECTION 2310 OF TITLE 23 AND THIS CHAPTER.—A transportation improvement program developed under this title includes projects for a metropolitan area that include the projects and strategies within the metropolitan area that are proposed for funding under chapter 1 of title 23 and this chapter.

"(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—

"(I) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapters of title 23 shall be identified individually in the metropolitan transportation improvement program.

"(II) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not regionally significant shall be grouped in 1 line item or identified individually in the metropolitan transportation improvement program.

"(C) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided under subsection (k)(4), the selection of federally funded projects in metropolitan planning areas shall be carried out, from the approved transportation plan—

"(I) by the State; and

"(II) in the case of projects under chapter 1 of title 23 or section 5308, 5310, 5311, or 5317 of this title; and

"(iii) in cooperation with the metropolitan planning organization.

"(B) PUBLICIZATION OF PROJECT PRIORITY.—Notwithstanding any other provision of law, a project may be advanced from the transportation improvement program in place of another project in the same transportation improvement program without the approval of the Secretary.

"(C) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAM.—A transportation improvement program involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including, to the maximum extent practicable, in electronically accessible formats and means, such as the World Wide Web.

"(D) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding 4 years shall be published or otherwise made available for public review by the State, the operator, and the metropolitan planning organization. This listing shall be consistent with the funding categories identified in the transportation improvement program.

"(D) RULEMAKING.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations specifying—

"(i) the types of data to be included in the list described in subparagraph (B), including—

"(I) the name, type, purpose, and geocoded location of each project;

"(II) the Federal, State, and local identification numbers assigned to each project;

"(III) amounts obligated and expended on each project, sorted by funding source and transportation mode, and the date on which each obligation was made;

"(IV) the status of each project; and

"(ii) the media through which the list described in subparagraph (B) will be made available to the public, including, to the maximum extent practicable, visual and textual components for each of the projects listed.

"(E) TRANSPORTATION MANAGEMENT AREAS.—

"(I) REQUIRED IDENTIFICATION.—The Secretary shall identify each urbanized area
with a population of more than 200,000 individuals as a transportation management area.

(2) TRANSPORTATION PLANS AND PROGRAMS.—Projects on transportation plans and programs for a metropolitan planning area serving a transportation management area shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transpor-
ters.

(3) CONGESTION MANAGEMENT SYSTEM.—

(A) IN GENERAL.—The transportation planning process under this section shall ad-
dress congestion management through a process that provides for effective manage-
ment and operation of transportation services, under a cooperatively developed and implemented metropol-
itan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and this chapter through the use of travel demand reduction and oper-
alional management strategies.

(B) PHASE-IN SCHEDULE.—The Secretary shall establish a phase-In schedule that pro-
vides for full compliance with the require-
ments of this section not later than 1 year after the identification of transportation
management areas (as defined under such Act), that

(4) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (except for projects carried out on the Na-
tional Highway System and projects carried out under the metropolitan planning
organization designated for the area in con-
sultation with the State and any affected public

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects on the National High-
way System carried out within the bound-
aries of a metropolitan planning area serving a transportation management area and projects carried out within such boundaries under the bridge program or the interstate main-
tenance project program or under this chapter shall be selected for implementation from the approved transportation improve-
ment program by the metropolitan planning
organization designated for the area in con-
sultation with the State and any affected public

(5) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) establish a metropolitan planning process of a metropolitan planning organization serving a transportation management area (as defined under the Clean Air Act) and not less frequently than once every 5 years in attainment
areas (as defined under such Act), that the requirements of this paragraph are met with respect to the metropolitan planning process.

(ii) subject to subparagraph (B), certify, after soliciting and considering any

(ii) subject to subparagraph (B), certify, not less frequently than once every 4 years in nonattainment and maintenance areas (as defined under the Clean Air Act) and not less frequently than once every 5 years in attain-
ment areas (as defined under such Act), that the requirements of this paragraph are met with respect to the metropolitan planning process.

(iii) subject to subparagraph (B), certify, that the metropolitan planning organization designated for the area in consultation with the State and any affected public

(6) AVAILABILITY OF FUNDS.—Funds set aside under section 5306 of title 23 shall be available to carry out this section.

(7) CONTINUATION OF CURRENT REVIEW PRACTICE.—Any decision by the Secretary concerning a proposal described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 6008. STATEWIDE TRANSPORTATION PLAN-
NING.

Section 5304 is amended to read as follows:

"§ 5304. Statewide transportation planning

(a) General provisions.

(1) DEVELOPMENT OF PLANS AND PRO-
GRAMS.—To support the policies described in section 5303(a), each State shall develop a statewide transportation improvement program (referred to in this section as a "Plan") and a metropolitan transportation improvement program (referred to in this section as a "Program") for all areas not designated as planning regions under title 23.

(2) CONTENTS.—The Plan and the Program developed for each State shall provide for the development and integrated manage-
ment and operation of transportation sys-
tems and facilities (including pedestrian walkways and bicycle transportation facil-
ities) that are an integral part of the intermodal transporta-
tion system for the State and an integral part of an intermodal transporta-
tion system for the United States.

(b) Certification and Review—The process for developing the Plan and the Program shall—

(A) provide for the consideration of all modes of transportation as the policies described in section 5303(a); and

(B) may not limit consideration of the degree appropriate, based on the complexity of the transportation problems to be addressed.

(c) INTERSTATE AGREEMENTS.—States may enter into agreements or compacts with other States for cooperative efforts and mu-
tual assistance in support of activities au-
thorized under this section related to inter-
state transportation and networks and in cooperation with other States for cooperative efforts and mu-
tual assistance in support of activities au-
thorized under this section related to inter-
state transportation and networks and in cooperation with other States for cooperative efforts and mu-
tual assistance in support of activities au-
the Secretary may withhold any funds

(B) REQUIREMENTS FOR CERTIFICATION.—

(A) IN GENERAL.—All federally funded

projects on the National Highway System and projects carried out on the Na-
tional Highway System and projects carried out on the Na-
tional Highway System and projects carried out under the metropolitan planning
organization designated for the area in con-
sultation with the State and any affected public

(ii) subject to subparagraph (B), certify, that the metropolitan planning organization designated for the area in consultation with the State and any affected public

(5) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) establish a metropolitan planning process of a metropolitan planning organization serving a transportation management area (as defined under the Clean Air Act) and not less frequently than once every 4 years in nonattainment and maintenance areas (as defined under the Clean Air Act) and not less frequently than once every 5 years in attain-
ment areas (as defined under such Act), that the requirements of this paragraph are met with respect to the metropolitan planning process.

(ii) subject to subparagraph (B), certify, not less frequently than once every 4 years in nonattainment and maintenance areas (as defined under the Clean Air Act) and not less frequently than once every 5 years in attain-
ment areas (as defined under such Act), that the requirements of this paragraph are met with respect to the metropolitan planning process.

(iii) subject to subparagraph (B), certify, that the metropolitan planning organization designated for the area in consultation with the State and any affected public

(6) AVAILABILITY OF FUNDS.—Funds set aside under section 5306 of title 23 shall be available to carry out this section.

(7) CONTINUATION OF CURRENT REVIEW PRACTICE.—Any decision by the Secretary concerning a proposal described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 6008. STATEWIDE TRANSPORTATION PLAN-
NING.

Section 5304 is amended to read as follows:

"§ 5304. Statewide transportation planning

(a) General provisions.

(1) DEVELOPMENT OF PLANS AND PRO-
GRAMS.—To support the policies described in section 5303(a), each State shall develop a statewide transportation improvement program (referred to in this section as a "Plan") and a metropolitan transportation improvement program (referred to in this section as a "Program") for all areas designated as planning regions under title 23.

(2) CONTENTS.—The Plan and the Program developed for each State shall provide for the development and integrated manage-
ment and operation of transportation sys-
tems and facilities (including pedestrian walkways and bicycle transportation facil-
ities) that are an integral part of the intermodal transporta-
tion system for the State and an integral part of an intermodal transporta-
tion system for the United States.

(b) Certification and Review—The process for developing the Plan and the Program shall—

(A) provide for the consideration of all modes of transportation as the policies described in section 5303(a); and

(B) may not limit consideration of the degree appropriate, based on the complexity of the transportation problems to be addressed.

(c) INTERSTATE AGREEMENTS.—States may enter into agreements or compacts with other States for cooperative efforts and mu-
tual assistance in support of activities au-
thorized under this section related to inter-
state transportation and networks and in cooperation with other States for cooperative efforts and mu-
tual assistance in support of activities au-

(c) Mitigation activities.—

(1) Development.—A transportation plan under this subsection shall include a discussion of—

(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain habitat types and hydrological or environmental functions affected by the plan.

(B) Consultation.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

(ii) to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) coordination of Plans, Programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.  

(f) Development.—

(1) Development.—Each State shall develop a Plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) Consultation with governments.—

(A) Metropolitan planning areas.—The Plan shall be developed for each metropolitan planning area in the State in cooperation with the metropolitan planning organization designated for the metropolitan planning area under section 5303.

(B) Nonmetropolitan areas.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The consultation process shall not require the review or approval of the Secretary.

(C) Indian tribal areas.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the Plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(D) Consultation, comparison, and consideration.—

(i) In general.—The Plan shall be developed, as appropriate, in consultation with State and local agencies responsible for—

(A) land use management;

(B) natural resources;

(C) environmental protection; and

(V) historic preservation.

(ii) Comparison and consideration.—Consultation under clause (i) shall involve—

(A) comparison of transportation plans to State conservation plans or maps, if available;

(B) comparison of transportation plans to inventories of natural or historic resources, if available; or

(C) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkages.

(4) Mitigation activities.—

(A) In general.—A Plan shall include a discussion of—

(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetlands, and other environmental functions; and

(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain habitat types and hydrological or environmental functions affected by the plan.

(B) Consultation.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

(C) Metropolitan planning areas.—The Plan shall be developed in consultation with the metropolitan planning organization for public transportation, representatives of private transportation users, payers of public transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation, administrators and providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed Plan; and

(D) to the maximum extent practicable—

(i) hold any public meetings at convenient and accessible locations and times;

(ii) employ visualization techniques to describe plans; and

(iii) make public information available in electronically accessible format and means, such as the World Wide Web.

(4) Mitigation activities.—

(A) In general.—A Plan shall include a discussion of—

(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetlands, and other environmental functions; and

(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain habitat types and hydrological or environmental functions affected by the plan.

(B) Consultation.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

(C) Metropolitan planning areas.—The Plan shall be developed in consultation with the metropolitan planning organization for public transportation, representatives of private transportation users, payers of public transportation, representatives of users of pedestrian walkways and bicycle transportation, administrators and providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed Plan.

(D) To the maximum extent practicable—

(i) hold any public meetings at convenient and accessible locations and times;

(ii) employ visualization techniques to describe plans; and

(iii) make public information available in electronically accessible format and means, such as the World Wide Web.
unlike full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(9) **FINANCIAL PLAN.** The Program may include a financial plan that—

(i) demonstrates how the approved Program can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the Program;

(iii) recommends any additional financing strategies for needed projects and programs; and

(iv) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(G) **SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.**

(i) No REQUIRED SELECTION. Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects described in subparagraph (F)(iv).

(ii) **REQUIRED APPROVAL BY THE SECRETARY.** A State shall not include any project from the illustrative list of additional projects described in subparagraph (F)(iv) in an approved Program without the approval of the Secretary.

(H) **PRIORITIZATION.** The Program shall reflect current or projected future needs for programming and expenditures of funds, including transportation and transit enhancement activities, required by title 23 and this chapter, and transportation control measures included in the State's air quality implementation plan.

(5) **PROJECT SELECTION FOR AREAS WITH FEWER THAN 50,000 INDIVIDUALS.**

(A) **In General.** Each State, in cooperation with the affected nonmetropolitan local officials with responsibility for transportation, shall select projects to be carried out in areas with fewer than 50,000 individuals from the approved Program (excluding projects carried out under the National Highway System, the bridge program, or the interstate maintenance program under title 23 or sections 5310 and 5311 of this title).

(B) **CERTAIN PROGRAMS.** Each State, in consultation with affected nonmetropolitan local officials with responsibility for transportation, shall select, from the approved Program, projects to be carried out in areas with fewer than 50,000 individuals under the National Highway System, the bridge program, or the Interstate maintenance program under title 23 or under sections 5310 and 5311 of this title.

(C) **STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.** —A Program developed under this subsection shall be reviewed and approved on a current planning finding approved by the Secretary not less frequently than once every 4 years.

(7) **PLANNING FINDING.—** Not less frequently than once every 4 years, the Secretary shall determine whether the transportation planning process through which Plans and Programs are developed are consistent with title 23 and section 5303.

(8) **MODIFICATIONS TO PROJECT PRIORITY.** Notwithstanding any other provision of law, a project included in the approved Program may be suspended or eliminated by another project in the program without the approval of the Secretary.

(h) **FUNDING.** Funds set aside pursuant to section 104(d)(1) of title 23 and section 5308 of this title shall be available to carry out this section.

(i) **TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT SYSTEMS.** For purposes of this section and section 5303, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management system under section 5303(i) if the Secretary determines that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5303.

(j) **CONCLUSION OF CURRENT REVIEW PRACTICE.** —Any decision by the Secretary under this section, regarding a metropolitan or statewide transportation plan or the Program described in subparagraph (F)(iv), shall not be considered to be a final agency action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 6007. **TRANSPORTATION MANAGEMENT AREAS.**

Section 5305 is repealed.

SEC. 6008. **PRIVATE ENTERPRISE PARTICIPATION.**

Section 5306 is amended—

(1) in subsection (a)—

(A) by striking “5305 of this title” and inserting “5306”;

and

(B) by inserting “, as determined by local policies, criteria, and decision making,” after “feasible”;

(2) in subsection (b) by striking “5303, 5304, and 5308” and inserting “5303, 5304, and 5308;” and

(3) by adding at the end the following:

(c) **REGULATIONS.** —Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations describing how the requirements under this chapter relating to subsection (a) shall be enforced.

SEC. 6009. **URBANIZED AREA FORMULA GRANTS.**

(a) **TECHNICAL AMENDMENTS.** —Section 5307 is amended—

(1) by striking subsections (h), (j) and (k); and

(2) by redesignating subsections (i), (m), and (n) as subsections (h), (i), (j), and (k), respectively.

(b) **DEFINITIONS.**—Section 5307(a) is amended—

(1) by amending paragraph (2)(A) to read as follows:

(A) an entity designated, in accordance with the planning process under sections 5305, 5306, or 5308, by the chief executive of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5307, as the metropolitan or statewide transportation management areas designated under section 5303; or

(2) by adding at the end the following:

(3) © SUBRECIPENT means a State’s or local government’s nonprofit organizations, or the non-profit operator of public transportation service that may receive a federal transit program grant indirectly through a recipient, rather than directly from the Federal Government;.

(c) **GENERAL AUTHORITY.**—Section 5307(b) is amended—

(1) by amending paragraph (1) to read as follows:

(1) In GENERAL.—The Secretary of Transportation may award grants under this section for—

(A) capital projects, including associated capital maintenance items;

(B) planning, including mobility management;

(C) transit enhancements;

(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000; and

(2) operating costs of equipment and facilities for use in public transportation in a portion or portions of an urbanized area with a population of at least 200,000, but not more than 225,000, if—

(i) the urbanized area includes parts of more than 1 State;

(ii) the portion of the urbanized area includes only 1 State;

(iii) the population of the portion of the urbanized area is less than 30,000; and

(iv) the grants will not be used to provide public transportation outside of the portion of the urbanized area.;

(2) by amending paragraph (2) to read as follows:

(B) **SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2007.**

(A) INCREASED FLEXIBILITY.—The Secretary may award grants under this section, from funds made available to carry out this section for each of the fiscal years 2005 through 2007, to finance the operating cost of equipment and facilities for use in mass transportation with a population of least 200,000, as determined by the 2000 decennial census of population.

(i) the urbanized area had a population of less than 200,000, as determined by the 1990 decennial census of population;

(ii) a portion of the urbanized area was a separate urbanized area with a population of less than 200,000, as determined by the 1990 decennial census of population;

(iii) the area was not designated as an urbanized area, as determined by the 1990 decennial census of population; or

(iv) a portion of the area was not designated as an urbanized area, as determined by the 1990 decennial census, and received assistance under section 5311 in fiscal year 2002.

(B) **MAXIMUM AMOUNTS IN FISCAL YEAR 2005.**—In fiscal year 2005—

(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall not be more than the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population; and

(ii) amounts made available to any urbanized area under subparagraph (A)(ii) shall not be more than the amount apportioned to the urbanized area under this section for fiscal year 2003; and

(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(ii) shall receive an amount not to carry out this section that is not less than the amount the portion of the area received under section 5311 for fiscal year 2002.

(C) **MAXIMUM AMOUNTS IN FISCAL YEAR 2006.**—In fiscal year 2006—

(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall not be more than the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

(ii) amounts made available to any urbanized area under subparagraph (A)(ii) shall not be more than the amount apportioned to the urbanized area under this section for fiscal year 2003; and

(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(ii) shall receive an amount not to carry out this section that is not less than the amount the portion of the area received under section 5311 for fiscal year 2002.

(D) **MAXIMUM AMOUNTS IN FISCAL YEAR 2007.**—In fiscal year 2007—
(1) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 25 percent of the amount apportioned in fiscal year 2002 to the portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall be not more than 20 percent of the amount made available under this paragraph to that section that is not less than 25 percent of the amount the portion of the area received under section 5311 in fiscal year 2002; and

(ii) amounts made available to any urbanized area under subparagraph (A)(ii) shall be not more than 25 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

(3) by striking paragraph (4).

(d) GRANT RECIPIENT REQUIREMENTS.—Section 5307(d)(1) is amended—

(1) in subparagraph (A), by inserting “including safety and security aspects of the program” after “program”;

(2) in subparagraph (E), by striking “section” and inserting “subsection”;

(3) in subparagraph (H), by striking “section” and inserting “subsection”;

(4) in subparagraph (J), by striking “section” and inserting “subsection”;

(5) in subparagraph (J), by striking the period at the end and inserting “; and”;

(6) by striking “at the end the following: “(K) if located in an urbanized area with a population of at least 200,000, will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for transit enhancement activities described in section 5302(a)(15);”;

(7) in subparagraph (K), by striking the period at the end and inserting “; and”;

(8) by striking “at the end the following: “(L) the recipient will comply with sections 5323 and 5325;”;

(9) in subparagraph (M), by striking “section” and inserting “subsection”;

(10) by striking “section” and inserting “subsection”;

(11) by striking “section” and inserting “subsection”;

(12) by striking “section” and inserting “subsection”;

(13) by striking “section” and inserting “subsection”;

(e) RELATIONSHIP TO OTHER LAWS.—Sec- tion 5307(e) is amended—

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

“(A) ALLOCATION OF FUNDS.—Under the provisions established by the Secretary, the Secretary shall allocate amounts appropriated pursuant to section 5338 to carry out this section and sections 5302, 5303, and 5304 so that each State receives an amount equal to the ratio of the population in urbanized areas in that State, divided by the total population in urbanized areas in all States, as shown by the latest available decennial census.

(B) MINIMUM ALLOCATION.—Each State shall receive not less than 0.5 percent of the amount allocated under this section.

(C) REALLOCATION.—A State may authorize part of the amount made available under this subsection to be used to supplement amounts available under paragraphs (1) and (2) of this section, and to support activities in complex metropolitan planning areas under sections 5303, 5304, and 5306.

(d) STATE PLANNING AND RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available pursuant to subsection (g)(3)(B) to States for grants and contracts to carry out sections 5301, 5302, and 5303 so that each State receives an amount equal to the ratio of the population in urbanized areas in that State, divided by the total population in urbanized areas in all States, as shown by the latest available decennial census.

(2) MINIMUM ALLOCATION.—Each State shall receive not less than 0.5 percent of the amount allocated under this subsection.

(3) REALLOCATION.—A State may authorize part of the amount made available under this subsection to be used to supplement amounts available under paragraphs (1) and (2) of this section, and to support activities in complex metropolitan planning areas under sections 5303, 5304, and 5306.

(e) PLANNING CAPACITY BUILDING PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Planning Capacity Building Program referred to in subsection (a) of this section as the “Program”) to support and fund innovative practices and enhancements in transportation planning.

(2) PURPOSE.—The purpose of the Program shall be to promote activities that support and strengthen the planning processes required under this section and sections 5302, 5303, and 5304.

(f) ADMINISTRATION.—The Program shall be administered by the Federal Transit Administration in cooperation with the Federal Highway Administration.

(g) USE OF FUNDS.—

(A) IN GENERAL.—Appropriations authorized under subsection (g)(1) to carry out this subsection may be used—

(i) to provide incentive grants to States, metropolitan planning organizations, and public transportation agencies; and

(ii) to provide grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local governmental authority, association of governmental units, nonprofit or-for-profit entity, or institution of higher education.

(B) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—In carrying out the activities described in subparagraph (A), the Secretary may—

(i) expend appropriated funds directly; or

(ii) award grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local governmental authority, association of governmental units, nonprofit or-for-profit entity, or institution of higher education.

(g) RELATIONSHIP TO OTHER LAWS.—Amounts made available to carry out subsections (c), (d), and (e) may not exceed 80 percent of the costs of the activity unless the Secretary of Transportation determines that it is in the interest of the Government not to require State or local matching funds.

(h) ALLOCATION OF FUNDS.—Of the amounts made available under section 5338(b)(2)(B) for fiscal year 2006 and each fiscal year thereafter to carry out this section—

(1) $5,000,000 shall be allocated for the Planning Capacity Building Program established under subsection (e);

(2) $20,000,000 shall be allocated for grants under paragraph (1) of this subsection; and

(3) of the remaining amount—
conducive for the realization of a large scale public transportation alternative designed to address transportation problems in a corridor or subarea.

(2) the applicant has, or will have—
(A) the legal, financial, and technical capability to carry out the project, including safety and security aspects of the project; (B) satisfactory continuing control over the use of the equipment or facilities; and (C) the capability and willingness to maintain the equipment or facilities.

(e) MAJOR CAPITAL INVESTMENT PROJECTS OF $75,000,000 OR MORE—Section 5309(e) is amended to read as follows:

(6) MAJOR CAPITAL INVESTMENT PROJECTS OF $75,000,000 OR MORE—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under this subsection, with each grantee receiving not less than 82.72 percent of the amount under this section that has not been reallocated under this section.

(h) REALLOCATIONS—Section 5307(d)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the findings required under this subsection.

(1) an assessment of a wide range of public transportation alternatives designed to address a transportation problem in a corridor or subarea.

(2) sufficient information to enable the Secretary to make the findings of project justification and local financial commitment required under this section.

(3) the selection of a locally preferred alternative; and

(4) the adoption of the locally preferred alternative as part of the long-range transportation plan required under section 5303.

(d) GRANT REQUIREMENTS—Section 5309(d) is amended to read as follows:

(1) the project is part of an approved transportation plan and program of projects required under sections 5303, 5304, and 5306; and

(2) the applicant has, or will have—
(A) the results of the alternatives analyses required to carry out the project, including safety and security aspects of the project; (B) satisfactory continuing control over the use of the equipment or facilities; and (C) the capability and willingness to maintain the equipment or facilities.

(i) the extent to which the project has a modal shift; (ii) the extent to which the project has a market share; (iii) the degree to which financing sources are dedicated to the proposed purposes; and (iv) the extent to which public transit services are not degraded.

(2) DETERMINATIONS—The Secretary may not award a grant under this subsection for a new fixed guideway capital project unless the Secretary determines that the proposed project is—

(A) based on the results of an alternatives analysis and preliminary engineering;

(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost-effectiveness, operating efficiencies, economic development effects, and passive support of benefit to land use patterns and policies; and

(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct the project, and maintain and operate the entire public transportation service required under this section.

(i) congestion relief; (ii) improved mobility; (iii) noise pollution; (iv) energy consumption; and (v) all associated ancillary and mitigation costs necessary to carry out each alternative analyzed.

(2) the capability of the public transportation dependent population or promotes economic development;

(3) the population density and current transit ridership in the transportation corridor;

(4) the technical capability of the grant recipient to construct and operate the project;

(5) any adjustment to the project justification necessary to reflect differences in local land, construction, and operating costs; and

(6) other factors that the Secretary determines to be appropriate to carry out this chapter.

(ii) the cost of the project to be awarded under this section.

(iii) local resources are available to re-
capitalize and operate the overall proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels, while ensuring that the extent and quality of existing public transportation services are not degraded.

(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timeframe; and

(iii) other factors that the Secretary deter-
mines are necessary.

(i) the results of the alternatives analysis shall be deemed to have provided sufficient information upon which the Secretary may make the findings required under this subsection.

(i) award a grant under this subsection for a new fixed guideway capital project unless the Secretary determines that the proposed project is—

(A) based on the results of an alternatives analysis and preliminary engineering;

(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost-effectiveness, operating efficiencies, economic development effects, and passive support of benefit to land use patterns and policies; and

(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct the project, and main-
null
and information on the expected use of equipment or facilities.

"(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net project cost for the non-Federal share of major capital investment project evaluated under subsections (e) and (f) to include the cost of eligible activities not included in the originally defined project and the costs of the originally defined project that have been completed at a cost that is significantly below the original estimate.

"(3) MAXIMUM GOVERNMENT SHARE.—

"(A) IN GENERAL.—A grant for the project shall be for 80 percent of the net project cost, or the net project cost as adjusted under paragraphs (1) and (2), under the grant recipient requests a lower grant percentage.

"(B) EXCEPTIONS.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

"(i) the Secretary determines that the net project cost of the project is not more than 10 percent higher than the net project cost estimated at the time the project was approved for advancement into preliminary engineering; and

"(ii) the ridership estimated for the project is not more than 10 percent of the ridership estimated for the project at the time the project was approved for advancement into preliminary engineering.

"(4) THE INITIAL SUBMISSION.—The costs not funded by a grant under this section may be funded from—

"(A) an undistributed cash surplus;

"(B) a replacement or depreciation cash fund or reserve; or

"(C) new capital, including any Federal funds that are eligible to be expended for transportation.

"(5) PLANNED EXTENSION TO FIXED GUIDEWAY SYSTEM.—In addition to amounts allowed under paragraph (1), a planned extension to the fixed guideway system may include the cost of rolling stock previously purchased if the Secretary determines that only non-Federal funds were used and that the purchase was made for use on the extension. A refund or reduction of the costs not funded by a grant under this section may be made only if a refund of a proportional amount of the grants is made at the same time.

"(6) EXCEPTION.—The prohibitions on the use of funds for matching requirements under section 5309(c)(7)(B)(i) and section 5338(b)(4) shall not apply to amounts allowed under paragraph (4).

"(I) LOAN PROVISIONS AND FISCAL CAPACITY CONSIDERATIONS.—Section 5309 is amended—

"(A) by striking subsections (i), (j), (k), and (l); and

"(B) by redesignating subsections (m) and (n) as subsections (i) and (j), respectively;

"(2) by striking subsection (o) (as added by section 30001 of the Federal Transit Act of 1990); and

"(3) by redesignating subsections (o) and (p) as subsections (k) and (l), respectively.

"(3) ALLOCATING AMOUNTS.—Section 5309(a), as redesignated, is amended to read as follows:

"(1) ALLOCATING AMOUNTS.—

"(1) FISCAL YEAR 2005.—Of the amounts made available or appropriated for fiscal year 2005 under section 5333(a)(3) —

"(A) $669,600,000 shall be allocated for capital projects for fixed guideway modernization; and

"(B) $869,600,000 shall be allocated for capital projects for buses and bus-related equipment and facilities.

"(2) IN GENERAL.—Of the amounts made available under this section and each fiscal year thereafter for grants under this section pursuant to subsections (b)(4) and (c) of section 5338—

"(A) the amounts made available under section 5338(b)(4) shall be allocated for major capital projects for—

"(i) new fixed guideway systems and extensions of such systems for which the net project cost is not more than $75,000,000, in accordance with subsection (e); and

"(ii) projects for new fixed guideway or corridor improvement capital projects, in accordance with subsection (f); and

"(B) the amounts made available under section 5338(b)(4) shall be allocated for capital projects for fixed guideway modernization and bus-related equipment and facilities.

"(3) FIXED GUIDEWAY MODERNIZATION.—The amounts made available for fixed guideway modernization under section 5338(b)(2)(b) for fiscal year 2005 and each fiscal year thereafter shall be allocated in accordance with section 5337.

"(4) PRELIMINARY ENGINEERING.—Not more than 8 percent of the amount described in paragraphs (1) and (2)(A) may be expended on preliminary engineering.

"(B) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1) and (2)(A), $10,000,000 shall be available in each of the fiscal years 2005 through 2009 for capital projects for the acquisition for fixed guideway systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals.

"(6) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATIONS.—In making grants under paragraphs (1)(C) and (2)(B), the Secretary shall consider the age and condition of the buses, bus fleets, related equipment, and bus-related facilities.

"(B) PROJECTS NOT IN URBANIZED AREAS.—Of the amounts made available under paragraphs (1)(C) and (2)(B), not less than 5.5 percent shall be available in each fiscal year for projects that are not in urbanized areas.

"(C) INTERMEDIATE TERMINALS.—Of the amounts made available under paragraphs (1)(C) and (2)(B), not less than 8 percent of the allocation described in paragraphs (1)(C) and (2)(B), including the intercity bus portion of such projects.

"(D) REPORTS.—Each report submitted under subparagraph (A) shall contain—

"(i) an evaluation and rating of the project recommended for funding;

"(ii) a summary of the ratings of all capital investment projects for which funding was requested under this section; and

"(iii) detailed ratings and evaluations on the project of each applicant that had significant changes to the finance or project proposal or has completed alternatives analysis since the date of the latest report; and

"(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

"(1) a summary of the ratings of all capital investment projects for which funding was requested under this section; and

"(2) all relevant information supporting the evaluation and rating of each updated project, including a summary of the financial plan of each updated project.

"(2) BEFORE AND AFTER STUDY REPORTS.—Not later than the first Monday of August of each year, the Secretary shall submit a report containing a summary of the results of the studies conducted under subsection (g)(2) to—

"(B) THE SUBCOMMITTEE ON TRANSPORTATION, TREASURY, AND GENERAL GOVERNMENT OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES; and

"(D) THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.

"(C) CONTRACT PERFORMANCE ASSESSMENT REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of the Federal Public Transportation Act of 2005 and each year thereafter, the Secretary shall submit a report analyzing the consistency and accuracy of cost and ridership estimates made by each contractor to public transportation agencies developing major investment projects to the committees and subcommittees listed under paragraph (3).

"(2) CONTENTS.—The report submitted under subparagraph (A) shall include—

"(i) the cost and ridership estimates made at the time projects are approved for entrance into preliminary engineering with significant changes to the finance or project proposal or changes in the project that was in operation for 2 years.

"(B) ANNUAL REPORT.—The report submitted under subparagraph (A) shall compare the cost and ridership estimates made at the time projects are approved for entrance into final design with actual cost and ridership estimates for projects that were in operation for 2 years.

"(C) ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—

"(A) REVIEW.—The Comptroller General of the United States shall conduct an annual
review of the processes and procedures for evaluating and rating projects and recommending projects and the Secretary’s implementation of such processes and procedures.

(6) CONTRACTOR PERFORMANCE INCENTIVE REPORT.—Not later than 180 days after the enactment of this Act, the Administrator shall submit a report to Congress that summarizes the results of the performance review conducted under subparagraph (A).

(7) CONGRESSIONAL APPROPRIATIONS.—Not later than 90 days after receiving the submission of each report required under paragraph (1), the Comptroller General shall submit a report to Congress that summarizes the results of the review conducted under subparagraph (A).

SEC. 6013. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

"§ 5311. New freedom for elderly persons and persons with disabilities.

(a) General Authority.—

(1) Authorization.—The Secretary may award grants to States for capital public transportation projects that are planned, designed, and carried out to meet the needs of elderly individuals and individuals with disabilities, with priority given to the needs of these individuals to access necessary health care.

(2) Acquisition of Public Transportation Services.—A capital public transportation project under this section may include acquiring public transportation services as an eligible capital cost.

(3) Administrative Costs.—A State may use no more than 15 percent of the amounts received under this section to administer, plan, and provide technical assistance for a project under this section.

(b) Allotments Among States.—

(1) IN GENERAL.—From amounts made available in each fiscal year under subsections (a)(1)(C) and (b)(2)(D) of section 5338 for grants under this section, the Secretary shall allot amounts to each State under a formula based on the number of elderly individuals and individuals with disabilities in each State.

(2) TRANSFER OF FUNDS.—Any funds allotted under paragraph (1) shall be transferred by the Secretary to the State to the extent that grants under this section have been approved and those grants have been certified to the Secretary as meeting the requirements of section 5338.

(c) Reallocation of Funds.—Any funds allotted under this section shall be reallocated by the Secretary to the extent that the minimum share of Federal funding is available in any fiscal year.

(d) Grant Requirements.—

(1) IN GENERAL.—A grant recipient under this subsection shall be subject to the requirements of a grant recipient under section 5307 to the extent the Secretary determines to be appropriate.

(2) CERTIFICATION REQUIREMENTS.—

(A) FUND TRANSFERS.—A grant recipient under this section shall certify that transfers funds to a project under this section, if the project is approved, to the Secretary.

(B) USE OF FUNDS.—Each grant made under this section shall be included in the annual report of the Secretary to Congress required under section 5311(b). The Secretary shall certify to the extent that the Secretary determines is appropriate.

(C) ALLOCATIONS TO SUBRECIPIENTS.—Each grant recipient under this subsection shall certify that allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

(1) STATE PROGRAM.—

(a) Submission to Secretary.—Each State may submit to the Secretary, for approval, a program of transportation projects to the Secretary for approval with an assurance that the program provides for maximum feasible coordination between public transportation services funded under this section and transportation services funded by other Federal sources.

(b) Use of Funds.—Each State may use amounts made available to carry out this program to provide transportation services for elderly individuals and individuals with disabilities if such services are included in an approved State program.

(c) Leasing Vehicles.—Each grant recipient under this section shall be included in a State program for public transportation projects, including agreements with private operators of public transportation services.

(d) Submission to Secretary.—Each State shall annually submit the program described in subparagraph (A) to the Secretary.

(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

"(c) Meal Delivery for Homebound Individuals.—Public transportation service providers receiving assistance under this section shall coordinate meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or regular meal delivery service to public transportation passengers.

(d) Transfers of Facilities and Equipment.—With the consent of the recipient in possession of a facility or equipment acquired with a grant under this section, an Association for Homebound Individuals and Individuals with Disabilities may transfer such facility or equipment to another grant recipient eligible for assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(4) Funds Not Required.—This section does not require that elderly individuals and individuals with disabilities be charged a fee.

(5) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 33 is amended to read as follows: "§ 5310. New freedom for elderly persons and persons with disabilities."
“(A) ESTABLISHMENT.—The Secretary;”
(B) by striking “make” and inserting “use not more than 2 percent of the amount made available to carry out this section to award grants to States;”
(C) by adding at the end the following:
“(B) DATA COLLECTION.—
(1) REPORT.—Each grantee under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—
(I) total annual revenue;
(II) sources of revenue;
(III) total annual operating costs;
(IV) average trip length; and
(V) fleet size and type, and related facilities;
(VI) revenue vehicle miles; and
(VII) ridership;” and
(5) by adding after paragraph (3) the following:
“(4) Of the amount made available to carry out paragraph (3)—
(A) not more than 15 percent may be used to carry out projects of a national scope; and
(B) any amounts not used under subparagraph (A) shall be allocated to the States in accordance with paragraph (4).
(c) APPORTIONMENTS.—Section 5311(c) is amended to read as follows:
“(c) APPORTIONMENTS.—
(1) IN GENERAL.—The Secretary shall allocate to each State an amount equal to the ratio of the population of the State divided by the land area in all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
(B) MAXIMUM APPORTIONMENT.—No State shall receive more than 10 percent of the amount apportioned under paragraph (1).
(2) APPORTIONMENTS BASED ON LAND AREA IN NONURBANIZED AREAS.—Each State shall be apportioned an amount equal to the amount apportioned under paragraph (2)(A) multiplied by the ratio of the land area in areas other than urbanized areas in that State divided by the land area in all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
(B) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under this paragraph.
(3) APPORTIONMENTS BASED ON POPULATION IN NONURBANIZED AREAS.—Each State shall be apportioned an amount equal to the amount apportioned under paragraph (2)(B) multiplied by the ratio of the population of areas other than urbanized areas in that State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
(d) USE FOR ADMINISTRATIVE, PLANNING, AND TECHNICAL ASSISTANCE.—Section 5311(e) is amended—
(1) by striking “and Technical Assistance.”—(I) The Secretary of Transportation and inserting “Planning, and Technical Assistance.—The Secretary;”
(2) by striking “to a recipient;” and
(3) by striking paragraph (2).
(e) INTERCITY BUS TRANSPORTATION.—Section 5311(f) is amended—
(1) in paragraph (1)—
(A) by striking “1)” and inserting the following:
“(1) In General.—”; and
(B) by striking “after September 30, 1993;” and
(2) in paragraph (2)—
(A) by striking “A State” and inserting “After consultation with affected intercity bus service providers, a State;” and
(B) by striking “limit the” and inserting “limitation or”
(3) by redesignating subsections (a)(1) through (e) as (a)(1) through (e), respectively.
(f) GOVERNMENT SHARE OF COSTS.—Section 5311(g) is amended to read as follows:
“(g) GOVERNMENT COSTS.—
(1) MAXIMUM GOVERNMENT SHARE.—
(1) APPLICABILITY.—
(1) IN GENERAL.—Except as provided under clause (2), a grant awarded under this section for any purpose other than operating assistance may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.
(ii) a replacement or depreciation cash fund or reserve;
(iii) a service agreement with a State or local social service agency or a private social service organization; or
(iv) new capital; and
(1) A State described in section 5311(f)(1) is amended by striking “The Secretary may make grants, contracts, cooperative agreements, or other transactions, including agreements with departments, agencies, and instrumentalties of the United States Government for—
(1) research, development, demonstration or deployment projects; or evaluation of technology of national significance to public transportation that the Secretary determines will improve the efficiency of public transportation service or help public transportation service meet the total transportation needs at a minimum cost.
(g) INFORMATION.—The Secretary may request and receive appropriate information from any source.
(5) SAVINGS PROVISION.—This subsection does not limit the authority of the Secretary under any other law.

SEC. 6015. TRANSIT COOPERATIVE RESEARCH PROGRAM.
(a) IN GENERAL.—Section 5313 is amended—
(1) by striking subsection (b); and
(2) in subsection (a)—
(A) in paragraph (1), by striking “—”;
(B) in paragraph (2), by striking “—”;
and
(3) by amending subsection (c) to read as follows:
“(c) GOVERNMENT SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with such benefit.”;
(b) CONFORMING AMENDMENTS.—
(1) SECTION HEADING.—The heading of section 5313 is amended to read as follows:—
“(5313. Transit cooperative research program.”;
(2) TABLE OF SECTIONS.—The item relating to section 5313 in the list of sections for chapter 53 is amended to read as follows:—
“(5313. Transit cooperative research program.”;
SEC. 6016. NATIONAL RESEARCH PROGRAMS.
(a) IN GENERAL.—Section 5314 is amended—
(1) by striking paragraph (a); and
(2) in subsection (a)—
(A) in paragraph (1), by striking “—”;
(B) in paragraph (2), by striking “—”;
and
(3) by amending subsection (c) to read as follows:
“(c) AVAILABILITY OF FUNDS.—The Secretary may use amounts made available under subsections (a)(5)(C)(iv) and (b)(2)(G)(i) of section 5338 for grants, contracts, cooperative agreements, or other transactions for the purposes described in sections 5312, 5315, and 5322:—
(1) AFD COMPLIANCE.—From—
(2) BY AMENDING PARAGRAPH (3) TO READ AS FOLLOWS:—
(3) BY AMENDING PARAGRAPH (3) TO READ AS FOLLOWS:—
(4) SPECIAL DEMONSTRATION INITIATIVES.—The Secretary may use not more than 25 percent of the amounts made available under
paragraph (1) for special demonstration initiatives, subject to terms that the Secretary determines to be consistent with this chapter. For a nonrenewable grant of not more than $50,000, the Secretary shall provide expedited procedures for complying with the requirements of this chapter.

(3) USE OF FUNDS.—Grant funds received under this paragraph may be used to provide transportation services to individuals to access dialysis treatments and other medical treatments for renal disease.

(4) APPOINTMENT.—(A) The Secretary shall, after receiving such applications as it may award demonstration grants, from funds made available under paragraph (1), to eligible entities from communities with renal disease.

(b) Eligible Entities.—An entity shall be eligible to receive a grant under this paragraph if the entity—

(1) meets the conditions described in section 5301(c)(3) of the Internal Revenue Code of 1986; or

(ii) is an agency of a State or unit of local government.

(c) Use of Funds.—Grant funds received under this paragraph may be used to provide transportation services to individuals to access dialysis treatments and other medical treatments for renal disease.

(2) APPLICABILITY.—(i) In General.—Each eligible entity desiring a grant under this paragraph shall submit an application to the Secretary at such time, at such place, and containing such information as the Secretary may reasonably require.

(ii) Selection of Grantees.—In awarding grants under this paragraph, the Secretary shall give preference to eligible entities from communities—

(I) having high incidence of renal disease; and

(ii) limited access to dialysis facilities.

(e) Rulemaking.—The Secretary shall issue regulations to implement and administer the grant program established under this paragraph.

(f) Report.—The Secretary shall submit a report on the results of the demonstration projects funded under this paragraph to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Amendments.—

(1) by striking subsections (a) and (b) and inserting the following:

(A) Establishment.—The Secretary shall award grants to Rutgers University to conduct a national transit institute.

(B) Duties.—

(i) In General.—In cooperation with the Federal Transit Administration, State transportation agencies, transit authorities, and national and international entities, the institute established pursuant to subsection (a) shall develop and conduct training programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aided public transportation.

(ii) Training programs developed under paragraph (1) may include courses in recent developments, techniques, and procedures related to—

(A) intermodal and public transportation planning;

(B) management;

(C) environmental factors;

(D) acquisition and joint use rights of ways;

(E) engineering and architectural design;

(F) procurement strategies for public transportation systems;

(G) turnkey approaches to delivering public transportation systems;

(H) new technologies;

(I) emission reduction technologies;

(J) ways to make public transportation accessible to individuals with disabilities;

(K) construction, construction management, insurance, and risk management;

(L) maintenance;

(M) contract administration;

(N) inspection;

(O) innovative finance;

(P) workplace safety; and

(Q) public transportation security.; and

(2) by amending subsection (b) to read as follows:

(b) Government Share.—If there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other transaction financed under subsection (a) or section 5312, 5313, 5315, or 5322, the Secretary shall establish a Government share consistent with such benefit.

(c) National Technical Assistance Center for Senior Transportation; Alternative Fuels Study.—Section 5314 is amended by adding at the end the following:

(3) CONTENTS.—The study shall consider—

(A) the environmental benefits of increased use of alternative fuels in transit vehicles;

(B) the economic benefits of increased use of alternative fuels in transit vehicles; and

(C) the economic effects of increased use of alternative fuels in transit vehicles.

(d) Authorization of Appropriations.—The Secretary may award demonstration grants to eligible entities to provide services to individuals to access dialysis treatments and other medical treatments for renal disease.

(e) Allocation of Appropriations.—From the funds made available for each fiscal year under subsections (a)(5)(C)(iv) and (b)(2)(G)(iv) of section 5338, $3,000,000 shall be allocated to carry out this subsection.

(f) Authorization of Appropriations for Fiscal Years 2002 through 2006.—The Secretary may award demonstration grants to eligible entities to provide services to individuals to access dialysis treatments and other medical treatments for renal disease.

(2) PROJECTS.—The study conducted under this subsection shall focus on the incentives necessary to increase the use of alternative fuels in public transit vehicles, including buses, fixed guideway vehicles, and ferries.

(g) Authorization of Appropriations.—The Secretary may award demonstration grants to eligible entities to provide services to individuals to access dialysis treatments and other medical treatments for renal disease.

(h) Allocation of Appropriations.—From the funds made available for each fiscal year under subsections (a)(5)(C)(iv) and (b)(2)(G)(iv) of section 5338, $3,000,000 shall be allocated to carry out this subsection.

(i) Authorization of Appropriations for Fiscal Years 2002 through 2006.—The Secretary may award demonstration grants to eligible entities to provide services to individuals to access dialysis treatments and other medical treatments for renal disease.
one facility and inserting “In GENERAL—,

The Secretary shall maintain 1 facility” and

(B) by striking “established by renovating” and inserting “maintained at” and

(2) provide to, by adding the community, by striking “section 5309(m)(1)(C) of this title” and inserting “paragraphs (1)(C) and (2)(B) of section 5309(m)(1)”.

SEC. 6019. BICYCLE FACILITIES.

Section 5319 is amended by striking “[3507(d)(1)(C)]” and inserting “[3507(d)(1)(C)]”.

SEC. 6020. SUSPENDED LIGHT RAIL TECHNOLOGY PILOT PROJECT.

Section 5320 is repealed.

SEC. 6021. CRIME PREVENTION AND SECURITY.

Section 5321 is repealed.

SEC. 6022. GENERAL PROVISIONS ON ASSISTANCE.

Section 5323 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Financial assistance pro-

vided under this chapter for a capital project ac-

quired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in connection with, or in addi-

tion to, transportation service provided by an existing public transportation company, only if the local governmental authority or public transportation operator has violated the agreement required under paragraph (1), the Secretary shall bar the applicant, authority, or operator from receiving Federal transit assistance in any new or expanded project or

in any project the Secretary determines to be appropriate.”;

(B) by striking subsection (a) and inserting the following:

“(2) LIMITATION.—In addition to amending paragraph (2), by striking “220(a)(4) and 142(a)(4)” and inserting “133 and 142.”;

(2) TRANSFER OF LAND.—If 4 months after submitting a request under paragraph (1), the Secretary does not receive a response from the Federal agency described in paragraph (1) that certifies that the proposed appropriation of land is contrary to the public interest or inconsistent with the purposes for which such land has been reserved, or if the head of the Federal agency agrees to the utiliza-

tion or transfer under conditions necessary for the adequate protection and utilization of the reserve, such land or interests in land may be utilized or transferred to a State, local governmental authority, or public transportation operator for purposes and subject to the conditions specified by such agency.

(3) REVERSION.—If at any time the lands or interests in land utilized or transferred under paragraph (2) are no longer needed for public transportation purposes, the State, local governmental authority, or public transportation operator that received the lands or interests in land shall immediately revert to the control of the head of the Federal agency from which the land was originally transferred.”;

(4) by amending subsection (j) to read as follows:

“(j) Transfer of title.—The Secretary may par-

ticipate in the acquisition of real property for a transfer to a State or local governmental authority if the Secretary determines that the proposed appropriation of land is contrary to the public interest or inconsistent with the purposes for which such land has been reserved, or if the head of the Federal agency agrees to the utilization or transfer under conditions necessary for the adequate protection and utilization of the reserve, such land or interests in land may be utilized or transferred to a State, local governmental authority, or public transportation operator for purposes and subject to the conditions specified by such agency.

(5) by amending subsection (k) to read as follows:

“(k) Committee; report.—In any case where the Secretary determines that a recipient of Federal transit assistance has made a false or fraudulent statement or related act in connection with a Federal transit program.”;

(6) by amending subsection (m) to read as follows:

“(m) by adding at the end the following:

“(1) The Secretary shall limit the number of properties acquired under this subsection necessary to avoid any prejudiced to the Secretary’s objective evaluation of project alternatives.

“(2) by amending subsection (o) to read as follows:

“(o) Exemption.—An acquisition under this section shall be exempt project under section 176 of the Clean Air Act (42 U.S.C. 7506).
for chapter 53 is amended to read as follows:

(4) Design-build Projects.
  (1) Defined term.—As used in this subsection, the term ‘design-build project’ means a project combining design and construction.

SEC. 6028. PROJECT REVIEW.
Section 5328 is amended—
(1) in paragraph (1)—

(a) in paragraph (1)—
  (i) by striking ‘(2)’ and inserting the following—
  (D) anything in paragraphs (2) or (3) of subsection (a) of section 5328 to—

(b) in paragraph (2)—
  (A) by striking ‘(3)’ and inserting the following—
  (B) anything in paragraphs (2) or (3) of subsection (a) of section 5328 to—

SEC. 6029. INVESTIGATIONS OF SAFETY AND SECURITY RISK.
Section 5329 is amended—
(a) in general—
  (1) by striking ‘(2)’ and inserting the following—

(b) in paragraph (2)—
  (i) by striking ‘(1)’ and inserting the following—
  (2) anything in paragraphs (2) or (3) of subsection (a) of section 5328 to—

(c) Railroad Corridor Preservation.
(1) In general.—The Secretary may not approve an application to acquire railroad right-of-way under section 5301(e), the Secretary shall cooperate with an applicant under paragraph (1), a recipient with the purposes of the chapter, including improving long-term operating efficiency and lower long-term costs.

SEC. 6024. CONTRACT REQUIREMENTS.
(a) In general.—Section 5324 is amended to read as follows:

SEC. 6025. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

SEC. 6026. PROGRAM REVIEW.
Section 5326 is amended—
(1) in paragraph (1)—

1. (a) in paragraph (1)—
  (i) by striking ‘(2)’ and inserting the following—

(b) in paragraph (2)—
  (i) by striking ‘(3)’ and inserting the following—

2. (a) in paragraph (1)—
  (i) by striking ‘(2)’ and inserting the following—

(b) in paragraph (2)—
  (i) by striking ‘(3)’ and inserting the following—

(c) in paragraph (3)—
  (i) by striking ‘(3)’ and inserting the following—

SEC. 6027. INVESTIGATIONS OF SAFETY AND SECURITY RISK.
Section 5327 is amended—
(a) in general—

(c) Railroad Corridor Preservation.
(1) In general.—The Secretary may assi...
SEC. 5302. LIC TRANSPORTATION SYSTEMS.

(a) Section 5309 of title 49, United States Code, is amended by inserting after subsection (c)(1)(C) the following:

"(2) In paragraph (1), by striking "rail fixed guideway systems" and inserting "rail fixed guideway systems, rail transit systems, or rail fixed guideway systems operated under contract with the Federal Government."

(b) Section 5310 of title 49, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) For each fiscal year under this section, the Secretary may award a grant under section 5333(8) for the following purposes:

(A) to improve, expand, extend, or connect rail fixed guideway systems; or

(B) to purchase equipment or facilities for use in rail fixed guideway systems;"
“(4) For each urbanized area qualifying for an apportionment under paragraph (2), the Secretary shall calculate an amount equal to the difference between the number of revenue passengers served under paragraph (4) divided by the sum of the amounts calculated under paragraph (4) for all urbanized areas qualifying for an apportionment under paragraph (2).

(2) STUDY ON INCENTIVES IN FORMULA PROGRAMS.—

“(1) STUDY.—The Secretary shall conduct a study to assess the feasibility and appropriateness of developing and implementing an incentive funding system under sections 5307 and 5311 for operators of public transportation.

“(2) REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall report on the results of the study conducted under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) CONTENTS.—The report submitted under paragraph (2) shall include—

“(i) an analysis of the availability of appropriate measures to be used as a basis for the distribution of incentive payments;

“(ii) the optimum number and size of any incentive programs;

“(iii) what types of systems should compete for various incentives;

“(iv) how incentives should be distributed; and

“(v) the likely effects of the incentive funding system.

SEC. 6035. APPOINTMENTS FOR FIXED GUIDeway MODERNIZATION.

Section 5337 is amended—

(1) in subsection (a), by striking “For fiscal years 1998 through 2003”;

(2) in subsection (b), by striking “For fiscal year 2007”;

(3) in subsection (c), by striking “$4,111,150”.

SEC. 6036. AUTHORIZATIONS.

Section 5338 is amended to read as follows:

“§ 5338. Authorizations

“(a) FISCAL YEAR 2005.—


“(B) GENERAL FUND.—In addition to the amounts made available under paragraph (A), there are authorized to be appropriated not less than $3,968,000 for fiscal year 2005 to carry out section 5311.

“(C) URBANIZED AREAS.—

“(1) IN GENERAL.—

“A grant or contract that is approved under subparagraph (A) shall include—

“(i) $4,111,150 shall be available to the Alaska Railroad for improvements to its passenger service; and

“(ii) $6,894,400 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

“(3) MICHIGAN.—

“(i) $3,941,526,689 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5316;

“(iv) $173,040,330 shall be available to provide financial assistance for other than urbanized areas under section 5307;

“(v) $3,325,048,327 shall be available to provide financial assistance for urbanized areas under section 5307; and

“(vi) $67,704,000 shall be available for grants under section 5506(k)(5) to the institution identified in section 5505(j)(3)(E), as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2005.

“(B) GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated $97,444,000 for fiscal year 2005 to carry out sections 5307 and 5311.

“(B) ALLOCATION OF FUNDS.—Of the amounts made available or appropriated under this paragraph—

“(1) $4,278,900 shall be available for the Alaska Railroad to provide service.

“(2) For each fiscal year from 2006 through 2010, the Secretary shall carry out amounts according to the plan and data established under section 5307.

“(B) FEDERAL FUNDING.—The Secretary shall carry out amounts appropriated by the Secretary under section 5307.

“(C) URBANIZED AREAS.—

“(1) For each urbanized area that is served under section 5307, the Secretary shall carry out amounts appropriated under paragraph (B).

“(2) For each urbanized area that is served under section 5307, the Secretary shall carry out amounts appropriated under paragraph (B).
“(D) 3.00 percent shall be available to provide financial assistance for services for elderly persons and persons with disabilities under section 5316;

“(E) of the amount shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

“(F) 2.5 percent shall be available to provide financial assistance for other than urbanized areas under section 5311;

“(G) 0.69 percent shall be available to carry out cooperative research programs under section 5313;

“(H) 17.0 percent shall be allocated to carry out transit cooperative research programs under section 5313;

“(i) 7.5 percent shall be allocated to carry out programs under the National Transit Institute under section 5335, including not more than $1,000,000 to carry out section 5315(a)(16);

“(ii) 11.0 percent shall be allocated to carry out the university centers program under section 5503; and

“(iv) any funds made available under this subparagraph that are not allocated under the provisions of clause (i) shall be allocated to carry out national research programs under sections 5312, 5313, 5314, and 5322.

“(g) The amount shall be allocated for each of the fiscal years 2006 through 2009 to carry out section 5316;

“(h) there shall be available to carry out section 5335;

“(i) $3,900,000 in fiscal year 2006;

“(j) $4,200,000 in fiscal year 2007;

“(k) $4,600,000 in fiscal year 2008; and

“(l) $5,000,000 in fiscal year 2009;

“(J) 6.25 percent shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311; and

“(K) 22.0 percent shall be allocated in accordance with section 5337 to provide financial assistance for urbanized areas under section 5307.

“(L) any amounts not made available under subparagraphs (A) through (K) shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307.

“3 UNIVERSITY CENTERS PROGRAM.—

“(A) ALLOCATION.—Of the amounts allocated under subparagraph (D)(i)(II), $1,000,000 shall be available in each of the fiscal years 2006 through 2009 for Morgan State University to provide transportation research, training, and curriculum development.

“(B) REQUIREMENTS.—The university specified under subparagraph (A) shall be considered a University Transportation Center under section 5307, and shall be subject to the requirements under subsections (c), (d), (e), and (f) of such section.

“(C) EXPORT.—In addition to the report required under subparagraph (D)(i) of title 23, and subject to the requirements under subsections (c), (d), (e), and (f) of such section.

“(4) BUS GRANTS.—In addition to the amounts made available under paragraph (1), there shall be reallocated from the Mass Transit Account of the Highway Trust Fund to carry out section 5309(b)(2)(B)—

“(A) $796,977,000 for fiscal year 2006;

“(B) $854,738,000 for fiscal year 2007;

“(C) $920,218,000 for fiscal year 2008; and

“(D) $1,002,678,000 for fiscal year 2009.

“(C) MAJOR CAPITAL INVESTMENT GRANTS.—

“There shall be $1,386,523,000 for fiscal year 2006;

“(2) $1,465,100,000 for fiscal year 2007;

“(3) $1,600,927,000 for fiscal year 2008; and

“(4) $1,744,385,000 for fiscal year 2009.

“(D) ADMINISTRATION.—There shall be available to the Secretary from the Mass Transit Account of the Highway Trust Fund to carry out section 5344—

“(1) $82,986,000 for fiscal year 2006;

“(2) $85,728,000 for fiscal year 2007;

“(3) $94,779,000 for fiscal year 2008; and

“(4) $103,273,000 for fiscal year 2009.

“(E) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) MASS TRANSIT ACCOUNT FUNDS.—A grant or contract approved by the Secretary that is financed with amounts made available under subparagraph (A), or (d) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project.

“(2) APPROPRIATED FUNDS.—A grant or contract approved by the Secretary that is financed with amounts made available under subparagraph (B), (C) or (D) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project only to the extent that amounts are appropriated in advance for such purpose by an Act of Congress.

“(F) AVAILABILITY OF AMOUNTS.—

“(i) There shall be available to carry out section 5334.

“(ii) $4,200,000 in fiscal year 2007;

“(iii) $3,900,000 in fiscal year 2006;

“(iv) any funds made available under this paragraph (1) shall be utilized in accordance with section 5336, and made available for grants under section 5307; and

“(D) HIGHER DENSITY STATE APPORTIONMENTS.—Amounts to be apportioned under subsection (b)(2) shall be as follows:

“(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection each State with a population density in excess of 370 persons per square mile.

“(2) STATE URBANIZED LAND FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated under paragraph (1).

“(3) STATE APPORTIONMENT.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall apportion funds to the State under paragraph (3) divided by the sum of the amounts calculated under paragraphs (1) and (2) for all States qualifying for an apportionment under paragraph (1).

“(4) STATE APPORTIONMENT.—

“(A) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (4) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the ratio of the total population of all urbanized areas in that State divided by the total population of all urbanized areas in that State.

“(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (a) shall be apportioned to that State and added to the amount made available for grants under section 5311.

“(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available for grants under section 5307 among urbanized areas in each State under paragraph (2)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (2)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

“(D) STATE APPORTIONMENTS.—Amounts to be apportioned under subsection (b)(2) shall be as follows:

“(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection each State with a population density in excess of 370 persons per square mile.

“(2) STATE URBANIZED LAND FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated under paragraph (1).

“(3) STATE APPORTIONMENT.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall apportion funds to the State under paragraph (3) divided by the sum of the amounts calculated under paragraphs (1) and (2) for all States qualifying for an apportionment under paragraph (1).

“(4) STATE APPORTIONMENT.—

“(A) IN GENERAL.—The Secretary shall apportion amounts to each State qualifying for an apportionment under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of all urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the Census of Population and Housing that are available for the fiscal year to be covered by the apportionment. The Secretary shall utilize data on urbanized areas and total population from the most recent decennial census.

“(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subsection (a) shall be apportioned to that State and added to the amount made available for grants under section 5311.

“(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available for urbanized areas in each State under paragraph (5)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (5)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307; and

“(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available for urbanized areas in each State under paragraph (5)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (5)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State.
SEC. 6038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) SECTION HEADING.—The section heading for section 3303(g) of the Federal Transit Act of 1966 (49 U.S.C. 5310 note), is amended to read as follows:

**SEC. 3303(g). OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.**

(b) FUNDING.—Section 3303(g) of the Federal Transit Act of 1966 (49 U.S.C. 5310 note) is amended to read as follows:

**‘‘(g) FUNDING.—Of the amounts made available for each fiscal year under subsections (a)(1)(C)(i) and (ii) of section 5334 of title 49, United States Code—**

**(1) 75 percent shall be available, and shall remain available until expended, for operators of over-the-road buses, substan-

tially or exclusively in intercity, fixed-route over-the-road service, to finance the incremental capital and training costs of the Department of Transportation’s final rule regarding accessibility of over-the-road buses; and**

**(2) 25 percent shall be available, and shall remain available until expended, for opera-

tors of over-the-road bus service not described in paragraph (1), to finance the incremen-
tal capital and training costs of the De-

partment of Transportation’s final rule re-

garding accessibility of over-the-road buses.’’**

(b) CONFORMING AMENDMENT.—The item relating to section 3303(b) in the table of contents for the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended to read as follows:

**‘‘Sec. 3308. Alternative transportation in urbanized areas.’’**

SEC. 6040. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS.

(a) IN GENERAL.—The term ‘‘alternative transportation in parks and public lands’’ is amended by inserting after section 5315 the following:

**‘‘§ 5316. Alternative transportation in parks and public lands.**

‘‘(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, or other transaction to carry out a qualified project under this section to enhance the protection of America’s national parks and public lands and increase the enjoyment of those visiting the parks and public lands by ensuring access to all, including persons with disabilities, improving recreation and park and public land opportunities in urban areas through partnering with state and local governments, and improving park and public land transportation infrastructure.

‘‘(b) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

‘‘(2) USE OF FUNDS.—A grant, cooperative agreement, interagency agreement, or other transaction under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrange-

ments that are more cost-effective than pur-

chase or construction.

‘‘(3) The definitions in this section, the follow-

ing definitions shall apply:

**(1) ELIGIBLE AREA.—The term ‘eligible area’ means any federally owned or managed park, refuge, or recreation area that is open to the general public, including—**

**(A) a unit of the National Park System; and**

**(B) a unit of the National Wildlife Refuge System.**

**(C) a recreational area managed by the Bureau of Land Management; and**

**(D) A recreation area managed by the Bureau of Reclamation.**

**(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means a Federal agency that manages an eli-

gible area.**

**(3) ALTERNATIVE TRANSPORTATION.—The term ‘alternative transportation’ means transportation by bus, rail, or any other public or privately owned conveyance that provides to the public general or special service on a regular basis, including sight-

seeing service.**

**(4) QUALIFIED PARTICIPANT.—The term ‘qualified participant’ means—**

**(A) a State land management agency; or**

**(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Fed-

eral land management agency or other Gov-

ernmental or nongovernmental participant.**

**(B) QUALIFIED PROJECT.—The term ‘qual-

ified project’ means a planning or capital project in or in the vicinity of an eligible area that—**

**(A) is an activity described in section 5302, 5303, 5304, 5308, or 5309(a)(1)(A);**

**(B) involves—**

**(i) the purchase of rolling stock that in-

cludes clean fuel technology, or the re-

placement of buses of a type in use on the
date of enactment of this section with clean
fuel vehicles; or**

**(ii) the deployment of alternative transpor-

tation vehicles that introduce innovative
technologies or methods;**

**(C) relates to the capital costs of coordi-

nating the Federal land management agency
gpublic transportation systems with other
gpublic transportation systems;**

**(D) provides a nonmotorized transport-

ation system (including the provision of fa-
cilities for pedestrians, bicycles, and non-

motorized watercraft);**

**(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or**

**(F) is any other alternative transportation project that—**

**(i) enhances the environment;**

**(ii) prevents or mitigates an adverse im-

pact on a natural resource;**

**(iii) improves Federal land management agency

management of facilities;**

**(iv) improves visitor mobility and acces-

sibility and the visitor experience;**

**(v) reduces congestion and pollution (in-

cluding noise pollution and visual pollution); or**

**(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).**

**(c) FEDERAL AGENCY COOPERATIVE AR-

RANGEMENTS.—The Secretary shall develop cooper-

tative arrangements with the Sec-

retary of the Interior that provide for—**

**(1) technical assistance in alternative transportation;**

**(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and**

**(3) the development of procedures and cri-

eria relating to the planning, selection, and

funding of qualified projects and the imple-

mentation and oversight of the program of

projects in accordance with this section.**

**(d) LIMITATION ON USE OF AVAILABLE

AMOUNTS.—**

**(1) IN GENERAL.—The Secretary, in con-

sultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year...
under section 5338(b)(2)(H) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

"(2) In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall:

(A) determine the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

(B) the location of the qualified project, to ensure that the selected qualified projects:

(1) are geographically diverse nationwide; and

(2) include qualified projects in eligible areas located in both urban areas and rural areas;

(C) the size of the qualified project, to ensure that there is a balanced distribution; and

(D) the historical and cultural significance of a qualified project;

(E) safety;

(F) the extent to which the qualified project would:

(i) enhance livable communities;

(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

(iii) reduce congestion; and

(iv) improve the mobility of people in the most efficient manner; and

(G) any other matters that the Secretary considers appropriate to carry out this section, including:

(i) visitation levels;

(ii) the use of innovative financing or joint development strategies; and

(iii) coordination with gateway communities.

(B) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

(1) When a qualified participant carries out any part of a qualified project without assistance under this section, in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if:

(A) the qualified participant applies for the payment; and

(B) the Secretary approves the payment; and

(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications for that part of the project in the same manner as plans and specifications are approved for other projects assisted under this section.

(2) The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

(B) the rate of interest under this paragraph may not exceed the most favorable interest rate reasonably available for the qualified project at the time of borrowing.

(C) The qualified participant shall certify, in a manner to be determined by the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

1. RELATIONSHIP TO OTHER LAWS.—

(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5338(a) to the extent the Secretary determines to be appropriate.

(2) OTHER REQUIREMENTS.—A qualified participant under this section is subject to any other applicable laws, regulations, and requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of financial assistance and the production of real property and equipment resulting from a qualified project assisted under this section.

(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than $25,000,000:

(A) the qualified participant shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement, in accordance with section 5309(m).

(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

(4) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control of, any facilities owned by the Department of Transportation in, and control of, any property acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

(5) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(1) The Secretary, in consultation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government), and other arrangements for research, development, and deployment of new technologies in eligible areas that will:

(A) conserve resources;

(B) prevent or mitigate adverse environmental impact; and

(C) improve visitor mobility, accessibility, and enjoyment; and

(D) reduce pollution (including noise pollution and visual pollution).

(2) The Secretary may request and receive appropriate information from any source.

(3) Grants, cooperative agreements, contracts or other transactions under paragraph (1) shall be awarded from amounts allocated under this section.

(4) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a state infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

(5) REPORTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects pursuant to this section to:

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) ANNUAL AND SUPPLEMENTAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(m).

(b) CONFORMING AMENDMENTS.—The table of sections for chapter 3 is amended by inserting after the item relating to section 5315 the following:

"5316. Alternative transportation in parks and public lands."

(a) In GENERAL.—Notwithstanding any other provision of law, the Secretary shall reduce the total apportionments and allocations made for fiscal year 2005 to each grant recipient pursuant to section 5308 of title 23, United States Code, by the amount appropriated to that grantee pursuant to section 5308 of title 23, United States Code.

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall take into account federal apportionment for fiscal year 2005 to each urbanized area for fixed guideway modernization to reflect the apportionment method set forth in section 5308(a) of title 23, United States Code.

SEC. 4043. DISADVANTAGED BUSINESS ENTERPRISE.

Section 162(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 shall apply to all funds authorized or otherwise made available under this title.

SA 574. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 21. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) In General.—Section 515(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 449) is amended—

(I) by striking "(3) the Secretary shall use for planning, design, construction, or operations;" and

(ii) after the following:

"(3) N O INFERENCE .—For purposes of this section, the term "private use of proceeds or property floor" has the meaning given such term by section 856(a) of the Internal Revenue Code of 1986.

(b) IN GENERAL.—Except as provided in paragraph (1), nothing in this subsection shall be construed to affect the treatment of the private use of proceeds or property floor with obligations issued by the corporation for purposes of section 115 of such Code.

(2) DEFINITIONS.—For purposes of this section:

(1) REAL ESTATE INVESTMENT TRUST.—The term "real estate investment trust" has the meaning given such term by section 856(a) of the Internal Revenue Code of 1986.

(2) NON-OPERATING CLASS III RAILROAD.—The term "non-operating class III railroad" has the meaning given such term by paragraph (1) of section 515 of title 49, United States Code.

(3) STATE.—The term "State" includes—

(A) the District of Columbia and any possession of the United States, and

(B) any authority, agency, or public corporation of a State.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts made available by this section shall apply on and after the date on which a State becomes the owner of all of the outstanding stock of a corporation described in subsection (a) through action of such corporation's board of directors.

(2) EXCEPTION.—This section shall not apply to any State which—

(A) becomes the owner of all of the voting stock of a corporation described in subsection (a) after December 31, 2003; or

(B) becomes the owner of all of the outstanding stock of a corporation described in subsection (a) after December 31, 2006.

SA 575. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subsection B of title II, add the following:

SEC. 21. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) In General.—Section 515(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 449) is amended—

(1) in subparagraph (B)—

(I) in clause (i)—

(II) by striking "Build an" and inserting "Build or integrate an"; and

(III) by striking "2,000,000" and inserting "2,500,000"; and

(ii) in the second sentence—

(I) by striking "200,000 and that" and inserting "300,000," and

(II) by inserting before the period at the end of the following: "and includes major transportation corridors serving that metropolitan area;"

(B) in clause (ii), by striking "shared" and all that follows and inserting "in the intelligent transportation infrastructure system;"

(C) by striking clause (iii); and

(D) by redesigning clauses (iv) and (v) as clauses (iii) and (iv), respectively;

(2) in subparagraph (C)(ii), by striking "July 1, 2002" and inserting "the date that is 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005;"

(3) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) the following "follow-on deployment areas" means the metropolitan areas of Alhambra, Atlanta, Austin, Baltimore, Birmingham, Boston, Charlotte, Chicago, Cleveland, Columbus, Dallas/Ft. Worth, Denver, Detroit, Greensboro, Hartford, Houston, Indianapolis, Jacksonville, Kansas City, Las Vegas, Los Angeles, Miami, Milwaukee, Minneapolis-St. Paul, Nashville, New Orleans, New York/Northern New Jersey, Norfolk, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Sacramento, Salt Lake, San Diego, San Francisco, San Jose, St. Louis, Seattle, Tampa, Tucson, Tulsa, and Washington, District of Columbia;"

(4) in subparagraph (F)—

(A) by striking "Of the amounts;" and

(B) by adding at the end the following:

"(ii) SAFETEA.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $5,000,000 for each fiscal year.

(III) AVAILABILITY.—No reduction or set-aside.—Amounts made available by this subparagraph—

(1) shall remain available until expended; and

(2) shall not be subject to any reduction or set-aside.

(5) by adding at the end the following:

"(IV) USE OF HIGHWAYeway.—

(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3) that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund shall not be subject to any law (including a regulation) of the State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been used for planning, design, construction, or maintenance, if the Secretary of Transportation determines that such use is in the public interest.

(II) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph affects the authority of a State or political subdivision of a State—

(U) to regulate highway safety; or

(V) under sections 230 and 233(b)(7) of the Act of June 19, 1934 (47 U.S.C. 253, 332(c)(7)) (commonly known as the "Communications Act of 1934");"

(b) CONFORMING AMENDMENT.—Section 5204 of the Transportation Equity Act for the 21st Century (23 U.S.C. 562 note; 112 Stat. 453) is amended by striking subsection (k).

SA 576. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subchapter I of chapter 5 of title 23, United States Code (as amended by section 210(a)), add the following:

"513. California University of Pennsylvania Urban Maglev Demonstration Project.

The Secretary shall make available $5,000,000 for the continuation of the California University of Pennsylvania Urban Maglev Demonstration Project.

In the analysis for chapter 5 of title 23, United States Code (as amended by section 210(a)), at the end of the item relating to subchapter I, add the following:

"California University of Pennsylvania Urban Maglev Demonstration Project."
was ordered to lie on the table; as follows:

In section 2001(a)(5), strike "$40,188,679" and insert "$50,188,679".

In the analysis for chapter 5 of title 23, United States Code (as amended by section 210(a)), strike the item relating to section 512 and insert the following:

"512. University bridge research centers.

The Secretary shall establish and implement a university bridge research center program in accordance with this section.

(b) PURPOSES.—The Secretary, in coordination with nonprofit institutions of higher learning, shall encourage and promote specific research on:

(1) advanced highway bridge materials and systems for economical, rapid, and durable repair, replacement, and protection of highway bridges;

(2) technology to monitor and evaluate bridge damage and deterioration to significantly extend the useful life of highway bridges;

(c) BRIDGE CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate university bridge research centers.

(d) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATIONS.—To be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(2) SELECTION CRITERIA.—

(A) IN GENERAL.—Except as otherwise provided by subparagraph (B), the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of—

(i) the demonstrated research and development resources available to the recipient to carry out this section;

(ii) the capability of the recipient to provide leadership in making national and regional improvements in the solution of immediate and long-range bridge deterioration and structure problems;

(iii) the demonstrated commitment by the recipient of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing bridge research and education programs;

(iv) the demonstrated ability of the recipient to disseminate results of bridge transportation research and education programs through a statewide or regionwide program.

(v) the demonstrated ability of the recipient to partner with other institutions that have highway bridge research expertise;

(vi) the demonstrated ability of the recipient to conduct analysis, laboratory testing, and field verification of bridge design through a record of demonstration projects with State transportation departments and private, public and quasi-public bridge authorities;

(vii) the demonstrated record of the recipient in transitioning technology to practitioners;

(viii) the demonstrated record of the recipient in testing full-scale bridge components, facilities, and implementation results in design changes and field verification; and

(ix) the strategic plan that the recipient proposes to carry out under the grant.

(b) PREFERENCE.—Preference shall be given to nonprofit institutions of higher learning located in the 10 States with the worst deficiencies in highway bridges, as ranked by the 2002 Federal Highway Administration National Bridge Inventory.

(2) MAINTENANCE AND REPAIR OF HIGHWAY BRIDGES.—The Secretary shall establish and implement a university bridge transportation center that receives a grant under this section shall conduct:

(A) basic and applied bridge research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in bridge longevity;

(B) an education program that includes multidisciplinary course work and student participation in research; and

(C) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, used, or otherwise applied.

(c) FEDERAL SHARE.

(1) IN GENERAL.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent.

(2) NON-FEDERAL SHARE.

The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

(g) PROGRAM COORDINATION.

(1) IN GENERAL.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section; and

(2) ESTABLISH A CLEARINGHOUSE FOR DISSEMINATION OF THE RESULTS OF THE RESEARCH.

(h) ANNUAL REVIEW AND EVALUATION.—At least annually the Secretary shall review and evaluate programs carried out by grant recipients.

(i) FUNDING LIMITATION.—The Secretary shall use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

(j) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation for 2 years after the last day of the fiscal year for which the funds are made available.

(k) NUMBER AND AMOUNT OF GRANTS.—For each fiscal years 2005, 2006, 2007, 2008, and 2009 the Secretary shall make a grant of $2,000,000 to each of 5 nonprofit institutions of higher education to conduct bridge transportation research.

SA 578. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 15. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101) is amended—

(1) in subsection (c), by adding at the end the following:

"(ii) the strategic plan that the recipient proposes to carry out under the grant.

(b) PREFERENCE.—Preference shall be given to nonprofit institutions of higher learning located in the 10 States with the worst deficiencies in highway bridges, as ranked by the 2002 Federal Highway Administration National Bridge Inventory.

(2) MAINTENANCE AND REPAIR OF HIGHWAY BRIDGES.—The Secretary shall establish and implement a university bridge transportation center that receives a grant under this section shall conduct:

(A) basic and applied bridge research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in bridge longevity;

(B) an education program that includes multidisciplinary course work and student participation in research; and

(C) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, used, or otherwise applied.

(c) FEDERAL SHARE.

(1) IN GENERAL.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent.

(2) NON-FEDERAL SHARE.

The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

(g) PROGRAM COORDINATION.

(1) IN GENERAL.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section; and

(2) ESTABLISH A CLEARINGHOUSE FOR DISSEMINATION OF THE RESULTS OF THE RESEARCH.

(h) ANNUAL REVIEW AND EVALUATION.—At least annually the Secretary shall review and evaluate programs carried out by grant recipients.

(i) FUNDING LIMITATION.—The Secretary shall use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

(j) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation for 2 years after the last day of the fiscal year for which the funds are made available.

(k) NUMBER AND AMOUNT OF GRANTS.—For each fiscal years 2005, 2006, 2007, 2008, and 2009 the Secretary shall make a grant of $2,000,000 to each of 5 nonprofit institutions of higher education to conduct bridge transportation research.

SA 578. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 15. COMPUTATION OF CERTAIN ESTIMATED TAX PAYMENTS.

If the Secretary of Transportation takes into account fiscal year 2005 or any succeeding fiscal year in computing the apportionment of funds pursuant to sections 104 and 105 of title 23, United States Code, for fiscal year 2005 or any succeeding fiscal year, the Secretary shall determine such apportionment by using the amount of estimated tax receipts that the Secretary estimates were realized from the amendments made by section 301 of the American Jobs Creation Act of 2004 taken effect at the beginning of the fiscal year which is so taken into account.

SA 581. Mr. SALAZAR submitted an amendment provided by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

In section 144(in)(2)(A) of title 23, United States Code (as amended by section 105 of title 23, United States Code (as amended by section 301 of the American Jobs Creation Act of 2004) was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 144. TRANSIT SAFETY ACTION PLAN.

If the Secretary of Transportation takes into account fiscal year 2005 or any succeeding fiscal year in computing the apportionment of funds pursuant to sections 104 and 105 of title 23, United States Code, for fiscal year 2005 or any succeeding fiscal year, the Secretary shall determine the apportionment of funds pursuant to sections 104 and 105 of title 23, United States Code, for fiscal year 2005 or any succeeding fiscal year, the Secretary shall determine such apportionment by using the amount of estimated tax receipts that the Secretary estimates were realized from the amendments made by section 301 of the American Jobs Creation Act of 2004 taken effect at the beginning of the fiscal year which is so taken into account.
Mr. INHOFE. 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 Tuesday, April 26, 2005, at 10 a.m., to conduct a hearing on "An Update on Money Services Businesses Under Bank Secrecy and USA Patriot Act Regulation."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. INHOFE. 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 Tuesday, April 26, 2005, at 10 a.m. in SD-430. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "A Bill to create a Fair and Efficient System to Resolve Claims of Victims for Bodily Injury Caused by Asbestos Exposure, and for other Purposes" on Tuesday, April 26, 2005 at 9:30 a.m. in Russell Senate Office Building, Room 232.

Panel I: The Honorable Judge Beckert.

Panel II: The Honorable John Engler, National Association of Manufacturers, Washington, DC.; Mr. Craig Berrington, General Counsel, American Insurance Association, Washington, DC.; Ms. Peg Seminario, Director, AFL-CIO, Washington, DC.; Ms. Carol Morgan, President and General Counsel, National Service Industries, Inc.; Doraville, GA; Mr. Hershel W. Gober, National Legislative Director, Military Order of the Purple Heart, McLean, VA; Dr. Francine Rabinovitz, Hamilton, Rabinovitz & Alschuler, Carmel, CA; Mr. Mark A. Peterson, President, Legal Analysis Systems, Inc., Thousand Oaks, CA; Prof. Eric D. Green, Boston University Law School, Boston, MA.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 26, at 10 a.m. in Room SD-366.

The purpose of the hearing is to receive testimony regarding the status of the Department of Energy's Nuclear Power 2010 Program.

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

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of Tuesday, April 26, 2005, at 2:30 p.m. on the Transportation Security Administration’s FY2006 Budget and pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, April 26, 2005, at 2:30 p.m. on the Transportation Security Administration’s FY2006 Budget and pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, April 26, 2005, at 10 a.m. on the nominations of Maria Cino to be the Deputy Secretary of Transportation, and Phyllis Scheinberg to be Assistant Secretary of Transportation for Budget.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, April 26, 2005, in room SD-430. The meeting will take place in room S 216 (the President’s Room) of the Capitol at 11:45 a.m.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, April 26, 2005, to markup the nomination of Mr. Jonathan B. Perlin to be Under Secretary for Health, Department of Veterans’ Affairs.

The meeting will take place in room S 216 (the President’s Room) of the Capitol at 11:45 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 26, 2005 at 2:30 p.m., to hold a briefing.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Tuesday, April 26, 2005 at 2:30 p.m., in room SD-366.

The purpose of the hearing is to review the preparedness of the Departments of Agriculture and the Interior for the 2005 Wildfire Season, including the agency’s assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies’ ability to deal with the upcoming fire season.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the following staff members of the Joint Committee on Taxation on a list that I send to the desk be given the privilege of the floor for the duration of the deliberation of the Highway Reauthorization and Excise Simplification Act of 2005, provided that no more than four from the list occupy the floor at any given time.

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

The list is as follows:


EXPRESSING SENSE OF CONGRESS ON WORLD INTELLECTUAL PROPERTY DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 28, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 28) expressing the sense of Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LUGAR. Mr. President, today, on World Intellectual Property Day, I rise in support of a resolution I have submitted recognizing the importance of
protecting intellectual property. One of the key benefits of protecting intellectual property is preserving innovation. Only with enforcement of protections will there be incentives for inventors to create and protect their innovations. As the sharing of goods and ideas transcends national boundaries, it is vital that these protections be able to accompany the ideas that they protect globally.

Although most of our trading partners have domestic laws protecting intellectual property piracy and are even parties to agreements which contain intellectual property protections, piracy continues largely due to lack of enforcement. Theft of intellectual property results in competitive disadvantages to U.S. industries and job loss for American workers.

Counterfeiting and digital piracy have increased dramatically in recent years. In addition to the direct impact on the sales and profits of the subject industries, there is also significant harm and deception to consumers who believe they are purchasing legal and legitimate goods. Piracy and counterfeiting of copyrighted products in digital and other formats have grown to an enormous scale because these illegal activities offer a high rate of return with minimal risk to the criminal producing element. This element can conduct piracy with little capital investment, and in many countries, little consequence. Even if apprehended, the penalties may be so minor that they offer no deterrent.

There are various agreements between nations implemented at different levels for the protection of intellectual property. One of these is part of the World Trade Organization, WTO, charter, the Trade Related Aspects of Intellectual Property Rights, TRIPS. Key TRIPS provisions require all WTO members to provide certain minimum standards for protection for patents, copyrights, trademarks, trade secrets, geographical indicators, and other forms of intellectual property. There is also a requirement to provide effective enforcement of each nation’s domestic intellectual property regulations.

Also currently in force are two copyright treaties of the World Intellectual Property Organization: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which went into effect in 2002. These treaties help raise the minimum standards of intellectual property protection around the world, particularly with respect to internet-based delivery of copyrighted works. As with the TRIPS agreement, enforcement of obligations by member countries remains the issue.

This resolution focuses on two nations, China and Russia, with which we have significant trading relationships, yet, are still not offering the necessary enforcement protections. China has become a leading exporter of counterfeit and pirated goods to the world. It is, therefore, critical that we address the issue of protection and enforcement in China. At the April 2004 meeting of the Joint Commission on Commerce and Trade, J CCT, the Chinese Government indicated that it would undertake a series of actions to significantly reduce infringement throughout the country. Despite the investment, these actions have remained at extremely high levels for the past decade, despite numerous actions by the Chinese Government such as the seizure and destruction of millions of pirated products, often by highly publicized show trials of counterfeiters.

China continues to be a growing problem. Only a few pirate optical disc factories existed in Russia in the late 1990s. Reports indicate that there are now over 30 such plants producing pirated products in Russia, representing an indemnity to impunity and dramatically undermining other markets in Europe as well. The Russian Government has made many promises to solve this problem, but meaningful results have yet to occur. Russia recognizes that its domestic laws and enforcement measures still do not meet TRIPS requirements; however, the required legislation has not been implemented. We should encourage the Government of Russia to act promptly and implement these measures that can fully comply with the rules of the WTO.

The problem of protecting intellectual property is evident. Going forward, our focus should be on the solutions. What enforcement methods should be utilized that have not been thus far? Should our international agreements and treaties with our trading partners be better utilized to ensure enforcement of intellectual property rights laws? Some progress has been made in these areas, yet there is much more ground to cover. I encourage the administration to ensure that our trading partners fulfill their commitments and agreements to abide by global intellectual property rules.

I ask unanimous consent that relevant material be printed in the RECORD.

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

[From the International Intellectual Property Alliance, Apr. 26, 2005]

STATEMENT OF THE INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE CELEBRATING WORLD INTELLECTUAL PROPERTY DAY

WASHINGTON, DC—The International Intellectual Property Alliance (IIPA), a coalition of six trade associations representing 1,300 U.S.-based copyright companies, today celebrates 2005 World Intellectual Property Day. Eric H. Smith, President of IIPA, issued the following statement:

“The theme for 2005’s World Intellectual Property Day is ‘Think, Imagine, Create.’ This message reflects the philosophy of the World Intellectual Property Organization (WIPO), Kamil Idris, is directed at the world’s young people to build awareness about the importance of creativity—and the protection of the intellectual property that supports that creativity—to the daily lives of global citizens. Without providing this protection, many of the great cultural and technological assets that we now take for granted would never have been available to us.

The protection of intellectual property is preserving innovation. Only with enforcement of protections will there be incentives for inventors to create and protect their innovations. As the sharing of goods and ideas transcends national boundaries, it is vital that these protections be able to accompany the ideas that they protect globally.

Although most of our trading partners have domestic laws protecting intellectual property piracy and are even parties to agreements which contain intellectual property protections, piracy continues largely due to lack of enforcement. Theft of intellectual property results in competitive disadvantages to U.S. industries and job loss for American workers.

Counterfeiting and digital piracy have increased dramatically in recent years. In addition to the direct impact on the sales and profits of the subject industries, there is also significant harm and deception to consumers who believe they are purchasing legal and legitimate goods. Piracy and counterfeiting of copyrighted products in digital and other formats have grown to an enormous scale because these illegal activities offer a high rate of return with minimal risk to the criminal producing element. This element can conduct piracy with little capital investment, and in many countries, little consequence. Even if apprehended, the penalties may be so minor that they offer no deterrent.

There are various agreements between nations implemented at different levels for the protection of intellectual property. One of these is part of the World Trade Organization, WTO, charter, the Trade Related Aspects of Intellectual Property Rights, TRIPS. Key TRIPS provisions require all WTO members to provide certain minimum standards for protection for patents, copyrights, trademarks, trade secrets, geographical indicators, and other forms of intellectual property. There is also a requirement to provide effective enforcement of each nation’s domestic intellectual property regulations.

Also currently in force are two copyright treaties of the World Intellectual Property Organization: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which went into effect in 2002. These treaties help raise the minimum standards of intellectual property protection around the world, particularly with respect to internet-based delivery of copyrighted works. As with the TRIPS agreement, enforcement of obligations by member countries remains the issue.

This resolution focuses on two nations, China and Russia, with which we have significant trading relationships, yet, are still not offering the necessary enforcement protections. China has become a leading exporter of counterfeit and pirated goods to the world. It is, therefore, critical that we address the issue of protection and enforcement in China. At the April 2004 meeting of the Joint Commission on Commerce and Trade, J CCT, the Chinese Government indicated that it would undertake a series of actions to significantly reduce infringement throughout the country. Despite the investment, these actions have remained at extremely high levels for the past decade, despite numerous actions by the Chinese Government such as the seizure and destruction of millions of pirated products, often by highly publicized show trials of counterfeiters. As a fellow member of the WTO, we must ensure that China fulfills its commitments to enforce intellectual property protections under the rules of the WTO.

Piracy in Russia continues to be a growing problem. Only a few pirate optical disc factories existed in Russia in the late 1990s. Reports indicate that there are now over 30 such plants producing pirated products in Russia, representing an indemnity to impunity and dramatically undermining other markets in Europe as well. The Russian Government has made many promises to solve this problem, but meaningful results have yet to occur. Russia recognizes that its domestic laws and enforcement measures still do not meet TRIPS requirements; however, the required legislation has not been implemented. We should encourage the Government of Russia to act promptly and implement these measures that can fully comply with the rules of the WTO.

The problem of protecting intellectual property is evident. Going forward, our focus should be on the solutions. What enforcement methods should be utilized that have not been thus far? Should our international agreements and treaties with our trading partners be better utilized to ensure enforcement of intellectual property rights laws? Some progress has been made in these areas, yet there is much more ground to cover. I encourage the administration to ensure that our trading partners fulfill their commitments and agreements to abide by global intellectual property rules.

I ask unanimous consent that relevant material be printed in the RECORD.

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

[From the International Intellectual Property Alliance, Apr. 26, 2005]

STATEMENT OF THE INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE CELEBRATING WORLD INTELLECTUAL PROPERTY DAY

WASHINGTON, DC—The International Intellectual Property Alliance (IIPA), a coalition of six trade associations representing 1,300 U.S.-based copyright companies, today celebrates 2005 World Intellectual Property Day. Eric H. Smith, President of IIPA, issued the following statement:

“The theme for 2005’s World Intellectual Property Day is ‘Think, Imagine, Create.’ This message reflects the philosophy of the World Intellectual Property Organization (WIPO), Kamil Idris, is directed at the world’s young people to build awareness about the importance of creativity—and the protection of the intellectual property that supports that creativity—to the daily lives of global citizens. Without providing this protection, many of the great cultural and technological assets that we now take for granted would never have been available to us.

The protection of intellectual property is preserving innovation. Only with enforcement of protections will there be incentives for inventors to create and protect their innovations. As the sharing of goods and ideas transcends national boundaries, it is vital that these protections be able to accompany the ideas that they protect globally.

Although most of our trading partners have domestic laws protecting intellectual property piracy and are even parties to agreements which contain intellectual property protections, piracy continues largely due to lack of enforcement. Theft of intellectual property results in competitive disadvantages to U.S. industries and job loss for American workers.

Counterfeiting and digital piracy have increased dramatically in recent years. In addition to the direct impact on the sales and profits of the subject industries, there is also significant harm and deception to consumers who believe they are purchasing legal and legitimate goods. Piracy and counterfeiting of copyrighted products in digital and other formats have grown to an enormous scale because these illegal activities offer a high rate of return with minimal risk to the criminal producing element. This element can conduct piracy with little capital investment, and in many countries, little consequence. Even if apprehended, the penalties may be so minor that they offer no deterrent.

There are various agreements between nations implemented at different levels for the protection of intellectual property. One of these is part of the World Trade Organization, WTO, charter, the Trade Related Aspects of Intellectual Property Rights, TRIPS. Key TRIPS provisions require all WTO members to provide certain minimum standards for protection for patents, copyrights, trademarks, trade secrets, geographical indicators, and other forms of intellectual property. There is also a requirement to provide effective enforcement of each nation’s domestic intellectual property regulations.

Also currently in force are two copyright treaties of the World Intellectual Property Organization: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which went into effect in 2002. These treaties help raise the minimum standards of intellectual property protection around the world, particularly with respect to internet-based delivery of copyrighted works. As with the TRIPS agreement, enforcement of obligations by member countries remains the issue.

This resolution focuses on two nations, China and Russia, with which we have significant trading relationships, yet, are still not offering the necessary enforcement protections. China has become a leading exporter of counterfeit and pirated goods to the world. It is, therefore, critical that we address
trade agreements (including, where appropriate, WTO commitments) as well as terms regulating benefits such as the Generalized System of Preferences (GSP) program, to protect the intellectual property rights of American businesses.

AAP President and CEO Pat Schroeder congratulated Senators Lugar and Baucus for focusing attention on the serious threat of international piracy. “Chinese pirates are decimating markets for legitimate commercial best sellers, academic arid professional works, and educational materials. Russia leads its region in consumption of pirated books in both English and translation, and the impact on American publishers, as demand for English language materials grows in the region. Piracy cost American publishers an estimated $50 million last year in China, and $42 million in Russia, and the situation is worsening with the growth of the Internet as a distribution channel for pirated works,” Mrs. Schroeder said. “In marking World Intellectual Property Day, this strong statement of the sense of the Congress stressing the importance of protecting intellectual property rights, particularly in China and Russia where piracy and counterfeiting are rampant.”

“I thank Senator Lugar and Senator Baucus for their leadership role in fighting for intellectual property rights across the globe.”

“Of course, my special concern is protecting the magic of the movies. Our industry loses $3.5 million each year through hard goods piracy, and billions more in internet piracy. If the black market is allowed to flourish and if thieves are allowed to continue to steal our products, it makes it more and more difficult to make the movies that entertain people the world over.”

“But this isn’t just about the movies. As the motion picture industry, we are simply products of the creative industry. Without intellectual property rights, it can to ensure that our trading partners vigorously enforce the treaties and other commitments they make to the United States, and it is our hope that your Senate colleagues will join you in sending that message by supporting the Lugar-Baucus Resolution.”

Very truly yours,

ZACH HOBORNE,
President and COO.

(From the Recording Industry Association of America, April 26, 2005)

STATEMENT ON WORLD INTELLECTUAL PROPERTY DAY

On behalf of America’s music community, we wish to thank Chairman Lugar and Senator Baucus for the resolution that they have jointly introduced today, highlighting the need for greater vigilance in the fight against piracy in global markets. In particular, there is a urgent need to direct attention to the threat that piracy and counterfeiting poses to U.S. businesses due to stifling piracy rates. As the Senators aptly mention, piracy in these markets and elsewhere, breed and encourage the world “—open, notorious and permitted to operate without meaningful hindrance from the government.”

There may be no single economic issue that has a greater bearing on American competitiveness in the 21st century than the protection of intellectual property. As such, it is imperative that we not shy away from demands that our trading partners meet their obligations under international agreements as well as participating in US. trade programs affording unilaterally extended trade benefits. We simply cannot enter into political arrangements that fail to protect our greatest economic assets.

On the occasion of World Intellectual Property Day, we wish to call upon the Russian and Chinese governments to reform their approach to this critical issue and to begin to seriously address the rampant piracy that is so endemic in their societies today. It is of utmost importance that the Sino-U.S. and U.S.-Russia relationships are built upon a mutual understanding of shared obligations and a strong commitment to embracing and enforcing the rule of law. While we very much want to see Russia join the community of nations bound to one another in the World Trade Organization, negotiations cannot conclude without marked improvement and the commitment of the Russian government to the protection of intellectual property.

We also wish to express our great concern about the level of employment in the heath care sector and the apparent determination of the Chinese government to limit the ability of U.S. companies to meaningfully engage in the Chinese market. At present, the Chinese government continues to maintain significant barriers to entry for some of our nation’s most competitive industries, particularly in the area of music and film production and distribution. In addition, the government continues to permit Chinese pirate businesses to be built on the back of American creativity. Without question, these practices must change if China wishes to maintain a secure and stable relationship with the United States.

Mr. BAUCUS. Mr. President, the theme of this year’s World Intellectual Property Day, which we commemorate today, is “Think, Imagine, Create.” Words are the center of what makes America great and what continues to drive our progress. American thought produced our Constitution and our system of government. American imagination put a person on the moon. And American creativity has made U.S. culture the envy of the world.

It is astounding how important intellectual property has become in our everyday life. It is even more astounding how without intellectual property for granted. Without copyrights, who would want to write the books we read, produce the movies we watch, or compose the music that fills our ears?

Without trademarks, who would want to invest the enormous time, energy, and resources required to develop a brand name synonymous with quality and reliability?

And without patents, who would have the incentive to innovate and produce inventions that change our world and save our lives?

Intellectual property rights are not just some abstract legal concept the sole province of lawyers and judges. They are an essential motor of our economy.

This is true not just at the copyright industry. These are the folks who produce newspapers, books, movies, computer software, and radio/TV broadcasting. This industry alone accounts for 12 percent of our gross domestic product. That’s $2.25 trillion.

If these numbers don’t impress, then let’s look at the impact the copyright industries have on U.S. jobs. They alone employ roughly 11.5 million workers. That is nearly 8.5 percent of total U.S. employment. Believe it or not, this number approaches the level of employment in the health care sector or the entire manufacturing sector. And between 1997 and 2002, the rate of
job growth in the copyright industry exceeded that of the U.S. economy as a whole.

That is why protecting intellectual property rights worldwide is critical. It is not just a concern for the overall health of the U.S. economy. And it is not just a concern of this or that company. It is a concern of each and every worker that the intellectual property industries employ. And it is a concern of each and every one of us that enjoys going to the latest movie, likes wearing a hip new pair of Nike shoes, or needs the most innovative life saving drug.

Unfortunately, while we have a robust legal system in America, some of our trading partners do not. In certain countries, IP theft is rampant.

China is probably the most notorious example. USTR reports that counterfeiting and piracy in China are at “epidemic levels” and that piracy there is vast and pervasive. They send the chilling message that our workers, and the creativity and intellectual property rights that they create, are not important and not worthy of protection. Among other things, this resolution urges the administration to use all effective remedies to address the lack of intellectual property protection. It also urges the administration to take action to ensure that China, Russia, and our other trading partners comply with their international trade obligations.

Think, imagine, create, that is the theme of this year’s Intellectual Property Day. I hope that next year we can celebrate an improved global environment that truly fosters these important aspirations.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 28, as ordered.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 28

Whereas protection of intellectual property is vital to America’s economic competitiveness, cultural diversity, health and scientific development;

Whereas the United States economy depends increasingly on the work of authors, artists, inventors, programmers, and many others who create intellectual products of high value;

Whereas theft of intellectual property results in competitive disadvantages to United States industries and job losses for American workers, and for the United States economy as a whole;

Whereas the copyright industries employ approximately 11,500,000 workers or 8.41 percent of total employment in the United States industries and 14,500,000 workers or 11 percent of total employment in the entire manufacturing sector (14,500,000 workers in 21 manufacturing industries);

Whereas there is great concern about the failure of many of our trading partners to live up to their international obligations in the area of intellectual property protection;

Whereas counterfeiting of copyrighted products in digital and other formats, as well as counterfeiting of all types of trademarked products, has grown to an enormous scale;

Whereas the simultaneous protection of intellectual property and health care is an important aspiration.

In my view, we are long overdue in initiating a WTO case with China for its failure to comply with its obligations under the WTO’s TRIPS agreement, particularly in the area of copyrights.

In my view, we should not give a green light to Russia’s bid to join the WTO until Russia makes visible and sustained improvements to its legal regime as well as a demonstrable commitment to long-term enforcement.

And in my view, we should not continue to give serious to intellectual property deficiencies, like Russia and Brazil, GSP benefits until they clean up their act.

That is why I am today cosponsoring with Senator LUGAR a sense-of-the-Senate resolution on the importance of protecting intellectual property.

Among other things, this resolution urges the administration to use all effective remedies to address the lack of intellectual property protection. It also urges the administration to take action to ensure that China, Russia, and our other trading partners comply with their international trade obligations.

Resolved by the Senate (the House of Representa- tives concurring), That:

(1) The Administration should utilize effective remedies and solutions in addressing the lack of intellectual property protection in China and Russia, using all available tools provided by Congress;

(2) The Administration should ensure that any country that enjoys benefits under the Generalized System of Preferences (GSP) program, such as Russia, lives up to its obligations to provide adequate and effective protection for intellectual property rights, or lose its eligibility to participate in trade preference programs;

(3) The Administration should ensure that action is taken against any country with which the United States shares mutual commitments under the WTO, such as China, when the country fails to live up to its WTO commitments;

(4) The Administration should urge Russia to promote measures to enforce intellectual property protection which will enable compliance with the intellectual property commitments required by its membership in the World Trade Organization (WTO);

(5) The President should take any additional action the President considers appropriate to protect the intellectual property rights of United States businesses.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 125, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

Resolution (S. Res. 125) commending the University of Minnesota Golden Gophers women’s ice hockey team for winning the 2001-2005 National Collegiate Athletic Association Division I Women’s Hockey Championship.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed
Ms. Natalie Lamme

Resolved, That the Senate—
(1) commends the University of Minnesota Golden Gophers women’s ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team: Now, therefore, be it

Whereas the University of Minnesota Golden Gophers’ women’s ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team.

Whereas Ms. Krissy Wendell was honored with the prestigious Patty Kazmaier Award, which is presented annually to the Nation’s most outstanding women’s collegiate hockey player.

Whereas Ms. Natalie Darwitz, Ms. Lyndsay Wall, and Ms. Krissy Wendell were selected for the 2004-2005 NCAA All-Tournament Team, and Ms. Darwitz was named the tournament’s Most Valuable Player;

Whereas Ms. Lyndsay Wall, Ms. Krissy Wendell, and Ms. Natalie Darwitz were named to the CCM Women’s University Division I Ice Hockey All-American First Team, and Ms. Jody Horak was named to the CCM Women’s University Division I Ice Hockey All-American Second Team;

Whereas the team’s seniors—Ms. Jody Horak, Ms. Brenda Reinen, Ms. Kelly Stephens, Ms. Noelle Sutton, and Ms. Stacy Troumbly—made tremendous contributions to the University of Minnesota Golden Gophers’ women’s ice hockey program throughout their collegiate careers;

Whereas Ms. Ashley Albrecht, Ms. Chelsey Brodt, Ms. Natalie Darwitz, Ms. Whitney Graft, Ms. Jody Horak, Ms. Krista Johnson, Ms. Natalie Lamme, Ms. Erica McKenzie, Ms. Anya Miller, Ms. Andrea Nichols, Ms. Liz
HONORING LEON J. SYLVESTER ON THE OCCASION OF HIS RETIREMENT

IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join family, friends, community leaders, and colleagues in extending my sincere thanks and appreciation to Leon J. Sylvester as he celebrates his retirement after 43 years of dedicated service as an educator and administrator in the Shelton Public School System.

I have often spoken of our Nation’s need for talented, creative educators ready to help our children learn and grow. Leon Sylvester has been just that kind of educator and administrator. In a career that has spanned five decades, Mr. Sylvester has involved himself in the education of young people at nearly every level. The Shelton community—especially its young people—has benefited from his unparalleled service.

Beginning his career as an elementary school teacher, Mr. Sylvester also served as a Social Studies teacher and Guidance Counselor before becoming the Director of Career, Vocational and Educational Training. In each of these positions, he helped to prepare young people for their futures by providing them with the fundamental tools they would need to succeed. He spent the first three decades of his career developing a distinguished reputation as an innovative educator and progressive administrator, which resulted in his elevation to Superintendent of Schools.

In his 14 years as Superintendent of Schools, Mr. Sylvester’s leadership has led to significant improvements in both the physical school buildings as well as the programs offered by the school system. He founded the Student Mentoring Program and participates as a mentor, instituted the Alternative Education Program, and began an early reading intervention program for at-risk students in the primary grades. During his tenure he also established the long-range school facilities and capital improvement plan, oversaw the addition of media centers in Shelton’s elementary schools, as well as the construction of a new intermediate school. His many contributions have created an enriched learning environment for all of Shelton’s children—a legacy that will continue to make a difference in the lives of students for years to come.

In addition to his years of service to the Shelton Public School system, Mr. Sylvester has also been deeply involved in the community. He has held a seat on the City’s Planning and Zoning Commission for nearly 20 years, serving as Chair for 6 years. He has had an integral role as a corporator for such organizations as the Hewitt Management Corporation, the Birmingham Group, Griffin Hospital, and the Shelton Boys & Girls Club—all organizations that have had a positive impact on the community. He has also served on the Board of Directors for the Valley Instructional Network for Education, as the Education Chair for the Valley United Way, and has been involved with the Valley Substance Abuse Action Council. Through all of these efforts, Mr. Sylvester has demonstrated a unique and consummate dedication to public service. I have no doubt that he will continue in these efforts even after his retirement.

Educator, administrator, advocate, and community leader, Leon Sylvester has dedicated a lifetime of commitment to the City of Shelton and its residents. He has left an indelible mark—a model of all that a community member should be and an example to which we should all aspire. I am proud to rise today to join his wife, Barbara, children, grandchildren, family, friends, and colleagues in congratulating Leon J. Sylvester as he celebrates his retirement. My very best wishes for many more years of health and happiness.

TRIBUTE TO PERCY GREEN II, CIVIL AND HUMAN RIGHTS ACTIVIST

IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Percy Green II who was among those outstanding Americans recently celebrated in the “Voices of Civil Rights” exhibit at the Library of Congress. It featured oral histories and photographs taken during the Voices of Civil Rights bus tour, which began in Washington, DC, on August 3, 2004. This 70-day tour through 22 states and 30 cities followed part of the route of the 1961 Freedom Rides to Jackson, Mississippi.

Mr. Green is a great St. Louisan who has earned a place in our Nation’s history for his role in the fight to end racial discrimination. In an interview with the St. Louis Post-Dispatch, Mr. Green said: “I realized that poor people and less fortunate people were not poor and less fortunate by choice. When I was able to realize there was such a thing that was called the white power structure, and it had a face and it was tangible, then of course, that was when I felt that it needed to be targeted.”

In the early 1960s, Mr. Green was one of the few working class members of CORE, the Congress of Racial Equality. He was then an aircraft electrician—which he learned by correspondence—at the McDonnell-Douglas Corporation. He took it upon himself to help other African Americans find decent jobs and so he founded the Action Council to Improve Opportunities for Negroses (ACTION). ACTION targeted local St. Louis corporations and government bodies to expose job discrimination and demand better jobs for minorities. In numerous acts of civil disobedience they marched, sat-in, protested, disrupted and lobbied for a fair share of America’s promise. Many St. Louisians still remember that organization’s first public demonstration when Mr. Green and a white man climbed up a leg of the St. Louis Gateway Arch while it was under construction. ACTION served as the central organization for desegregating working class jobs well into the 1980s.

The list of actions taken by Mr. Green on behalf of his fellow citizens is long indeed. Even today, at age 69, he remains deeply committed to ending injustice and protecting human rights. His great courage, personal sacrifice and vision have earned Percy Green national recognition and praise.

Mr. Speaker. I am honored to recognize Mr. Percy Green II before the U.S. House of Representatives for his lifetime achievements in the civil rights movement. He is among my heroes and I am proud to salute him for his many lasting contributions to both our community, and to the Nation.

ENERGY POLICY ACT OF 2005

SPEECH OF HON. DEBORAH PRYCE
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 21, 2005

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

Ms. PRYCE of Ohio. Mr. Chairman, I rise to express some concerns that I have with the Ford amendment. I support the concept of promoting production of fuel efficient vehicles and encouraging the creation of U.S. jobs. But there are some issues that should be clarified as the bill proceeds to conference. I understand it is Congressman Ford’s intention that any manufacturer producing vehicles in the United States would be eligible for funds under this program. That is encouraging and that intention needs to be made clear in the final statutory language even before conference.

There are other terms that need additional clarification as well. What is meant by an “efficient hybrid” and an “advanced diesel vehicle” if we are going to subsidize production, we should incentivize only the most efficient vehicles that reduce our nation’s dependence on foreign oil.

In addition, I am concerned that the consumer incentives provided by this legislation are to be provided by the manufacturer, I am not sure how that would work logically. The mechanism for distributing the incentives should be further refined.

And finally, before we enact this provision into law, we need an opinion from the Office of the United States Trade Representative as to whether it is consistent with our international obligations under the World Trade Organization and the North American Free Trade Agreement.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. BURGESS. Mr. Speaker, I rise today to commend the Lady Marauders of Marcus High School in Flower Mound, located in the 26th Congressional District of Texas, on their State Soccer Championship.

The Lady Marauders were coached to victory over North Mesquite by Kevin Albury who described his successful team as being very close-knit, "It's taken six years, but we finally did it. We said this was our time to do it, and our girls came ready to play."

This May, 14 of the winning players will graduate. Twelve of the 14 will continue their soccer careers at the collegiate level; a fact that demonstrates the high caliber of the team. The win marked the Lady Marauder's first state title and third trip to the 5A state finals.

I am proud of these young ladies for their hard work and dedication to the sport of soccer. I am honored to represent these students, and their parents, teachers and especially their coaches, Waylon Albury. They are wonderful representatives of the great State of Texas, and I know that the Marcus Lady Marauders will continue to see many future successes.

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

Beginning on April 24, 1915, the Armenian Genocide was a horrific act of mass violence that should be remembered in infamy as one of the most egregious violations of human rights to ever befall this planet.

It is altogether fitting that we should commemorate this horrible tragedy, and that we should take note of a further outrage: that the government of Turkey, as well as that of these United States, to this day—90 years after the crimes began—has failed to recognize the slaughter for what it was: genocide.

We are speaking of the murder of one-and-a-half million people.

Torture, starvation, death marches, the killing of innocent civilians—all crimes against humanity and completely deserving of the world’s condemnation.

Today, I join my colleagues from the Congressional Caucus on Armenian Issues in calling upon the administration and the government of Turkey to formally recognize the Armenian genocide. Its time has come.
ENGINEERING A SOLUTION: BRING WOMEN INTO THE FOLD

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. LOFGREN of California. Mr. Speaker, amidst the controversy surrounding recent disparaging remarks regarding women in science, I was encouraged to read an editorial from a shining star in Silicon Valley. Carol Bartz, the President and CEO of Autodesk and a member of the President's Council of Advisers on Science and Technology. Ms. Bartz is right, while the controversy of women in science rages on, ‘‘unless we bring the other half of our population [women] into the engineering ranks, that [U.S.] leadership in [engineering] inevitably will evaporate.’’

I would like to include Ms. Bartz’ editorial, printed in the San Jose Mercury News on March 24, 2005, in the RECORD.

(From the San Jose Mercury News, Mar. 24, 2005, extension)

ENGINEERING A SOLUTION: BRING WOMEN INTO THE FOLD
(By Carol Bartz)

Last week, Harvard University President Lawrence Summers suffered the sting of a faculty no-confidence vote, stemming from his remarks in January about women in science.

But every day, U.S. companies and the U.S. economy suffer the far more significant sting of girls avoiding science and engineering career paths in droves.

Despite interesting work and excellent pay—an average of $91,000 a year, almost twice U.S. median household income—employers are begging people to fill positions. Yet just one in 10 engineers is a woman, a far worse track record than science or math.

Why are girls who are fully capable of planning cities, designing jet engines or creating the next iPod avoiding engineering? Is it some biological difference in the female brain, the premise that cost Summers so dearly? Or is it simply a lack of encouragement during those crucial teen years when career paths are formed?

Does it matter?

Even with top salaries, the free-market supply of electrical and mechanical engineers is well below U.S. demand. Something is clearly wrong. The answer is obvious: We are relying on archaic, boys’ club traditions to supply an industry that instead should serve as a role model for pure efficiency and reason. And we risk global competitiveness as a result.

No responsible CEO would try to build a business by ignoring the value of half her available capital. That would abrogate her responsibility to shareholders, employees and customers. Yet the engineering world is engaged in precisely this irresponsible corporate behavior by failing to take advantage of one-half of the available human ‘‘capital.’’

And in America we do so at our peril, because a competent storm is brewing.

On one side of our nation looms international competition in engineering-depend-ent industries we once dominated. The only answer to maintaining our competitive edge is to use our engineering expertise to create innovation.

Looming on the other side is an immense gap between the ranks of American engineers and other engineers who are working hard to encourage women to join the ranks of American engineers. As for the ‘‘cool,’’ this weekend, San Jose State University will host the regional round of the FIRST Robotics competition, offering high school students (girls included!) the opportunity to solve engineering design problems using robotics.

For more than a century, America’s global economic leadership has rested on innovation by our engineers, the best in the world. Through them, we have been able to meet tremendous challenges, building the world’s most complex infrastructure, some of the world’s largest and most important cities and products that have changed the lives of people everywhere. Unless we bring the other half of our population into the engineering ranks, that leadership inevitably will evaporate.

ARMENIAN GENOCIDE

HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to the 1.5 million Armenian men, women and children who lost their lives during the Armenian Genocide.

April 24th marks the anniversary of one of the darkest tragedies in human history—one that must be properly commemorated as the first genocide of the 20th century. On this day ninety years ago, the Ottoman Turk regime began rounding up hundreds of Armenian intellectuals and political leaders to be deported or executed. Thousands more Armenians were killed in their homes or on the streets. For five years, the brutal regime carried out the systematic destruction of the Armenian people through forced labor, concentration camps, and death marches, until millions were dead or exiled.

As we look back on the bloodshed and atrocities committed against the Armenian people, we must publicly acknowledge the weight of this human tragedy. I am disappointed that President Bush failed to characterize the brutal massacre of the Armenian people as a genocide in his annual commemoration address. To deny this truth is to
dishonor the memories of the millions of Armenian who lost their lives to ethnic cleansing.

The April 24th remembrance of the Armenian Genocide is also a reminder of the responsibility of all nations to stop these human tragedies from reoccurring. Today, a genocide is taking place in the Darfur region of Sudan. It has resulted in the murders of at least 70,000 innocent civilians, the internal displacement of 1.9 million, and the forced exile of 200,000. The international community must act now before Darfur reaches the scale of the Armenian Genocide.

Massachusetts' Armenian community, much of which I have the honor of representing, is committed to raising awareness of the tragedy that befall Armenians of the Ottoman Empire. Every year, survivors and their descendants participate in commemoration services across the Merrimack Valley to shed light on this dark tragedy. In my hometown of Lowell, the Armenian-American Veterans Honor Guard leads a procession to City Hall for a flag raising ceremony.

Every year, survivors and their descendants participate in commemoration services across the Merrimack Valley to shed light on this dark tragedy. In my hometown of Lowell, the Armenian-American Veterans Honor Guard leads a procession to City Hall for a flag raising ceremony. Through these observances, we will never forget the truth.

RECOGNIZING THE CAREER AND CONTRIBUTIONS OF ROBERT MINEHARDT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. HOLT. Mr. Speaker, I rise today to congratulate Robert Minehardt, a distinguished educator at Shrewsbury Borough School, on his retirement after forty years of dedicated service to educating up to three generations of local families.

Robert Minehardt has become a vital part of the Shrewsbury community as he has held nearly every leadership position available to a teacher. Since beginning his career in 1965, he has taught fifth and sixth grades, as a general education teacher and then as a science teacher. Mr. Minehardt has also served as vice-principal for more than 10 years, and also, for a short period as the acting superintendent. He has been the Shrewsbury's Title I Director, summer school director, the T&E Director, the teacher-in-charge, and the assistant to the superintendent.

Outside of the classroom, Mr. Minehardt was also active for several years as a coach to the boy's basketball team, supervisor to intramural sports, and coordinator for the CPR program with Shrewsbury's local first aid squad.

Inside the classroom, Mr. Minehardt had a passion for scuba diving in the areas of oceanography and space exploration. Most notably, his interest led him to advocate for a marine science program. He organized trips to the beaches of Sandy Hook, NJ and formed the in-school scuba club program.

As a resident of Shrewsbury since 1968, Robert Minehardt attended high school at Red Bank Regional High in Little Silver, NJ. He then went on to achieve his undergraduate degree at Monmouth University in West Long Branch, NJ, and continued his graduate education at Rutgers University in New Brunswick, NJ. Mr. Minehardt returned to Shrewsbury to raise his family including his two sons, Adam and Todd. Both boys attended Shrewsbury schools and were even taught by their father. Currently, Robert Minehardt and his wife, Maggie Minehardt, live in Fair Haven, NJ, where he volunteers as a fire fighter.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Robert Minehardt on his retirement, and we wish him the best in his move to Florida.

THANKING STEVEN A. McNAMARA FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. NEY. Mr. Speaker, Mr. Steven "Steve" McNamara, the Inspector General of the House of Representatives will be retiring at the end of May after a long and distinguished career in service to the United States Government. His exemplary career spans 35 years of service, the last 5 of which have been spent with the House of Representatives. Steve's considerable professional skills and credentials, as a Certified Internal Auditor, Certified Information Systems Auditor, and Certified Government Financial Manager equipped him for the important role of leading the Office of Inspector General in the work.
the House of Representatives. Through Steve’s strong leadership, the Office of Inspector General has conducted essential reviews of the House’s financial and administrative operations. These reviews and resulting recommendations have helped the House to achieve our present standards of safety, security, integrity, efficiency, and accountability, and Steve’s role in these worthy institutional achievements cannot be understated.

Steve’s leadership of the Office of Inspector General has spanned a wide area of audit services ranging from the analysis of the House’s financial controls to careful analysis of emerging technologies. His business improvement initiatives and focus on efficiency have improved administrative functions in the House Officer organizations and realized cost savings for the House. Furthermore, his efforts have served a valuable purpose in achieving improved services and security for individual Members of Congress and staff. He has worked to ensure fire safety improvements in House facilities and has been paramount to assuring the integrity of the House’s information technology systems.

Steve will be missed by all of his colleagues and the House, but he can take great satisfaction in the many positive and important accomplishments of his career. Steve’s judicious advice and counsel on matters of significant importance to the House will be difficult to replace. I wish Steve and his wife Jill a joyful and exciting retirement and I thank him once again for his long and distinguished career in Federal service.

HONORING THE HOROWITZ BROTHERS AS THEY ARE RECOGNIZED BY THE CITY OF NEW HAVEN

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join New Haven city officials, residents, customers, family and friends in paying tribute to Arthur, Leonard, and Philip Horowitz—owners of Horowitz Brothers, a fabric and clothing store which became a New Haven institution.

Emigrating from Russia, Philip and Leonard’s father, William, and his uncle, Jack, came to New Haven in 1913 and began selling fabric from a pushcart on Grand Avenue. With hard work, dedication, and a dream they opened a storefront nearby and later, Horowitz Bros. moved to its permanent home on Chapel Street. In later years, Philip, Leonard, and their cousin Arthur took over the family business.

I have often said that small businesses are the backbone of our nation’s economy. Through the years, Horowitz Bros. has been a fixture in downtown New Haven outlasting a number of large department stores as well as smaller, family-owned business which have gradually disappeared. For the last ninety years, Horowitz Bros. has been a valued treasure in the City of New Haven—a testament to the American Dream and to the invaluable place small business has in a community.

I have fond memories of going with my mother to pick out fabrics for the dresses she would make for me as a child. While waiting for my mother to choose her fabrics, you could always find me rearranging the many spools of thread—a habit which I am sure caused some chaos, but was always met with a good natured smile. It was indeed a sad day for the residents and City of New Haven when we learned that Horowitz Bros. would be closing its doors last October—as if we had lost a part of ourselves.

Horowitz Bros. holds a special place in the hearts of employees and customers alike. That is why it came as no surprise when I learned that Horowitz Bros. had begun a petition drive, determined to ensure that the City of New Haven recognized the Horowitz Bros. invaluable contribution to our community—not just as a business, but as a family. Today, city officials, residents, customers, friends and family are gathered to witness the unveiling of “Horowitz Brothers Corner”—the street corner which for so long was home to the very special family-run emporium.

Though we lost Philip just last year, I know that he is with us today and I am proud to honor Arthur, Leonard, and Philip for all that they brought to our community. It is because of their hard work and their commitment that even though its doors have closed, Horowitz Bros. will forever be a piece of our City’s rich history. The naming of this street corner in their honor will ensure that their legacy lives on for generations to come.

TRIBUTE TO SHERRIE ANDERSON

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Sherrie Anderson who is retiring as the Deputy Director of the Mass Transit Security Programs Office of the Office of Security, Anderson led efforts to improve security in the Northeast Kingdom of Vermont, and for 25 consecutive years she has performed chamber music in the Northeast Kingdom of Vermont, and for 25 consecutive years she has performed chamber music in the Northeast Kingdom of Vermont, and for 25 consecutive years she has performed chamber music in the Northeast Kingdom of Vermont, and for 25 consecutive years she has performed chamber music in the Northeast Kingdom of Vermont.

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to commend the Craftsbury Chamber Players, who this year are celebrating a double anniversary. For 40 consecutive years they have performed chamber music in the Northeast Kingdom of Vermont, and for 25 consecutive years they have performed in Burlington, Vermont’s largest city. Founded and still directed by past Mary Anthony Cox, the Craftsbury Chamber Players bring chamber music of the highest order to northern Vermont.

The Northeast Kingdom is the least populous area of Vermont, yet every summer the woods of Craftsbury, Hardwick and Greensboro reverberate with the sounds of Haydn, Schubert, Dvorak, and twentieth-century music. The Craftsbury Players present concerts that are both innovative and broad. Their repertoire spans over 300 years of music, introducing audiences to little-known works of the past and present, as well as great chamber pieces which have sustained generations of music lovers. Every concert explores music which should be heard, but often isn’t: forgotten works by major composers, supposedly difficult compositions by twentieth-century modernists, and seldom-preformed works from our own day.

These world-class performers come to Vermont to play together, to make music because they love the great richness which comes from measured rhythms and ordered sound. It is fitting that this year their anniversary celebration will be capped by the world premiere of a quintet by Kenji Bunch, a long-time violinist with the Craftsbury Players. Commissioned especially for this anniversary, it will be performed on July 20, 2005 in Burlington and July 21 in Hardwick.

The Craftsbury Chamber Players have shared their love of music with thousands of people in Vermont. On this, their 40th anniversary, the people of Vermont salute them for their dedication to music and for bringing the best in music to our communities.

CHAMBER MUSIC OF THE HIGHEST ORDER

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005
TISHCON CORPORATION

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. PALLONE. Mr. Speaker, I rise today to recognize the gracious humanitarian efforts of the Tishcon Corporation, a company that manufactures vitamins and nutritional supplements. Throughout the years, this company has generously donated vitamins, nutritional supplements, money, and time to benefit those in need around the world.

Raj K. Chopra, Vinip Patel, and others established Tishcon Corporation in 1977. The company has consistently developed high quality products while always maintaining the high satisfaction of its customers. In conjunction with Vitamin Relief USA, Tishcon Corporation provides free multivitamins each day for more than 14,000 children at risk for malnutrition.

In addition to providing multivitamins for children, Tishcon Corporation has provided over 2,500 multivitamins to at-risk homeless adults and senior citizens every day. Not only does this company provide vitamins and supplements to those in need, they have also donated money to assist in the distribution of those as well.

I ask my colleagues in the United States House of Representatives to join me in recognizing the outstanding humanitarian accomplishments of Tishcon Corporation, an exemplary model of corporate humanity and citizenship in today’s world of business.

IN HONOR OF BRUCE HORACE CARLSON AND MATT FRIDAY

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FARR. Mr. Speaker, I rise today to honor two dear friends from the 17th Congressional District of California, Mr. Bruce Horace Carlson and Mr. Matt Friday. Both Matt and Bruce are devoted community activists whose volunteerism and generous spirits have enriched the Monterey Bay region through their work in education, social justice, politics, the environment, health and the arts. Matt and Bruce are soon leaving the Monterey Peninsula and moving to Oregon.

Bruce Horace Carlson was born on April 13, 1942 in Pittsburg, California. Bruce moved to the Monterey Peninsula in 1986 and as long as I have had the pleasure of knowing him, he has been a tireless advocate for Democratic politics and civil rights. In 1999 he became a founding board member of the Monterey County Coalition for Fairness and was a founding board member of the Monterey County Lesbian, Gay and Bisexual Task Force. He was the co-director of Monterey’s first Gay Pride Parade in 1992 and has been involved in several annual Pride Days since then. To say Bruce has been active in local and national Democratic politics would not go nearly far enough in describing the level of his contributions. Bruce has played a significant role in the 27th Assembly District since 1996 holding various offices and committee seats. He has been a Representative for the Bay Area Municipal Elections Committee in Monterey County since 1994 and has been a board member of that body since 1996. In addition to his many hours of organizing and volunteering locally, Bruce has been a delegate at the California State Convention as well as being a delegate to the Democratic National Convention held in Los Angeles in 2000.

Mr. Matt Friday was born on September 21, 1950 in Ottumwa, Iowa but has made his home on the Monterey Peninsula for over three decades. In those three decades, Matt has made an enormous and everlasting impact on this community in areas as diverse as education, the environment, health, the arts, as well as social justice and politics. I cannot think of any other individual in my district who has donated more time to these issues than Matt. Matt has tirelessly dedicated his efforts to the Monterey Bay community as a volunteer teacher, co-organizer of environmental projects, a board member for the Monterey County AIDS Project (MCAP) and a frequent contributor to numerous local publications.

Matt is also a respected and accomplished organizer in the area of human rights and has organized dozens of educational community forums on issues such as hate crimes, racism, and the Patriot Act.

In the area of politics, Matt will leave behind a legacy of thoughtful, energetic and strategic volunteering, planning and organizing from which this community continues to benefit. Matt Friday’s name is synonymous with progressive politics on the Peninsula; to say he embodies politics does not overstater the level of his political activism in my district. It would be a futile effort to attempt to list all of Matt’s contributions to local politics but some of his most notable achievements have been to co-organize a very successful precinct captains program with neighboring Santa Cruz County during the 2000 election, serving as Chair of the 27th Assembly District from 1999–2003, appointed to be a member of the California State Democratic Central Committee since 1996, serving as co-President of the Bay Area Municipal Elections Committee 2003–2004, and acting as an observer and commentator for KION-TV during the 2000 Los Angeles Democratic National Convention.

It is evident that Matt and Bruce will be missed for all of their contributions and volunteerism to the community, but Mr. Speaker I must also say that I will profoundly miss Matt and Bruce for their kind, warm, and generous spirits. I have spent many evenings in their wonderful home in Del Rey Oaks talking politics and human rights and admiring their gorgeous terraced garden which they lovingly cultivated over the years. I have always felt as if Matt and Bruce were a part of my extended family in my district. I will miss them both personally and professionally.

Mr. Speaker, I would like to take this opportunity on the floor of this great House to thank Matt Friday and Bruce Carlson for their generosity of spirit and for the everlasting contributions they have made to the Monterey Peninsula. I wish them all the best as they embark on a new chapter in their lives.
with Northern Division, and then Chesapeake Division, to become a GS–7 Management Analyst. Moving to Washington DC in June 1970, he continued to progress at the Chesapeake Division, becoming a GS–11 Program Analyst. In April 1973, he was promoted to Headquarters, Naval Facilities Engineering Command, where he began as a GS–11 Employment Development Specialist. For the next 15 years, Mr. DiFilippo had a most profound impact on manpower matters in the entire Command. For 9 years as a GS–13, he led the Naval Facilities Engineering Command Professional Development Program, bringing numerous professionals onto the roles, and nurturing their careers through professional guidance and support. Many of those he hired and guided are now the key leaders in the organization.

Moving up again in the Naval Facilities Engineering Command, DiFilippo became a GS–14 Supervisory Management Analyst in the Office of Civilian Personnel Programs, and eventually became the GS–15 Director of the Office of Civilian Personnel Programs (the “DCPP,” as his position is known), with wide responsibilities for all aspects of personnel policy and management.

Someone of his breadth of talent is often called upon to help in other areas. In July 1988, DiFilippo was detailed to the Pentagon to support the Navy Model Installations Program. His extensive knowledge and skills helped numerous initiatives gain acceptance and improve the Naval shore establishment. He continued with the Model Installation Program at the Naval Facilities Engineering Command until April 1991, when he became the GS–15 Special Assistant to the Deputy Director of Programs and Comptroller at the Naval Facilities Engineering Command. In this position, he influenced major budgetary and program decisions, improving efficiency and effectiveness.

From 1993 until his retirement, Mr. DiFilippo served as the GS–15 Director of Corporate Management, later as the Special Assistant to the Commander, Naval Facilities Engineering Command, and to the Deputy Commander for Operations. His positive influence on Command decision-making during this period cannot be overstated. He has been the steady, keen mind helping to implement major Command initiatives, and advising not only senior managers, but the entire Command. Everyone in the Naval Facilities Engineering Command knows that if you need an answer, “Just ask Lou.”

DiFilippo’s steadfast leadership and superb performance have won him awards almost too numerous to mention. He has received the Superior Civilian Service Award three times (1982, 1984 and 1998), and the prestigious Distinguished Civilian Service Award in 2005. He leaves behind a legacy of mentorship and service that will be difficult to match, along with a cadre of leaders within the Command that have benefited from his professional guidance.

I am pleased to recognize and thank Louis DiFilippo for his long and dedicated service to this country, and I join his family, friends, and colleagues in wishing him “Fair Winds and Following Seas” as he begins his well earned retirement.

HONORING THE LIFE OF THOMAS BROWN

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding American—Mr. Thomas Brown of La Grange, IL, who passed away on April 11, 2005.

To say that Tom Brown devoted his life to service is an understatement. A native of Cicero, IL, Mr. Brown married his childhood sweetheart, the former Helen Sauer in 1942—right before joining the Army Air Corps as a bombardier. While flying a mission on March 26, 1945, Lieutenant Brown’s bomber was hit by enemy fire over Austria, and the father-to-be became a prisoner of war.

Not satisfied to sit on the sidelines for the remainder of the war, Lieutenant Brown joined his fellow prisoners in overpowering the guards—and then stealing a German plane! The escapees flew the plane to Allied-occupied Yugoslavia, where they crashed-landed the plane after being shot at by Allied troops. Lieutenant Brown received the Purple Heart, the Air Medal, the Victory Medal and the Distinguished Flying Cross for his part in the storybook escape.

Upon returning to the states after the war, Tom Brown did what most veterans did at the time—he went to work, in his case, in the family plumbing business, and he raised a family with Helen.

Mr. Brown’s devotion to service led him into local politics, and he served on the La Grange Village Board from 1968 to 1973 and as Village President from 1973 to 1977. In 1983, Mr. Brown took a position as La Grange Code Enforcement Officer and Plumbing Inspector, working until his retirement in 2002. He was well-known around the community for his wit and easygoing personality. As current La Grange Village President Tim Hansen said, Tom Brown was “the classic old Irish character.”

“He was just terrific at limericks and he had a knack for putting people at ease. Both he and Helen have been great friends to the village—just stalwarts in their commitment to helping the village or whatever cause needed them,” President Hansen said. Mr. Speaker, I extend my deepest condolences to Mrs. Brown and the Brown children, as on the passing of Tom Brown, who represented so well the Greatest Generation.”

TRADEMARK DILUTION REVISION ACT OF 2005

SPREECH OF
HON. DAVID WU
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 2005

Mr. WU. Mr. Speaker, I rise in strong opposition to H.R. 683, the Trademark Dilution Revision Act.

Trademark law emanates from the commerce clause. It was originally about consumer protection, ensuring consumers are not confused or harmed by the misuse of a famous trademark, rather than property protection. However, with the passage of the Federal
Trademark Dilution Act in 1995, the issue of trademark dilution became more an issue of property protection. The purpose of that law was to enable businesses to protect the investment that companies have made in brandishing their products. Consumer confusion was no longer required to establish "dilution." Not surprisingly, private lawsuits in this area jumped from 2,405 in 1990 to 4,187 in 2000.

For example, Starbucks went after a local coffee shop in my district that was named after its owner, Samantha Buck Lundberg. The coffee shop bore the nickname given to her by her family and friends—Sambuck. Ringling Bros.-Bamum and Bailey Circus sued the State of Utah over Utah's advertising slogan that it had "The Greatest Snow on Earth." To the circus this slogan was an obvious play on the Windows designation of its own operating system. Lindows eventually changed the name of the product and website to "Linspire" after losing court cases. Best Western International, Inc., et al., in which Victoria's Secret sued a hotel/motel chain appears to be trying to claim trademark protection.

This open-ended invitation to litigate is especially troubling at a time when even powerful corporate counterparts.

HOUSBALLS OF small business interests from its more powerful counterparts. Since trademark laws have an effect not only on famous companies but also on the many small businesses with legitimate business interests, any anti-dilution legislation should be very carefully considered so as not to interfere with the rights of small businesses.

The goal must be to protect trademarks from subsequent uses that blur, dilute or tarnish that trademark, but it must also be the protection of small business interests from its more powerful corporate counterparts. Unfortunately, this bill will change trademark law to make it easier for large companies to sue individuals and businesses for trademark dilution, thus potentially creating rights in perpetuity for trademarks. This bill states that actual harm will have to be proven; large companies will be able arbitrarily to file lawsuits against small businesses and private citizens.

I agree with the Supreme Court in its unanimous decision in Moseley, I think that companies in seeking to impose their trademarks upon the public must show actual harm. If not, we run the risk of trademark owners being able to lock up large portions of our shared language. This open-ended invitation to litigate is especially troubling at a time when even colors and common words can be granted trademark protection.

I urge my colleagues to oppose this bill.

Efficient Energy Through Certified Technologies and Electricity Reliability Act of 2005

HON. RANDY "DUKE" CUNNINGHAM OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Efficient Energy through Certified Technologies and Electricity Reliability (EFFECTOR) Act of 2005. I am joined in this effort by a diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, as well as Senator SNOWE of Maine and Senator FEINSTEIN of California. This bill is a more developed version of the EFFECTOR Act that Mr. MARKEY and I introduced in April 2004.

With the President’s Energy Plan currently stalled in the other body, we believe that this bill can deliver on one of the less controversial issues within the new energy policy—energy efficiency. I support the President’s Energy Plan and voted in favor of H.R. 6 when it came before this body for final passage. It is my hope that this fine legislation will implement a desperately needed energy policy in this country.

My constituents in San Diego suffered through the Energy Crisis during the summer of 2001. The aftershocks of the rolling blackouts and outrageously high energy prices are still being felt. Gas prices in California are currently the highest in the country at over $2.50 per gallon. We risk another major blackout and continually soaring fuel prices if we choose to wait before enacting a long term energy policy. My constituents, and all the American people, need solutions now. I am introducing this bill in an effort to pass a portion of our long-term energy plan that can produce results now.

In our legislation introduced last year, Congressman MARKEY and I created legislation that would give builders and consumers a reason to construct housing and purchase equipment that not only saves the consumer money in the long run, but also helps save energy. We have taken this idea and have put it into this bill along with other cost-saving provisions. This legislation offers tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The incentives will reduce peak power demand, which can diffuse the risk of blackouts and high electricity prices. Peak power shortages cost California $15 billion in 2000 alone.

These tax incentives are performance based, not cost based. One dollar of federal tax incentives for energy efficiency offered today will not be paid until January-April 2005, but manufacturers will respond to the incentives by investing in production facilities for more efficient products immediately. This will promote the creation of new markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future.

This bill will have the government lead by example by cutting our own energy bills by upgrading our building energy efficiency standards and purchase specifications, and reauthorizing federal Energy Savings Performance Contracts, which allow private companies to partner with the government for mutually beneficial cost-effective energy savings. Finally, it includes mandatory electricity reliability requirements that address directly the failures that caused the east coast blackout of 2003.

This bill increases the security and reliability of the electric grid, while reducing natural gas and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. Grid security is improved by adopting mandatory standards for operation.

The EFFECTER Act seeks to address two key power supply issues—electricity reliability and natural gas prices. Reducing peak electric demand not only eases pressure on the electric grid but also reduces utility demand for natural gas, a major factor that has led to higher prices. Over the next ten years, this legislation can produce natural gas savings of over 3.3 quads annually—over 12 percent of total gas use; and peak electricity savings of 145,000 megawatts—equivalent to 350 new power plants of 400 MW capacity.

Mr. Speaker, please join me in supporting the EFFECTER Act which will help reduce energy needs and provide for a cleaner environment. Let’s respond to our country’s desperate needs today, before we have another energy crisis.

Honoring the Contributions of Mary Joyce Young, Marion High School Teacher of the Year

HON. HENRY CUellar

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUellar. Mr. Speaker, I rise to honor the accomplishments of Mary Joyce Young, Marion High School Teacher of the Year.

Mary Joyce Young came to the profession of teaching late in life. She worked in a medical office for 25 years before returning to Southwest Texas State University to receive her Bachelor's and Master’s degrees. She has taught at Marion High School since her graduation in 1988.

Ms. Young believes in teaching her students more than facts and figures. She aims to teach them character traits that will benefit them for the rest of their lives: self-discipline, integrity, and fairness in the home and the workplace. She says that her work is to create well-rounded citizens, as well as successful students.

Ms. Young teaches four subjects at Marion High School: Senior English, British Literature, Government-Economics, and Creative Writing. She loves her subjects, and works every day to teach her students to love them as well.

Mary Joyce Young is an excellent educator, who has changed the lives of many Marion High School students for the better. She is a credit to her community, and a blessing to the people of Marion. I am proud to have had the chance to recognize her here today.
TRIBUTE TO THE REVEREND DR. JOHN ROBERTS

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the Reverend Dr. John Roberts of Toledo for his 40 years of service in Jesus Christ. Our community will join his congregation in celebration of this milestone on April 3, 2005.

Born in Bryant, Mississippi on March 9, 1927 to George and Melvina Roberts, John E. Roberts moved to Ohio in 1944, where he attended Libbey and Scott High Schools. When Indiana Avenue Baptist Church was organized in 1946 he was there, and has been active in the church ever since. Prior to his ordination in 1964, Pastor Roberts served his church as custodian, Sunday school teacher, choir member, Trustee Board Secretary, and Deacon. After receiving his ordination, Pastor Roberts preached his first service at the church he helped to organize on the 3rd Sunday of January 1965. Even while Pastor, he pursued his Bachelor of Arts and Bachelor of Religious Education degrees in 1975, his Master of Theology in 1984, and his Doctorate in Biblical Theology in 1985. All of this, in addition to working a second job in order to contribute to the financing of the church structure. Pastor Roberts truly has led his congregation by example, and he acknowledges that his achievements were obtained under the guidance of the Holy Spirit.

Pastor Roberts’ tenure at Indiana Avenue Baptist Church has been most noteworthy. Under his leadership, the Christian Board of Education was organized and so were the Junior Church, Couples Fellowship, Singles Fellowship, Widows Fellowship, Recreation Department, Youth Department and Young Adult Department. He has ministered, counseled, taught and led a congregation numbering in the thousands. It has been noted that Pastor Roberts “has opened the eyes of many who were stumbling in spiritual darkness and led them to the light through the study of the Word of God.” His theological maturity is complemented by an extraordinary sense of humor and good nature that lifts the spirits of all people whom he encounters. He is a man of God walking among all the people.

A strong and much respected community leader, Pastor Roberts is also an active participant in the Toledo Public Schools PTA, International Ministerial Alliance, Baptist Ministers Conference, and NAACP Lifetime Member. He has also served on the Boards of the Urban League, the J. Frank Troy Senior Citizens Center, and the Frederick Douglass Community Center and served on the Interracial Coaction Committee and the co-chaired the Alcohol and Substance Abuse Task Force Council. His opinion and counsel are highly valued, and he has been asked by civic leaders both past and present to serve on many special commissions.

Despite his community and church commitments, Pastor Roberts’ first devotion is to his wife and family. He credits much of his success to his wife, Bernice, to whom he has been married for 53 years. Together they have raised three sons and have five grandchildren.

It is impossible to characterize the life of so great a man into a few short lines of a RECORD entry. Perhaps no finer tribute may be made than that of the belief of those who know him best that Pastor Roberts is “a man sent by God to lift men’s faith, hope, and love.”

ENERGY POLICY ACT OF 2005

SPRiCH OF
HON. JOHN F. TIERNey
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 21, 2005

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

Mr. TIERNey. Mr. Chairman, I rise in support of the Castle-Markey amendment to strike Section 320 of H.R. 6.

The bill that the Committee reported last week provides the Federal Energy Regulatory Commission (FERC) the authority to approve new LNG imports with participation in setting a price that allows FERC to consult with state governments, this signals a departure from current law whereby states and localities play a significant role in siting decisions. Protecting the health, welfare, and safety of the surrounding communities—preserves the environment and not disturbing commerce—are critical factors when determining where to site an LNG facility. Let me ask: who knows better than the local officials how a proposed facility will affect their area? To diminish their role in the process, as this provision will, only does a disservice to our constituents who trust us to act wisely on their behalf. At a time when there is a proliferation of onshore and offshore proposed LNG projects, and as there currently exists no framework to make sure that we are meeting our national demand for natural gas in a way that makes sense and best meets the regional needs of American communities, Congress should be strengthening the rights of those in our cities and towns and ensuring they have a voice and a role in the process. Section 320 does the opposite. I believe it should be struck from the bill, and urge my colleagues’ support for the Castle-Markey amendment.

Section 320 is one of a number of provisions in H.R. 6 that tramples on the rights of states:

This bill provides unnecessary liability protections for manufacturers of MTBE, thus forcing the clean-up cost of drinking-water Contamination to states and localities instead of sending the bill where it belongs: to the polluters themselves. Although this provision will, only does a disservice to our constituents who trust us to act wisely on their behalf. At a time when there is a proliferation of onshore and offshore proposed LNG projects, and as there currently exists no framework to make sure that we are meeting our national demand for natural gas in a way that makes sense and best meets the regional needs of American communities, Congress should be strengthening the rights of those in our cities and towns and ensuring they have a voice and a role in the process. Section 320 does the opposite. I believe it should be struck from the bill, and urge my colleagues’ support for the Castle-Markey amendment.

Section 320 is one of a number of provisions in H.R. 6 that tramples on the rights of states:

This bill provides unnecessary liability protections for manufacturers of MTBE, thus forcing the clean-up cost of drinking-water Contamination to states and localities instead of sending the bill where it belongs: to the polluters themselves. Although this provision will, only does a disservice to our constituents who trust us to act wisely on their behalf. At a time when there is a proliferation of onshore and offshore proposed LNG projects, and as there currently exists no framework to make sure that we are meeting our national demand for natural gas in a way that makes sense and best meets the regional needs of American communities, Congress should be strengthening the rights of those in our cities and towns and ensuring they have a voice and a role in the process. Section 320 does the opposite. I believe it should be struck from the bill, and urge my colleagues’ support for the Castle-Markey amendment.

This bill grants the Federal Energy Regulatory Commission (FERC) jurisdiction over reliability standards for electricity transmission networks, allowing the FERC to approve new power lines over states’ objections. It abolishes states’ rights to meaningful input and participation in decisions over power lines and transmission systems.

This bill also fails to recognize and reflect successful practices being put into use at the state level. Initiatives like California’s plan to limit carbon dioxide emissions from automobiles and New York’s efforts to organize a consortium of Northeastern states’ reducing power-plant emissions show promise and ought to be promoted on the federal level. We had the chance to encourage state innovation with this bill, but its authors and GOP Leadership squandered that opportunity.

I am a co-sponsor of Rep. Tom Udall’s renewable portfolio standard bill (H.R. 983), which was offered as an amendment to the energy bill before the Rules Committee but was not made in order. This amendment would establish a state renewable energy account program which would allow states to establish a renewable portfolio standard. Another missed opportunity here means another missed opportunity to enlist the states as our partners in promoting innovative energy programs to lead us toward a stable energy future instead of undermining state rights.

This bill also deals a serious blow to the environment. Longstanding public health and environmental laws are under assault in this bill.

Saturday’s New York Times reported that H.R. 6 includes a provision that, should it become enacted into law, would constitute one of the most sweeping changes to the Clean Air Act in 15 years. The provision would allow communities to delay cleaning up their dirty air, and complying with national air quality standards, if their pollution is derived from other heavily concentrated areas. This underlines the intent of the Clean Air Act and may lead to increased cases of asthma, which, according to the EPA, already afflicts 20 million Americans, including 6.3 million children.

Hydraulic fracturing, an invasive oil and gas extraction technique, allows a contaminant drinking water has been removed from the Safe Drinking Water Act. News reports indicate that the Halliburton Corporation is the largest practitioner of hydraulic fracturing and has been lobbying for this provision.

Rather than seizing an opportunity to address skyrocketing gas prices (the average price is $2.28), reduce our reliance on fossil fuels and foreign oil, improve our fuel efficiency standards, and bolster the incentives to develop and utilize alternative energy sources, the energy bill before us today upholds the unacceptable status-quo and exacerbates our current many problems, as it: Authorizes $8 billion in tax breaks for oil, gas, and nuclear companies, while directing less than $600 million to promote renewable energy and conservation-related initiatives: Opposes Alaska to oil drilling, although the U.S. Geological Survey projects that the Arctic Refuge has only approximately 3.2 billion barrels of economically recoverable oil, equivalent to what the U.S. consumes in less than 6 months, and would take between 10 and 12 years to introduce the oil into the marketplace; and

Exempts companies drilling on public lands from paying royalties for oil and natural gas
exhibited in public lands, which is required under current law and has resulted in billions in additional revenue for states over the past five years.

The bottom-line with this bill, however, is that—as its previous incarnations have done—it reinforces the wrong priorities at the expense of consumers, the environment, and American taxpayers. I urge my colleagues to oppose H.R. 6.

### IN RECOGNITION OF THE HITCHHIKERS, ROBOTICS TEAM 481

**HON. ELLEN O. TAUSCHER OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, April 26, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize The Hitchhikers, Robotics Team 481, from my congressional district in California. This team won the Engineering Inspiration Award in March of 2005 at the Portland, Oregon, Pacific Northwest Regional Robotics Competition. This award honors success in advancing the science of robotics. By winning this award, the Hitchhikers, Robotics Team 481, qualified to compete in the Championship Robotics Competition in Atlanta, Georgia, where they came in second out of 52 teams in the first round of competition.

The Hitchhikers were created in an independent study course at Contra Costa College, San Pablo, California in the fall of 2002. Under the direction of Tom Murphy, a Contra Costa College Instructor, Middle College formed its own FIRST robotics team, based on a commitment that the students would build a robot from the ground up. In December 2002, a grant from Kleinert Perkins Caufield & Byers provided initial funding for the Hitchhikers, and the team received its first robot-building supplies in January 2003. In 2004, budget woes triggered a merge with another award-winning team at nearby De Anza High School, with the hopes of keeping robotics alive for students throughout the school district. Two students of the merged team resolved to keep De Anza’s number 481 and Middle College’s name “The Hitchhikers” as a sign of their unity. Since then, the team has connected with local and national supporters. Other sponsors of The Hitchhikers, Team 481, are NASA Robotics Education Project, the Ed Fund (West Contra Costa Public Education Fund), Chevron Richmond Refinery, TAP Plastics of El Cerrito, Planner’s Collaborative of Boston, MA and Honda of El Cerrito.

The majority of Robotics Team 481’s members are sophomores, juniors and seniors at Middle College, located on the Contra Costa College campus in San Pablo, California. Students also come from nearby De Anza, El Cerrito, and Pinole Valley high schools. The Middle College robotics team was created to help its members learn and understand scientific and engineering concepts while building team- and group-work skills. The Hitchhikers, Robotics Team 481, have managed to accomplish all this and have fun at the same time.

The Hitchhikers, Robotics Team 481, competed in the FIRST Robotics Competition (FRC) National Championship in the Georgia Dome, Atlanta, Georgia, April 21—23. FIRST, For Inspiration and Recognition of Science and Technology, is an organization founded on the sole principle of inspiring young people to find an interest in Science and Technology and using this knowledge in all aspects of life.

Please join me in saluting The Hitchhikers, Robotics Team 481 on their excellent performance in this national robotics competition.

### CONGRATULATING PARIS JUNIOR COLLEGE ON WINNING NATIONAL BASKETBALL TITLE

**HON. RALPH M. HALL OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, I am honored to recognize the Paris Junior College Dragons on winning the 2005 National Junior College Athletic Association Division 1 Men’s Basketball championship on March 26 in Hutchinson, Kansas. This was the biggest win in the school’s history and only the second trip for the Dragons to the national tournament, some 46 years from their first visit in 1959.

The Dragons ended their season with nine consecutive wins and set a school record with 28 victories in a season. They were unranked in the national tournament and beat two ranked teams before taking on 16th-ranked Moberly Area Community College, Mo., during the NJCAA Division 1 Men’s Tournament championship game. They won by a score of 70–61.

Paris Junior College coach Bill Foy won the Coach of the Tournament award and subsequently was named the National Association of Basketball Coaches Junior College Coach of the Year. Rod Earls was named the William E. French Most Valuable Player, averaging 13 points a game to lead Paris Junior College in scoring and contributing 10 points in the championship game. Under Starr received the Charles Fesper Sportsmanship Award and scored 10 points in the tournament final. Mike Battle scored 5 points in the final game and also was named to the all-tournament team.

The leading scorer for Paris was Lamar Searight with 18 points. Other players who contributed to the victory included Brian Burrell, Donnell Franklyn, Rickey Quarles, Bobby Joshua, Tyler Best and Charles Stoker. Joel Green and Albert Reese also are members of the team.

Coach Foy also acknowledged all those whose efforts and support contributed to the team’s outstanding season: Assistant Coach Brad Enright, Athletic Director Jim Moffitt, Dr. Pam Anglin, President, and student assistants Tyler Easthouse and Patrick Thompson, among others.

Mr. Speaker, the faculty and students at Paris Junior College, local citizens and loyal fans in Northeast Texas take great pride in their National Junior College Basketball Championship. I want to take this opportunity in the House of Representatives to congratulate the Paris Junior College basketball players and coaches for their spectacular victory, commend them for their hard work and determination, and wish them continued success.

### IN HONOR OF LARRY L. WEYERS

**HON. MARK GREEN OF WISCONSIN**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, April 26, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my distinct pleasure to recognize before this body Mr. Larry Weyers, who on May 2nd will be named the 2005 Free Enterprise Award winner by the Rotary Foundation of Green Bay.

For the last 23 years, the Green Bay Rotary has honored one Brown County resident who has demonstrated leadership in local charitable, civic, government or service programs, while helping expand business and employment throughout the area. In other words, the award winner is someone who exemplifies American free enterprise.

This year, Larry Weyers earned that distinguished honor. As the Chairman, President and Chief Executive Officer of WPS Resources Corporation, Larry has helped his company grow to become one of the most successful businesses in Wisconsin. Under his leadership, corporate assets at WPS have nearly tripled, revenues have quadrupled, net income has tripled, and the company’s market value has doubled.

But the success of WPS under Larry’s direction is secondary to his role in the community. As an active member of dozens of charitable and civic groups, Larry has worked tirelessly to improve the lives of his neighbors. His commitment to the city of Green Bay and Brown County serves as an example to us all.

Mr. Speaker, I can think of no better individual to receive this award than Larry Weyers, and on behalf of the citizens of Wisconsin’s Eighth Congressional District I say congratulations.

### HONORING THE CONTRIBUTIONS OF BLACKSTONE DILWORTH

**HON. HENRY CUELLAR OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the tremendous achievements of Blackstone Dilworth, Junior Achievement of Laredo Business Hall of Fame Laureate.

Mr. Dilworth has been a proud resident of Live Oak County, Texas, for more than 50 years, but he has a special place in his heart for the people of Laredo, the city which he has made his second home. He began his career working as a farm and ranch appraiser in the border country of Texas, an area in which his family has worked for many years.

He has managed a series of successful businesses, including a number of ranching operations, oil and gas concerns, a telecommunications construction company, and property development. Throughout his career, he has relied on his belief that opportunity is everywhere, for those who are willing to look. He is known to say: “In every problem, somewhere hidden is an opportunity.”

Mr. Dilworth loves his level, and has a deep appreciation for the culture of South and Central America. He is a member of the Explorers Club of New York. He lives with his wife near...
Sandia, and has two children and three grandchildren. Through his initiative, energy, and audacity, Mr. Blackstone Dilworth has contributed enormously to Texas’ economic health and vitality. He is a pillar of the business community, and a model for entrepreneurs everywhere, and I am pleased to have the chance to honor him here today.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed nine votes on April 20th, 2005 because I was attending an important family event with my 12-year-old daughter. The votes were on amendments to the Energy Policy Act of 2005 (H.R. 6). Had I been present I would have voted yeas on rollcall Nos. 115, 116, 117, 118, 120, 121, 122, 123. I would have voted “nay” on rollcall No. 119.

LOOSEN THE GAS PRICE NOOSE!

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. GOODLATTE. Mr. Speaker, I rise to offer the Flexibility for Champion Schools Act (H.R. 1821).

Mr. Speaker, on January 8, 2002, the President signed the No Child Left Behind Act, commonly referred to as N-C-L-B. I was fortunate enough to have served on the House Education and the Workforce Committee, which considered the details of this domestic policy proposal put forth by the President.

The goals of N-C-L-B were and are laudable. According to the Department of Education, the No Child Left Behind Act gives our schools historic education reform based on stronger accountability for results, more freedom for states and communities, encourages proven educational methods, and creates more choices for parents.

However, one of the major tenants of N-C-L-B, its FLEXIBILITY to treat different states fairly while maintaining the goals of the underlying legislation; has not been a priority for the Department. A law that was originally intended to react like a rubber-band, to bend but not break, has unfortunately been implemented rigidly and is intolerant of states like Virginia, who had previously administered high testing and accountability standards.

Mr. Speaker, with any new law, especially one as sweeping as N-C-L-B, some hurdles will have to be overcome. To jump through these hurdles, my colleagues and I have attempted to work with the Department to resolve some of these problems. After meeting with some superintendents in my district, we began a dialogue to work through issues that were specific to states like Virginia, which already had high standards in place.

We recently learned of the Secretary’s intent to “take into account each state’s unique situation” to implement the law. Earlier this year, the Virginia Department of Education proposed a series of waivers that would allow N-C-L-B’s goals to mesh with the state’s already high standards. Unfortunately, not less than a week after the Secretary’s promises of flexibility, the Department rejected the first request for flexibility—one to waive certain assessment limits of English proficiency students in grades K–1 in reading and writing. Mr. Speaker, these are non-English speakers who are 5 years old. I do not believe this demonstrates the flexibility intended by members who supported N-C-L-B.

Without this flexibility, I believe the law is inefficient and duplicative for parents, teachers, students, and state education officers. So we have reached this point where N-C-L-B needs to have a mechanism to recognize the role of certain states in providing accountability. I urge my colleagues to support this important legislation.

Mr. Speaker, we have stood by too long waiting for this flexibility. Our bill does not “water down” N-C-L-B provisions, or its intent. If certain states do not have strong accountability standards, then N-C-L-B is directed at them. But when we have schools in Virginia passing one standard but failing another, sometimes based solely on the results of one student from one particular subgroup, we need to act.

To address these problems, I offer with my colleagues, Representatives JOANN DAVIS, VIRGIL GOODE, JIM MORAN, THELMA DRAKE and RICK BOUCHER, the Flexibility for Champion Schools Act.

The legislation provides that a State which meets certain requirements shall be granted a waiver from the Adequate Yearly Progress (AYP) provisions of No Child Left Behind.

HONORING THE CONTRIBUTIONS OF DIANA DAY OF BILL BROWN ELEMENTARY SCHOOL

HON. HENRY CUellar
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUellar. Mr. Speaker, I rise to honor the exemplary work of Diana Day, Bill Brown Elementary School Teacher of the Year. Diana Day earned her bachelor’s degree in interdisciplinary studies from Texas A&I in Corpus Christi. Currently serving as a special education teacher in Comal Independent School District, she has over 9 years of experience.

She teaches Behavior Life Skills to students in grades kindergarten through four, and believes in teaching her students how to solve problems. Each child is an individual, and Ms. Day believes that the best way to teach each of them is through a unique approach. She works hard to teach her students the joys of reading and learning on their own. Diana Day works hard empowering young minds and teaching them the skills that they need to be successful in school.

I am honored to have the chance to recognize the accomplishments of Diana Day, the Bill Brown Elementary School Teacher of the Year. Her passion for education has helped to ensure that our children are on the right track.

TRIBUTE TO ROELAND PARK, KANSAS, MAYOR LORI HIRONS

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. Moore of Kansas. Mr. Speaker, I rise today to pay tribute to Roeland Park, Kansas, Mayor Lori Hirons, who recently left elective office after 4 years of service as mayor, 8 as a city councilmember and 1 year of service on the Roeland Park zoning appeals board.
Lori Hirons has been a visionary and diligent leader of the city of Roeland Park during her tenure as a public servant. Individuals like her across America regularly make significant commitments of their time, resources, and personal patience in order to fill these important roles in local government: we cannot thank them enough for doing so.

During her tenure as mayor, I was privileged to work with Mayor Hirons and Senator Sam Brownback to bring to Roeland Park $1.25 million in vitally needed Federal funds to improve the city’s stormwater management facilities so that we can expedite the work that Frank, have been long-time advisors to me in my capacity as Representative of Kansas’ Third Congressional District and I am proud to consider them close, personal friends as well.

Mr. Speaker, I include in the Record with these remarks an article recently carried by the Kansas City Star that summarizes Mayor Hirons’ lengthy record of service and achievements for Roeland Park. I join with her neighbors in wishing her and Frank all the best as they consider new challenges and I hope she will help her calling of public service again at a future time.

[From the Kansas City Star, Apr. 20, 2005]

HIRONS HAS MADE A DIFFERENCE IN HER CITY

(By Kara Cowie)

Much has changed in Roeland Park Mayor Lori Hirons’ 13 years with the city. City council meetings no longer run until 1 a.m. and are more amiable than they used to be. Neighborhoods are now looking forward to much-needed street and storm water improvements. And instead of a vacant Ventura plaza, a soon-to-be vibrant shopping center with a Lowe’s home improvement store and brand-new Price Chopper is in the works.

It’s taken many, many meetings to make it all happen, but Hirons is pleased with the results of her four years as mayor, eight years as a Ward 1 council member and one year on the city’s board of zoning appeals.

Now she’s ready for a break.

“I don’t think I’ve done anything in government that’s superstar status, but I do think I took the road less traveled,” Hirons said. “And I always said I never wanted to be carried away by the momentum of a ‘set me’

So, after more than a decade of Wednesday night meetings, tonight will be her last. Just after 7:30 p.m., Hirons plans to pass on the gavel to Councilman Steve Petroh, who ran unopposed for the position earlier this month.

City Administrator John Carter is sad to see her go.

“I’ve been doing this for 30 years, and the last four were the most enjoyable years working with a very good mayor,’’ he said.

What makes Hirons so special, Carter added, is “her caring for her community, her ethics and her desire to do what’s right,” as well as her “doggedness.” Hirons never gave up hope. She reproposed her old Ventura plaza redeveloped, and she pushed to expand RoeFest and to turn the Roeland Park Community Center into a true community hub, he said.

Hirons, too, is proud of those accomplishments and several others.

“I check back 12 years and see a real difference,” she said. “That gives you a feeling of pride and accomplishment.’’

But she is quick to point out the credit isn’t hers alone. She’s worked with several progressive council members who shared her vision for the city.

Councilman Scott Gregory has known Hirons for 15 years and, although they don’t always see eye to eye, Gregory said, they do share a mutual respect.

“Over the years, Lori and I have been just screaming at each other and yet we come through it being able to talk, being able to deal with each other,”’ Gregory said. “I truly believe that we’ve focused and haven’t indulged in intrigue and manipulation.”

Hirons is the first to admit that public service is a popularity contest, and some council members may think she’s too brusque.

“T am very direct; I am very honest,” she said. “You’ve got to be yourself.”

Hirons’ direct and honest nature is one of the things Mission Mayor Laura McConwell appreciates the most.

“She’s approachable and she is straight; you can believe what she says, and she doesn’t play games,” McConwell said.

“Whether I agree or not, it’s a lot easier to know where someone’s coming from.”

Plus, McConwell added: “She’s a lot of fun. She’s just a dynamo.”

Hirons joined the council in 1993 after a one-year stint on the board of zoning appeals and several years’ involvement with her church and neighborhood. She was elected mayor in 2001 with 64 percent of the vote.

In that time she’s helped secure professional management for the city and a new building for City Hall and the police department. She’s also helped set up credit districts for storm water projects, secure a $1.2 million federal grant for drainage improvements and implement a city ethics ordinance, which she described as a moral compass for council members.

Still, Hirons said, her biggest accomplishment is the $11 million Venture plaza redevelopment project, which is expected to boost the city’s sales tax base.

“The work I did on that is hopefully my gift to the city,” Hirons said.

Now Hirons plans to devote more time to her career as the vice president for public affairs for Citri Cards, a division of Citigroup in Kansas City, and her husband, Frank.

As for politics?

“I don’t believe this is the last time you’re going to see my name on a ballot, but it won’t be in 2006,” she said.

INTRODUCING A BILL TO ENHANCE THE SECURITY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

HON. JAMES L. OBERSTAR
MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
TUESDAY, APRIL 21, 2005

Mr. OBERSTAR. Mr. Speaker, today Congressmen Costello, Congressman DeFazio and I have introduced a bill to enhance the security of the U.S. passenger air transportation system—The Passenger Air Improvement Act of 2005. This bill will create an Advanced Checkpoint Screening Security Fund for the TSA that will fund $250 million that has been authorized for the deployment of new checkpoint screening technologies. The bill also provides funds for $650 million a year, which has been authorized for the installation of in-line baggage screening systems.

Mr. Speaker, last week the Department of Homeland Security Inspector General (DHS IG) and the Government Accountability Office (GAO) both released reports that indicate improvements are still needed in the screening process to ensure that dangerous prohibited items are not being carried on aircraft, or enter the checked baggage system. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need. Regarding the causes of poor screenere performance, the DHS IG stated—

Despite the fact that the majority of screeners with whom our test contacts were diligent in the performance of their duties and conscious of the responsibility those duties carry, lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology. . . . We encourage TSA to expedite its testing and give priority to technologies, such as backscatter x-ray, that will enable the screening workforce to better detect both weapons and explosives.

In response to the DHS IG’s findings, the Transportation Security Administration (TSA) responded—

We agree with the IG’s conclusion that significant improvements in performance will only be possible with the introduction of new technology.

Mr. Speaker, our screening system is failing us because this Congress and this Administration are failing both the screeners and the American traveling public. This Congress has arbitrarily capped the number of airport screeners at 45,000, and has provided neither the resources nor the technology for the TSA to get to the job. We have now had two failure of leadership and there are no more excuses.

Last year, the National Commission on Terrorist Attacks Upon the United States (“the 9/11 Commission”) specifically recommended that the TSA and the Congress “give priority attention to and provide the resources to get the job done and to secure the future of leadership and there are no more excuses.”

The 9/11 Commission also recommended that the “TSA expedite the installation of advanced (in-line) baggage screening equipment.” The Chairman of the 9/11 Commission testified before Congress that:

The Commission supports an effort to move explosives units out of airport lobbies and into a secured area where they can be integrated into the process of moving the bags from the check-in counter to the loading area in a seamless, in-line process. This will promote greater security, because: (1) screening machines will not be exposed to the public; (2) screeners will be able to screen bags rather than moving them; and (3) fewer people will be congregated around machines in the public area. Moreover, processing bags from checking to loading through an in-line system is functionally more efficient making travel more convenient as well as more secure.

In addition to these benefits, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods. The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification

...
of airport facilities to incorporate in-line baggage screening systems. The TSA has issued 8 LOIs to cover the costs of installing systems at 9 airports for a total cost to the federal government of $957.1 million over 4 years. The GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received LOIs could save the federal government $1.3 billion over 7 years. TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over 1 year.

In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports. Moreover, GAO reports that TSA officials have identified 27 additional airports that they believe would benefit from receiving LOIs for in-line systems because such systems are needed to screen an increasing number of bags due to current or projected growth in passenger traffic. TSA officials stated that without such systems, these airports would not remain in compliance with the congressional mandate to screen all checked baggage using EDS or ETD. Yet, the TSA has also acknowledged that it currently does not have sufficient resources in its budget to fund any additional LOIs. While $650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

Our bill will ensure funding for the screening technology we need. We’re collecting over $1.5 billion a year from the passenger security fee. Our bill will put a portion of that fee into two funds that will guarantee that TSA will spend the authorized amount of $650 million a year and $250 million for the installation of in-line baggage screening systems and passenger checkpoint explosive detection respectively.

Mr. Speaker, there is overwhelming evidence in the recommendations, findings and statements of the 9/11 Commission, the DHS IG, GAO and TSA that technology is sorely needed to improve security at our airports. We needed to improve security at our airports. We needed to improve security at our airports. We needed to improve security at our airports. We

Donna Williams believes that creative teaching methods work best for teaching math, especially in grades nine through twelve. Her approach is self-described as “open, loud and fun,” allowing for an atmosphere that is friendly and conducive to learning. She also spent the time teaching leadership skills and sponsoring the Student Council. Leadership and mathematics are two of the most important skills for success in later life, and Donna Williams works hard to ensure that our kids get the education that they need for success.

It is an honor to recognize the accomplishments of Donna Williams, Canyon High School Teacher of the Year. Her unique perspective on learning helps to make Comal Independent School District a better place for our students to learn.

CONGRATULATING THE NORTH SHORE MUSIC THEATRE

HON. JOHN F. TIERNEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to honor the North Shore Music Theatre at Dunham Woods in Beverly, Massachusetts, which this year is celebrating its fifty-year anniversary.

The North Shore Music Theatre has been entertaining local audiences and visitors since 1955, presenting both broadway musicals and innovative musicals in its unique theatre-in-the-round style. When the Theatre first presented Kiss Me Kate in the summer of 1955, the audience sat outdoors in canvas seats. Today, theatergoers can sit outdoors in canvas seats. Today, theatergoers are entertained in a modern 1,800 seat facility.

For nearly half of its existence, Artistic Director and Executive Producer Jon Kimball has been at the Theatre’s helm. In partnership with his dedicated staff and Board of Trustees, Mr. Kimball has turned the North Shore Music Theatre into a nationally-recognized venue, both in terms of its size and the quality of its productions. The Theatre was named by Boston Business Journal as the 2nd largest performing arts organization in the state for three consecutive years.

As a non-profit organization, the North Shore Music Theatre’s mission is to increase the awareness, significance and celebration of musical theater and the performing arts through superb entertainment and educational programs. Each year, the Theatre welcomes 400,000 patrons to its six musical subscription series, an original musical production of A Christmas Carol and an acclaimed celebrity concert series. In addition, its award-winning Theatre Arts Academy reaches over 100,000 young people annually, through workshops, outreach and youth performances. It is appropriate that this House recognize this half-century milestone for the North Shore Music Theatre, which has become one of the anchors of arts and culture in our region. Its contribution to the quality of life for the people of the North Shore and beyond cannot be underestimated.

Congratulations to the North Shore Music Theatre for fifty years of entertainment and education. I’m sure I can speak on behalf of my constituents and neighbors when I say that we all look forward to sharing in the Theatre’s bright future.

RECOGNIZING BOB MANSANARES

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Bob Mansanares, one of my fellow Coloradans on the occasion of his retirement from government service. For 32 years Bob has been one of our State’s most dedicated public servants.

He began his Federal career in 1973 as a claims representative for the Social Security Administration and went on to become the Regional Director of the Office of Workers’ Compensation Programs. At the time of his retirement and since July 2001 he has directed the Energy Employees Occupational Illness Compensation Program.

Bob, born in Del Norte, Colorado, to Martin and Ernestine Mansanares, is the oldest of four siblings. Money was scarce in his home but there was always food, clothing and a roof over his head. Above all he had the things that money cannot buy, love and the support of his family and friends. So while Bob grew up poor he never considered himself a victim or disadvantaged. One of his fondest childhood memories is fishing the streams of the valley with his father. Del Norte is an agricultural rural community and Bob and the family did farm labor as a child, picking potatoes and cotton to make ends meet. He was there that Bob acquired his work ethic and his unshakable faith in the working men and women of this country. He went from those humble beginnings to be the first in his family to go to college. In 1968 he was recruited by the Migrant Action Program to attend the University of Colorado at Boulder earning his degree in 1972.

While he was a student in college, Bob was born in Del Norte, Colorado, to Martin and Ernestine Mansanares, is the oldest of four siblings. Money was scarce in his home but there was always food, clothing and a roof over his head. Above all he had the things that money cannot buy, love and the support of his family and friends. So while Bob grew up poor he never considered himself a victim or disadvantaged. One of his fondest childhood memories is fishing the streams of the valley with his father. Del Norte is an agricultural rural community and Bob and the family did farm labor as a child, picking potatoes and cotton to make ends meet. He was there that Bob acquired his work ethic and his unshakable faith in the working men and women of this country. He went from those humble beginnings to be the first in his family to go to college. In 1968 he was recruited by the Migrant Action Program to attend the University of Colorado at Boulder earning his degree in 1972.

He chose to repay in some small measure the debt he felt he owed to the community and to those less fortunate than he. As a former farm worker he became keenly aware of the working poor who had little or no knowledge of the benefits and entitlements available to persons who suffered from work related injuries or disabilities.

Over the course of his 32 year career his work philosophy has always been to make the process easier, to avoid acronyms and technical terminology which many find difficult to understand. Under his purview the process has become more user friendly. This lay approach to claiming benefits has been the key to his many successes. Another one of Bob’s notable achievements is serving as Commissioner on the Veterans Claims Adjudication Commission to review and write the report of findings, conclusions and recommendations for the disposition of claims to the VA.

It is apparent in the 91st year of his life that his son Mary, his wife of 34 years, and their four children, Nick, Elissa, and David. His oldest daughter, Christie, died tragically in an automobile accident in 2001.

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the numerous accomplishments of Donna Williams, Canyon High School Teacher of the Year.

Donna Williams earned both her Bachelor’s and Master’s degrees from Texas State University in San Marcos. She currently works as an Algebra II and Precalculus teacher in the Comal Independent School District.
Bob has always been a modest man, avoiding the limelight and the accolades he so richly deserves. That is why I chose to honor him now for a lifetime of service, particularly those who might otherwise get lost in the federal bureaucracy.

Bob's simple philosophy includes "taking it one day at a time," and that is what he plans to do. Bob's mother passed away in 2001 and since then he has been telling his father that if he waited until he retired they would spend many days fishing the streams of his youth in his beloved San Luis Valley. Bob, good luck to you and Martin, may the fish always bite and may the sun always be at your back, as you "take it one day at a time."

Enjoy your retirement.

HONORING THE CONTRIBUTIONS OF STEF PARAMOUR, CANYON MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Stef Paramoure, Canyon Middle School Teacher of the Year.

Stef Paramoure received her Bachelor's degree in Multidisciplinary Studies from Texas Lutheran University in Seguin, Texas. She is a bright young star in the Comal Independent School District, having taught for only three years before receiving the prestigious Teacher of the Year award.

Working as a seventh grade science teacher has its challenges, but Stef Paramoure is ready to embrace each new day with optimism and enthusiasm. Putting the students first, she works hard to give them the quality of education that they deserve.

She believes strongly in taking a practical approach to learning science. Ms. Paramoure strives to connect the personal lives and experiences of her students to the subject that she is teaching. Through an organized, personalized approach, she is able to make science applicable, useful, and understandable to her students.

I am proud to have this opportunity to recognize the skill and accomplishments of one of Comal Independent School District's newest stars. Her recognition as Teacher of the Year is an excellent start to an already distinguished career.

IN MEMORY OF V.G. STRONG

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of the Fourth District of Texas, Vilo Glen (V.G.) Strong of Mt. Pleasant, who passed away recently after living 92 wonderful, happy years. V.G. was an excellent start to an already distinguished career. The man his grandchildren called Pop-Pop, loving and enthusiastic. Putting the students first, she was ready to embrace each new day with optimism and enthusiasm. Though concentrating on a per-

TAYLOR OPISTION LEADER ARRIVES IN CHINA

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. BURTON of Indiana. Mr. Speaker, a historic event occurred today in the history of Taiwan-China relations, the Leader of Taiwan's Nationalist Party arrived in China for the first meeting between the party of Chiang Kai-shek and the Communists since the Chinese Civil War "ended" over 60 years ago. I know that relations across the Taiwan Strait have been much on the minds of many members of Congress in recent months, especially after the Chinese passed the Taiwanese Anti-Secession Law. Although not an official Taiwanese Government visit, the eight-day trip by Chien Chen does represent an opportunity to test the waters, and put the issue of peaceful co-existence between these two historic antagonists back into the realm of public debate.
and cross-Strait tensions that increasingly worry the U.S. and its allies. China’s recent enactment of an “anti-secession law” and its continuing ballistic missile build-up adja-
cent to the island has produced palpable con-
cern in Washington and European capitals. It has jeopardized the Asian-Pacific region’s promising economic development and poli-
tical stability of recent years.

The time has truly come for bold, creative
initiative otherwise known as leadership
based on self-confidence, to break the dead-
lock. President Ronald Reagan believed in
proactive engagement with adver-
saries, saying old enemies should “trust but
verify” as they reach out and seek to rec-
ocile Beagán’s outreach to the Soviet Union in its final years, the Lien
mission proposes to go half-way in extending
a gesture of peace, to open a channel of com-
munication to the other side.

Lien’s mission is reminiscent of previous
milestones when other statesmen chose to
reach out to old adversaries at opportune
moments in history, often placing their per-
sonal reputation and political legacy at risk
in the process. His gesture is not unlike that
of President Richard Nixon who opened doors for dialogue by visiting China in 1972 or
Egyptian President Anwar Sadat who trav-
el ed to Jerusalem in 1977 to open discussions
with Israel; or even Pope John Paul II who
seized the initiative to visit Communist
Asia and later Cuba to open his-
toric new contacts that he believed could
change old Cold War relationships.

The international community should wel-
come this step towards direct unofficial
talks between Taiwan and China. Dialogue
cultivates mutual understanding, nurtures
confidence, builds trust, and creates opportu-
nities for healing wounds and moving for-
ward to break the deadlock. Never underesti-
mate the power of personal engagement the
personal touch reduces tensions and pros-
pects for conflict while introducing very
human avenues for potential cooperation.

There can be no harm in a fresh initiative
that energizes the peaceful process across
the Strait and promotes the welfare of the
people of Taiwan in so many ways.

Americans can claim the Lien initiative
because it serves U.S. interests of peace,
international stability, and regional co-
operation. It reduces the likelihood that U.S.
naval activity will once again have to move into the Taiwan vicinity to avert pos-
sible conflict between the two sides, as they
did in 1996. It greatly improves the prospect
that Chinese on both sides of the Taiwan
strait will reduce the channels of conflict and
cooperation, leading eventually to a
resolution of one of the world’s most dan-
ergous tension spots. Engagement, not ex-
trication, is the means to reconciliation and
stability.

HONORING THE CONTRIBUTIONS
OF BARBARA TAYLOR, NORMA
KRUEGER ELEMENTARY SCHOOL
TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recog-
nize Barbara Taylor for being named Norman
Krueger Elementary School Kar rer Campus
Teacher of the Year.

Ms. Taylor holds a B.S. in Elementary Edu-
cation from the University of Houston, and a
Masters in Special Education from Our Lady
of the Lake University in San Antonio, Texas.
She now teaches fifth grade science at the
Marion Independent School District.

Barbara Taylor believes that teaching is an
ordinary-seeing profession that presents ex-
traordinary opportunities to those willing to
look. She asks herself every day what she can
do to make a difference in the lives of her students. She is known for
seeking out teachable moments in which she
can show her students a new way of seeing
the world.

Ms. Taylor believes that good teaching
be the foundation for extraordinary lives. This
philosophy has led her to be one of her dis-
trict’s most energetic and dynamic educators.

Ms. Barbara Taylor is an exemplary teacher,
and a tremendous resource for the families
and children of Marion, Texas. Her commit-
tment to our children deserves our respec-
t and thanks, and I am happy to have had the chance to recognize her here today.

AMTRAK BOARD’S
REORGANIZATION PLAN

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. RAHALL. Mr. Speaker, last week, Am-
trak’s Board of Directors released a set of
“strategic reform initiatives” the railroad would like to take “to revitalize U.S. passenger rail
service.” The Board’s proposal also suggests these reforms would “strengthen pas-
senger rail service at a time when the nation needs it most.”

In my view, which I share with many of my
colleagues on the House Transportation and
Infrastructure Committee, these reforms are
misguided and would doom the future pros-
pects for the railroad, result in significant hard-
ships for rail passengers in the long-term and
be a tremendous disservice to the hard-work-
ing employees of Amtrak.

It comes as no surprise to me that the
Board’s proposal is just the tip of an iceberg that has jolt-
ivated and consolidated the debate over
Amtrak’s survival. The Board’s proposals would end Amtrak’s relationship with the
Social Security program instead of the Rail-
road Retirement System, which has covered
rail workers for more than 70 years.

The Board is attempting to put Amtrak’s
funding burden on the backs of its hard-work-
ing employees and those that will not stand. To
highlight the introduction of the Amtrak Reauthorization Act of 2005, introduced by Chairman YOUNG and
Ranking Member OBERSTAR.

This legislation would provide Amtrak with
$2 billion each year through 2008, and would
put the railroad on the track to financial and
operational stability. This bill also includes
strict funding accountability procedures to en-
sure contractual obligations are met and
money is spent wisely. It is this type of pro-
posal that energizes the Board’s plan—that will benefit Amtrak and its
passengers in the coming years.

In closing, I urge my colleagues to reject
both the Bush Administration’s and Amtrak
Board’s proposals to dismantle Amtrak. They
are by no means the solution to the hard-
working employees of Amtrak and pas-
senger rail throughout the country.

MEDIA CONSOLIDATION

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise
today to call attention to a presentation by
Charles Benton, chairman of the Benton Foun-
dation, entitled, “Where’s the Public? Media
Ownership Reform in the Digital Age” at the
Engaging in Democracy Series at Ithaca
College on January 25, 2005. It is my hope
that Congress will address the problems of
media consolidation that Mr. Benton dis-
cusses. It is our duty to ensure that the public
airwaves are meeting the public need.

“I believe the future of media and commu-
nications in America is cause for serious con-
cern. In April 2004, I delivered this message to
the Council on Foundations, and I repeat it to-
night. As we move from an analog world to a
digital one, we are truly at a crossroads. At
state is who controls what we see, hear, and
read. At stake is our ability to get our mes-
gage out and make a difference. At stake is
nothing less than the health of our democracy.

We all have a stake in this debate.

I choose here three months after Representa-
tive MAURICE HINCHLEY and Federal Commu-
nications Commissioner Michael Copps spoke
to you about media concentration. Given Con-
gressman HINCHLEY’S representation of this
district, I feel I’m visiting the people who brought
the message of media ownership reform to
Washington—perhaps you can think of this
address as Washington reporting back.

The debate over media ownership restric-
tions is just the tip of an iceberg that has jolt-
ed our time-honored communications policy
priorities of competition, diversity and local-
ization. Some would say we are now rearranging the
deck chairs on the Titanic . . . that media
concentration and consolidation are inevitable,
and we will drown in a sea of commercialism.

But I see it differently. I believe we are em-
barking on a new journey—kept afloat—and
indeed propelled—by the public need, enthusiasm,
and energy of a new generation of people con-
cerned about our media future.

Collected in this hall tonight, I hope, are
new enlists in the battle to preserve, pro-
tect, and strengthen the public space in Amer-
ica’s media environment. Beyond this hall, I
hope the message is in the ears of committ-
ed people and organizations who will offer
their time, talent, and resources to prevail in
this ongoing fight.
By law, as reaffirmed in the Telecommunications Act of 1996, broadcasters have an obligation to serve the public interest. The government provides broadcasters on loan and free of charge exclusive access to a portion of the public airwaves—spectrum—for broadcasting in exchange for their commitment to serve the "public interest, convenience and necessity."

Under the '96 Act, the amount of spectrum given to television station owners was doubled. The policy rationale for this was to enable them to compete more effectively with other channels or networks. The FCC deregulated broadcast media ownership rules, thereby increasing the number and technical quality of their broadcast channels. For the spectrum needed for one analog channel, broadcasters can now simultaneously air six standard-quality digital channels or one or more high-quality high-definition channels.

When at least 85 percent of homes in a broadcasting market can receive digital signals, the spectrum currently used for analog channels is to be returned to the government for public safety uses, with some spectrum to be auctioned off. Digital television and radio make broadcasting more competitive and valuable in the market, and should enable broadcasters to better serve basic public needs. Remember that broadcasters are supposed to serve as public trustees in their use of the publicly owned airwaves. That at least is the theory on how the system is supposed to work.

Let's look now at the reality, starting with who owns the media. Today, five companies own the broadcast networks, own 30 percent of the top 50 cable networks, and produce 75 percent of all prime time programming. People of color constitute over 30 percent of America, but they own only 4.2 percent of the nation's radio stations and around 1.5 percent of TV stations. The current media landscape already shortchanges our historical commitment to competition, diversity and localism, but in June 2003, a majority of FCC commissioners voted to further weaken it. The FCC decided to relax media concentration safeguards and open the door to a fundamental reshaping of the media landscape. The action would have significantly deregulated broadcast media ownership rules, removing restrictions on the number of outlets a broadcaster could own and control. It would also eliminate "cross ownership" rules that prevented newspapers from buying broadcasting stations and vice versa in the same community. The debate leading up to the decision sparked an unprecedented outpouring of public concern over the future of media in America. Millions of Americans spoke out against relaxing any other FCC decision to date—yet the FCC acted to allow big media companies to get even bigger—reducing competition at the expense of the public's need for diverse and local content. The sense that the FCC no longer cares about protecting the public interest may have had broad appeal—more believable now other FCC decision to date—yet the FCC acted to allow big media companies to get even bigger—reducing competition at the expense of the public's need for diverse and local content. The sense that the FCC no longer cares about protecting the public interest may have had broad appeal—more believable now other FCC decision to date—yet the FCC acted to allow big media companies to grow bigger. Perhaps the most important part of the decision is the Court's holding that the FCC improperly applied a presumption in favor of deregulation in its review of the broadcast media ownership rules. Thus, it sent the case back to the FCC for better analysis of public impact. This court action gives the public the chance that media concentration safeguards are necessary for preserving local civic discourse.

In November filings to the Supreme Court, Media General and a coalition of major TV network owners made clear that they are seriously considering challenging the Philadelphia court decision by attacking the bedrock legal rationale for regulating the nation's broadcasters—Red Lion. In the landmark 1969 Red Lion decision, the court held that because broadcasters use a scarce government resource—the radio spectrum—to deliver programming over the air, the FCC is justified in its special regulation of the industry in the public interest. The scarcity argument justifies a range of FCC broadcast regulations, from ownership restrictions to prohibitions on indecent broadcasts. But Red Lion is used as a rationale to extend the special regulation to digital broadcasters, too, including obligations of cable operators to carry the signals of local broadcasters.

Why risk this important commercial benefit? Broadcasters appear sick and tired of FCC regulations that impede their ability to add broadcast stations to their portfolios, regulations punishing them for off-color programming that may seem tame on cable, and regulations requiring them to serve the public interest, not just their commercial interests. It is difficult to know what the Supreme Court hears arguments launched by Media General and others against Red Lion and the "scarcity rationale" for broadcast regulation that the decision's underlying principles will prevail. The most important of these, according to the Supreme Court, is that the First Amendment rights of viewers are paramount.

These giant companies claim that we live in a time of unprecedented media choice: hundreds of TV and radio stations provided by terrestrial broadcasters, cable operators, satellite radio, the Internet, the radio spectrum, newspapers, and the Internet. But who owns most of this media? You know the names: Time Warner, Fox, Viacom, Disney, GE Universal. Do we really have diverse, competing and local voices? Additionally, spectrum remains a scarce resource. Wireless telecommunications companies are willing to spend billions—some estimate up to $100 billion—to start providing services over spectrum currently used by broadcasters. Perhaps if broadcasters are willing to compete on their own, other users are forced to do these days—then they can be freed from what they call burdensome regulation. Until and unless they do so, they should be part of a constructive conversation to spell out their public interest obligations in the digital age.

Some irresponsible broadcasters are doing just that. As long-time commercial broadcaster Jim Goodmon, who served with me on a Presidential Advisory Committee that examined and made recommendations on digital broadcasters' obligations, put it, "The broadcast industry is fulfilling a contract between itself as the user of a public asset and the public body that owns the asset. As with all contracts, both parties to the agreement need to know exactly the responsibilities that they have to each other. With minimum standards spelled out, there is no question. As a broadcaster I would like to know what is expected of me in serving the public interest. Required minimum standards and a voluntary code provide the benefit of certainty for broadcasters. I like to know what the rules are."

Scarcity is not the only argument for regulating broadcasting. Television is ubiquitous and has become the engine of our consumer society. As former FCC Commissioner, Nicholas Johnson, used to say, "The flypaper to get people to watch the ads."

Its importance in our democracy is easily highlighted by the vast amounts spent by candidates and organizations on political advertising. It is through these ads, unfortunately, not broadcasters' programming, that most voters learn about candidates and issues.

In exchange for the use of our scarce spectrum, broadcasters have a commitment to serve the "public interest, convenience and necessity." These are the so-called public interest obligations, are critical tools that are designed to ensure that television, at least in part, serves fundamental public needs. Unfortunately the vision and the reality are often at odds. The FCC has been working on the transition to digital television, at the behest of the nation's broadcasters, for some 20 years. Absent so far has been a comprehensive proposal for establishing public interest obligations that match digital television's capacity. Americans everywhere have begun to realize that as broadcasters get bigger, the public's benefits are getting smaller. But there is more at stake than the impacts of media concentration and consolidation.

Television has never played a more important role in our lives. But today's television is too often out of touch with today's realities: parents struggling to find educational programming for their children, voters struggling to find basic coverage of local campaigns and elections so vital to our democracy, and the effective use of television for emergency alerts to serve needs of the disabled. In each case, broadcasters have too often lost touch with the needs of the people who own the airwaves. We have the right to demand and the FCC has the mandate to require that TV and radio stations provide programming that is in the public's interest, not just in the owners' commercial interests.

Public interest obligations are about whether our children can turn on a television and find at least three hours per week of truly educational content, about whether in an emergency our television can keep us alert and informed. It is about whether we can be active and intelligent participants in our democracy. It is about whether the blind and deaf can access closed captioning and video descriptors for digital works. And about whether we can work towards a day when the voices and views on our airwaves reflect the diversity of our country.

The growing number of Americans are working to ensure these public interest goals are met not just because the law says we must, but because we will be richer as a nation when we do. I hope you will join that fight. The transition from analog to digital television does not just represent a technological change, but an important opportunity to reassess whether the public's airwaves are being used to meet the public's needs.
Last year the Benton Foundation joined forces with two broad coalitions of organizations focused on delivering public dividends with the transition to digital television. Working with these groups, the FCC recently extended a requirement that broadcasters air a minimum of three hours per week of local civic or electoral affairs focused programming. This is in addition to the most-watched channel—on television by ensuring that independent producers provide a minimum of 25 percent of their most-watched channel’s primetime schedule; and (3) Tell the public how they are serving the interests of their audiences by making this information available in a standardized hard copy and website formats.

These really are minimal requirements, but nonetheless often opposed or ignored by the broadcasters. Arguing that it’s time to put the remote control back into the public’s hands and once again give the public greater control over the kind of democracy they participate in, the children they raise, and the security they deserve.

Concerning public, court, regulators and companies are continuing to make communications policy decisions. These decisions will have far-reaching consequences for competition and innovation and ultimately consumer well-being in the media marketplace. While public comments will be heard over the FCC’s media ownership decisions, too few individuals are aware that broadcasters are obligated to serve them—or that they can get involved in ensuring they do. For those who understand the crucial role of media in this democracy, our first task is to inform and educate the public about this debate and the right of all Americans to participate in it.

In addition to a clearer television picture, consumers need a clearer regulatory picture for how the digital television transition will impact them. We are10916 going to the marketplace needs—healthy programming for children, healthy programming for our democracy, and healthy programming for our communities. Citizens need as much information about the TV that comes into our living rooms, as about the food that comes into our kitchens.

But to achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote control—and change the tune coming from policymakers in Washington. It takes listening policymakers know that you want reality based public interest obligations that can help make a difference in your lives.

The first product of a coalition of national and local media advocates is a Citizens’ Brief of Media Rights—a policy statement of principles and goals of a media reform movement. The Bill has recently been circulated for sign-on. If my message tonight makes you want to get involved, here’s the first thing you can do: Read “Citizens’ Bill of Media Rights,” go online, and sign up.

At the Benton Foundation, we are releasing the Citizen’s Guide to the Public Interest Obligations of Digital Television Broadcasters. Our guide will serve as a primer for the organizations and people considering taking the policy remote control out of the hands of media giants and their lobbyists and returning it where it belongs—in the hands of the American people, especially in your community. Action item two: check www.benton.org for the guide.

For media creators, academics, and policy makers will meet for three days of learning, sharing, networking and momentum building at the 2nd 2005 National Conference for Media Reform in Saint Louis. Visit www.freepress.net for more information. Action item three: Meet Me In Saint Louis.

There are many valuable resources for keeping up to date on what’s going on in media policy—let me highlight two. At the Benton Foundation, we provide a service which summarizes the top communications policy stories of the day. The service, Communications-Related Headlines, is delivered via e-mail and is also available on our web site free of charge, www.benton.org. Action item four: subscribe to Headlines.

HearUsNow.org follows Consumers Union’s long tradition of promoting a fair and just marketplace by empowering consumers to fight for better and more affordable telephone, cable and Internet services or equipment. By focusing on major media, technology and communications-related issues in local stories, HearUsNow.org will help explain increasingly complex issues and the connections between these issues, underscore what’s at stake, and offer ways to make improvements. Action item five: Visit www.hearusnow.org.

Obviously, when working against corporate interests ready to devote billions of dollars to their cause, even more resources will be needed to win the day. Last April, I delivered this message to an audience of philanthropists asking them to fund the ongoing efforts to shape our media future. . . . to fund media policy research, education and advocacy. I am happy to say that there’s hope coming from this important arena: The Arca Foundation board has committed $1 million—$1.5 million per year for the next 3–5 years to a strategic media policy campaign for policy advocacy, organizing, research and content development. With Ford Foundation leadership, the Grantmakers in Film and Electronic Media’s new Working Group on Electronic Media Policy was formed to respond to the burgeoning interest among grantmakers to build and share knowledge about key issues in media policy, as well as undertake targeted activities to help advance the dynamic media policy field. All participants hope that this funder cooperation will result in real capacity building for the media reform field.

Several members of Congress, including Representative HINCHLEY, are forming a Congressional Media Reform Caucus this month to focus on media ownership, digital transition, and other media-related issues. Last year, Representative HINCHLEY introduced the Media Ownership Reform Act. This proposed legislation has three goals: (1) To curb the deregulatory zeal of the Republican majority at the FCC; (2) To restore the Fairness Doctrine; and (3) To reform the broadcast license renewal process and require broadcasters to report on their public interest performance and their plans for doing so every two years. In today’s political climate, the legislation may seem improbable. But most significantly, it provides a vision of where we’ll be when we have true democratic media reform in this country.

Again, we’re at a crossroads. Left to its own designs, the majority at the FCC will fight to allow greater consolidation in media ownership while further weakening public interest obligations. With public pressure, with your participation, we may help the FCC envision a democratic media future. In this alternative vision, we, as Americans, could have a media environment that delivers a vigorous, uninhibited marketplace of ideas. In this alternative vision, we could have a media that reflects and responds to local communities. In this alternative vision, we could have a media environment that embraces and enhances the public interest.

Wouldn’t you like to be part of that debate and help shape this more democratic and more open media environment? If so, why not join us and get involved?

HONORING THE CONTRIBUTIONS OF SUSAN HARTLEY, BURGES DISCIPLINE ALTERNATIVE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Susan Hartley, Burges Discipline Alternative School Teacher of the Year.

Ms. Hartley has a Bachelor of Science degree in Health Science from Arizona State University, and a Teacher Certification from Ottawa University. She is a relatively new teacher—she has been teaching for 5 years, all of them spent at the Seguin Independent School District.

Ms. Hartley teaches Science and Health to grades 7 through 12. She deals with what can often be a difficult and stressful job in a counterintuitive way: her goal is to make school fun, for herself and her students.

She believes that students learn best when they are enjoying themselves. Her at-risk students are often disconnected from the school or community. She feels that her role is to help these students find ways to reconnect with others. Students who feel like they are part of the community are less likely to be in trouble, and more likely to go on to a successful future.

Ms. Hartley’s work with at-risk youth has already distinguished her as one of her school district’s most valuable teachers. In her 5 years, she has made a difference in the life of many students, and in the life of her community. She has a bright future ahead of her, and I am happy to have had this opportunity to recognize her.

TRIBUTE TO RUTH VAN GERPEN AND THE ONCOLOGY NURSING SOCIETY

HON. JEFF FORTENBERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Mr. FORTENBERRY. Mr. Speaker, I rise today to honor the Oncology Nursing Society
Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone who has had cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation’s cancer care delivery. ONS has five chapters that serve the oncology nurses of Nebraska and help them continue to provide the best possible cancer care to patients and their families in our state.

On behalf of the people with cancer and their families in Nebraska’s First Congressional District, I would like to specifically acknowledge Ruth Van Gerpen for her leadership within the Oncology Nursing Society as a member of the ONS Board of Directors. Ruth is a clinical nurse specialist (CNS) for oncology at Bryan-LGH Medical Center in Lincoln, Nebraska. She has been an RN for 28 years and has devoted 20 of those years to oncology nursing. Ruth works to improve patient outcomes, enhance professional and consumer awareness, and educate and support newly diagnosed individuals and their families. Through her CNS leadership, ONS is charting a course that will help us win the war on cancer.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specializing in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 1.37 million people will be diagnosed with cancer and another 570,000 will lose their battles with this terrible disease. Every day, oncology nurses such as Ruth see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer, patients. We are on the verge of a major national nursing shortage, and it is estimated that there will be a shortage of 1.1 million nurses in the year 2015.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society’s mission is to promote excellence in oncology nursing and quality cancer care, that end. ONS honors and maintains nursing’s historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support.

I commend Ruth Van Gerpen for her leadership and ongoing commitment to improving and assuring access to quality cancer care for cancer patients and their families, and I urge my colleagues to support oncology nurses in their important endeavors.

IN REMEMBRANCE OF ARCHBISHOP IAKOVOS

HON. MICHAEL BILIRAKIS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today in remembrance of His Eminence, Archbishop Iakovos, who faithfully led the Greek Orthodox Church in North and South America for over thirty years. With his passing on April 10th, the world lost a great spiritual leader and humanist who respected faith and unity between all nations and religions.

Archbishop Iakovos, who was born as Demetrios Coucoudis on July 29, 1911, first set foot on American shores in 1939, after graduating from the Halki Theological Seminary. In 1945 he received a graduate degree from Harvard Theological Seminary and five years later he became an official U.S. citizen.

When Archbishop Iakovos became the leader of the Orthodox faithful in 1959, he made it his goal to bring the church into mainstream life for his followers. In the spirit of incorporating Greek Orthodoxy in America, he encouraged the use of English in the liturgy, set up dialogues with other Christian denominations, as well as Jewish and Muslim leaders, and became the first Archbishop to meet with a Roman Catholic Pope in 350 years.

As a humanitarian, Archbishop Iakovos also became very interested in political issues, particularly those impacting human and civil rights. He regularly visited the White House and met with every U.S. president from Eisenhower to Clinton. His strong vision for peace compelled him to voice his opposition to the Vietnam War, support for the rights of Soviet Jews, and encouragement for the Middle East Peace process. As a champion of social causes, he will forever be remembered for assisting the civil rights movement in America by marching in 1965 with Reverend Dr. Martin Luther King, Jr. in Selma, Alabama.

Throughout his career, Archbishop Iakovos was highly honored for his work. In 1980, former President Jimmy Carter awarded him the Medal of Freedom, the nation’s highest civilian honor. He served on the World Council of Churches and also was awarded honorary degrees from over forty colleges and universities.

Mr. Speaker, please join me in honoring the life and legacy of Archbishop Iakovos, who through faithful leadership brought the ideas of faith, equality, peace, and unity to the forefront of the world’s political and religious stage.

CONTRIBUTIONS OF CELIA BARRAGAN OF CANYON INTERMEDIATE SCHOOL

HON. HENRY CUELLAR
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many, accomplishments of Celia Barragan, Canyon High School Teacher of the Year.

Celia Barragan received both her Bachelor’s and Master’s degrees from Texas State University in San Marcos. She currently teaches fourth grade in Comal Independent School District. With over twenty-eight years of experience in teaching, she understands the unique needs of our kids.

She personally believes that the two most important qualities that can be nurtured are “positive self-esteem” and “responsibility.” Teaching young people to place value in these virtues is important for skills and development later in life. With a long and distinguished career, Celia Barragan has helped generations of our students to excel in school.

I am proud to have this opportunity to honor the contributions of Celia Barragan, the Canyon Intermediate School Teacher of the Year. Her many years of passionate service have been a blessing to the Comal community.

LONGFORD WATER COMPANY, LLC

HON. JERRY MORAN
OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the efforts of the citizens of Longford, Kansas in their work to create and support Longford Water Company, LLC.

For years, this town of 89 people has had a reputation for providing high quality, good tasting water. Road signs near the community advised, “For Good Health and Longevity Drink Longford Water, Kansas’ Purest.”

Groundwater from Longford is clean and soft because it is naturally filtered by a distinctive group of underground rocks known as the Kiowa Formation. Years ago, communities used to compete at the Kansas State Fair regarding the quality of their water. Water from Longford was a frequent winner.

More than a year and a half ago, a group of local individuals formed Longford Water Company, LLC. The reason: to research the possibility of capitalizing on Longford’s reputation for high quality water by bottling it for sale. They discovered that most of the bottled water for sale has been treated by reverse osmosis, a process used to purify water through removal of unwanted chemicals. This procedure is expensive and removes natural minerals from the water that contribute to good physical health. Due to its high quality, Longford water does not need to be subjected to this added expense.

Following extensive research, the company took the following actions: announced that the production facility will be located in Longford; agreed to purchase water from the City of Longford; in order to minimize marketing and shipping costs, established a marketing distribution system that focuses on a 50-mile
area around the community; selected KIOWATA as the marketing name for the water and financed the entire project through private funds. Because of this team effort, the Longford Water Company is now ready to produce, market and distribute KIOWATA water. According to Wava Kramer, president of the board of managers, the company has raised the real estate tax base of the city, provided local employment and contributed to the positive image of the Longford community.

Ms. Kramer also noted the entire effort has resulted in other benefits. “Langford water has been long known as nature’s finest gift to Kansas,” said Kramer. “Another gift is that the process of creating Longford Water Company has brought our community together. Our town is small in size but big in spirit.”

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. The Longford Water Company is an example of how hard work, innovation, professional management and community pride can create just such an opportunity.

Citizens throughout the First Congressional District of Kansas are working together to enhance the quality of life in their communities. Longford Water Company, LLC is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

HONORING DELTA COLLEGE
President Doctor Peter D. Boyse

HON. DALE E. KILDEE
of Michigan
In the House of Representatives
Tuesday, April 26, 2005

Mr. KILDEE. Mr. Speaker, Mr. CAMP, Mr. STUPAK and I rise together to pay tribute to Dr. Peter D. Boyse, a visionary educator who will retire July 31, 2005, after 17 years of dedicated service to Delta College and the community it serves. Students and colleagues will gather June 10 to honor his dedication and his many accomplishments.

Dr. Boyse came to Delta College in July 1988 as executive vice president and became president in January 1993. During his tenure, Delta College has completed a $26 million renovation of its computer and science laboratories, and its library, and a $42 million renovation of its computer and science laboratories.

Delta College, which serves the people of Bay County, Midland County and Saginaw County, as well as many others from surrounding counties in Mid-Michigan, has grown to be one of our Nation’s leading community colleges under the guidance of Dr. Boyse. Support for Delta College within that community is demonstrated by the passage of a renewal of an operating millage with an unprecedented 70 percent approval.

Dr. Boyse’s visionary leadership has brought about growth in both the size and stature of Delta College. Through its Corporate Services arm, the college has helped people all across the United States to grow and succeed in their careers. His influence as an administrator and a leader in the field of higher education will be felt for many years to come.

Mr. Speaker, we ask that all of our colleagues in the U.S. House of Representatives join us today in recognizing Dr. Peter D. Boyse for his exceptional leadership. His guiding hand has helped shape Delta College into a truly world class institution of higher education. We wish Dr. Boyse all the best in retirement and hope for his continued involvement in our community.

HONORING THE LIFE OF ERICH R. WEBER, OWNER OF WEBER’S BAKERY

HON. DANIEL LIPINSKI
of Illinois
In the House of Representatives
Tuesday, April 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of a member of my community who truly exemplified the dedication and hard work required of his ancient profession.

As the longtime owner and operator of a popular Chicago neighborhood bakery, Erich R. Weber never knew an easy day. For many years, the Chicago native would begin his workday at 2 a.m., breaking by mid-afternoon to have dinner with his family, then returning to the bakery later in the evening. Family members said that in addition to keeping the business side running, he was also the baker behind many of the pastries that disappeared quickly from the shelves.

“He was first and foremost a baker,” said his son Michael. “He wore his whites every day.”

Mr. Weber, age 71, the longtime owner of Weber’s Bakery on the Southwest Side, died April 7, 2005.

Mr. Weber graduated from St. Rita High School in 1951. He received a bachelor’s degree in baking science and management from Florida State University in Tallahassee in 1955. That same year he married his wife of 49 years, Bernadette. Mr. Weber learned to bake from his father, a German immigrant, who founded the bakery in Chicago in 1930. Originally on Kedzie Avenue, the bakery moved in the 1940s to 63rd Street, and in 1979 to 7055 W. Archer Avenue in the Garfield Ridge neighborhood. After serving 2 years in the Air Force during the late 1950s, Mr. Weber returned to Chicago, where he joined his father at the bakery. For several years, father and son served as co-presidents of the Chicago Lawn Chamber of Commerce.

When Ms. Kemper-Nolan was asked, “why would someone choose to work with some of the most challenging students who are faced with daunting intellectual and emotional obstacles,” she quickly replied that “there is no greater feeling than watching the light go on in the eyes of a child, especially a child who has given up on him or herself . . . . one teachable moment at a time.” Through her initiative, energy, and audacity, Ms. Kemper-Nolan proves to be an exemplary teacher, and a blessing to the people in her community. She has an excellent career ahead of her, and I wish her the best of luck.

HONORING THE CONTRIBUTIONS OF BARBARA KEMPER-NOLAN

HON. HENRY CUELLAR
of Texas
In the House of Representatives
Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Barbara Kemper-Nolan, Saegert sixth grade teacher. Ms. Kemper-Nolan is a sixth grade teacher specializing in resource math and language arts. She has two years of teaching experience in the Seguin Independent School District, five years as an instructional aide and one year as a substitute. With her short time at Saegert she has already started to make an impact on her students.

Ms. Kemper-Nolan has a Bachelor of Science in Psychology, a Master of Counseling from Arizona State University, and a Special Education Alternative Certification in grades prekindergarten through twelve.

When Ms. Kemper-Nolan was asked, “why would someone choose to work with some of the most challenging students who are faced with daunting intellectual and emotional obstacles,” she quickly replied that “there is no greater feeling than watching the light go on in the eyes of a child, especially a child who has given up on him or herself . . . . one teachable moment at a time.” Through her initiative, energy, and audacity, Ms. Kemper-Nolan proves to be an exemplary teacher, and a blessing to the people in her community. She has an excellent career ahead of her, and I wish her the best of luck.

IN MEMORY OF STAR NUCKOLLS

HON. RALPH M. HALL
of Texas
In the House of Representatives
Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, the greatest sadness for most of us is the loss of a child, and today I want to honor the life and help preserve the memory of Star Nuckolls of Sulphur Springs, Texas, whose life ended on February 7. Star was four years old. Her life and her struggle captured the hearts of hundreds in her community and throughout the Nation, and today we celebrate the joy and inspiration she brought to so many.

Star was first diagnosed with cancer in June 2004 and received numerous medical treatments during the six months prior to her
death, Specialists at MD Anderson Medical Center in Houston performed the necessary surgery and follow-up treatments for a stage four cancer. The citizens of Sulphur Springs and members of the First Baptist Church rallied in support of Star, her parents Steve and Kari, and sister Saylor. Sean Huffman, editor of The Christian News Monthly, wrote and published a moving article about Star and the strength and faith demonstrated by Star’s parents.

Star was a beautiful and vibrant young girl who demonstrated a capacity to live with enthusiasm and joy despite her serious illness. She never understood all that was happening to her and certainly could not comprehend the outpouring of support from friends and strangers alike. But her parents did. Their Sunday School class provided groceries so they wouldn’t have to shop. Someone mowed their yard every week. Weyerhauser in Dallas donated purple stars with Star’s name on them that were sold to help defray out-of-pocket medical expenses. These stars were displayed all around Sulphur Springs in a show of support. Steve and Kari’s employer, Farm Bureau Insurance, donated enough to cover a weekly chemotherapy drug that was not covered by their medical insurance. And the prayers that were lifted for Star and her family are countless.

Throughout this difficult time, Kari and Steve demonstrated an unshakeable faith in God and a strength beyond belief. Star may have lost her battle with cancer, but she was victorious in life. Star unknowingly strengthened the faith of her family, brought a community together in love and support, and captured the hearts of many throughout the Nation. As we adjourn today in the House of Representatives, let us do so in loving memory of the life of Star Nuckolls. May her short but remarkable life continue to bless her family and community and all those whose hearts she touched.

FIFTIETH JUBILEE OF REVEREND I.J. JOHNSON

HON. MARCY KAPTUR
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 26, 2005

Ms. KAPTUR. Mr. Speaker, this month our community celebrates the fiftieth jubilee of Reverend I.J. Johnson. He is the pastor of St. Mark’s Missionary Baptist Church in Toledo, Ohio.

Amazingly, Reverend Johnson entered the ministry at age twelve. By nineteen, he began pastoring in his home state of Alabama. He received his Bachelor of Theology degree from Easonian Baptist Seminary in Birmingham, Alabama, and served four churches until coming to Ohio in 1955. In July of that year, he was invited by Dr. Israel Walker to conduct a revival at St. Mary’s Baptist Church. During this visit he met the woman who would become his wife. On August 26, 1958, Reverend Johnson and Mother Betty Rae Johnson were married. Together they raised four children: Reverend C.L. Johnson, Reverend Michael Johnson, Denisee Williams and Angela Taylor.

In October of 1955, Pastor Johnson founded and organized St. Mark’s Missionary Baptist Church. Started with just three members, the church grew over the half-century to more than 2,000 souls.}

Enjoying a well-earned reputation as a spiritual leader, Pastor Johnson has been invited to conduct revivals in Alabama, Georgia, Florida, Indiana, Louisiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, South Carolina, and Tennessee. All of this in addition to his ministry at St. Mark’s. He has established a yearly fellowship with Historical First Baptist Church of Toronto, Ontario, Canada. In 1981, Pastor Johnson invited Dr. Martin Luther King Sr. to St. Mark’s, at which time the first album recorded by the church choir was dedicated. The album was entitled “Our Day Will Come.”

Many of our area ministers count Pastor Johnson as mentor. Perhaps the greatest testament to his nurturing ability is the fact that both of his sons are now preachers in their own right. Not only ministers, but many in our community have been beneficiaries of his counsel. Truly a community leader, Pastor Johnson served as president of the Baptist Ministers Conference for eight years. Other associations include the Fairside Community Organization, Northwestern Ohio Missionary Baptist Association, Lucas County Mental Health Board, Interracial Interfaith Committee, Evangelical Board of the National Baptist Convention, and NAACP. A welcome advisor, Reverend Johnson has also been specially recognized by our area’s elected leaders.

Reverend Johnson’s charismatic leadership, dynamic example, personal spirituality, and careful teachings have brought many people to live their lives in the steps of Jesus Christ. He embodies God’s teachings as written in Matthew, 4:19; “Follow me, and I will make you fishers of men.”
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4225–S4349

Measures Introduced: Eleven bills and five resolutions were introduced, as follows: S. 900–910, S.J. Res. 17, S. Res. 123–125, and S. Con. Res. 28.

Measures Reported:

S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, with amendments. (S. Rept. No. 109–61)

S. 907, to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation and for other purposes.

Measures Passed:

World Intellectual Property Day: Senate agreed to S. Con. Res. 28, expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

Commending University of Minnesota Golden Gophers Women’s Ice Hockey Team: Senate agreed to S. Res. 125, commending the University of Minnesota Golden Gophers women's ice hockey team for winning the 2004–2005 National Collegiate Athletic Association Division I Women's Hockey Championship.

Transportation Equity Act: Senate agreed to the motion to proceed to consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and then began consideration of the bill, taking action on the following amendments proposed thereto:

Pending:

Thune Amendment No. 572, to provide a complete substitute. Pages S4237–52

During consideration of this measure today, Senate also took the following action:

By 94 yeas to 6 nays (Vote No. 110), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11:30 a.m., on Wednesday, April 27, 2005.

Messages From the House:

Executive Communications:

Petitions and Memorials:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: One record vote was taken today. (Total—110)

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:34 p.m., until 9:30 a.m., on Wednesday, April 27, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4349.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE TREASURY

Committee on Appropriations: Subcommittee on Transportation, Treasury, The Judiciary, Housing and
Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of the Treasury, after receiving testimony from John Snow, Secretary of the Treasury.

**MONEY SERVICES BUSINESSES**

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to review money services businesses under Bank Secrecy Act and USA PATRIOT Act regulations, focusing on federal and state efforts in the anti-money laundering area, receiving testimony from Kevin M. Brown, Commissioner, Small Business/Self-Employed Division, Internal Revenue Service, William J. Fox, Director, Financial Crimes Enforcement Network, and Julie L. Williams, Acting Comptroller of the Currency, all of the Department of the Treasury; Diana L. Taylor, New York State Banking Department, Albany; John J. Byrne, American Bankers Association, Washington, D.C.; Gerald Goldman, Financial Service Centers of America, Hackensack, New Jersey; Dan O’Malley, MoneyGram International, Inc., Minneapolis, Minnesota; and David Landsman, National Money Transmitters Association, Inc., Great Neck, New York.

Hearing recessed subject to the call.

**NOMINATIONS:**

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Maria Cino, of Virginia, to be Deputy Secretary of Transportation, who was introduced by Senators Allen and Clinton, and Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation, who was introduced by Senator Allen, after the nominees testified and answered questions in their own behalf.

**TRANSPORTATION SECURITY ADMINISTRATION: BUDGET**

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2006 for the Transportation Security Administration and related programs, after receiving testimony from Charles Barclay, American Association of Airport Executives, Alexandria, Virginia, on behalf of sundry organizations; and James C. May, Air Transport Association, Washington, D.C.

**NUCLEAR POWER 2010 PROGRAM**

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the status of the Department of Energy’s Nuclear Power 2010 program, which is a joint government/industry cost-shared effort to identify sites for new nuclear power plants, develop advanced nuclear plant technologies, and demonstrate new regulatory processes leading to a private sector decision by 2005 to order new nuclear power plants for deployment in the United States in the 2010 timeframe, after receiving testimony from Clay Sell, Deputy Secretary of Energy; Nils J. Diaz, Chairman, Nuclear Regulatory Commission; and Michael J. Wallace, Constellation Generation Group, Baltimore, Maryland.

**WILDFIRE MANAGEMENT**

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine the preparedness of the Department of Agriculture and the Interior for the 2005 wildfire season, including the agencies’ assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies’ ability to deal with the upcoming fire season, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Lynn Scarlett, Assistant Secretary of the Interior for Policy, Management, and Budget; Robin M. Nazzaro, Director, Natural Resources and Environment, Government Accountability Office; and James Caswell, Idaho Office of Species Conservation, Boise, and Kirk Rowdabaugh, Arizona State Forester, Phoenix, both on behalf of the Western Governors’ Association.

**SOCIAL SECURITY REFORM**

Committee on Finance: Committee held a hearing to examine Social Security proposals to achieve sustainable solvency regarding personal accounts, receiving testimony from Peter Ferrara, Institute for Policy Innovation, and USA Next, Michael Tanner, Cato Institute Project on Social Security Change, Peter R. Orszag, The Brookings Institution, Joan Entmacher, National Women’s Law Center, all of Washington, D.C.; and Robert C. Pozen, MFS Investment Management, Boston, Massachusetts.

Hearing recessed subject to the call.

**BUSINESS MEETING**

Committee on Finance: Committee ordered favorably reported the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador.

**MILLENNIUM CHALLENGE CORPORATION**

Committee on Foreign Relations: Committee concluded a hearing to examine the Millennium Challenge Corporation’s global impact, focusing on assistance to developing countries that uphold political freedoms,
fight corruption, maintain the rule of law, and pursue sound economic policies, after receiving testimony from Paul V. Applegarth, Chief Executive Officer, Millennium Challenge Corporation; and David B. Gootnick, Director, International Affairs and Trade, General Accountability Office.

PENSION FUND REFORM

Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging concluded a hearing to examine proposals to reform the pension funding rules and premiums payable to the Pension Benefit Guarantee Corporation, after receiving testimony from Bradley Belt, Executive Director, Pension Benefit Guarantee Corporation; Ian P. MacFarlane, Medley Global Advisors, New York, New York; Sallie B. Bailey, The Timken Company, Canton, Ohio, on behalf of the National Association of Manufacturers; and Ron Gebhardtsbauer, American Academy of Actuaries, and Alan Reuther, United Auto Workers, both of Washington, D.C.

FAIR ACT

Committee on the Judiciary: Committee concluded a hearing to examine S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after receiving testimony from Judge Edward Becker, Third Circuit Court of Appeals, Philadelphia, Pennsylvania; Craig A. Berrington, American Insurance Association; James D. Crapo, National Jewish Medical and Research Center and the University of Colorado Health Sciences Center, Denver; Eric D. Green, Boston University School of Law, Boston, Massachusetts; Hershel W. Goer, Military Order of the Purple Heart, McLean, Virginia; Philip J. Landrigan, The Mount Sinai School of Medicine, New York, New York; Carol Morgan, National Service Industries, Inc., Atlanta, Georgia, on behalf of the Coalition for Asbestos Reform; Mark A. Peterson, Legal Analysis Systems, Inc., Thousand Oaks, California; Francine Rabinovitz, Hamilton, Rabinovitz, and Alschuler, Carmel, California; and Alan Reuther, United Automobile, Aerospace, and Agricultural Implement Workers of America, Lebanon, Tennessee.

BUSINESS MEETING

Committee on Veterans’ Affairs: Committee ordered favorably reported the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Measures Introduced: 54 public bills, H.R. 1813–1866; 1 private bill, H.R. 1867; and 6 resolutions, H.J. Res. 44 and H. Res. 232–234, 237–238, were introduced. Pages H2548-50

Additional Cosponsors: Pages H2550–51

Reports Filed: Reports were filed today as follows:

H. Res. 210, supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide (H. Rept. 109–53);

H. Res. 224, providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, amended (H. Rept. 109–54);

H. Res. 235, providing for consideration of H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights (H. Rept. 109–55); and

H. Res. 236, providing for consideration of H.R. 748, to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion and for other purposes (H. Rept. 109–56). Page H2548

Speaker: Read a letter from the Speaker wherein he appointed Representative Price of Georgia to act as Speaker pro tempore for today. Page H2477

Recess: The House recessed at 12:58 p.m. and reconvened at 2 p.m. Page H2480

Suspensions: The House agreed to suspend the rules and pass the following measures:

Reauthorizing the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988: H.R. 1158, amended, to reauthorize the
Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988;  


Recognizing the significance of African American women in the U.S. scientific community: H. Con. Res. 96, amended, recognizing the significance of African American women in the United States scientific community; 

Recognizing the second century of Big Brothers Big Sisters: H. Con. Res. 41, recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization; 

Mayor Tony Armstrong Memorial Post Office Designation Act: H.R. 1256, to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the “Mayor Tony Armstrong Memorial Post Office”; 

Ed Eilert Post Office Building Designation Act: H.R. 1524, to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the “Ed Eilert Post Office Building”; 

Honoring the contributions of American Indians to economic innovation and society: H. Res. 227, recognizing and honoring the contributions of American Indians to economic innovation and society generally; and 

Expanded Access to Financial Services Act of 2005: H.R. 749, amended, to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services. 

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration will resume tomorrow, April 27. 

Presidential $1 Coin Act of 2005: H.R. 902, amended, to improve circulation of the $1 coin, create a new bullion coin; and 

Sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba: H. Con. Res. 81, expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba. 

Emergency Supplemental Wartime Appropriations Act—Motion to go to Conference: The House disagreed to the Senate amendments to H.R. 1268, making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and agreed to a conference. 

Agreed to the Obey motion to instruct conferees by a yea-and-nay vote of 417 yeas to 4 nays, Roll No. 133. 

Appointed as conferees: Representatives Lewis (CA), Young (FL), Regula, Rogers (KY), Wolf, Kolbe, Walsh, Taylor (NC), Hobson, Bonilla, Knollenberg, Obey, Murtha,icks, Sabo, Mollohan, Visclosky, Lowey, and Edwards. 

Recess: The House recessed at 4:57 p.m. and reconvened at 5:37 p.m. 

Budget Resolution for Fiscal Year 2006—Motion to go to Conference: The House disagreed to the Senate amendments to 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, and agreed to a conference. 

Agreed to the Herseth motion to instruct conferees by a yea-and-nay vote of 348 yeas to 72 nays, Roll No. 134. 

Appointed as conferees: Representatives Nussle, Ryun (KS), and Spratt. 

Ticket to Work and Work Incentives Advisory Panel—Appointment: The Chair announced the Speaker’s appointment of Mr. J. Russell Doumas of Columbia, Missouri to the Ticket to Work and Work Incentives Advisory Panel for a four-year term. 

Permitting Official Photographs of the House in session: The House agreed to H.Res. 232, permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker. 

United States Capitol Preservation Commission—Appointment: The Chair announced the Speaker’s appointment of the following Members to the United States Capitol Preservation Commission: Representatives Lewis (CA), and Shuster. 

United States Capitol Preservation Commission—Appointment: Read a letter from Minority Leader Pelosi wherein she appointed Representative Kaptur to the United States Capitol Preservation Commission. 

Senate Message: Message received from the Senate today appears on H2480.
Senate Referral: S. 893 was referred to the Committees on Energy, Commerce, and the Judiciary.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings today and appear on pages H2518–19 and H2919–20. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:44 p.m.

Committee Meetings

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, 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 U.S. Postal Service and on the National Archives and Records Administration. Testimony was heard from John E. Potter, Postmaster General, U.S. Postal Service; and Allen Weinstein, Archivist, National Archives and Records Administration.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies held a hearing on the FCC. Testimony was heard from Kevin J. Martin, Chairman, FCC.

UNDERACHIEVING SCHOOLS

Committee on Education and the Workforce: Held a hearing on No Child Left Behind: Supplemental Tutoring for Children in Underachieving Schools. Testimony was heard from Donn Nola-Ganey, Assistant Superintendent, Office of School and Community Support, Department of Education, State of Louisiana; Beth Swanson, Director, Office of After School and Community Programs, Public Schools, Chicago, Illinois; and public witnesses.

ILLEGAL DRUG USE PREVENTION

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?” Testimony was heard from Charles Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; and public witnesses.

COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled “The 70’s Look: Is the Decades-Old Community Development Block Grant Formula Ready for an Extreme Makeover?” Testimony was heard from Roy A. Bernardi, Deputy Secretary, Department of Housing and Urban Development; and the following officials of the GAO: Paul Posner, Director, Federal Budget and Intergovernmental Relations; and Jerry C. Fastrup, Assistant Director, Applied Research and Methods; and a public witness.

HOMELAND SECURITY INFORMATION SHARING AND ENHANCEMENT ACT OF 2005


MALARIA AND TB: IMPLEMENTING PROVEN TREATMENT AND ERADICATION METHODS

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Malaria and TB: Implementing Proven Treatment and Eradication Methods. Testimony was heard from Mark Dybul, M.D., Assistant U.S. Global AIDS Coordinator and Chief Medical Officer; Department of State; Michael Miller, Deputy Assistant Administrator, Bureau for Global Health, U.S. AID; and public witnesses.

VE DAY ANNIVERSARY RESOLUTIONS

Committee on International Relations: Subcommittee on Europe and Emerging Threats approved for full Committee action the following resolutions: H. Res. 195, amended, Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; and H. Res. 233, Recognizing the 60th anniversary of Victory (V-E) Day during World War II.

OVERSIGHT—U.S. PATRIOT ACT IMPLEMENTATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address Foreign Intelligence Surveillance Act (FISA). (Part 1)-Section 204: Clarification of Intelligence Exceptions
from Limitations on Interception and Disclosure of Wire, Oral, and Electronic Communications; Section 207: Duration of FISA Surveillance of Non-United States Persons who are Agents of a Foreign Power; Section 214: Pen Register and Trap and Trace Authority Under FISA; Section 225: Immunity for Compliance with FISA Wiretap; and Lone Wolf. Testimony was heard from May Beth Buchanan, U.S. Attorney, Western District of Pennsylvania; James A. Baker, Counsel, Intelligence Policy, Department of Justice; and a public witness.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1751, Secure Access to Justice and Court Protection Act of 2005. Testimony was heard from Judge Jane R. Roth, Chairwoman of Judicial Conference Committee on Security and Facilities; Judge Cynthia Kent, 114th Judicial District Court of Texas; and the following officials of the Eastern District of Virginia: Paul J. McNulty, U.S. Attorney; and John F. Clark, U.S. Marshal.

NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT OF 2005

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on H.R. 1428, National Fish and Wildlife Foundation Reauthorization Act of 2005. Testimony was heard from Timothy R.E. Keeney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; Matthew J. Hogan, Acting Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Committee on Rules: Granted, by a vote of 9 to 4, a structured rule providing one hour of general debate on H.R. 748, Child Interstate Abortion Notification Act, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule makes in order only those amendments printed in the rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Ros-Lehtinen, Nadler, Scott of Virginia, Jackson-Lee of Texas, Waters, and Harman.

SENSE OF THE HOUSE RESOLUTION—SMALL BUSINESS BILL OF RIGHTS

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate on H. Res. 22, expressing the sense of the House of Representatives that American small business are entitled to a Small Business bill of Rights, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. The rule waives all points of order against consideration of the resolution. The rule provides that the amendments to the resolution and the preamble recommended by the Committee on Small Business now printed in the resolution are considered as adopted. The rule provides one motion to recommit, which may not contain instructions. Testimony was heard from Representatives Keller, Barrow, Bean, and McGovern.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 27, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development; and to be a Member of the Board of Directors of the Commodity Credit Corporation, 10:30 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Defense, 10 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Sergeant at Arms, the U.S. Capitol Police Board, and the Capitol Guide Service, 11 a.m., SD–124.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, and S. 898, to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, 10 a.m., SD–430.
Committee on Homeland Security and Governmental Affairs: to hold hearings to examine how vulnerable the U.S. is to chemical attack, 10 a.m., SD–562.

Committee on Indian Affairs: to hold oversight hearings to examine regulation of Indian gaming, 9:30 a.m., LR–485.

Committee on the Judiciary: to hold hearings to examine the nomination of Paul D. Clement, of Virginia, to be Solicitor General of the United States, Department of Justice, 9:30 a.m., SD–226.

Committee on Rules and Administration: business meeting to mark up S. 271, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, 9:30 a.m., SR–301.

Select Committee on Intelligence: to resume hearings to examine the USA Patriot Act, 9:30 a.m., SH–216.

Special Committee on Aging: to hold hearings to examine redefining retirement in the 21st century workplace, 10 a.m., SD–G50.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development and Research and the Subcommittee on General Farm Commodities and Risk Management, joint hearing to Review the impact of Asia Soybean Rust on the U.S. farm sector, 11 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on Substance Abuse and Mental Health Services Panel: SAMHSA, NIDA, NIMH, and NIAAA, 10:15 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 Federal Railroad Administration and AMTRAK, 10 a.m., 2358 Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Programs, on State Department FY 2006 Budget Request, 2 p.m., 2359 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled 'Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform,' 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Government Officials, 1:30 p.m., 2322 Rayburn.

Committee on Financial Services, to consider the following measures: H.R. 1768, To amend the provision of law establishing the Presidential 9/11 Heroes Medals of Valor to make certain technical corrections to carry out the intent of the provision; H.R. 358, Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act; H.R. 1185, Federal Deposit Insurance Reform Act of 2005; H.R. 1224, Business Checking Freedom Act of 2005; and H.R. 68, NASA and JPL 50th Anniversary Commemorative Coin Act. 10 a.m., 2128 Rayburn.

Committee on Government Reform, to continue hearings on Steroid Use in Sport Part II: Examining the National Football League's Policy on Anabolic Steroids and Related Substances, 10 a.m., 2154 Rayburn.


Committee on International Relations, to mark up the following measures: H. Con. Res. 127, Calling on the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law; H. Res. 195, Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; H. Res. 233, Recognizing the 60th anniversary of Victory in Europe (V–E) Day during World War II; H. Res. 193, Expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana; and H. Res. 228, Observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam; followed by a hearing on Millennium Challenge Account: Does the Program Match the Vision? 11 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing on Islamic Extremism in Europe, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 800, Protection of Lawful Commerce in Arms Act; and to mark up H.R. 554, Personal Responsibility in Food Consumption Act, 10 a.m., 2141 Rayburn.

Committee on Resources, oversight hearing entitled “Tribal proposals to acquire land-in-trust for gaming across state lines and how such proposals are affected by the off-reservation discussion draft bill,” 10 a.m., 1324 Longworth.


Committee on Science, Subcommittee on Energy, hearing on Science and Technology Priorities for the Department of Energy in Fiscal Year 2006, 10 a.m., 2318 Rayburn.


Committee on Transportation and Infrastructure, to consider the following measures: H.R. 889, Coast Guard and Maritime Transportation Act of 2005; H.R. 1410, Delaware River Protection Act of 2005; H.R. 1496, To return genetic material to the Republic of Vietnam to the Communist forces of North Vietnam; followed by a hearing on Joint Meetings Conference: meeting of conferees on H.R. 1268, making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, 4 p.m., HC–3, Capitol.
Extensions of Remarks, as inserted in this issue

Frank, Barney, Mass., E758
Goodlatte, Bob., Va., E767
Green, Mark, Wisc., E766
Hall, Ralph M., Tex., E766, E770, E775
Holt, Rush D., N.J., E760
Kaptur, Marcy, Ohio, E765, E776
Kildee, Dale E., Mich., E775
Lipinski, Daniel, Ill., E763, E775
Loften, Zoe, Calif., E769
Meehan, Martin T., Mass., E759
Menendez, Robert, N.J., E760
Moore, Dennis, Kans., E767
Moran, James P., Va., E761, E762
Moran, Jerry, Kans., E774
Ney, Robert W., Ohio, E760
Oberstar, James L., Minn., E768
Pallone, Frank, Jr., N.J., E762
Pryce, Deborah, Ohio, E757
Rahall, Nick J., II, W.Va., E771
Sanders, Bernard, Vt., E761
Schakowsky, Janice D., Ill., E771
Schwarz, John J.H. “Joe”, Mich., E758
Tauscher, Ellen O., Calif., E766
Tierney, John P., Mass., E765, E769
Udall, Mark, Colo., E769
Van Hollen, Chris, Md., E762
Wu, David, Ore., E763
Young, Don, Alaska, E759

Congressional Record

The Congressional Record (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶ Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access Help Desk. E-Mail: gpoaccess@gpo.gov; Phone: 1-888-293-4498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team’s hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶ The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year; or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.