with respect to drug safety, and for other purposes.

S. RES. 115

At the request of Mr. SALAZAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 115, a resolution designating May 2005 as "National Cystic Fibrosis Awareness Month."

AMENDMENT NO. 578

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 578 intended to be proposed to H.R. 3, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 933. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I join Senator BROWNBACK in introducing the Rural Community Hospital Assistance Act. This legislation is intended to ensure the future of small rural hospitals by restructuring the way they are reimbursed for Medicare services by basing the reimbursements on actual costs instead of the current pre-set cost structure.

Current law allows for very small hospitals—designated Critical Access Hospitals (CAH) to receive cost-based Medicare reimbursements. To qualify as a CAH, the facility must have no more than 25 acute care beds.

In rural communities, hospital facilities that are slightly larger than the 25 bed limit share with Critical Access Hospitals the same economic conditions, treatment challenges, and the same disparity in coverage area but do not share the same reimbursement arrangement. These rural hospitals have to compete with larger urban-based hospitals that can perform the same services at drastically reduced costs. They are also discouraged from investing in technology and other methods to improve the quality of care in their communities because those investments are not supported by Medicare reimbursement procedures.

The legislation would provide enhanced cost-based Medicare reimbursement by creating a new "rural" designation under the Medicare reimbursement system. This new designation would benefit five Nebraska hospitals. Hospitals in McCook, Beatrice, Columbus, Holdrege and Lexington would fall under this new designation, and would have similar benefits provided to nearly sixty other Nebraska hospitals classified under the CAH system.

The legislation would also improve the hospitals with critical access status. Sixty CAH facilities in Nebraska already receive enhanced cost-based reimbursements for inpatient and outpatient services. The legislation would further assist these existing CAH facilities by extending the enhanced cost-based reimbursement to certain post-acute and ambulance services and eliminating the current 35-mile test.

Mr. FEINGOLD (for himself and Mr. GRAHAM): S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I am pleased to be joined by the Senator from South Carolina, Mr. GRAHAM, in introducing legislation that requires Congress to consider legislation that may be the most pressing domestic policy issue of our time, namely health care reform.

I travel to each of Wisconsin's 72 counties every year to hold town hall meetings. Year after year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. The frustration I hear, the anger and the desperation, have convinced me that we must change our system.

So many people now come to tell me that they used to think government involvement was a terrible idea, but not anymore. Now they tell me that their businesses are being destroyed by health care costs, and they want the government to step in. These costs are crippling our economy just as the nation is struggling to rebound from the loss of millions of manufacturing jobs.

Our health care system has failed to keep costs in check. Costs are skyrocketing, and there is simply no way we can expect businesses to keep up. So in all too many cases, employers are left to offer sub-par benefits, or to wonder whether they can offer any benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

One option that could help employers, especially small businesses, reduce their health care costs is to have them form health care cooperatives, where employers can band together to purchase health care as a group. I have introduced a bill in the Senate to make it easier for business to create these cooperatives.

But that legislation certainly isn't the magic bullet that can address the whole problem. We need to come up with more comprehensive ways to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that drive more and more people into bankruptcy, and into government assistance programs.

Well, we can say that it's time to move toward universal coverage. I believe we can find a way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is ensuring that every single American, 45 million Americans are uninsured, and where too many of those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

We can't tolerate a system that strains so many Americans without the coverage they need. This system costs us dearly: Even though an estimated 45 million Americans are uninsured, the United States devotes more of its economic resources to health care than other industrial countries.

Leaving this many Americans uninsured affects all of us. Those who are insured pay more because the uninsured can't afford to pay their bills. And those bills are exceptionally high, because the uninsured wait so long to see a doctor. The uninsured often live sicker, and die earlier, than other Americans, so they also need a disproportionate amount of acute care.

In 2001 alone, health care providers provided $35 billion worth of uncompensated care. While providers absorb some of those costs, inevitably some of the burden is shifted to other patients. And of course the process of cost-shifting itself generates additional costs.

We are all paying the price for our broken health care system, and it is time to bring about change.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go.

I don't think we can ignore any of these proposals. We need to consider all of these as we address our broken health care system.
So in addition to the approaches already mentioned, I think we really need to look at what our States are doing, and add to the menu of possibilities an approach under which each State decides the best way to cover its residents.

I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that States have a better idea about what the health care needs of their residents are, and that they understand what types of reform will work best for their State. So I am in favor of a State-based universal health care system, where States, with the Federal Government's help, come up with a plan to make sure that all of their residents have health care coverage.

This approach would achieve universal health care, without the Federal Government dictating to all of the States what to do. The Federal Government would provide States with the financial help, technical assistance and oversight necessary to accomplish this goal. In return, a State would have to make sure that every resident, at least those age 18 and older, would have health care coverage as that offered in the Federal Employee Health Benefits Program (FEHBP)—in other words, at least as good as the health insurance Members of Congress have.

States would have the flexibility to expand coverage in phases, and would be offered a number of Federal "tools" to choose from in order to help them achieve universal coverage. States could use any number of these tools, or none of them, instead opting for a Federal contribution for a State-based "single-payer" system. In addition to designing and implementing a plan to achieve universal care, States would also be required to provide partial funding for the FEHBP, similar to FEHBP, to provide affordable health care and expanded choices for those who enroll; and assistance with catastrophic care costs.

States could be creative in the State resources they use to expand health care coverage. For example, a State could use personal and/or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan.

The approach I have set forth would guarantee universal health care, but still leave room for the flexibility and creativity that I believe is necessary to ensure that everyone has access to affordable, quality health care.

As I have noted, there have been a number of interesting proposals to move us to universal care coverage. While I will be advocating the State-based approach that I have just outlined, others have proposed alternative approaches that certainly merit consideration and debate.

And I am in favor of the legislation Senator GRAHAM and I are introducing today, because, the reason we haven't reformed our health care system isn't because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the tens of millions who are uninsured or underinsured or struggling to pay their premiums, Washington refuses to address the problem in a comprehensive way.

That is why we are introducing this bill. Our legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chairs of the Health, Education, Labor, and Pension Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the session following enactment of the bill. If a committee chair fails to introduce a bill within the 30 days, then the respective minority party member of the committee may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two Committee chairs, or ranking minority members, will be referred to their respective committees. The committee(s) will have 30 calendar days, not including recesses of 3 days or more, to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the Chai will immediately proceed to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not preclude what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act. It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they use to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crises.

It has been over 10 years since we've had any debate on comprehensive health care reform. We cannot afford any further delay, because I believe the cost of inaction is too great. I urge my colleagues to support the Reform Health Care Now Act of 2005.

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

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

S. 934 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 "Reform Health Care Now Act".

SEC. 2. SENATE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session that follows the date of enactment of this Act, the chair of the Senate Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may introduce a measure that qualifies for the expedited procedure provided in this section.

(b) QUALIFIED BILL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the title of the bill shall be "To reform the health care system of the United States and to provide insurance coverage for Americans:";

(ii) the bill shall reach the goal of providing health care coverage to 95 percent of Americans within 10 years; and

(iii) the bill shall be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(c) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that Committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60-legislative day after the date of referral, the Chairman of the Committee on Finance shall request a hearing and report the bill to the Senate.
calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the Senate Majority Leader's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice shall first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be offered to the bill.

(d) MOTION TO LIMIT DEBATE.—A motion to further limit debate is in order and is not debatable.

(e) NO OTHER BUSINESS OR RECONSIDERATION.—The motion to proceed to the consideration of other business is waived. The motion is not debatable, is not subject to a motion to postpone.

(f) OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which a given qualified bill was agreed to or disagreed to is not in order.

(g) CONSIDERATION OF QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of the qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of. A motion to limit debate is in order and is not debatable.

(2) ONLY BUSINESS.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the House Committee on Energy and Commerce shall also refer to the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(b) QUALIFIED BILL.—

(A) IN GENERAL.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall—

(1) reach the goal of providing healthcare coverage to 85 percent of Americans within 10 years; and

(2) be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the paragraph (A) shall be determined by the Speaker's ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(c) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

(a) INTRODUCTION.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon being placed on the calendar under subsection (b)(2), it shall be in order for any Member, upon the request of the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(d) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not subject to a motion to postpone.

(e) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which a given qualified bill was agreed to or disagreed to is not in order.

(f) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(g) NO OTHER BUSINESS OR RECONSIDERATION.—The motion to proceed to the consideration of other business is waived. The motion is not debatable, is not subject to a motion to postpone.

(h) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not subject to a motion to postpone.

(i) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(j) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(k) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(l) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(m) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(n) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(o) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(p) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(q) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(r) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(s) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(t) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(u) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(v) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(w) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(x) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.

(y) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(z) CONSIDERATION.—The motion to proceed to a qualified bill is not subject to a motion to further limit debate. A motion to further limit debate is in order and is not debatable.
The casing for this bullet is about five inches in length, and three-quarters-of-an-inch in diameter. The entire round is almost as big as my hand.

But don’t just take my word for it. Each one of my colleagues should examine samples for themselves. Take a look at the projectile; these weapons fire. This is not a recreational gun that can be used for hunting.

This gun can be used by civilians against armored limousines, bunkers, individuals, anddirectories—in fact, one advertisement for the gun promoted the weapon as able to “wreck several million dollars” worth of jet aircraft with one or two dollars worth of cartridges.

A recent CNN news report powerfully illustrates this issue. In one on-camera demonstration, a .50 caliber bullet is fired through the door of a commercial jetliner—it continues to blast through a steel plate. A marksman on the steps of the Capitol could bring down a plane completely-completely.

This gun is so powerful that one dealer told undercover General Accountability Office investigators, “You’d better buy one soon. It’s only a matter of time before someone lets go a round on a school bus full of kids. The government will definitely ban .50-calibers. This gun is just too powerful.” In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns.

A study by the GAO revealed some eye-opening facts about how and where this gun is used, and how easily it is obtained. The GAO reports that many of these guns wind up in the hands of domestic and international terrorists, religious cults, outlaw motorcycle gangs, drug traffickers, and violent criminals.

According to a special agent at ATF’s Atlanta Field Division, the Barrett .50-caliber is “in fact, one of the most dangerous weapons that can be obtained by these guns.”

But these fears are not hypothetical. Recently we have learned that Al Qaeda has received .50-caliber sniper rifles—rifles that were manufactured right here in the United States. Nearly two years ago today, Essam al Ridi, an Al Qaeda associate, testified that he acquired the .50-caliber sniper rifles and shipped them to Al Qaeda members in Afghanistan. We have no way of knowing whether Al Qaeda has obtained more or who has supplied them with these weapons, but we can be sure that any .50-caliber weapon in the hands of Al Qaeda will likely be used against Americans.

In 1998, Federal law enforcement apprehended three men belonging to a radical Mexican militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate then-Governor Engler, Federal judges, and our colleague, Senator Levin. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One day, rumors that a terrorist group had a .50-caliber weapon in their possession. The FBI began to plot .50-caliber sniper rifles and kept track of their whereabouts. It was not until last year that the FBI was able to make the connection between the .50-caliber weapons and the terrorist group. They were able to link the weapons to a purchasing contract in South Africa.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming, so it is clear that the guns are making their way into the hands of criminals worldwide.

The U.S. Air Force has studied the scenario of a terrorist attack on a .50-caliber weapon. According to a November 2001 article in the Air Force’s official magazine, Airman, an anti-sniper assessment claimed that planes parked on a fully protected U.S. military installation “airburst” because the weapons can shoot beyond the airbase perimeters. The Air Force has addressed the issue and the effectiveness of specially-trained countersnipers to respond to a .50-caliber weapon attack on aircraft, fuel tanks, control towers, and personnel.

I am glad to know our military has given some consideration to the threats posed by .50-caliber weapons, but I hope they are as vulnerable as the threats posed to civilian aviation.

Our Nation’s airports in no way match the security measure at Air Force bases. These commercial facilities handle millions of passengers and tons of cargo each day and are especially vulnerable to the threats posed by .50-caliber weapons.

Experts have agreed that .50-caliber weapons aimed at a plane while stationary, or being towed, say, could be just as devastating as a hit from a missile launcher. Gal Luff, Co-Director of the Institute for the Analysis of Global Security, has described .50-caliber weapons as “lethal to slow moving planes.”

For further illustration of the potential destruction of these weapons, simply listen to the manufacturers themselves. According to a Barrett Firearms Manufacturing Model 82A1 .50-caliber sniper rifle brochure: “The cost of a federal contract for .50-caliber ammunition cannot be overemphasized when a round of ammunition purchased for less than ten U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area.”

“The Nordic Ammunition Company is the developer of the Raufoss multipurpose ammunition for .50-caliber weapons that combines armor-piercing, incendiary, and explosive features and was used by U.S. forces during the Gulf War. According to the company, the ammunition can ignite military jet fuel and has the equivalent firing power of a 20mm projectile to include such targets as helicopters, aircrafts, light armor vehicles, ships, and light fortifications.”

Ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Even those categories which are illegal, such as the “armor piercing incendiary” ammunition that explodes on impact can, according to a recent “60 Minutes” news report, be purchased online.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator. He was given a .50-caliber weapon to pierce an armored limousine or maybe to shoot down a helicopter.

Current law classifies .50-caliber guns as “long guns,” subject to the least government regulation for any firearm. In other words, the law makes no distinction between the .22-caliber target rifle, a .30-06 caliber hunter’s weapon, and this large-caliber combat weapon. Simply, I believe the law is wrong and needs to be changed.

This weapon is not in the same class as other rifles. Its power and range are of an order of magnitude higher.

Sawed-off shotguns, machine guns, and even handguns are more highly-regulated than this military sniper rifle. In fact, many States allow possession of .50-caliber guns by those as young as 14-years old, and there is no regulation on second-hand sales.

Just this past year, the RAND Corporation released a report which identified eleven potential terrorist scenarios at Los Angeles International Airport. In one scenario, “a sniper, using a .50 caliber rifle, fires at parked and landing aircraft." The report concludes: “we are unable to identify any truly satisfactory solutions” for such an attack.

Last June, a Department of Homeland Security representative told the Morning News that he was becoming concerned about any weapon of choice that could potentially be used by a terrorist, including a .50-caliber rifle." I think the Department’s concerns are well founded.

The bottom line is that the .50-caliber sniper weapon represents a national security threat requiring action by Congress.

This is a weapon which should not be available to terrorists and criminals, and should be responsibly controlled through carefully crafted regulation.

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

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

S. 933

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 “Fifty Caliber Sniper Weapons Regulation Act of 2005”.

SEC. 2. FINDINGS.
Congress finds the following:

(1) Certain firearms originally designed and built for use as long-range .50 caliber military sniper weapons are increasingly being sold in the United States civilian market.

(2) The intended use of these long-range firearms, and an increasing number of models derived from them, is the taking of human life and the destruction of material, including armored vehicles and components of the national critical infrastructure, such as radar and microwave transmission devices.

(3) These firearms are neither designed nor used in any significant number for legitimate sporting or hunting purposes and are clearly distinguishable from rifles intended for sporting and hunting use.

(4) Extraordinarily destructive ammunition for these weapons, including armor-piercing and armor-piercing incendiary ammunition, is freely sold in interstate commerce.

(5) The virtually unrestricted availability of these firearms and ammunition, given the uses intended in their design and manufacture, present a serious and substantial threat to the national security.

SEC. 3. COVERAGE OF .50 CALIBER SNIPER WEAPONS UNDER THE NATIONAL FIREARMS ACT.

(a) IN GENERAL.—Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking “(6) a machine gun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device.” and inserting “(6) a machine gun; (7) any silencer (as defined in section 921 of title 18, United States Code); (8) a destruc- tive device.”.

(b) DEFINITIONS.—

(1) IN GENERAL.—Section 5845 of the Internal Revenue Code of 1986 (defining firearm) is amended by adding at the end the following:

“(m) FIFTY CALIBER SNIPER WEAPON.—The term ‘fifty caliber sniper weapon’ means a rifle capable of firing a center-fire cartridge in .50 caliber, .50 BMG caliber, any other variant of .50 caliber, or any metric equivalent of such calibers.”

(2) MODIFICATION TO DEFINITION OF FIREARM.—
Section 5845(c) of the Internal Revenue Code of 1986 (defining firearm) is amended by inserting “from a bipod or other support” after “shoulder”.

SEC. 4. EFFECTIVE DATE.
The amendments made by this Act shall only apply to a .50 caliber sniper weapon made or transferred after the date of enactment of this Act.

By Mr. LEAHY (for himself and Mr. SUNUNU):
S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce the Leahi-Sununu E-mail Privacy Act to ensure that last year’s decision by the First Circuit Court of Appeals in a case called United States v. Councilman does not undermine the privacy protection Congress granted to e-mail and ensure that this outcome is not repeated.

In 1986 Congress passed ECPA to update the Wiretap Act so that Americans could enjoy the same amount of privacy in their online communications as they do in the offline world. ECPA was a careful, bipartisan and long-planned effort to protect electronic communications in two forms—real-time monitoring or interception as they were being delivered, and from searches when they were stored in record systems. We recognized these as different functions and set rules for each based on the relevant privacy expectations. This majority’s conclusion fails to consider the nature of electronic communications and the reality that such searches are functionally an interception.

The Councilman decision upset this careful distinction. Functionally, the ISP actions that they were being delivered, yet the majority concluded that the relevant rules were those pertaining to stored communications, which exempt ISPs. Specifically, the majority rejected the argument put forth by the Justice Department that an intercept occurs—and the Wiretap Act applies when an e-mail is acquired contemporaneously with its transmission, regardless of whether the transmission may be in electronic storage for a nanosecond at the time of acquisition. The majority’s conclusion fails to consider the nature of electronic communications systems and belies the reality that such searches are functionally an interception.

The implications of this decision are broad. While many ISPs are responsible online citizens, this does not change the fact that this decision essentially licenses ISPs to snoop. Even more worrisome is that this decision creates the opportunity for the type of Big Brother invasions that indisputably make Americans cringe. For practical reasons, law enforcement often installs surveillance devices at these nano-second storage points, but before doing so, they have obtained the appropriate legal permission to intercept e-mails—under Title III order. Under the majority’s interpretation, the Councilman decision, law enforcement would no longer need to obtain a Title III order to conduct such searches, but rather could follow the less rigorous procedures for standing searches. For example, under the rules for stored communications, if law enforcement were to get the consent of a university-operated ISP, such searches could be performed without the knowledge of users. This is Carnivore unleashed if you will, and is simply not the outcome that Congress intended or the American people expect. Searches that occur in nanosecond storage points during the transmission process are the type of operation “interceptions” and should be treated as such and subject to the wiretap laws.

The E-mail Privacy Act is a simple approach to prevent the erosion of privacy protection Congress has provided that the wiretap laws apply to e-mail interceptions like those at issue in the Councilman case. In essence, the Act would amend ECPA to clarify that the definition of intercept is not a narrow, rigid concept, but is broad enough to include actions that are functionally equivalent to an interception. Importantly, these careful and slight changes would simply restore the status quo prior to the Councilman decision without disturbing other areas of ECPA and without raising the concerns that may be difficult to resolve in the few remaining days of this term.

This is an important issue to the American people, and fortunately the E-mail Privacy Act provides a straightforward approach that we can all get behind. Again, I thank Senator SUNUNU for his support on this important legislation. I am sure he would join me in urging our colleagues to make e-mail privacy a top priority and support the E-mail Privacy Act.

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. 936
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 “E-Mail Privacy Act of 2005”.

SEC. 2. CLARIFICATION OF THE DEFINITION OF INTERCEPT.
Section 2510(4) of title 18, United States Code, is amended by striking “through the use of any electronic, mechanical, or other device.” and inserting “contemporaneously with transit, or on an ongoing basis during transmission, regardless of whether the interception occurs—and the Wiretap Act applies when an e-mail is acquired contemporaneously with its transmission, regardless of whether the transmission may be in electronic storage for a nanosecond at the time of acquisition.”

By Mr. CORNYN (for himself and Mr. SPECTER):
S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exposed to pornographic materials, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise to introduce legislation to combat the scourge of sex trafficking within our
borders, by targeting and reducing demand. The bill is entitled the End Demand for Sex Trafficking Act of 2005.

For the last four years, the President has been a stalwart champion of strengthening efforts to combat the scourge of human trafficking and slavery. Senate Bill 1472, but within our own borders as well. Last July, a Senate Judiciary subcommittee hearing I chaired, highlighted many of the Administration’s landmark efforts in this area to date.

Most Americans would be shocked to learn that the institutions of slavery and involuntary servitude—organizations that this Nation fought a bloody war to destroy—continue to persist today—not just around the world, but hidden in communities across America. It has been nearly two centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the Thirteenth Amendment. Yet to this day, men, women and children continue to be trafficked into the United States, and coerced into lives of forced labor and sexual slavery. The stories they tell are tragic, disheartening, and heart-rending. And the acts they endure are not just unconstitutional, but criminal—they are profoundly evil, immoral, and wrong.

Shortly after the Senate Judiciary subcommittee hearing I chaired, the President made clear that ending the demand for trafficking is a critical component of this effort, in remarks he delivered before the first national training conference on Human Trafficking in the United States: Rescuing Women and Children from Slavery, hosted by the Justice Department in Tampa, Florida, and attended by a representative from my office. As the President stated, “we cannot put [human traffickers] out of business until and unless we deal with the problem of demand.”

Moreover, as the State Department’s 2004 Trafficking in Persons Report notes, “[c]onsiderable academic, NGO, and scientific research confirms a direct link between prostitution and trafficking. In fact, prostitution and its related activities . . . contribute[] to trafficking in persons by serving as a front behind which traffickers for sexual exploitation operate . . . .” Prostitution directly contributes to the modern-day slave trade and is inherently dehumanizing. When law enforcement tolerates just prostitution, organized crime groups are freer to traffic in human beings.”

So it is appropriate to expand our fight against the most coercive forms of human trafficking and slavery our society has ever witnessed, to include an effort to combat sex trafficking and prostitution as well. And it is appropriate to target the demand for sex trafficking as an essential element of our strategy to eliminating sex trafficking within our borders.

Accordingly, for the past several months, I have been working with various anti-trafficking organizations to craft legislation to focus attention on the demand for sex trafficking within our own country. Last October, Senators SCHUMER and SPECTER and I introduced an earlier version of the legislation I introduce today (S. 2016). Representatives PRYCE and MALONEY introduced a companion bill on the House side that same day. And today, I am introducing a revised version of the bill, designed to achieve precisely the same objective: ending demand for sex trafficking. I am pleased that Senator SPECTER has again agreed to co-sponsor the legislation. Moreover, Senator SCHUMER remains a close partner on this bill. Our offices are still working out some drafting issues with some of the anti-trafficking groups, and I am hopeful that Senator SCHUMER will once again be the lead Democrat co-sponsor of the bill. A parallel bill will be introduced in the House later today by Representatives DEBORAH PRYCE, CAROLYN MALONEY, and BOBBY SCOTT.

This legislation is the product of extensive discussions over the last several months between my office, Senator SCHUMER’s office, and major anti-trafficking organizations, as well as the offices of Representatives PRYCE and SCOTT. I am pleased to report that, as a result of those discussions, we now have a bill that is supported by a broad coalition of anti-trafficking and human rights organizations—including the Ministerial Alliance of Midland, Texas, Faces of Children, the Coalition Against Trafficking in Women, Concerned Women for America, the Hudson Institute, the Institute on Religion and Democracy, the Institute on Religion and Public Policy, the Leadership Council for Human Rights, the National Association of Evangelicals, the Polaris Project, the Protection Project, the Religious Freedom Coalition, the Salvation Army, Shared Hope International, the Southern Baptist Convention, Standing Against Global Exploitation (SAGE), the Union of Orthodox Jewish Congregations of America, World Vision, and other organizations and advocates. I ask unanimous consent that letters of endorsement from various anti-trafficking organizations be included in the RECORD.

In conclusion, this is important legislation to protect the victims of sex trafficking and to reduce demand. I hope that the Senate will act favorably on the bill.

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

HON. JOHN CORNYN,
U.S. Senate
Washington DC.

HON. DEBORAH PRYCE,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am writing to express my support for the End Demand for Sex Trafficking Act of 2005.

Though I and several of my colleagues had some serious concerns about earlier versions of the legislation, I appreciate your willingness to address our proposed changes. I believe the bill introduced is greatly improved and will have a positive effect on reducing demand for commercial sex practices in the United States. Reducing demand for commercial sex will help reduce the number of trafficking victims and help prevent the sexual exploitation of women and children.

I commend you for your commitment to helping end sex trafficking and your commitment to human rights.
April 28, 2005

CONGRESSIONAL RECORD—SENATE S4555

Thank you.
Sincerely,
LINDA SMITH, Founder and Executive Director, Share Our Hope International.


Hon. John Cornyn,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: I am writing in support of the End Demand for Sex Trafficking Act of 2005. This historic legislation would bring significant attention to the roots of sexual trafficking: the demand for illegal sexual activity. It would also combat the commercial sexual trade by focusing law enforcement effort on consumers, traffickers, and exploiters, ending the current isolation of the individuals exploited in the illegal activity.

The End Demand for Sexual Trafficking Act of 2005 is the result of many hours of work by lawmakers, religious leaders, and NGOs under your leadership and is a much-needed addition to the United States’ sex-trafficking laws. This bill will hopefully focus the attention of sexual trafficking prosecution on the traffickers and the “johns” who purchase the illegal activities, thereby solidifying America’s position as the world leader in working to end sexual trafficking and prostitution.

With warm personal regards and best wishes, I am,
Sincerely Yours,
J OSEPH K. GRIEBOSKI, President.

FACES OF CHILDREN, MIDLAND, TEXAS.

Re: End Demand for Sex Trafficking Act of 2005

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of Faces of Children an ecumenical prayer ministry under the auspices of First Presbytarian Church, Midland, Texas, we endorse the End Demand for Sex Trafficking Act of 2005.

Faces of Children is a prayer ministry that focuses on and provides prayer support to children in crisis and in distress. We care deeply about providing assistance to victims, especially the most vulnerable, including traffickers and ‘‘johns’’ who purchase the illegal activities, of sex trafficking and about prosecuting those who take advantage of them in the sex trade.

We are most grateful to you for sponsoring this important bill!

Blessings,
MARGARET PURVIS, Chair,
Faces of Children, Midland, TX;
CHRI S LAUPER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN.

Re: End Demand for Sex Trafficking Act of 2005

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: The Coalition Against Trafficking in Women, an international organization working against sex trafficking and prostitution in many parts of the world, would like to express its support for the proposed “End Demand for Sex Trafficking Act of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist state and local governments in their efforts to reduce trafficking and commercial sexual activities.

We hope that this bill will soon be passed by the United States Congress and appreciate your sponsorship of this important legislation.

Sincerely,
J ANICE G. RAYMOND, Co-Executive Director.

[From World Vision, March 10, 2005] WORLD VISION ENDORSES LEGISLATION TO COMBAT SEX TRAFFICKING AND INCREASE ASSISTANCE TO VICTIMS

WASHINGTON.—World Vision applauds Senator John Cornyn, along with Senators Chris Smith and Deborah Pryce for their steadfast work to protect children from exploitation. We support H.R. 972, the Trafficking Victims Protection Act of 2005 and the introduction of the End Demand for Sex Trafficking Act of 2005. The combined strengths of these two bills provide for effective measures to help combat sex trafficking by increasing law enforcement efforts, reducing demand and increasing services available to victims.

An estimated two million children currently are enslaved in the global commercial sex trade, which has destroyed the lives of countless women and children throughout history. For children, the most vulnerable victims, the impact is catastrophic, including: long-lasting physical and psychological trauma, disease (including HIV/AIDS), violence/abuse, unwanted pregnancy, malnutrition, social ostracism, a life of poverty and, in the worst cases, death. Notably, this abhorrent abuse is found in nearly every country, including the United States.

The provisions included in the End Demand for Sex Trafficking Act of 2005 will help remedy this problem by increasing U.S. law enforcement action against the abusers, including traffickers, pimps, brothel owners and “customers” (a.k.a., “johns”), thereby curtailing demand. In addition, the Trafficking Victims Protection Reauthorization Act of 2005 reauthorizes much-needed program funds, provides for increased law enforcement programs and tools and bolsters the TIP office at the Department of State. Both bills measurably increase services available to victims.

World Vision is delighted to support both of these bills and we have full confidence in the U.S. Congress to resolve any differences between the two bills to arrive at the most effective legislation possible.

We thank Senator Cornyn and Representatives Smith and Pryce for their leadership in addressing this global problem. We stand ready to work with Congress on this important issue.

World Vision is a Christian relief and development organization dedicated to helping children and their communities worldwide reach their full potential by tackling the causes of poverty. World Vision serves the world’s poorest children—no race, ethnicity, or gender. In 2004, World Vision operated in nearly 100 countries around the world.

STANDING AGAINST GLOBAL EXPLOITATION.


Senator JOHN CORNYN,
Hart Senate Office Building, Washington, DC.

HONORABLE SENATOR JOHN CORNYN: I am writing on behalf of SAGE Project, Inc to express its support for the End Demand for Sex Trafficking Act of 2005, a bill designed to combat commercial activities by targeting demand, to protect children and to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons and for other purposes.

SAGE has designed and implemented cutting-edge, model restorative justice programs for customers of prostitutes (the demand), trauma and drug recovery, and job training programs for women, men, and girls who are victims of trafficking, prostitution, sexual exploitation and violence. The personal knowledge and experience possessed by many of the SAGE staff enables SAGE to effectively provide support and engender trust without re-traumatizing even the most fragile of clients. Through these programs, and as a direct service provider for over 14 years, SAGE has assisted in raising public awareness concerning the sexual exploitation and trafficking crisis. As a result of our interventions, SAGE has assisted over 1500 individuals to exit the criminal justice system, escape traffickers and actively engage in prosecutions, receive emergency housing and victim services, recover from abuse and acquire appropriate services such as medical and mental health care, substance abuse treatment, case management, educational and vocational training.

Because of SAGE’s commitment to the victims of sex trafficking, a focus on preventing demand, a web of prevention education, early intervention and treatment services and a network of survivors, peer led programs throughout the United States and overseas, SAGE is the co-founder of the first and largest program for customers of prostitutes in the world. This restorative justice program has been replicated in dozens of other cities and funds a wide range of services for women and girls.

Studies show that most commercially sex acts are integrated into the mainstream sex industry and tend to be concentrated in the cheaper end of the prostitution market where conditions are the worse and the concentration of customers/abusers the highest. Although some children are prostituted by and/or specifically for pedophiles and preferential abusers, the majority of the several million men who annually exploit children are first and foremost users of adult women who become child sexual abusers through their illegal use, rather than being child abusers.

The world of prostitution whether legal or illegal provides an arena where laws and rules which constrain sex with minors are not enforced. These situations make it difficult and dangerous for individuals to buy children for sexual purposes in non-commercial contexts, but prostitution potentially provides instant access, often to a selection of children. Men surveyed in San Francisco through SAGE and the First Offenders Prostitution Program respond when asked how a person justifies having sex with an underage prostituted child, “they don’t even think.” They know that law enforcement efforts are focused on the child as the perpetrator and not on them. The End Demand for Sex Trafficking Act of 2005 is the most historically significant step toward ending the rape and sexual abuse of children through prostitution and holding the true perpetrators accountable.

The End Demand for Sex Trafficking Act of 2005 clearly, strongly, and unambiguously redefines “child prostitution” as sexual abuse on young human beings. This sexual abuse of children through prostitution is prohibited by a selected and institutionalized numbers of children for whom routine abuse, torture, rape, trafficking and kidnapping is considered acceptable. In essence, by negotiating or purchasing sex, and enforcing through laws and inappropriate interventions is that children
youth are consenting to their own sexual abuse and that by consenting to this abuse they are a danger to society. They are subject to arrest, they are viewed as perpetrators, victims, and they are denied any services for their victimization. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence. For these girls, the average of entry into prostitution is 13-14, an age at which these girls are entering an endless cycle of arrest, drug addiction, and violence. The result is traumatic and profound lack of self-esteem causing disempowered behaviors: dropping out of school, prostitution, addiction, selling of drugs, and violence. Their exploitation is perpetuated by continued reliance on the very people who have physically, emotionally, and sexually assaulted them. As these children age into adults they remain trapped in a system of abuse and exploitation and could not escape even if they wanted to. The legal, mental and medical health, human rights consequences of this abuse remains with the child or woman as she is arrested, prosecuted, jailed, placed on probation and forced into treatment. The End Demand for Sex Trafficking Act of 2005 will send the message that now these severely victimized girls must be treated.

Mr. JAMES HO,
Chief Counsel, Subcommittee on Border Security, Infrastructure, and Immigration, Dirksen Senate Office Building, Washington, D.C.

Mr. DEREK LINDBLOM,
Counsel, Office of Senator Chuck Schumer, Hart Senate Office Building, Washington, D.C.

Ms. SHILOH ROHRL,
Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, D.C.

DEAR MR. HO, MR. LINDBLOM, AND MS. ROHRL: On behalf of Polaris Project, we write in support of the End Demand for Sex Trafficking Act of 2005.

We work everyday with women and children in the sex industry who have been beaten, raped, and controlled through threats of death and extreme violence, many of them U.S. nationals who just a few years ago would be viewed as nothing more than criminals. This historical legislation will help change that injustice forever in the United States. The End Demand for Sex Trafficking Act of 2005 generates renewed hope for our clients, for the survivors on our staff, and for the rest of us. It may prevent the exploitation of some of the most vulnerable women and children in our country.

Thank you for your work.

Sincerely,

KATHERINE CHON,
Co-Executive Director,
DEREK ELLERMAN,
Co-Executive Director.

[From the Religious Freedom Coalition]

By Peggy Birchfield

KATHERINE CHON,
Co-Executive Director,
DEREK ELLERMAN,
Co-Executive Director.

[From the Religious Freedom Coalition]
sponsored along with my fellow Senate Caucus Co-Chair Senator Kit Bond—
that authorized greater use of the National Guard for national homeland security missions. Using this new authority, members of the National Guard from my home State of Vermont were called to active duty late last year to help increase security along the Northern Border. Those members of the Guard worked side-by-side with their active duty counterparts. Yet the Guard personnel received over $300 less per month in housing allowances.

I cannot tell you how many soldiers and airmen who participated in that mission came up to me and made clear how slighted and insulted they felt by that housing allowance. Those comments mirror what I heard from other members of the Guard who received BAH II on a similar mission. This second-tier housing allowance really burns in the saddle of every citizen-soldier, sailor, airman, and marine, and it is having a real effect on morale. We simply cannot tolerate this inequity to continue, and it is within our power to do something about this. So we have a choice today: Either we can keep this second-tier housing allowance as is and send a signal that we need to save some dollars on the backs of those who have stepped forward to serve, or we can remedy this inequity, making the firm statement that we will take the real steps necessary to support our reservists and provide them the resources so that they can do their jobs and be treated fairly while they serve.

The National Guard and Reserve Housing Equity Act of 2005 specifically provides that any member of the reserves called up for more than 30 days will receive the exact same housing allowance as a regular active duty service-member. The legislation gives the Office of Secretary of Defense some discretion to adjust allowances over the 30 days, but it should be done on a pro-rated basis on the higher regular allowance. The effect of this legislation will be to end the category of Basic Allowance of Housing II.

This legislation has been endorsed unanimously by the 35-military association umbrella group, The Military Coalition. So that all senators may read the specific views of the military associations, I ask that letters from the National Association of the United States, the Reserve Officers Association, the Reserve Enlisted Association, the Association of the United States, the Reserve Officers Association, and the Association of the United States be printed in the RECORD.

Today, the Association of the United States, the Reserve Officers Association, the Reserve Enlisted Association, the Reserve Officers Association, and the Association of the United States are backing up our thanks with meaningful action. With this step we are saying that we are ready to provide a strong foundation of policies that will actually encourage our reservists to continue to serve the country superbly. This is the right thing to do, and I look forward to working with my colleagues on both sides of the aisle to enact this legislation this year.

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

DEAR SENATOR LEAHY:

I am writing on behalf of the men and women of the National Guard Association of the United States to thank you for introducing legislation which addresses the inequities in housing allowances paid to members of the National Guard.

Your bill, which reduces the threshold for receipt of full BAH from 140 days to 30 days, will have an immediate and positive impact on many of our members who are receiving housing allowances at a rate which is on average $400 less than the regular BAH rate. Because BAH II is not adjusted for location, in some places the loss of income could be as high as $1,000, depending on rank.

As you know, when a Guard member is on duty, the mortgage payment or rent is not reduced. Your bill will rectify this injustice and allow National Guard members to receive full BAH when on orders for more than 30 days.

Please don't hesitate to call on us if there is anything we can do to support this worthwhile legislation.

Sincerely,

STEPHEN M. KOPER, Brigadier General, Retired President.


Hon. PATRICK LEAHY, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Enlisted men and women of the Army and Air National Guard, thank you for introducing legislation to reduce the receipt of Basic Allowance for Housing (BAH) to 30 days. This bill will authorize National Guard and Reserve members on active duty for more than 30 days to receive full BAH instead of the lower BAH II they now receive if their orders are for less than 140 days.

Almost all National Guard members maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn't go away when they are called to active duty.

National Guard and Reserve members who are on active duty for less than 140 days receive BAH II instead of the BAH that every other servicemembers receive. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. It is not adjusted for location. In some places, such as the Washington, DC, Metro area, the difference can be as much as $1,000, depending upon the rank of the servicemember.

Dear Senator: The inequity of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only adds to the financial strain. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

Thank you so much for addressing one of the many needs of our National Guard members. EANGUS will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Working for America's Best!

MSG (Ret) MICHAEL J. AUS, Executive Director.

DEAR SENATOR LEAHY:

I am writing on behalf of the Reserve Officers Association, representing over 75,000 Reserve Component members and the Reserve Enlisted Association supporting all Reserve enlisted members, supports your bill to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services.

This bill tears down a barrier at a time when the services will need to rely on volunteers as they undertake a mobilization authority. The lower Reserve Component housing allowance has been reported by ROA members as a reason why they are not encouraged to volunteer for active duty.

Additionally, it will also help to offset pay differentials and positively affect the financial health of our military families. The provisions of your bill meet sound business practices by targeting entitlements and we are encouraged it will receive bipartisan interest. Congressional support for our nation's military men and women in the Guard and Reserve is and always will be appreciated.

Sincerely,

ROBERT A. McINTOSH, Major General (Ret), USAF, ROA Executive Director.

LANI BURNETT, CMSgt, USAF (Ret), REA Executive Director.

DEAR SENATOR LEAHY:

On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I thank you for introducing legislation to reduce the threshold for receipt of Basic Allowance for Housing II (BAH II) to 30 days. Almost all National Guard members maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn't go away when they are called to active duty.

Almost all National Guard members who are on active duty for less than 140 days receive BAH II instead of the BAH that every other servicemembers receive. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. It is not adjusted for location. In some places, such as the Washington, DC, Metro area, the difference can be $1,000, depending upon the rank of the servicemember.

Dear Senator: The inequity of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only adds to the financial strain. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

Thank you so much for addressing one of the many needs of our National Guard members. AUSA will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Sincerely,

MAJOR GENERAL LAWRENCE W. MERRITT, USA, Retired, AUSA President.
Washington, DC.

U.S. Senate, April 28, 2005.

Hon. PATRICK J. LEAHY, Chairman, Senate Committee on Commerce, Science, and Transportation.

Dear Senator Leahy: CRA wholeheartedly endorses your introduction of legislation authorizing National Guard and Reserve housing pay for a period of more than 30 days to receive a basic allowance for living (BAH) at the same rate as their active duty counterparts.

Currently, Reserve Officers and Reservists serving less than 140 days receive "BAH II," which is generally a flat-rate amount based on pay grade and marital status rather than the market-influenced, geographically-driven allowance that active duty personnel receive.

At the specific request of senior enlisted leaders of the Coast Guard, FRA addressed this inequity in Congressional testimony, recommending a policy change authorizing Reserve Officers and Reservists activated 30 days or more to receive BAH II. This measure significantly helps ensure Reservists' compliance with their active duty counterparts.

In my State of Maine alone, suburban sprawl has already consumed tens of thousands of acres of forest and farmland. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the last two decades has left the labeling of greater Portland as the "sprawl capital of the Northeast." I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that is giving way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

Maine is trying to respond to this challenge. The people of Maine continue to contribute their time and money to preserve important lands and to support our State's 88 land trusts. It is time for the Federal Government to support these State and community-based efforts.

For these reasons, I am introducing the Suburban and Community Forestry and Open Space Program Act. This legislation, which was drafted with the advice of land owners and conservation groups, establishes a $50 million grant program within the U.S. Forest Service to support locally driven land conservation projects that preserve working forests. Local government and nonprofit organizations could compete for funds to purchase land or access to lands threatened by development.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be used to "buy up" development rights by state, local, or private resources.

This is a market-driven program that relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving working landscapes through zoning or other government regulation, at the expense of the landowner, with this program we will provide the resources to allow a landowner who wishes to keep his or her land as a working woodlot to do so.

My legislation also protects the rights of property owners with the inclusion of a "willing-seller" provision, which requires the consent of a landowner if the parcel of land is to participate in the program.

The $50 million that would be authorized by my bill would help achieve a number of stewardship objectives: First, this bill would help prevent further fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry.

Second, these resources would be a valuable tool for communities that are struggling to manage growth and prevent sprawl.

Understanding land ownership issues in other parts of the nation, I have included a geographic limitation in this bill. This limitation would exempt any state where the Federal Government owns twenty-five percent or more of that State's land from the Suburban and Community Forestry and Open Space Program. With the twenty-five percent limitation, a figure used in previous bills, the program would be focused on the highest percentage of federally owned land that would not be eligible to participate in this new program. Those States, however, who are struggling most with the loss of working landscapes would be authorized to receive Federal assistance in their efforts to combat sprawl.

Currently, if the town of Gorham, ME, or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest and farm land and managing sprawl, while leaving decision-making at the state and local level with it belongs.

In 2002, this legislation was included in the forestry title of the Senate approved version of the Farm Bill. Unfortunately, the forestry title was stripped out of the Farm Bill conference report. Again, in 2003, this legislation passed the Senate. This time, during consideration of the Healthy Forests Restoration Act.

Unfortunately, this provision was removed from the Healthy Forests Restoration Act conference report. This new Congress provides us a further opportunity to consider this legislation and ultimately have this bill enacted.

There is great working being done on the local level to protect working landscapes for the next generation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide an additional avenue of support for these conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

Sincerely,

GORDON R. SULLIVAN, General, USA Retired.

FLIGHT RESERVE ASSOCIATION, Alexandria, VA, April 22, 2005.

By Ms. COLLINS (for herself and Mr. Reed):

S. 941. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Forestry, and Rural Development.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of undeveloped land in the north to the small woodlots in the south, forest land helps shape the character of our entire State.

While our commitment to stewardship has preserved the forest for generations, there is a threat to Maine's working landscapes that requires a fresh approach. This threat is suburban sprawl, which has already consumed tens of thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farmland cannot compete with the value of developed land.

Sprawl threatens our environment and our quality of life. It destroys ecosystems, increases the risk of flooding, and threatens the viability of the remaining working forests.

No State is immune from the dangers of sprawl. For example, the Virginia State Forester says that since 1992, Virginia has lost 54,000 acres of forest land per year to other uses.

The Southeastern Michigan Council of Government reported that southeastern Michigan saw a 17 percent increase in developed land between 1990 and 2000.

In my State of Maine alone, suburban sprawl has already consumed tens of thousands of acres of forest and farmland. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the last two decades has left the labeling of greater Portland as the "sprawl capital of the Northeast." I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that is giving way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

Maine is trying to respond to this challenge. The people of Maine continue to contribute their time and money to preserve important lands and to support our State's 88 land trusts. It is time for the Federal Government to support these State and community-based efforts.

For these reasons, I am introducing the Suburban and Community Forestry and Open Space Program Act. This legislation, which was drafted with the advice of land owners and conservation groups, establishes a $50 million grant program within the U.S. Forest Service to support locally driven land conservation projects that preserve working forests. Local government and nonprofit organizations could compete for funds to purchase land or access to lands threatened by development.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be used to "buy up" development rights by state, local, or private resources.

This is a market-driven program that relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working landscapes through zoning and open space by zoning or other government regulation, at the expense of the landowner, with this program we will provide the resources to allow a landowner who wishes to keep his or her land as a working woodlot to do so.

My legislation also protects the rights of property owners with the inclusion of a "willing-seller" provision, which requires the consent of a landowner if the parcel of land is to participate in the program.

The $50 million that would be authorized by my bill would help achieve a number of stewardship objectives: First, this bill would help prevent further fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry.

Second, these resources would be a valuable tool for communities that are struggling to manage growth and prevent sprawl.

Understanding land ownership issues in other parts of the nation, I have included a geographic limitation in this bill. This limitation would exempt any state where the Federal Government owns twenty-five percent or more of that State's land from the Suburban and Community Forestry and Open Space Program. With the twenty-five percent limitation, a figure used in previous bills, the program would be focused on the highest percentage of federally owned land that would not be eligible to participate in this new program. Those States, however, who are struggling most with the loss of working landscapes would be authorized to receive Federal assistance in their efforts to combat sprawl.

Currently, if the town of Gorham, ME, or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest and farm land and managing sprawl, while leaving decision-making at the state and local level with it belongs.

In 2002, this legislation was included in the forestry title of the Senate approved version of the Farm Bill. Unfortunately, the forestry title was stripped out of the Farm Bill conference report. Again, in 2003, this legislation passed the Senate. This time, during consideration of the Healthy Forests Restoration Act.

Unfortunately, this provision was removed from the Healthy Forests Restoration Act conference report. This new Congress provides us a further opportunity to consider this legislation and ultimately have this bill enacted.

There is great working being done on the local level to protect working landscapes for the next generation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide an additional avenue of support for these conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

By Mr. WARNER:
S. 943. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Rye Valley Railroad Grade Act of 2005. This bill will add seven new wilderness areas, six additions to existing wilderness areas, and two National Scenic Areas to the Jefferson National Forest. Congressman RICK BOUCHER is introducing companion legislation in the United States House of Representatives.

Throughout my career in the United States Senate, I have strived to preserve Virginia’s natural resources and heritage through the designation of wilderness areas and scenic areas. Today, I am proud to say that Virginia boasts approximately 100,434 acres of designated wilderness lands. However, there is still much work to be done. Within the Jefferson National Forest, designated wilderness areas currently account for only 7 percent of the total forest acreage. If enacted, the Virginia Ridge and Valley Act of 2005 will substantially increase this figure by expanding opportunities for uninterrupted enjoyment of the State’s wild lands. This bill will add nearly 43,000 acres of new wilderness areas and almost 12,000 acres of national scenic areas.

Virginia is blessed with great beauty and natural diversity. From the complex ecosystem of the Chesapeake Bay, to the exquisite vistas, streams, vegetation, and wildlife of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia increases, it becomes incumbent upon Congress to act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their primal character and influence.

Mr. President, I consider myself an avid outdoorsman, and I enjoy opportunities for recreation like most Americans. Therefore, I want to stress the many joyful outdoor activities that will benefit the wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease. I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As I read the legislation, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia’s immense natural beauty and diversity. This legislation is a crucial step in our quest to preserve these lands for the enjoyment and use of future generations.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. SARBANES, and Mr. KOHL):

S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the United States' North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane’s resurgence is attributed to the birds’ tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winter in coastal Texas. The non-breeding flock is currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its passage from the International Crane Foundation in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida, the flock faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made. The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique. One of the program’s supporters has told me that this program is the component of putting a man on the moon. I think it is quite appropriate then that the Smithsonian announced that one of the
ultralight planes from Operation Migration, which leads the migration from Necedah to Chassahowitzka, will be inducted into the National Air and Space Museum. The plane will be on display in the Museum early next year. I cannot think of a better way to show case this innovative conservation program.

Despite the remarkable conservation efforts taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population growth and planned development compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Even India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2005.

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

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

S. 943
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 "Crane Conservation Act of 2005".

SEC. 2. FINDINGS.
Congress finds that—
(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;
(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—
(A) the Siberian crane (Grus leucogeranus);
(B) the red-crowned crane (Grus japonensis);
(C) the white-naped crane (Grus vipio);
(D) the black-necked crane (Grus nigricollis); and
(E) the hooded crane (Grus monacha);
(3) the Convention of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—
(A) the wattled crane (Bugeranus carunculatus);
(B) the blue crane (Anthropoides paradisea);
(C) the grey-crowned crane (Balearica regulorum);
(D) the black-crowned crane (Balearica pavonina); and
(E) the sarus crane (Grus antigone);
(4) A. the whooping crane (Grus americana) and (B) the sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and
(B) with approximately 200 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;
(5) conservation resources have not been sufficient to cope with the continued diminution of the wild populations by losses that include hunting and the continued loss of habitat;
(6) A. cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and
(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;
(7) other threats to cranes include—
(A) the collection of eggs and juveniles;
(B) poisoning from pesticides applied to crops;
(C) collisions with power lines;
(D) disturbance from warfare and human settlement; and
(E) the trapping of live birds for sale;
(8) to reduce, remove, and otherwise effectively address these threats to cranes in the wild; and
(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;
(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and
(11) conservationists in the United States have much to teach and much to learn from cranes working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened species.

SEC. 3. PURPOSES.
The purposes of this Act are—
(1) to perpetuate healthy populations of cranes;
(2) to assist in the conservation and protection of cranes by supporting—
(A) conservation programs in countries in which endangered and threatened cranes occur; and
(B) the efforts of private organizations committed to helping cranes; and
(3) to provide financial resources for those programs and efforts.

SEC. 4. DEFINITIONS.
In this Act:
(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species;
(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—
(i) protection, restoration, acquisition, and management of habitat;
(ii) research and monitoring of known populations;
(iii) the provision of assistance in the development of management plans for crane habitats and range;
(iv) enforcement of the Convention;
(v) law enforcement and habitat protection through community participation;
(vi) reintroduction of cranes to the wild;
(vii) conflict resolution initiatives; and
(viii) community outreach and education.
(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).
(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 6(a).
(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project shall be one of the following:

(i) government of each country in which the project will be conducted, if the government determines are necessary to evaluate the eligibility of the project to receive assistance under this Act.

(ii) regulatory agency.

(iii) any other organization representing public and private organizations actively involved in the conservation of cranes.

(2) PROJECT REVIEW AND APPROVAL.—

(a) IN GENERAL.—The Secretary shall:

(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(c) A concise statement of the purpose of the proposed project;

(d) an estimate of the funds and the period of time required to complete the project;

(e) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary determines is necessary to evaluate the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(a) consult on the proposal with the government of each country in which the project is to be carried out;

(b) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(c) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A);

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will include—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the conservation of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities; and

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for conducting the project, to enhance capacity for effective conservation; and

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(2) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section shall report to the Secretary at such reasonable intervals as are determined by the Secretary, reports that include all information which financial assistance is provided under section 5.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 5.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) INVESTMENTS OF AMOUNTS.

(1) IS GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(a) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) at the market price.

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(c) INVESTMENTS OF AMOUNTS.
through 2010, to remain available until expended.

(b) OfPurp.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

Mr. KENNEDY. Mr. President, today, on Work Memorial Day, we remember and honor the working men and women here at home who have died or been injured on the job in the past year. We also think of their families and the losses they have suffered. And we pledge to do more to end the unsafe and unhealthy conditions that still plague so many workplaces across America.

Thirty-five years have now passed since the enactment of the Occupational Safety and Health Act in 1970, and that basic law has made an immense difference in the safety of our Nation’s workers. The rate of fatalities, injuries, and illnesses dropped year after year—a 78 percent reduction in the workplace death rate, a 52 percent reduction in the rate of workplace-related injuries and illnesses since the law was passed, and the reductions have been even greater in industries that OSHA has targeted in its standards and enforcement activities.

But we still have a long way to go. There are still too many workers being hurt on the job. An average of 15 workers are killed and 12,000 more are injured every single day. That’s over 5,500 worker deaths and 4.4 million worker injuries a year. In Massachusetts, 72 workers died from traumatic injuries on the job in 2004 and over 600 died from occupational disease.

These numbers represent real workers and their families. They represent fathers like Jeff Walters. His son Patrick was killed when a trench in Ohio caved in three years ago—at a company with a history of safety violations. They include people like Ron Hayes, who also lost his son in a workplace accident. Since then, he and his wife Dot have made safety their cause and done a great deal to help families whose lives have been hurt by these deaths—including deaths that in many cases could, and should have been prevented.

Ron and Jeff asked us to prevent this from happening to other families. That’s why I am introducing this bill—to fight for families like the Walters and the Hayes, and to do everything we can to make our voices heard and our demands don’t have to suffer the same grief.

Many companies are doing too little to deal with this challenge. They blatantly ignore the law, but they are rarely held accountable, even when their actions or neglect kill loyal employees who work for them. Offenders never go to jail. Criminal penalties are so low that prosecutors don’t pursue these cases. Employers who violate safety laws again and again pay only minimal fines—they treat them as just another cost of doing business.

We cannot allow these shameful practices to continue. These companies are putting millions of workers at risk in factories, construction sites, nursing homes, and many other workplaces every day.

We also need to hold this Administration accountable for improving worker safety and enforcing the safety laws. We should require OSHA to do more to stop serious safety violations before they can hurt or kill workers, instead of sweeping them under the rug. We also need to protect workers with the courage to speak out against health and safety hazards and the workplace.

The most glaring flaw in current law is that too many workers are left uncovered. The Protecting America’s Workers Act will extend the scope of the Occupational Safety and Health Act to cover 8 million public employees and millions of transportation and other workers.

In addition, the bill imposes jail time—up to ten years, instead of only six months under current law—on those whose blatant violation of safety laws leads to a worker’s death. Incredibly, under current law, it is only a misdemeanor—punishable by 6 months in jail—for an employer to cause a worker’s death through willfully violating safety and health laws. In fact, we impose sentences twice that long for acts like harassing a wild burro on federal lands. Our laws should reflect our serious commitment to protecting workers’ safety, instead of letting violators off with a slap on the wrist. We also need to raise all penalties, to provide additional deterrence against employers.

We require the Occupational Safety and Health Administration to investigate more cases. We give workers and their families more rights in the investigation, and provide stronger protections for workers who report health or safety violations.

I urge my colleagues to join me in fighting for safer workplaces for all of America’s workers. The promise of OSHA is waiting to be fulfilled. The best way for Congress to honor the Nation’s dedicated working men and women on this Worker’s Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

By Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. STABENOW, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. DURBIN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BAYH, Ms. GLOVER, Mrs. PENNSTEIN, Mr. CORZINE, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Mr. DAYTON, Mr. AKAKA, Mr. REED, Mr. HARKIN, Mrs. BOXER, Ms. LANDRIEU, Mr. REID, Mr. SALAZAR, Mr. BAUCUS, Mr. DORGAN, Mr. FISCHBAUM, Mr. HAYES, Mr. SCHUMER, Mr. DODD, Mr. SPECTER, Mr. BYRD, Mr. LAUTENBERG, and Mr. OBAMA):

S. 945. A bill to provide reliable officers, technology, education, community prosecutors, and raining in our neighborhoods; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today, I rise to introduce legislation to reauthorize the Department of Justice’s Office of Community Oriented Policing Services (COPS). This program has achieved what my colleagues and I fought for back when signing the 1994 Crime Bill. Prior to the final vote, in August of 1994, I stated that “I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals.”

Fortunately, with the creation of the COPS program, we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for eight consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes, and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent.

Property crimes, including auto thefts also were reduced from historical highs to the lowest levels in decades.

How were we able to achieve such great results? Well, we all know it was a combination of factors, but most law enforcement officials credit the Office of Community Oriented Policing with a pivotal role. Indeed, in the words of Attorney General Gonzalez reached the same conclusion, stating that “we put additional officers on the street and now we have crime at an all-time low.” In addition, this program has been endorsed by every major law enforcement group in the Nation, including the International Association of Chiefs of Police (IACP), the National Organization of Police Organizations (NAPO), the National Sheriffs Association (NSA), the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials (NHOME), the International Union of Police Associations (IUPA), the Fraternal Order of Police, and others. The bottom line is that from the Top Cop in the United States to the beat officer patrolling a local community, the importance of this program cannot be overstated.

Rather than support this program, the Bush Administration and Republican leadership is set on eliminating...
it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for State and local law enforcement programs run out of the Department of Justice is down 25 percent since fiscal year 2002. This year, funding for State and local law enforcement is at $118 million for the entire Nation, with no funding for hiring.

These cuts are coming at the worst possible time. Local law enforcement is facing what I have called a perfect storm. The FBI is reprogramming its field agents from local crime to terrorism. Undoubtedly, this is necessary given the threats facing our Nation. But, this means that there will be less Federal assistance for drug cases, bank robberies, and violent crime. Local law enforcement will be required to fill the gap left by the FBI in addition to performing more and more homeland security duties. Due to budget restraints at the local level and the unprecedented cuts in Federal assistance they will be less able to do either. Articles in the USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of local budget woes. In fact, New York City has lost over 3,000 officers in the last few years. Other cities, such as Cleveland, Minnesota, and Houston, TX, are facing similar shortfalls. As a result, local police chiefs are reluctant to order officers from the pro-active policing activities that were so successful in the nineties, and they are unable to provide sufficient numbers of officers for Federal task forces. These choices are not made lightly. Police chiefs understand the value of pro-active policing and the need to be involved in homeland security task forces; however, they simply don’t have the manpower to do it all. Responding to emergency calls must take precedence over pro-active programming and task forces, and I fear that we will see the impact in our national crime rates soon. Local chiefs and sheriffs are reporting increased gang activity. And, murder rates and auto thefts—two very accurate indicators of crime trends—have gone up for three consecutive years.

To me, cutting assistance for State and local law enforcement is inexplicable, particularly because the need for assistance is pressing. In fact, last month I offered an amendment to restore funding for the COPS program in the sum of $1 billion. This amount would have provided enough funding to eliminate the backlog of pending officer requests of 10,000 from 3,700 jurisdictions throughout the Nation. And, it would have provided funding to support on-going needs this year. Unfortunately, this amendment was voted down on a party-line vote. The Bush Administration’s response to these items is that funding for the Department of Homeland Security is up. Undoubtedly, these are critical, necessary expenditure.
(3) striking subsection (e) and inserting the following:

“(e) Law Enforcement Technology Program.—Grants made under subsection (a) may be used to assist state law enforcement agencies in employing professional, scientific, and technological advancements that will help them—

“(1) improve police communications through the use of wireless communications, computers, software, videocameras, databases, and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

“(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

“(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information, including non-criminal justice data, to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage the community in solving them.

“(f) Community-Based Prosecution Program.—

“(1) In General.—Grants made under subsection (a) may be used to assist State, local, or tribal prosecutors’ offices in the implementation of community-based prosecution programs that build on local community-oriented policing efforts.

“(2) Use of Funds.—Funds made available under this subsection may be used to—

“(A) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other crime problems (including intensive illegal gang, gun, and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

“(B) redepoly existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

“(C) establish programs to assist local prosecutors’ offices in the implementation of programs that help them identify and respond to crime problems in the community with specifically tailored solutions.

“(3) Allocation.—At least 75 percent of the funds made available under this subsection shall be reserved for grants under subparagraph (A) and (B) of paragraph (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2)(C). At least 25 percent of the funds shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) to units of local government with a population of less than 150,000.

“(f) Retention Grants.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by inserting at the end the following:

“(d) Retention Grants.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial need. Retention grants shall be budgeted in such a way that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b).”.

“(g) Definitions.—

“(1) Law Enforcement Officer.—Section 1709(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended by inserting after “criminal investigation:” “including criminal investigations, arresting and apprehending felons and parolees, investigating violations of Federal, State, and local law enforcement and regulatory agencies, to address document and crime disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school.”;

“(2) School Resource Officer.—Section 1709(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(4)) is amended—

“(A) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;”;

“(B) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, criminal justice awareness, and provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;”;

“(C) in subparagraph (F) by striking “and” at the end;

“(D) in subparagraph (G) by striking the period at the end and inserting a semicolon; and

“(E) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm in the possession of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosive or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act, which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”.


“(1) by amending subparagraph (A) to read as follows:

“(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

“(i) $1,150,000,000 for fiscal year 2006;

“(ii) $1,150,000,000 for fiscal year 2007;

“(iii) $1,150,000,000 for fiscal year 2008;

“(iv) $1,150,000,000 for fiscal year 2009;

“(v) $1,150,000,000 for fiscal year 2010; and

“(vi) $1,150,000,000 for fiscal year 2011;”;

“(2) in subparagraph (B)—

“(A) by striking “3 percent” and inserting “5 percent”;

“(B) by striking “1701(f)” and inserting “1701(g)”;

“(C) by striking the second sentence and inserting “Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications, no less than 50 percent shall be allocated for grants pursuant to paragraph (2), and grants shall be made available to local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.”;

“(D) by striking “85 percent” and inserting “650,000,000”;

“and

“(E) by striking “1701(b)” and all that follows through “of part Q,” and inserting the following—

“(1) $1,150,000,000 for fiscal year 2006;

“(2) $1,150,000,000 for fiscal year 2007;

“(3) $1,150,000,000 for fiscal year 2008;

“(4) $1,150,000,000 for fiscal year 2009; and

“(5) $1,150,000,000 for fiscal year 2010.

“Mr. ROCKEFELLER. Mr. President, I am proud today with Senator BIDEN and several of our colleagues to introduce a bill to reauthorize the Community-Oriented Police Service (COPS) program, which has been so vitally important to my State of West Virginia. The bill authorizes $1.15 billion to fund operations of the U.S. Department of Justice’s COPS Office and to put 50,000 new police officers on the streets of the United States through 2011. I am a co-sponsor of this bill because I understood how important this program could be when we passed it originally as part of President Clinton’s 1994 Crime bill, because I’ve seen how important it is to my State of West Virginia, and because I know that there are few government programs that have done more to make the whole country safer and more secure.

“President Clinton had a goal of placing 100,000 new police officers on our streets. As hard as it is to believe, there are opponents of the COPS program. In an attempt to defend their desire to end the program, they are quick to point out that the goal has been met, and even exceeded. They would have you believe that the Federal Government should get out of the business of helping local law enforcement do its jobs. In the aftermath of the September 11 attacks, when police departments have taken on innumerable and important responsibilities in addition to their roles in fighting crime, plans to close out this program have been included in the President’s budget each year since he took office. For the Fiscal Year 2006 budget, funding for hiring new officers was zeroed out, and funds for ongoing projects were slashed by varying degrees.

“There is simply no justification for not continuing the successes of this program. The COPS program has allowed states and local law enforcement agencies in all 50 States and the District of Columbia to hire 118,000 new officers since 1994. The violent
crime rate has dropped 30 percent in the same period. Recently, Attorney General Alberto Gonzales made the connection himself, commenting that these officers were put on the street and crime is at a thirty-year low.

The COPS program has sent more than $40 million to my home State of West Virginia, allowing 166 jurisdictions to hire nearly 700 officers. There is no way that the citizens of my State could afford to hire and train this many officers in this amount of time, and not take any step to replace the benefits the COPS program produces. Many of these towns had never had their own police officers before this, and I can tell you that the presence of those officers has changed lives for the better throughout my State.

West Virginia has also benefited from some specialized programs administered by the COPS Office. Our schools, which were once refuges from crime and danger, now have safety and security concerns best handled by trained law enforcement professionals. The COPS in Schools (CIS) program has provided $2 million to hire 20 school resource officers (SROs). In 2001 alone we received more than $457,000 to hire four SROs. Law enforcement agencies in my State have also received $4.7 million in COPS technology grants, and were making headway on a burgeoning crisis in methamphetamine production with the COPS M ETH grant program. This assistance has allowed police in my State and crisis-stricken school districts to purchase a child-friendly tier of television programming, and were making headway on a burgeoning crisis in methamphetamine production with the COPS M ETH grant program. This assistance has allowed police in my State and crisis-stricken school districts to purchase a child-friendly tier of television programming, and were making headway on a burgeoning crisis in methamphetamine production with the COPS M ETH grant program. This assistance has allowed police in my State and crisis-stricken school districts to purchase a child-friendly tier of television programming, and were making headway on a burgeoning crisis in methamphetamine production with the COPS M ETH grant program.

Yesterday the National Cable and Telecommunications Association launched a new public service campaign to alert subscribers to parental control features that are already available and to introduce new larger TV rating icons. I haven’t studied their proposal, but it certainly sounds constructive and I look forward to hearing more about their efforts.

I understand Senator BIDEN for his tireless work on behalf of law enforcement and I pledge to do all that I can to see this bill enacted for the good of the people of West Virginia and for all Americans.

By Mr. WYDEN:

S. 946. A bill to amend the Communications Act of 1934 to require multi-channel video programming distributors to provide a kid-friendly tier of programming; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I strongly believe that parents in our country should have more wholesome entertainment choices for their children. To make that possible, I am today introducing legislation to require that cable and satellite owners allow parents to purchase a child-friendly tier of television programming.

For years, the Congress and the Federal Communications Commission have labored to turn off offensive programming with a variety of technologies. My legislation would ensure that America's families, 24/7, could turn on programming that is reliably friendly to our children.

While the legislation ensures that parents have more choices, the entertainment industry is assured that it has choices as well. Under the bill, Congress does not direct how the law is to be implemented. The Congress does not set prices. And the Congress does not take any step that is inconsistent with the first amendment.

About the only part of the legislation that is nonnegotiable is my belief that Congress should not dawdle any longer when the volume of degrading, violent, and antisocial entertainment our children are exposed to continues to grow.

Here is what America's parents deal with now. A recent study found that the average child in America has seen 8,000 murders depicted on television by the time he enters the elementary school. Kids see about 10,000 television rapes, assaults, and murders each year. And in 2004, Americans filed more than 1 million complaints with the Federal Communications Commission about illegal programming.

Yesterday the National Cable and Telecommunications Association launched a new public service campaign to alert subscribers to parental control features that are already available and to introduce new larger TV rating icons. I haven’t studied their proposal, but it certainly sounds constructive and I look forward to hearing more about their efforts.

The legislation I am introducing today is a tier approach that has teeth. It is going to give parents more kid-friendly entertainment choices that are easy to understand. The legislation would require that all cable and satellite operators within 1 year of enactment offer a kid-friendly tier of programming. It would require monthly billing statements to include information about how customers can use blocking technology to stop offensive programming. And it would impose big league fines on any cable or satellite operator who doesn’t comply with the requirement that they give parents the chance to purchase kid-friendly programming. In this tier parents will know that there will be no content and no advertisements of a violent or sexual nature. Parents and adults who are not concerned about the current level of viewing violence or sex on television would, of course, have access to those options with respect to current law.

This proposal is the first to tell cable and satellite operators they must offer a kid-friendly television tier so parents have more choices. The legislation does not dictate how it must be accomplished. It only says this tier of kid-friendly programming must carry a number of channels.

The legislation leaves it up to the operator whether to offer the kids tier as part of a basic or expanded basic package or as a completely separate package.

Certainly there is going to be some opposition. But I believe good quality programming and an option for families could translate to pretty good profits for those cable and satellite providers. Parents are going to find this option very attractive. If children are watching TV 4 hours a day, you can bet mom and dad are not able to stand there the whole time. A kids tier is going to take the guesswork out of TV time for America's parents.

Now there is an awful lot of guesswork. Time magazine found last month 53 percent of respondents said they thought the Federal Communications Commission ought to place stricter controls on broadcast shows depicting sex and violence. Sixty-eight percent of those surveyed said the entertainment industry has lost touch with viewers' moral standards. Sixty-six percent said there is too much violence on open air TV. Fifty-eight percent said there is too much sexual content.

I have worked to make sure that this legislation strikes an appropriate balance by giving parents the choices they need not taking them away. A recent Pew Research survey found although 60 percent of Americans are very concerned about what kids see and hear on television, about half of those surveyed were more worried about the Government imposing undue restrictions and thought this was essentially the responsibility of the audience.

So what are we doing here shows a balanced kind of approach in line with the kinds of values Americans are experiencing. Don’t take away choices for parents, but help parents make good choices for their children. With 8 out of 10 American households getting their television through cable or satellite programmers, it is time that parents be given the chance to sign up for programming that works for their family.

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. 946

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 “Kid Friendly TV Programming Act of 2005”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) More than a decade ago, the American Psychological Society stated that “There is absolutely no doubt that higher levels of viewing violence on television are...
correlated with increased acceptance of aggressive attitudes and increased aggressive behavior.”

(2) A study in 2003 found that adults who were extensively violent as children are more than three-to-four times as likely as other adults to be convicted of a crime and to use violence against their spouses and other adults.

(3) Adults who watched more violent programming as children were more likely to be arrested and convicted for spousal and child abuse, murder, and aggravated assault.

(4) Ten percent of violent acts committed by youths are attributable to their exposure to violent content on television.

(5) Forty percent of parents surveyed in 1999 in Rhode Island reported that at least one symptom of post-traumatic stress disorder in their child viewed a scary event on television, and that this symptom lasted at least 1 month.

(6) The average child who watches 2 hours of cartoons a day will view almost 10,000 violent acts a year.

(7) Teenagers who watched television with the greatest amount of sexual content were twice as likely to initiate sexual intercourse the following year as those who watched television with the least amount of sexual content.

(8) The Kaiser Family Foundation reported in 2002 that 72 percent of teenagers think sex on television influences “somewhat” or “a lot” their sexual behavior of their peers.

(9) The Kennedy-Lautenberg Foundation reported in 2003 that 64 percent of all television shows have some sexual content, and that in prime time, 71 percent of the top 10 broadcast network shows have some sexual content.

(10) The continued exposure of children to obscene, indecent, sexual, or gratuitous or excessively violent content on television is harmful to the public health and welfare of communities across the country.

(11) Efforts to limit the exposure of children to television programming that contains material with obscene, indecent, violent, or sexual content, or to impose fines and penalties for the broadcast of such content, have not been successful in protecting children from harmful content.

(12) The number of homes in the United States that receive television programming via cable or satellite providers is estimated to have grown to 85 percent of American households, and of that percentage, an estimated 95 percent of the households subscribe to basic or expanded basic programs.

(13) The efforts to limit the exposure of children to harmful television content have not been successful because Federal regulatory agencies have not had the authority to require cable and satellite providers to offer a child-friendly tier of programming.

(14) Parents need more effective ways to limit exposure of children to television with harmful content through alternative, child-friendly tiers of programs.

SEC. 3. BASIC TIER CONTENT RESTRICTIONS.

(a) In the Communications Act of 1934 (47 U.S.C. 631 et seq.) is amended to add at the end the following:

"SEC. 641. KID-FRIENDLY PROGRAM TIER.

(1) In general.—Within 1 month after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall offer a tier of programming consisting of no fewer than 15 channels.

(2) Blocking Instructions.—Beginning 6 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall provide, as part of the monthly statement sent to its subscribers, instructions on how to block any channel whose content a subscriber may wish to block.

"(c) PENALTIES.—In addition to any other penalty imposed under this Act or title 18, United States Code, failure to comply with the requirements of this section is punishable by a civil penalty of not more than $500,000 per day. Each day of such failure shall be considered a separate offense.

"(d) CHILD-FRIENDLY TIER.—In this section, the term "child-friendly tier" means a group of channels that do not carry programming, advertisements, or public service announcements that would be considered inappropriate for children, due to obscene, indecent, profane, sexual, or gratuitous and excessively violent content."

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. DURBIN):

S. 947. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today on Workers Memorial Day to reintroduce the Workplace Wrongful Death Accountability Act,” legislation that would, among other things, increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

Unbelievably, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. This legislation would increase the penalty for this most egregious of workplace crimes to 10 years, making it a felony. The bill also would increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and would increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent years, the Senators from both sides of the aisle have joined together to focus on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, and others. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses can cost lives.

My legislation is based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and some 50,000 more die from work-related illnesses. Many of those deaths—deaths that leave wives without husbands, brothers without sisters, and children without parents—are completely preventable.

In 2003, the New York Times published an eye-opening, multi-part series that documented the failure of the Federal government to prosecute violators of workplace safety laws. The articles were deeply disturbing to anyone concerned about the health and well-being of workers in America, detailing one company’s pattern of recklessly disregarding basic safety rules. The authors linked at least nine employee deaths in five States—New York, New Jersey, Ohio, Alabama, and Texas—over a 7-year period with the failure of a single company, McWane Foundry, to follow established workplace safety regulations. Three of those deaths were just found to have been caused by deliberate and willful violations of Federal safety rules.

As a result of that article and a subsequent criminal investigation, McWane has begun to clean up its act. But no one should be deluded. McWane is not the only company with a record of putting employees at risk. Others—although still the clear minority—continue to flout workplace safety rules to put profits ahead of the health and well being of workers.

During the last Congress, the Bush administration recognized that there was a problem and announced its “enhanced enforcement policy,” a small step in the right direction. But this new enforcement policy does not do enough, and my legislation would ensure that employers are deterred from placing their employees at risk by willfully violating safety laws. If they do willfully violate the law, they will pay a price.

While many factors contribute to the unsafe working environment that exists at certain job sites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but—over time—the deterrent value of these important workplace safety laws has eroded substantially. With the maximum jail sentence a paltry 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

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

S. 947
Be it enacted by the Senate and House of Representativess of the United States of America in Congress assembled, 

SEC. 1. SHORT TITLE.

This Act may be cited as the "Workplace Wrongful Death Accountability Act."
SEC. 2. OSHA CRIMINAL PENALTIES.
Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—
(1) in subsection (e)—
(A) by striking “fine of not more than $10,000” and inserting “fine in accordance with section 3571 of title 18, United States Code,”; (B) by striking “six months” and inserting “ten years’’; (C) by striking “fine of not more than $20,000” and inserting “fine in accordance with section 3571 of title 18, United States Code,”; (D) by striking “one year” and inserting “twenty years’’; and (E) by inserting “under this subsection or subsection (i)” after “first conviction of such person”; (2) in subsection (f), by striking “fine of not more than $1,000 or by imprisonment for not more than six months,” and inserting “fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than two years’’; and (3) in subsection (g), by striking “fine of not more than $10,000, or by imprisonment for not more than one year” and inserting “fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than one year’’.

Mr. CORZINE (for himself and Mr. LAUTENBERG): S. 948. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to reintroduce a very important piece of legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I introduced last Congress to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

In late 2003, it came to light that Charles Cullen, a nurse who had practiced for more than a decade in New Jersey and Pennsylvania, had murdered as many as 40 of the patients he cared for during that time. As of today, Mr. Cullen has pleaded guilty to intentionally giving lethal doses of drugs to 24 patients.

This case has highlighted the need for a national reporting system on nurses and other licensed health care professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn’t know his history. They didn’t understand what he had done with patients. This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of this legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers. The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse’s record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the state licensing board would report the results of its investigations and licensing or disciplinary actions to the databank. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical first step toward wanting access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It’s time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient’s bedside than the patient’s physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward to working with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President’s desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

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

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

S. 948

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 “Safe Health Care Reporting Act of 2005”.

SEC. 2. REPORTING OF SANCTIONS.
Section 422 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11132) is amended—
(1) in the section heading by striking “BOARDS OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARDS”; (2) in paragraphs (1) and (2) of subsection (a)— (A) by striking “physician’s” each place it appears and inserting “physician’s or other health care practitioner’s”; (B) by striking “physician” each place it appears and inserting “physician or other health care practitioner”;

and in subsections (b), (c), (d), and (e), respectively; and (3) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; (4) by inserting after subsection (a), the following:

“(b) A description of any adverse action, including dismissal and review action, taken by a hospital or other health care entity against a health care practitioner who is employed by, has privileges at, is under contract with, or otherwise works at the health care entity for conduct that may be construed to violate any Federal or State law, including laws governing licensed health care professional practice standards,

“(c) Information on a health care practitioner who voluntarily resigns during, or as a result of, a pending dismissal or review action; and

“(d) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

“(e) by inserting after subsection (a), the following:

“(b) STANDARD FOR REPORTING OF ADVERSE ACTIONS.—Adverse actions reported under paragraph (a)(2) shall be made in accordance with the rights and procedures afforded to physicians under section 412.”
(5) in subsection (c) (as so redesignated), in the subsection heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”;

(6) in subsection (d)(1) (as so redesignated), by striking “section (a)(1)’’ and inserting “paragraphs (1) and (2) of subsection (a) and subsection (b)”;

(7) subsection (d)(2) (as so redesignated), in the paragraph heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”;

(8) in subsection (e) (as so redesignated), in the subsection heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”; and

(9) by adding at the end the following:

“(f) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary shall provide for civil penalties in addition to any employee, agent, or other representative of the current or former employer who is authorized to provide and who provides information in accordance with section 423.

“(e) PROTECTION OF HEALTH CARE PRACTITIONERS.—No health care entity shall not penalize, discriminate, or retaliate in any manner with respect to employment, including discharge, suspension, or other terms, conditions, or privileges of employment, against an employee who, in good faith, reports conduct that may be construed to violate a Federal or State law, or regulations or laws governing licensed health care professional practice standards, to a State authority, licensing authority, peer review organization, or employer.

SEC. 6. HEALTH CARE ENTITY; SKILLED NURSING FACILITY.

Section 431 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151) is amended—

“(1) in paragraph (4)(i), by inserting “or skilled nursing facility” after “hospital”; and

“(2) by redesigning paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

“(3) by inserting after paragraph (12) the following:

“(13) The term ‘skilled nursing facility’ means an entity described in section 1819(a) of the Social Security Act (42 U.S.C. 1395l–3(b)).”.

SEC. 7. SANCTIONS AGAINST AND BACKGROUND CHECKS OF HEALTH CARE PRACTITIONERS.

Section 1921 of the Social Security Act (42 U.S.C. 1396d–2) is amended—

“(1) in the section heading, by inserting “and Criminal Background Checks of” after “AGAINST’’; and

“(2) in subsection (a)—

“(A) by redesignating paragraph (2) as paragraph (3); and

“(B) by inserting after paragraph (1) the following:

“(2) INFORMATION CONCERNING CRIMINAL BACKGROUND OF LICENSED HEALTH CARE PRACTITIONERS.—The State shall in effect have in force a system of reporting criminal background information on licensed health care practitioners to the agency designated under section 424(b) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11134(b));”.

SEC. 8. DATE OF IMPLEMENTATION.

The Secretary of Human Services shall, through the promulgation of appropriate regulations, implement the provisions of this Act within 1 year after the date of enactment of this Act.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, and Mr. KINCHEN):

S. 956. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I have introduced a bill with my colleagues, the senior Senators from Louisiana and Oklahoma, called the Eliminate Neglected Disease Act of 2005. Neglected diseases are diseases that don’t get much attention but nonetheless account for the vast majority of all deaths in the world: malaria, tuberculosis, acute respiratory infections, infectious diarrhea. For most of these diseases, our bilateral foreign assistance agency, USAID, is not funding direct interventions in communities using known, life-saving tools. The need for our bill could not be more urgent.

Given the following, conditions have never been better for the U.S. to apply inexpensive, relatively simple interventions to save lives: 1. We know how to cure and/or prevent these diseases.

2. Interventions, prevention and/or treatment are relatively cheap. Cure for malaria = $2. For TB = $11–15. One year of non-curative treatment for AIDS: $500–1,000.

3. These diseases are responsible for the majority of deaths in the developing world, particularly among children and pregnant women. Malaria is the number one killer of kids and pregnant women in Africa, kills between 1–2 million people each year but makes about 500 million sick! Tuberculosis kills about 2 million people each year. Unlike with other diseases, people can not avoid infection with these killers by behavior change.

4. Low-hanging fruit—these diseases account for up to 50% of all deaths in communities using known, life-saving tools. Establishes mechanisms to revise or terminate contracts that fail to save lives.

3. Transparency: Every dollar that the agency awards to combat infectious diseases must be accounted for on a public web site, similar to the Global Fund’s web site. All signed agreements are posted online, as well as progress reports documenting performance on required deliverables and indicators.

4. Scientific and Clinical Integrity: The bill mandates that clinical/medical and public health programs are overseen by the agencies of the Federal Government where the core competency lies. For programs where the lack of clinical and scientific expertise has been particularly acute, a group of Federal and non-governmental medical and academic experts will provide scientific and medical oversight.

5. Coordination and Priority-setting: Up to five Federal agencies are currently involved in international malaria and tuberculosis programs. The bill would provide for clearer lines of authority and coordination for these agencies and require a strategic planning process to ensure that programs operate according to a outcome-focused 5-year plan.

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When I Tecno-concert, we stopped SARS in its tracks a few years ago. If these diseases were killing our own citizens at
the rates they are killing people in poorer countries, we would put an end to it using the inexpensive, known methods, in short order. African children are just as precious as American and European children. To those who have been given much, much is expected. We must be vigilant for how we responded to this crisis. I hope my colleagues will join us in supporting this legislation.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 955. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; to the Committee on Energy and Natural Resources.

Mr. FRIST. 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. 955

1a–1 et seq.).

under subsection (a) shall be conducted in the sites in the National Park System.

and local government entities; and

The urgency of passing legislation of this nature has been growing for the past few months. The murders of Jessica Lunsford, Sara Lunde, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent weeks. Each of these murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will give sex offenders tougher penalties for the crimes they commit.

I would like to take this moment to talk about the murder of the Iowa girl this bill is named for, Jetseta Marrie Gage. On March 24 of this year, Jetseta, a beautiful 10-year-old girl from Cedar Rapids, IA, went missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody, a man who had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over one year in prison for his previous sex crime conviction. Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta’s body was found stuffed in a cabinet in an abandoned mobile home. She had been molested, strangled, and suffocated with a plastic bag. I can’t help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it’s even more disheartening when you know that it might have been prevented with adequate sentencing.

My bill will help change this by protecting children in three ways. It will establish mandatory minimum sentences, increase penalties for certain crimes against children, and reform the habeas corpus system for child murderers. Let me now discuss these provisions in detail.

The first section on mandatory minimums will guarantee punishment for criminals who commit violent crimes against children. I know that some of my colleagues have concerns about mandatory minimums, especially in the context of drug sentences. I understand that in light of the recent Supreme Court’s decision in the Booker/FanFan case, something must be done to insure that sexual predators receive the types of sentences fitting for their crimes. In the Booker/FanFan case, the Court held that the Federal Sentencing Guidelines are no longer mandatory, thus federal judges have unfettered discretion in sentencing. This would establish mandatory minimums for violent crimes against children: One, where the crime of violence results in death of a child under 15 years, the offender will receive the death penalty or life in prison; two, where the crime of violence results in bodily injury of a child under 15 years, the offender will serve a prison term from 30 years to life; three, where the crime of violence results in bodily injury of a child under 12 years, the offender will serve a prison term from 15 years to life; four, where a criminal uses a dangerous weapon in the commission of a crime against a child, the offender will receive a sentence of 10 years to life; lastly, five, in any other case of a crime against a child, the offender will receive from 2 years to life.

The second section of the bill increases the penalties for sexual offenses against children. The penalties for these crimes need to be adjusted to adequately reflect the gravity of these crimes and the damage they do to children. The bill increases penalties for the following nine federal crimes: aggravated sexual abuse of children, abusive sexual contact with children, sexual abuse of children resulting in death, sexual exploitation of children, activities relating to material involving the sexual exploitation of children, activities relating to material constituting or containing child pornography, using misleading domain names to direct children to material harmful to minors on the Internet, production of sexually explicit depictions of children, and conduct relating to child prostitution.

The third section of the bill will ensure fair and expeditious Federal court review of habeas corpus cases for children. The current habeas corpus system for this crime. For example, in district court parties will be required to move for an evidentiary hearing within 90 days of the completion of briefing, the court must act on the motion within 30 days, and the hearing must begin 60 days later with completion within 150 days. In addition, this section will require that district-court review be completed within 90 days of the conclusion of briefing and that appellate review must be completed within 120 days of the completion of briefing. Finally, this provision limits Federal review on cases to those claims that present meaningful evidence. The defendant did not commit the crime.

The provisions of this bill are strictly designed to protect our children. I doubt that the members of this body, many of whom have young children of their own, will have any objections to ensuring that perpetrators of crimes against children receive tougher penalties for their acts. It is unfortunate

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 956. A bill to amend title 18, United States Code, to provide for violent crimes against children: One, where the crime of violence results in death of a child under 15 years, the offender will receive the death penalty or life in prison; two, where the crime of violence results in bodily injury of a child under 15 years, the offender will serve a prison term from 30 years to life; three, where the crime of violence results in bodily injury of a child under 12 years, the offender will serve a prison term from 15 years to life; four, where a criminal uses a dangerous weapon in the commission of a crime against a child, the offender will receive a sentence of 10 years to life; lastly, five, in any other case of a crime against a child, the offender will receive from 2 years to life.

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The provisions of this bill are strictly designed to protect our children. I doubt that the members of this body, many of whom have young children of their own, will have any objections to ensuring that perpetrators of crimes against children receive tougher penalties for their acts. It is unfortunate
that it took the recent tragic murders of those 3 beautiful young girls for a law of this nature to be proposed, but I strongly believe that a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

I also urge 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. 966

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 “Jetsee Gage Prevention and Deterrence of Crimes Against Children Act of 2005”.

SEC. 2. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

“(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 15 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum sentence otherwise provided, be imprisoned not less than 35 years and not more than life.”

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking “5 years or more than 30 years” and inserting “5 years or more than 20 years”;

(B) in subsection (c), by striking “25 years or for life” and inserting “25 years or for life”;

(C) by striking “not less than 15 years nor more than 40 years.” and inserting “not less than 15 years or for life”;

(D) by striking “any term of years or for life” and inserting “any term of years or for life”.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “5 years and not more than 10 years” and inserting “5 years or more than 20 years”;

(ii) by striking “25 years or for life” and inserting “25 years or for life”;

and

(iii) by striking “not less than 15 years nor more than 40 years.” and inserting “not less than 15 years or for life”;

and

(B) in paragraph (2)—

(i) by striking “any term of years or for life” and inserting “any term of years or for life”;

(ii) by striking “not less than 15 years nor more than 40 years.” and inserting “not less than 15 years or for life”;

and

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2241 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by striking “(a) or (b)” after “section 2241”;

(B) in paragraphs (2), (3), (4), and (5), respectively; and

(C) by striking after paragraph (1) the following:

“2. subsection (c) of section 2241 of this title had the sexual contact between a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years”; and

(B) in subsection (c), by inserting “(other than subsection (a)(2))” after “violates this section”.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by striking “A person” and inserting “(a) in GENERAL.—A person”; and

(B) by adding at the end the following:

“(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.”;

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—Section 2252(c) of title 18, United States Code, is amended by adding after paragraph (1)—

“(2) in subsection (d), by striking “, imprisoned not less than 10 years nor more than 30 years” and inserting “, or imprisonment for not less than 10 years nor more than 30 years”;

(3) in subsection (c), by striking “or imprisonment not more than 20 years” and inserting “or imprisonment not more than 30 years”;

and

(4) in subsection (b), by striking “, or imprisonment not more than 30 years, or both” and inserting “, or imprisonment not more than 30 years, or both”.

SEC. 4. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) SHORT TITLE.—This section may be cited as the “Christy Ann Fornoff Act”.

(b) LIMITS ON CASES.—Title 28, United States Code, is amended by adding at the end the following:

“42. LIMITS ON CASES.

(A) No court, justice, or judge shall have jurisdiction to consider any claim relating to the judgment or sentence in an application described in subsection (2), unless the court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described in subsection (e)(2).

(B) Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must first decide whether the claim qualifies for consideration on the grounds described in subsection (e)(2).

(C) Any evidentiary hearing shall be—

(i) conducted not later than 30 days after the date on which the petition is filed;

(ii) completed not more than 150 days after the date on which the petition is filed;

and

(D) A district court shall enter a final order granting or denying the application for a writ of habeas corpus, not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion, or if no pleading in opposition is filed, the date on which such opposition is due.

(E) If the district court fails to comply with the requirements of paragraph (3), the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.
S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. LEVIN):

S. 958. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am introducing two measures to commemorate America’s second war of independence—the War of 1812—and aid in the efforts to preserve sites related to this important period in our National History.

Pursuant to legislation that I authored in the 106th Congress, the National Park Service recently completed a study of the feasibility and desirability of designating a Star-Spangled Banner National Historic Trail, commemorating the routes used by the British and Americans during the 1814 Chesapeake Campaign of the War of 1812.

The Star-Spangled Banner National Historic Trail Feasibility Study and Environmental Impact Statement, completed in March 2004, determined that five of eight trail segments studied fully met the criteria for National Historic Trails and recommended this designation.

The legislation I am introducing today implements the recommendations of the National Park Service’s study. The Star-Spangled Banner National Historic Trail Act amends the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. I am pleased that my colleague Senator MIKULSKI and I are joining with me as co-sponsors of this bill. A similar companion bill has also been introduced in the House by my colleagues Congressmen CARDIN and GILCHREST.

The sites along the proposed Star-Spangled Banner National Historic Trail would mark some of the most important events of the War of 1812. The trail, commemorating the only combined naval and land attack on the United States, begins with the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard’s Creek in Calvert County, and ends at Fort McHenry in Baltimore, site of the composition of our national anthem, and the ultimate defeat of the British.

In my view, the designation of this route as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience it. The Star-Spangled Banner National Historic Trail will also give long overdue recognition to those patriots whose determination to stand...
firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

The second measure I am introducing today seeks to ensure that the upcoming bicentennial of the War of 1812 and the poem which became our national anthem will appropriately be observed. I am pleased to be joined by Senators MIKULSKI, LANDRIEU and LEVIN in offering this legislation.

The Star-Spangled Banner and War of 1812 Bicentennial Commission Act was introduced to inaugurate a plan to mark the lasting contributions that our forebears made during this critical period in our Nation's history. In my view, both of these measures will be work to ensure that these patriots' commitment to the principles of liberty and sovereignty will not be forgotten.

I urge my colleagues to join me in supporting their passage.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. THOMAS):

S. 960. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, whenever there is a crisis the media has always served to focus the nation's attention on the problem and who has been affected by it. Then it has been up to us, in the Congress, to review the problem and determine whether or not there was anything we could do to ease the suffering and repair the damage to someone's property and their livelihood.

Most of the time, when the media spots a crisis it is of such a magnitude that the pictures we see of the suffering are devastating and powerful. The images clearly cry out to us to take action and do what we can to restore, as much as possible, the lives of these people to normalcy.

We have all seen the pictures of the devastating tornadoes or other natural disasters that have wreaked havoc wherever they have touched. Story after story has appeared in print and on television showing property destroyed, places of business torn in pieces, jobs in jeopardy and lives forever changed by the fury of a few moments of severe weather. Tornadoes don't last a long time, but they leave a path of devastation in their wake that leaves those affected by it forever changed.

Even as we consider the devastation of tornadoes, earthquakes, or other natural disasters, there are those in my state who have seen their livelihoods drastically affected by weather and federal regulation, but they haven't been able to because they haven't seen their faces on the nightly news or read their stories in the national newspapers. That is because not everyone who has seen their livelihood so drastically affected can be portrayed with quite the same kind of powerful images that depict those who have been touched by the ravages of severe weather patterns. Some problems that destroy livelihoods and weaken industries are far more subtle and more difficult to track.

Instead of being blown away by a single blow, the industry I am referring to is being slowly put to death by the cruellest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous and restrictive regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group's advantage. Right now as I speak to you on the floor of the Senate, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulation that has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing. The packing industry is highly concentrated. Four companies control approximately 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that haven't aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor during the Farm Bill debate, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee on the Farm Bill. However, the problems caused by captive supplies are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and have cosponsored it again in Congress, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or
more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock, and after the price is determined before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed base price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

I realize it may be difficult to grasp the same situation, if you aren’t familiar with the cattle market. Most of us haven’t signed a contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of the problem, let’s explore how we would sell a house using a formula-priced contract in a market structured like the current livestock market.

It is May, and you know you will be selling your home in September. As a wise homeowner, you would be out buying your new home before that time. It turns out that other people don’t really buy homes from each other anymore. In fact, four main companies have taken over 80 percent of all real estate transactions. You really have no choice but to deal with one of these companies.

One of them offers you a contract, stating you will receive $10,000 over the average price of what other, similar homes sell for in your area in September. To manage your risk and ensure a buyer, you have just been practically forced to sign a contract that doesn’t specify how much you will receive for your house.

That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes in your area in September that are contracted to the companies flood the market and the price for homes in your area drops $12,000. By trying to manage your risk, you sold your home for $2,000 below average.

As a homeowner, you would be outraged, wouldn’t you? You would want to know why anyone had the ability to legally take advantage of you. Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Captive supply gives packers the ability to discriminate against some producers. And those producers pay for it with their bottom line. At the same time, packers use contracts and marketing agreements to give privileged access and premiums to other producers regardless of the quality of their product. These uses of captive supply should be illegal. In fact, they are.

In the Packers and Stockyards Act, the Congress stated "It shall be unlawful for any packer with respect to livestock ... to: (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect."

Packers that practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. To what we are left with are unenforced laws to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays the sign any attention unless the driver is sharing the road with a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It doesn’t just warn cars to go slower, it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. The first is that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed, base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality adjustment. However, it does not preclude adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It prevents packers from changing the base price based on factors that they do control. Contracts that are based on the futures market are also exempted from the bill’s requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness prices that are made and accepted. Whether they take the opportunity to bid or not is their choice, the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It doesn’t limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that one main example of how electronic livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still the number one obstacle for the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home state. The economic soul of Wyoming is built on agriculture, ranching, small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstacles preventing livestock producers from competing in the market. I ask my colleagues to assist me in giving their constituents and me the chance to perform on a level playing field.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. BUNNING, Mr. BINGAMAN, Mr. CONRAD, Mr. HAGEL, Mr. COLEMAN, Mr. JOHN- son, and Mr. NELSON of Nebraska):

S. 962. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the capital cost to install new renewable generation capacity is three to ten
times more expensive than the cost to install conventional gas generation. Given these costs, Federal production tax credits have been available over the past decade to investor-owned utilities and private developers for renewable generation from wind, solar, open loop biomass, animal waste nutrients, land-fill gas, solid waste, geothermal and small hydro irrigation systems. I also fought to extend these incentives to electric cooperatives and public power systems, and today am re- leasing a new proposal, "Clean Energy Bonds," that provides them with an important financing tool.

Tax incentives for renewable and clean coal generation will be an important part of a balanced energy bill that the Senate will soon assemble. Such incentives are energy security by providing for diverse fuel choices, provide options in the face of high prices of oil and gas, and are a key component of ensuring that utilities can meet clean air requirements and climate change goals. The Administration has asserted that tax incentives for renewable generation are necessary for a balanced energy bill. And, all electricity generators recently agreed in a MOU with the Department of Energy on voluntary goals that add climate change and support President Bush in his efforts to reduce the greenhouse gas (GHG) emission intensity of the U.S. economy. As part of the MOU, the Department of Energy and all signatories agreed to promote policies that "provide investment stimulus on an equitable basis to electric cooperatives to use, the bondholder. But with a clean energy bond, the Federal Government pays a tax credit to the bondholder in lieu of the issuer paying interest to the bondholder. The interest rate of the credit in an amount that permits the issuance of the tax credit bond without discount and without interest cost to the issuer. The bondholder can deduct the amount of the tax credit from their total income tax liability. The bonds are taxed at a rate of 100 and the bondholder is in the 35 percent bracket, the bondholder would deduct $65 from their tax liability. Public power systems have long used bonds to finance projects for infrastructure improvements and upgrades. By creating familiar financial instruments for public power systems and electric cooperatives to use, the bond market will have the faith and understanding to purchase these financial products because of the longstanding success of municipal bonds. The Clean Energy Bonds Act of 2005 will become an important part of a balanced energy bill. I urge my colleagues to cosponsor this bill that is needed to push renewable generation options further than production tax credits alone.

By Mr. ALEXANDER (for him- self, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON). S. 964. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. 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. 964

Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assembled,
SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section—

(1) COASTAL POLITICAL SUBDIVISION.—The term ‘coastal political subdivision’ means a political subdivision of a coastal State any part of which political subdivision is—

(II) within that zone, but to which section (d) does not apply; and

(iii)熊ur geographic center of which lies within a coastal zone as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) of the coastal State; and

(ii) the geographic center of any part of the coastline of any coastal State.

(2) INCLUSIONS.—The term ‘qualified Outer Continental Shelf revenues’ includes revenue from leases or portions of leases of any part of the coastal zone of the coastal State, other than revenue from leases or portions of leases of any part of the coastline of any coastal State.

(3) EXCLUSION.—The term ‘qualified Outer Continental Shelf revenues’ does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

(2) TRANSFERRED AMOUNT.—The term ‘transferred amount’ means the amount transferred to the Secretary under section 9(a) of this Act, and that is to be made available by the Secretary for purposes of this section (d); and

(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points to which the coastal political subdivisions are closest to the geographic center of each leased tract, as determined by the Secretary.

(1) TRANSFERRED AMOUNT.—The term ‘transferred amount’ means the amount transferred to the Secretary under section 9(a) of this Act, and that is to be made available by the Secretary for purposes of this section (d).
plan submitted under paragraph (1) shall be treated collectively as 1 State; and
(ii) shall each receive an apportionment under that paragraph based on the ratio that—
(A) the population of the State; bears to
(B) the population of all the States referred to in clauses (i) through (vii) of subparagraph (A).

(3) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 1 percent of the amounts made available for financial assistance to States for the fiscal year under this Act.

(4) APPORTIONMENT.—(A) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

(5) STATE NOTIFICATION.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

(6) USE OF FUNDS.—(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects in accordance with this Act.

(B) USES.—(i) the term ‘Indian tribe’—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

(1) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

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(3) APPORTIONMENT.—(A) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

(5) STATE NOTIFICATION.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

(6) USE OF FUNDS.—(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects in accordance with this Act.

(B) USES.—(i) the term ‘Indian tribe’—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

(8) APPORTIONMENT TO INDIAN TRIBES.—(A) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

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(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

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(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

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(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

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(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

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(B) USES.—(i) the term ‘Indian tribe’—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.

(8) APPORTIONMENT TO INDIAN TRIBES.—(A) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year
(i) 60 percent shall be apportioned equally among the States; and
(ii) 40 percent shall be apportioned among the States based on the ratio that—
(A) the priorities and criteria developed by the State are consistent with this Act;
(B) the projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
(C) Planning assistance and the administration of the coastal political subdivision will use amounts provided under this section for public participation has been provided in the development and revision of the plan; and
(D) the political subdivision will use amounts provided under this section for administrative costs of complying with this section.
“(D) CERTIFICATION.—The Governor shall certify that the public has participated in the development of the State action agenda.

(E) COORDINATION WITH OTHER PLANS.—

(1) The State action agenda shall be coordinated, to the maximum extent practicable, with other State, regional, and local plans for parks, recreation, open space, fish and wildlife, and wetland and other habitat conservation.

(ii) RECOVERY ACTION PROGRAMS.—

(1) IN GENERAL.—The State shall use recovery action programs developed by urban local governments under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide to the conclusions of its action agenda contained in the State action agenda.

(ii) REQUIREMENTS FOR LOCAL PLANNING.—To minimize the redundancy of local outdoor conservation and recreation efforts, each State shall provide that, to the maximum extent practicable, the findings, priorities, and implementation schedules of recovery action programs may be used to meet requirements for local outdoor conservation and recreation planning that are conditions for grants under the State action agenda.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)) is amended—

(A) in the matter preceding paragraph (1), by inserting “or State action agenda” after “State comprehensive”;

(B) by inserting “or State action agenda” after “comprehensive plan”;

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking “existing comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8)”;


(4) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)) is amended by inserting “comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8)”.

(5) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)) is amended by inserting “comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8)”.

(6) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking “(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)” and inserting “(16 U.S.C. 460l-8)”.

(7) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)(1), by inserting “or State action agendas” after “comprehensive statewide outdoor recreation plans”; and

(B) in subsection (b)(2)(B), by striking “relating to the development of comprehensive outdoor recreation plans” and inserting “(16 U.S.C. 460l-8)”.

(8) Section 306(d) of title 23, United States Code, is amended—


SEC. 303. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)) is amended—

(1) in paragraph (1), by striking “; but not including incidental costs relating to acquisition”; and

(2) in paragraph (2), by inserting the colon following “to enhance public safety in a designated park or recreation area”.

SEC. 304. CONVERSION OF PROPERTY TO OTHER USE.


(1) by striking “(3) No property”; and

(2) by inserting the following:

“(3) CONVERSION OF PROPERTY TO OTHER USE.—

(A) IN GENERAL.—No property;”;

(B) by striking the second sentence and in-
TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM

SEC. 501. EXPANSION OF PURPOSE OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978 TO INCLUDE DEVELOPMENT OF NEW AREAS AND FACILITIES.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2502) is amended in the first sentence by striking "recreation areas, facilities," and inserting "recreation areas and facilities, the development of new recreation areas and facilities (including acquisition of land for that development);"

SEC. 502. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) by striking "When used in this title the term—" and inserting "In this title:");
(2) by redesigning paragraphs (1), (2), and (3) of subsection (d) as subparagraphs (A), (B), and (C), respectively, and indented appropriately;
(3) by redesigning subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (l), and (k) as paragraphs (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), (5), and (4), respectively, and moving the paragraphs to appear in numerical order;
(4) in each of paragraphs (1), (3), (5), (6), (7), (8), (9), (10), (12), and (13) as redesignated by paragraph (3)—
(A)(i) by inserting "the term before the first quotation mark; and"
(ii) by inserting in the blank the term that is in quotations in each paragraph, respectively; and
(B) by capitalizing the first letter of the term as inserted in the blank under subparagraph (A)(ii);
(5) in each of paragraphs (1), (3), (4), (6), (7), (8), (9), (10), and (12) as redesignated by paragraph (3), by striking the semicolon at the end and inserting a period;
(6) in paragraph (13) as redesignated by paragraph (3), by striking "; and" at the end and inserting a period;
(7) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:
"(2) DEVELOPMENT GRANT."
(8) in each of paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) as redesignated by paragraph (3), by inserting in the blank the term that is in quotations in each paragraph, respectively; and
(B) by capitalizing the first letter of the term as inserted in the blank under subparagraph (A)(ii);
(9) by inserting after paragraph (10) (as redesignated by paragraph (3)) the following:
"(11) SECRETARY. The term ‘Secretary’ means the Secretary of the Interior:"

SEC. 503. ELIGIBILITY.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:
"(a) ELIGIBILITY FOR ASSISTANCE.—
(1) DEFINITION OF LOCAL GOVERNMENT.—For the purpose of determining eligibility for assistance under this title, the term ‘general purpose local government’ includes—
(A) any political subdivision of a metropolitan, primary, or consolidated statistical area, as determined by the most recent decennial census;
(B) any other city, town, or group of 1 or more cities or towns within a metropolitan

SEC. 401. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—
(1) by redesignating the first subsection (c) as subsection (e); and
(2) in subsection (d) by striking paragraph (2) and inserting the following:
"(2) FUND.—An'';
and
(3) Section 4(d) of this Act'' and inserting ''subsection (e)''.

(b) in subsection (c), by striking paragraph (2) and inserting the following:
"(2) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—
(i) shall be deposited in the Account; and
(ii) shall be available, without further appropriation, to carry out the State wildlife conservation and restoration programs under section 4(d)."

SEC. 402. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—
(1) by redesignating the first subsection (c) as subsection (e); and
(2) in subsection (d) by striking paragraph (2) and inserting the following:
"(2) FUND.—An'';
and
(3) in subsection (e) by striking paragraph (2) and inserting the following:
"(2) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—
(i) shall be deposited in the Account; and
(ii) shall be available, without further appropriation, to carry out the State wildlife conservation and restoration programs under section 4(d)."

(b) in subsection (c), by striking paragraph (2) and inserting the following:
"(2) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—
(i) shall be deposited in the Account; and
(ii) shall be available, without further appropriation, to carry out the State wildlife conservation and restoration programs under section 4(d)."

(c) in subsection (e), by striking paragraph (2) and inserting the following:
"(2) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—
(i) shall be deposited in the Account; and
(ii) shall be available, without further appropriation, to carry out the State wildlife conservation and restoration programs under section 4(d)."

SEC. 403. APPORTIONMENT TO INDIAN TRIBES.

SEC. 404. APPORTIONMENT TO INDIAN TRIBES.

SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.

SEC. 502. DEFINITIONS.
statistical area described in subparagraph (A) that has a total population of at least 50,000, as determined by the most recent decennial census; and

"(2) in any other county, parish, or township with a total population of at least 250,000, as determined by the most recent decennial census.

"(2) SELECTION.—The Secretary shall award assistance to general purpose local governments under this title on the basis of need, as determined by the Secretary.''

SEC. 505. RECOVERY ACTION PROGRAMS.

Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting "development," after "commitments to ongoing planning:'

and

(2) in paragraph (2), by inserting "development and" after "adequate planning for:"

SEC. 506. STATE ACTION INCENTIVES.

Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—

(1) in the first sentence, by inserting "IN GENERAL," before "The Secretary is authorized";

and

(2) by striking the last sentence of subsection (a) as designated by paragraph (1) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—

"(1) IN GENERAL.—The Secretary and general purpose local governments are encouraged in preparing recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes for other conservation or recreation purposes);

"(2) CONSIDERATIONS.—The Secretary shall encourage States to consider the findings, priorities, and schedules included in the recovery action programs of the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation process.

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:

"SEC. 1010. CONVERSION OF RECREATION PROPERTY.

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), no property developed, acquired, improved, or rehabilitated using funds from any grant under this title shall, without the approval of the Secretary, be converted to any purpose other than a public recreation purpose.

"(b) ADOPTION.—

"(1) IN GENERAL.—The Secretary shall approve the conversion of property under subsection (a) to a purpose other than a public recreation purpose only if the grant recipient demonstrates that no prudent or feasible alternative exists.

"(2) APPROVAL.—Paragraph (1) applies to property that—

(A) is no longer viable for use as a recreation facility because of changes in demographics or demand;

(B) must be abandoned because of environmental contamination or any other condition that endangers public health or safety;

and

"(B) CONDITIONS.—Any conversion of property under this section shall satisfy such conditions as the Secretary considers necessary to the appropriate substitution for the property of other recreation property that is—

"(1) at a minimum, equivalent in fair market value, usefulness, and location; and

"(2) subject to the recreation recovery action program of the grant recipient that is in effect as of the date of the conversion of the property.

"SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.

Section 1015 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended to read as follows:

"SEC. 1015. TREATMENT OF TRANSFERRED AMOUNTS.

After making the deduction under subsection (b) of the amounts made available for a fiscal year under section 1006(b)(4) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

"(2) APPLICABILITY.—Paragraph (1) applies to property that—

(A) that has a total population of at least 250,000, as determined by a statistical area described in subparagraph (a) of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)),

and

"(B) must be abandoned because of environmental contamination or any other condition that demonstrates that no prudent or feasible alternative exists.

"(2) S ELECTION.—The Secretary shall select a grant recipient that is in need of assistance under paragraph (1) by the following:

"(1) IN GENERAL.—The Secretary shall establish a registration requirement for projects in any 1 State.

"(2) CONSIDERATIONS.—The Secretary shall consider the following:

"(A) that has a total population of at least 5,000 organizations from throughout the country.

"(3) in paragraph (2), by striking "rehabilitation and innovative".

"(4) in paragraph (3), by striking "rehabilitation or innovative:"

"SEC. 509. REPEAL.


Ms. LANDRIEU. Mr. President, today I rise with the Senate from Tennessee, Mr. Alexander, my colleague from Louisiana, and the senior Senator from South Dakota, Mr. Johnson, to introduce legislation which we believe is a new and enhanced version of one of the most significant conservation efforts ever considered by Congress.

The Americans Outdoors Act is a landmark multi-year commitment to conservation programs directly benefiting all 50 States and hundreds of local communities. It creates a conservation royalty earned from the production of oil and gas found on the Outer Continental Shelf, OCS, and directs it towards the restoration of coastal wetlands, preservation of wildlife habitat, and maintenance of local and state parks for our children and grandchildren.

By enacting this legislation, we will be making the most significant commitment of resources to conservation ever. It will ensure a positive legacy of protecting, preserving and enhancing critical wildlife habitat, open green spaces and the opportunity for Americans to enjoy their outdoors today and for generations to come. Our legislation builds on an effort made during the 106th Congress that was supported by governors, mayors and a coalition of more than 5,000 organizations from throughout the country.

Unfortunately, despite widespread support, our efforts were cut short before a bill could be signed into law. Instead a commitment was made by those who opposed the legislation to guarantee funding for these programs each year through the appropriation process.

However, as we have painfully witnessed since then, that commitment has not been met. What has happened is exactly what those of us who initiated the effort always anticipated. Each of these significant programs continues to be shortened and a number of them have been left out altogether or forced to compete with each other for Federal resources.

The legislation we are introducing today provides reliable and significant and steady funding for the urgent and worthy conservation and outdoor recreation needs of our states and rapidly expanding urban and suburban areas. What makes more sense than to take a portion of revenues from a great but depleting capital asset of the Nation—offshore Federal oil and gas resources—and reinvest them into sustaining our Nation's natural resources: wetlands, parks and recreation areas and wildlife.

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The Americans Outdoors Act dedicates assured funding for four distinct programs and honors promises made long ago to the American people. They include:

Coastal Impact Assistance—$450 million to oil and gas producing coastal States to mitigate the various impacts of states that serve as the "platform" for the crucial development of Federal offshore energy resources from the OCS as well as provide for wetland restoration. This program merely acknowledges the impacts and contribution of States that are providing the energy to run our country's economy.
Since the 1.76 billion acre energy frontier of the OCS was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to our Nation’s energy production. In fact, the OCS supplies more oil to our Nation than any other single area. Today, the OCS represents more than 25 percent of our Nation’s natural gas production and more than 30 percent of our domestic oil production—with the promise of reaching 40 percent by 2008. It is estimated that 60 percent of the oil and natural gas still to be discovered in the U.S. will come from the OCS.

An average of more than $5 billion in revenues from oil and gas production are returned to the Federal treasury each year from the OCS—$145 billion since Production began. That is the second biggest contributor of revenue to the Federal treasury after income taxes.

Our legislation seeks to address a historical inequity. The Mineral Lands Leasing Act of 1920 shares automatically with States 50 percent of revenues from mineral production on Federal lands within that State’s boundaries, which are distributed to States automatically, outside the budget process and not subject to appropriations. In fiscal year 2004, the State of Wyoming received $564 million as a result of this law and the State of New Mexico received $360 million. But, there is no similar provision in law for coastal producing States to share Federal oil and gas revenues generated on the OCS.

For both onshore and offshore production, the justification for sharing with the State is the same: The State serves as the platform which enables the Federal Government to support a basic element of our daily lives—turning on our lights, heating our homes and running our trains.

In light of the OCS’s vital contribution to our Nation’s energy needs, economy and national security, it see only fair and logical that we should return a share of these revenues to the few States that are providing this crucial supply of energy. The revenues should be distributed automatically based on what is produced off a State’s coastline and a portion of each State’s allocation should be shared with coastal counties and parishes. They battle every day with the forces of nature that are steadily undermining our energy security by washing away the barrier islands and marshes that protect our property owners.

When Hurricane Ivan struck back in September, it should have been a wake up call to us all. Although the storm did not hit Louisiana directly, its impact on the price and supply of oil and gas in this country could still be felt 4 months later. One can only imagine what the impact would have been had Ivan cut a more Western path in the Gulf. How many more hurricane seasons are we going to spend playing Russian roulette with our oil and gas supply? Returning a portion of OCS revenues to Louisiana and other coastal producing States is crucial to restoring and preserving these vital wetlands and the billions in energy investments they provide.

This bill will provide $450 million for the State side of the Land and Water Conservation Fund, LWCF, to provide stable funding to States for the planning and development of State and local parks and recreation facilities. The allocation to States would be 60 percent equally among all 50 States and 40 percent based on relative population. This program provides greater revenue certainty for State and local governments to help them meet their recreational needs through recreational facility development and resource protection—all under the discretion of State and local authorities while protecting the rights of private property owners.

This bill would provide for Wildlife Conservation, Education and Restoration. A total of $350 million is allocated to all 50 States through the successful program of Pittman-Robertson for the conservation of wildlife species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act. By taking steps now to prevent species from becoming endangered, we are able to conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also avoid the substantial costs associated with recovery for endangered species.

Allocations to States would be based on a formula of two-thirds relative population and one-third relative land area and the Urban Parks and Recreation Recovery Program, UPARR—$125 million in the form of matching grants, 70 percent of which will go to our cities and towns so that they can focus on the needs of their populations within the more densely inhabited areas around the country where there are fewer green-spaces, playgrounds and soccer fields for our youth.

I would also like to acknowledge our interest in several programs that are not part of this initial package but will be considered as the bill moves through the process. For example, the Federal Land and Water Conservation Fund, which focuses primarily on Federal land acquisition. The goal of the Federal side of the LWCF was to share a significant portion of revenues from offshore development with States to provide for protection and public use of the natural environment. It is our intention to discuss this program with our colleagues on the Senate Energy and Natural Resources Committee with the goal of developing a compromise that will garner broad support. In addition, there are localities that are not part of the legislation we are introducing today but ideally would be part of a larger more comprehensive effort include Historic Preservation, Payment in Lieu of Taxes, PILT, and the Forest Legacy program.

While we confront a time of war, budget deficits and a struggling economy, setting aside a portion of oil and gas royalties to our States and localities is a wise investment in our future. Parks or recreation facilities for our children to play could not be more crucial. Programs such as the State side of the Land and Water Conservation Fund are in fact the economic stimulus that we need now more than ever. It is time we take some of the proceeds we extract from our earth and reinvest them into conserving our great outdoors for generations to come. To continue to do otherwise, as we have done for the last 50 years, is not only environmentally and fiscally irresponsible. It ignores our American duty of stewardship to our Nation, our planet and our children.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 965. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased today to introduce the Small Business Growth and Opportunity Act of 2004 along with my Finance Committee colleague, Senator BLANCHE LINCOLN.

This legislation will allow S corporations to liquidate unproductive assets freeing up capital to be used to grow the business and create new jobs.

They are about 2.5 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax penalty of the corporate “built-in gains” tax.

Under current law, businesses that convert from a C corporation to S corporation status are penalized by a double tax burden for a period of 10 years if they sell assets they owned as a C corporation. This tax penalty is imposed at the corporate level on top of normal shareholder-level taxes, making the sale and reinvestment of these assets prohibitively expensive. In some States, this double-tax burden can exceed 70 percent of the built-in gain.

Clearly this tax penalty is neither justifiable nor sustainable as a reasonable business matter. The built-in gain tax 1. limits cash flow and availability, 2. encourages excess borrowing because the S corporation cannot access the locked-in value of its own assets, and 3. prevents these small businesses from growing and creating jobs.

While I would like to see even more gains realized in the original bill, for revenue considerations this legislation will reduce the built-in gains recognition period (the holding period) from 10
years to 7 years. And, this three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses. I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year. I ask unanimous consent that the text of the bill be printed in the Record.

Therefore, being no objection, the bill was ordered to be printed in the Record, as follows:

S. 965

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

SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) In General.—Paragraph (7) of section 1244(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(7) RECOGNITION PERIOD.—The term 'recognition period' means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any recognition period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation, the 7-year period shall apply to any recognition period in effect on the date such distribution will be treated as includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution occurred.".

(b) Effective Date.—

(1) General Rule.—The amendment made by this section shall apply to any recog- nition period in effect on or after the date of the enactment of this Act.

(2) Special Application to Existing Periods.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 966. A bill to designate a United States courthouse located in Fresno, California, as the 'Robert E. Coyle United States Courthouse'; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation to name the Federal courthouse building now being completed at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his fore- sight and persistence that contributed so much to the Fresno Courthouse project. Judge Coyle has been a leader in the effort to build a new courthouse in Fresno for more than a decade. In- deed, he personally supervises this project. He is often seen with his hard hat in hand, walking from his chambers to the new building to meet project staff.

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of hav- ing a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle's efforts, and those efforts have been rewarded. He has produced a major milestone when the groundbreaking for the new courthouse took place.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern Dis- trict bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge, as a reminder to the law school from which he graduated, the University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958. McCormick, Barstow, Sheppard, Coyle, Wayte, wright & reed & until his appointment by President Reagan.

Judge Coyle is very active in the community and has served in many judi- cial leadership positions, including: Chair of the Space and Security Com- mittee; Chair of the Conference of the Chief District Judges of the Ninth Cir- cuit; President of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California; and President of the Fresno County Bar.

My hope is that, in addition to serv- ing the people of the Eastern District as a courthouse, this building will provide a dedicated space for the health and safety of the people of California of the dedi- cated work of Judge Robert E. Coyle.

By Mr. OBAMA:

S. 969. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing the Attacking Viral In- fluenza Across Nations Act of 2005, or the AVIAN Act.

The Nation is becoming increasingly aware of the very serious threat we face from avian flu. This virus is found primarily in chickens, ducks, and other birds. Despite major efforts to eradi- cate this virus, the virus has become endemic in poultry and birds in some countries, and it is a threat to poultry and birds in the United States. Humans can contract the virus when they come into contact with in- fected birds, and when this happens, the consequences are often deadly. Of the 86 humans infected with avian in- fluenza in Thailand, and Cambodia, only 37 have survived.

Right now, avian flu is thought to only pass from birds to humans. How- ever, doctors and scientists have ex- pressed the very real concern that this virus will mutate into a form that can spread easily from human to human. If this happens, the world could face its next pandemic, which could cause more illness and death than virtually any other natural health threat.

The Nation experienced 3 pandemics in the 20th Century—the Spanish flu pandemic in 1918, the Asian flu pan- demic in 1957, and the Hong Kong flu pandemic in 1968. The Spanish flu pan- demic was the most severe, causing over 500,000 deaths in the United States and more than 20 million deaths world- wide.

The Centers for Disease Control and Prevention (CDC) has estimated that up to 207,000 Americans could die, and up to 734,000 could be hospitalized dur- ing the next pandemic. The costs of the pandemic, including the medical costs and the social costs of lost productivity, Americans being unable to work and dying early, are estimated at between $71 billion and $166.5 billion. These costs do not include the impact of a flu pandemic on commerce. On February 21, 2005, Dr. Julie Gerberding, Director of the CDC, discussed the pos- sibility of a pandemic and stated that "this is a very ominous situation for the globe . . . the most important threat that we are facing right now."

We are in a race against time. The Nation's health officials have made some progress in preparing for pan- demic influenza. Yet, we have much work to do. The Department of Health and Human Services has not released its final pandemic preparedness plan nor have about half of the states. A survey by the Association of State and Public Health Laboratory Directors found that 20 percent of States had no State health laboratory capacity to isolate viruses, and 25 percent re- ported no ability to subtype influenza isolates.

We know antivirals can prevent flu infection and treat those already infected, but we have not stockpiled enough doses to cover even the high-risk populations. We need more re- search to improve the effectiveness and the safety of vaccines against avian flu and other strains. Many of our hospital emergency rooms and clinics are already bursting at the seams, and it is unclear how they would care for a dra- matically increased influx of patients during a pandemic.

The AVIAN Act is a comprehensive measure to deal with an influenza pan- demic by emphasizing domestic and international cooperation and collabo- ration. It creates a high-level inter- agency policy coordinating committee with an integrated plan for the nation, with attention to health, agriculture, commerce, trans- portation, and international relations. Similarly, states are required to final- ize pandemic preparedness plans that address surveillance, emergency care, workforce, communication, and main- tenance of core public functions. Pri- vate health providers and hospitals will

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play a critical role in diagnosing and treating their patients for flu, and this bill provides grants to make sure their efforts and information networks are coordinated with those by the state. Health and veterinary officials are encouraged to work with our international partners on all of these initiatives.

This bill provides for a public education and awareness campaign and health professional training for a pandemic. The Committee tasked with researching communication strategies, and developing and implementing a public, non-commercial, and non-competitive broadcast system. The NIH is required to expand and intensify its research on vaccines, antivirals, and other protective measures. An economic advisory committee is established to assess and make recommendations on how to finance pandemic preparedness, while minimizing its economic impact.

Finally, the AVIAN Act provides for an Institute of Medicine study to study the legal, ethical, and social implications of pandemic influenza. Americans may be asked to isolate themselves, to stay home from work, to share their medical diagnoses, and to take certain medications. All of these actions may be critical in preventing millions of Americans from getting sick, spreading disease, and dying. Yet, we must make sure that we are fully cognizant of how these decisions will affect the rights of every American.

We face a terrible threat from pandemic avian influenza, and we must not squander the opportunity before us to plan and prepare. In endorsing the AVIAN Act, the Trust for America’s Health states: “The avian flu is a real and dangerous threat to the health to our nation and the world. If the virus mutates slightly, we could have a million Americans hit by the first wave of a pandemic.”

The time to act is now, and I urge my colleagues to join me and pass the AVIAN Act of 2005.

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

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

S. 969
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 “Attacking Viral Influenza Across Nations Act of 2005”.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) The Department of Health and Human Services reports that an influenza pandemic has a greater potential to cause rapid increases in death and illness than virtually any other natural health threat.

(2) Pandemics have occurred during the 20th century: the Spanish flu pandemic in 1918, the Asian flu pandemic in 1957, and the Hong Kong flu pandemic in 1968. The Spanish flu pandemic was the most severe, causing over 500,000 deaths in the United States and more than 20,000,000 deaths worldwide.

(3) The Centers for Disease Control and Prevention has estimated conservatively that up to 207,000 Americans would die, and up to 7,200,000 would be hospitalized, during the next pandemic. The costs of the pandemic, including the total direct costs associated with medical care and indirect costs of lost productivity and death, are estimated at between $71,000,000,000 and $166,500,000,000. These costs do not include the economic effects of pandemic on commerce and society.

(4) Recent studies suggest that avian influenza strains, which are endemic in wild birds and poultry populations in some countries, are becoming increasingly capable of causing severe disease in humans and are likely to cause the next pandemic. (5) In 2004, 8 nations—Thailand, Vietnam, Indonesia, Japan, Laos, China, Cambodia, and the Republic of Korea—experienced outbreaks of avian flu (H5N1) among poultry flocks. Cases of human infections were confirmed in Thailand and Vietnam (including a possible human-to-human infection in Thailand).

(6) As of April 15, 2005, 88 confirmed human cases of avian influenza (H5N1) have been reported, 51 of which resulted in death. Of these cases, 44 occurred in Vietnam, 17 in Thailand, and 3 in Cambodia.

(7) On February 21, 2005, Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention, stated that “this is a very ominous situation for the globe...the most important threat we are facing right now.”

(8) On February 23, 2005, Dr. Shigeru Omi, Asia regional director of the World Health Organization (WHO), stated with respect to the avian flu, “We at WHO believe that the world is now at the gravest possible danger of a pandemic.”

(9) The best defense against influenza pandemics is a heightened global surveillance system. Although countries where avian flu (H5N1) has become endemic the early detection capabilities are severely lacking, as is the transparency in the health systems.

(10) In addition to surveillance, pandemic preparedness requires domestic and international coordination and cooperation to ensure an adequate response, including communication and information networks, public health measures to prevent spread, use of vaccination and antivirals, provision of health outpatient and inpatient services, and maintenance of core public functions.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.
Title XXI of the Public Health Service Act (42 U.S.C. 300a–1 et seq.) is amended by adding at the end the following:

Subtitle 5—Pandemic Influenza Preparedness

SEC. 2141. DEFINITION.
"For purposes of this subtitle, the term ‘State’ shall have the meaning given such term in section 2(f) and shall include Indian tribes and tribal organizations (as defined in section 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

SEC. 2142. PROPOSAL FOR INTERNATIONAL FUND TO SUPPORT PANDEMIC INFLUENZA CONTROL.
(a) IN GENERAL.—The Secretary should submit to the Director of the World Health Organization a proposal to study the feasibility of establishing a fund, (referred to in this section as the ‘Pandemic Fund’) to support pandemic influenza control and relief activities conducted in countries affected by pandemic influenza, including pandemic avian influenza.

(b) CONTENT OF PROPOSAL.—The proposal submitted under subsection (a) shall describe, with respect to the Pandemic Fund—

1. funding sources;

2. administration;

3. application process by which a country may apply to receive assistance from such Fund;

4. factors used to make a determination regarding a submitted application, which may include—

(a) the gross domestic product of the applicant country;

(b) the burden of need, as determined by human morbidity and mortality and economic impact related to pandemic influenza and the existing capacity and resources of the applicant country to control the spread of the disease; and

(c) the willingness of the country to cooperate with other countries with respect to preventing and controlling the spread of the pandemic influenza; and

5. any other information the Secretary determines necessary.

(c) USE OF FUNDS.—Funds from any Pandemic Fund established as provided for in this section shall be used to complement and augment ongoing bilateral programs and activities from the United States and other donor nations.

SEC. 2143. POLICY COORDINATING COMMITTEE ON PANDEMIC INFLUENZA PREPAREDNESS.
(a) IN GENERAL.—There is established the Pandemic Influenza Preparedness Policy Coordinating Committee (referred to in this section as the “Committee”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of—

(A) the Secretary;

(B) the Secretary of Agriculture;

(C) the Secretary of State;

(D) the Secretary of Defense;

(E) the Secretary of Commerce;

(F) the Administrator of the Environmental Protection Agency;

(G) the Secretary of Transportation;

(H) the Secretary of Homeland Security;

(I) the Secretary of Veterans Affairs; and

(J) other representatives as determined appropriate by the Co-Chairs of the Committee.

(2) REPRESENTATION.—A member of the Committee under subsection (b) may designate a representative to participate in Committee meetings, but such representative shall hold the position of at least an assistant secretary or equivalent position.

(3) DUTIES OF THE COMMITTEE.—

(1) PREPAREDNESS PLAN.—Each member of the Committee shall submit to the Committee a pandemic influenza preparedness plan for the agency involved that describes—

(A) initiatives and proposals by such member to address pandemic influenza (including avian influenza) preparedness; and

(B) any activities and coordination with international entities related to such initiatives and proposals.

(2) INTRAAGENCY PLAN AND RECOMMENDATIONS.—

(a) IN GENERAL.—

(B) PREPAREDNESS PLAN.—Based on the preparedness plans described under paragraph (1), and not later than 90 days after the enactment of the Pandemic Influenza Preparedness Act of 2005, the Committee shall develop an Interagency Preparedness
Plan that integrates and coordinates such preparedness plans.

(1) CONTENT OF PLAN.—The Interagency Preparedness Plan under clause (1) shall include—

(iii) the first line of defense and other medical personnel and volunteers;

(ii) hospitals, treatment centers, and isolation and quarantine areas;

(iii) coordination with public and private health sectors with respect to healthcare delivery, including mass vaccination and treatment systems, during pandemic influenza; and

(iv) other persons or functions as determined appropriate by the Secretary;

'(iii) acquisition of necessary legal authority for pandemic activities;

'(iv) mechanisms for deploying national, State, and regional bioterrorism preparedness activities or infrastructure;

'(v) coordination among public and private health sectors with respect to prevention and obtaining care during a pandemic; and

'(vi) coordination with Federal pandemic influenza preparedness activities.

'(b) UNDERSERVED POPULATIONS.—The Pandemic Influenza Preparedness Plan required under paragraph (a) shall focus on surveillance, prevention, and medical care for traditionally underserved populations, including low-income, racial and ethnic minority, immigrant, and uninsured populations.

'(3) APPROVAL OF STATE PLAN.—

'(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in collaboration with the Secretary of Agriculture and the Administrator of the Health Resources and Services Administration, shall develop criteria to rate State Pandemic Influenza Preparedness Plans required under paragraph (1) and determine the minimum ratings needed for approval.

'(B) TIMING OF APPROVAL.—Not later than 180 days after a State submits a State Pandemic Influenza Preparedness Plan as required under paragraph (1), the Director of the Centers for Disease Control and Prevention shall make a determination regarding approval of such Plan.

'(4) REPORTING OF STATE PLAN.—All Pandemic Influenza Preparedness Plans submitted and approved under this subsection shall be made available to the public.

'(5) ASSISTANCE TO STATES.—The Centers for Disease Control and Prevention and the Health Resources and Services Administration may provide assistance to States in carrying out this subsection, including assistance to States in implementing an approved State Pandemic Influenza Preparedness Plan, which may include the detail of an officer to approved domestic pandemic sites or the purchase of equipment and supplies.

'(6) WAIVER.—The Secretary may grant a temporary, or for a period of 1 year or more of the requirements under this subsection.

'(c) DOMESTIC SURVEILLANCE.—

'(1) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention, shall establish minimum thresholds for States with respect to adequate surveillance for pandemic influenza, including possible pandemic avian influenza.

'(2) ASSISTANCE TO STATES.—

'(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, shall provide assistance to States and regions to meet the minimum thresholds established under paragraph (1).

'(B) TYPES OF ASSISTANCE.—Assistance provided to States under subparagraph (A) may include—

(i) the establishment or expansion of State surveillance and alert systems, including possible pandemic avian influenza, for health professionals (including doctors, nurses, mental health professionals,
pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility employees, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses of vaccines needed to prevent infection during at least the first wave of pandemic influenza for health professionals (including physicians, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health providers, allied health professionals, and paramedics and emergency medical personnel); and

(3) target high-risk populations (those most likely to contract, transmit, and die from influenza);

(4) promote personal influenza precautionary measures and knowledge, and the need for general vaccination, as appropriate; and

(5) describe precautions at the State and local level that could be implemented during pandemic influenza, including quarantine and other measures.

SEC. 2147. HEALTH PROFESSIONAL TRAINING.

The Secretary, directly or through contract, and in consultation with professional health and medical societies, shall develop and disseminate pandemic influenza training curricula—

(1) to educate and train health professionals, including physicians, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health providers, allied health professionals, and paramedics and emergency medical personnel;

(2) to educate and train volunteer, non-medical personnel whose assistance may be required during a pandemic influenza outbreak; and

(3) that address prevention, including use of quarantine and other isolation precautions, pandemic influenza diagnosis, medical, nutritional, and psychosocial care during pandemic influenza; and vaccines, and professional requirements and responsibilities, as appropriate.

SEC. 2148. RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH.

The Director of the National Institutes of Health referred to in this section as the ‘Director’) in collaboration with the Director of the Centers for Disease Control and Prevention, and other relevant agencies, shall expand and intensify research, with respect to influenza, on—

(1) human and animal research, with respect to influenza, on—

(A) vaccine development and manufacture, including strategies to increase immunological responses;

(B) effectiveness of inducing heterosubtypic immunity;

(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

(D) side effects and drug safety of vaccines and antivirals in subpopulations;

(E) alternative routes of delivery;

(F) more efficient methods for testing and determining virus subtype;

(G) protective measures; and

(H) other activities determined appropriate by the Director of NIH; and

(2) historical research on prior pandemics to better understand pandemic epidemiology, protective measures, high-risk groups, and other lessons that may be applicable to future pandemics.

SEC. 2149. RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

The Director of the Centers for Disease Control and Prevention, in collaboration with other agencies, shall expand and intensify research, with respect to influenza, on—

(1) communication strategies for the public during pandemic influenza, taking into consideration age, racial and ethnic background, health literacy, and risk status;
in the performance of the duties of the Committee. All members who are officers or employees of the United States shall serve without compensation in addition to that received as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem expenses for meals and incidental expenses, at the daily equivalent of the annual rate of basic rates for individuals that do not exceed the daily equivalent of the rate prescribed for level V of the Executive Schedule of the United States Code, while away from the home of the member in the performance of the duties of the Committee.

"(e) STAFF.—

"(1) IN GENERAL.—The Chair of the Committee shall provide the Committee with such professional and clerical staff, such information, and the services of such consultants as may be necessary to assist the Committee in carrying out the functions under this section.

"(2) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(a) IN GENERAL.—An employee of the Federal Government may be detailed to the Committee without reimbursement.

"(b) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(3) OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Committee may procure temporary and intermittent services in accordance with section 3130 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule of the United States Code.

SEC. 4. PANDEMIC INFLUENZA AND ANIMAL HEALTH.

(a) IN GENERAL.—The Secretary of Agriculture shall expand and intensify efforts to prevent pandemic influenza, including possible pandemic avian influenza.

(b) REPORT.—Not later than 180 days after the date of enactment this Act, the Secretary of Agriculture shall submit to Congress a report that describes the anticipated impact of pandemic influenza on the United States.

(c) ASSISTANCE.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, the World Health Organization, and the World Organization for Animal Health, shall provide domestic and international assistance with respect to pandemic influenza preparedness to—

(1) support the eradication of infectious animal diseases and zoonoses;
(2) increase transparency in animal disease states;
(3) collect, analyze, and disseminate veterinary data;
(4) strengthen international coordination and cooperation in the control of animal diseases; and
(5) promote the safety of world trade in animals and animal products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act for each of the fiscal years 2006 through 2010.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join the Senator from Utah, Mr. HATCH, and several of our colleagues in sponsoring the CLEAR ACT, a package of initiatives intended simultaneously to lessen this Nation’s dependence on oil and to promote a cleaner environment.

Throughout my time in the Senate, and indeed going back to my time as Governor of West Virginia, I have believed that the United States needed to have a comprehensive and responsible national energy policy, and that a vital part of that policy should be promoting technologies and domestic resources to lessen the grip foreign suppliers of energy have on our economy. Alternative fuels and alternative vehicle technologies (AFVs) that use them must be part of our energy policy. As a Senator, I have been very interested in expanding the availability of alternative fuels and have worked with a number of my colleagues and experts in industry, academia, and in the environmental movement on several initiatives to accelerate their use and availability.

The current high price of gasoline drives home the point that we must diversify our fuel supply. This issue is particularly important in West Virginia. Like many rural States, West Virginia has little public transportation, and most people must drive. Too often, the only way to work, to school, and to seek medical care. With every trip to the gas station and nearly every evening news report, West Virginians are reminded that our country is in the midst of an energy crisis.

Today, more than 60 percent of the petroleum we consume is imported. This adds to our economic problems and creates additional concerns about national security. We must work to reduce the consumption, or at least the growth in consumption, of petroleum-based fuels in the United States. Emissions from gasoline-powered automobiles are a major source of air pollution and carbon dioxide, which is the major contributor to global climate change. The energy policy should work in concert with a transportation policy that encourages the use of mass transit, it is unlikely in the short-term that many West Virginians, or a significant number of other Americans, will be able to greatly reduce the amount they drive. The CLEAR ACT will help our Nation lessen its dependence on foreign oil and, because the amount Americans drive is likely to increase, contribute to an overall improvement by substituting cleaner-burning alternatives to gasoline and diesel.

In the development of alternative fuels and AFVs, our Nation has been caught in what I’ve always thought of as the classic “chicken and egg” problem. Both alternative fuels and AFVs must be commercially available if the potential impact is to be achieved. Without the fueling infrastructure, wide commercial appeal of non-gasoline vehicles, and widespread demand, the market has reached its potential. The popularity of gasoline-electric hybrids demonstrates the public’s hunger for alternatives to the rapidly rising price of gasoline and increasingly hazardous automobile emission. Appropriate tax incentives can address the equally important challenges of vehicle availability and infrastructure deployment. If consumers routinely see alternative fuels at reasonable prices at their local dealerships, we know they will respond.

The CLEAR ACT provides the tax incentives that we need, and which I believe must be included in the comprehensive energy policy the Senate will soon consider. In closing, let me thank my friends Senator HATCH and Senator Jeffords, with whom I’ve worked on this for many years. I am pleased as well to see that a growing number of my colleagues on both sides of the aisle are joining us in this effort to improve our Nation’s energy, transportation, and environmental policy. I commend this bill to the remainder of the Senate, and look forward to its inclusion in the Energy bill we will take up later in the year.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENSIGN, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Ms. FEINSTEIN, Mr. LIEBERMAN, and Mr. SMITH): S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer adoption of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the CLEAR ACT, the Clean Efficient Automobiles Resulting from Advanced Car Technologies Act of 2005. This bill passed the Senate as part of the omnibus energy bill last year, but unfortunately was not enacted.

Let me begin by thanking those who are cosponsoring this bill, namely Senators ROCKEFELLER, ENSIGN, CHAFEE, COLLINS, SNOWE, FEINSTEIN, LIEBERMAN and SMITH. And I know that a number of other senators will add their names to this legislation in the near future. I appreciate their previous support and look forward to working with them to pass the CLEAR ACT in this Congress.

The CLEAR ACT addresses two issues of critical national importance: our dependence on foreign oil; and air pollution. Ultimately, two-thirds of our oil use is consumed by the transportation sector, and transportation in the United States is 97 percent dependent on oil. If we are going to address our energy crisis, we have to address our transportation fuels and vehicle use in a serious way.

I was very pleased that President Bush, yesterday, highlighted the need to direct the automotive marketplace toward the widespread use of hybrid

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and alternative fuel vehicles. The CLEAR ACT provides powerful market incentives to achieve that goal. It promotes the combination of advances we must have in technology, infrastructure, and alternative fuels in order to bring fuel cell vehicles to a future mass market. Even if, in the end, hydrogen fuel cell vehicles prove infeasible, the battery electric and alternative fuel technologies promoted by this bill will play a major role in improving our national energy security and our air quality. And we do so without any new federal mandates.

Currently, consumers face three basic obstacles to accepting the use of these alternative fueled and advanced technology vehicles. They are the cost of the alternative fuel, the lack of an adequate infrastructure of alternative fueling stations, and the incremental cost of alternative fuel vehicles. The CLEAR ACT attacks each of these obstacles head on, and it is crafted in a way to encourage the greatest social benefit possible for every tax dollar spent.

We need to find a way to lower those barriers to widespread consumer acceptance, which will in turn put the power of a mass production industry to work to lower the incremental cost of these alternative technologies.

In short, our legislation would bring the benefits of cleaner air and energy independence to our citizens sooner. I have heard from my colleagues in the Senate and House who ask why we need incentives to purchase hybrid vehicles when people are lining up to buy them today. It is true that demand for these vehicles is high in a few areas. However, these high-demand areas tend to have local or state incentives in place for the purchase of the vehicles. Where incentives are not in place, hybrid sales are minimal. This demonstrates that incentives can indeed provide a market breakthrough to consumer acceptance of alternatives vehicles. And, as CLEAR ACT we are trying to provide that breakthrough on a national scale.

In 2004, hybrid vehicles made up only 0.48 percent of light weight vehicle sales. That’s far short of where we need to be as a nation to make a dent in our energy crisis, but at least it’s a start.

Air pollution is an issue of critical concern in my home State of Utah. While Utah has made important strides in improving air quality, it is a fact that each year we increase the number of vehicular miles driven in our State and mobile sources are the main cause of air pollution in Utah.

It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and the technologies to reduce vehicle emissions.

The CLEAR ACT will help us do just that. I am very proud to offer this groundbreaking and bipartisan legislation. It builds on the input and hard work of a very powerful and effective coalition—the CLEAR ACT Coalition. This coalition includes the Union of Concerned Scientists, the Natural Resource Defense Council, Environmental Defense, the Alliance to save Energy, Ford Motor Company, Toyota, Honda, the Natural Gas Vehicle Coalition, the Propane Vehicle Council, the Methanol Institute, the Electric Drive Transportation Association, and others. The CLEAR ACT reflects the uniriting effort and expertise of the members of this coalition, and for this we owe them our gratitude.

I urge my colleagues in the Senate to join us in a forward-looking approach to cleaner air and increased energy independence.

By Mr. BINGAMAN:
S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that Center; to the Committee on Indian Affairs.

Mr. BINGAMAN, Mr. President. I am introducing important legislation to address a crisis in the delivery of health care at the Albuquerque Indian Health Center, or AIHC, which provides critical primary, urgent, and oral health care services to more than 30,000 urban Native Americans living in the Albuquerque area.

The Albuquerque Indian Health Center serves a large urban population with an inadequate funding base and provides contract health care funding for a significant portion of the urban Indian population. Approximately 33 percent of the base appropriation to the Albuquerque Service Unit goes to Tribes who are delivering their own health care services. However, for AIHC, the demand has not decreased due to the constant underfunding of IHS, and AIHC now receives more than $5 million less than it did just a few years ago.

As a result, AIHC is running a severe deficit and the Indian Health Service, or IHS, has been forced to implement a process of a reduction in force, or RIF, that will result in a significant downsizing of clinical personnel and the closure of the urgent care unit which sees an estimated 120 patients a day.

After the RIF is completed, only two physicians will remain available to provide services for more than 30,000 Native Americans who utilize AIHC as their primary care provider.

To address this problem, I am introducing legislation today that is called the “Albuquerque Indian Health Center Act of 2005” and would designate AIHC as a “critical access facility” for the region with additional funding of $8 million to address the shortfall and allow AIHC to be restored as a comprehensive ambulatory care center for urban Indians in the region.

Prior to the introduction of this legislation, I have individually and jointly with the entire New Mexico congressional delegation appealed to the Indian Health Service and to Department of Health and Human Services Secretary Mike Leavitt to use any authority they have to transfer funding to AIHC to alleviate this critical problem. Congressman Udall and I also sent a letter to Governor Bill Richard son on ways that we can work together with the State to improve the situation at AIHC.

I am asking that you consider reprogramming the $5 million deficit for fiscal year 2005. The current FY 2005 operating budget (hospital and clinic funds) is about $5.4 million, yet current FY 2005 expenses are estimated at $10 million. Moreover, approximately $4 million of the $5.4 million is subject to transfer through Public Law 93-638, Indian Self-Determination Act. In an attempt to avoid a large deficit and prepare for future transfers of funds from IHS to tribes, AIHC officials have been forced to make a decision to immediately reduce current services and downsize clinical personnel.

It is my understanding that beginning on January 1, 2005 the AIHC would run its urgent care services unit. It is estimated that 100–120 Native American patients are seen on a daily basis through urgent care. With nearly 70% of the AIHC’s patient’s insured, the AIHC uninsured, IHS estimates that this closure will put 17,000 urban Native Americans at risk of losing access to healthcare services. It has been informed that a second phase has been proposed which will be to downsize the number of physicians, nurses, pharmacists, and other allied personnel. The annual 90,000 visits will be cut to 30,000, thus decreasing third party billing by more than two thirds. The AIHC anticipates that once the downsizing is complete, at best, there will be physicians onsite, Monday through Friday, 8:00 am to 4:30 pm, who absolutely will not have the capacity to provide services to 25,000 urban Native Americans.

I am asking that you consider reprogramming FY 2005 funding increases in the amount of $13 million to the AIHC. $5 million will be needed to first stabilize services and the remaining $8 million will then be used to increase services. The $13 million is based on “Level of Need Funding” criteria established by the IHS in 2002 to address some of the needs of Native American population.

I appreciate your time and consideration of this matter. Should you have any questions or require further information please feel free to contact Bruce Wood, Chief of Staff, Washington DC office at 202-224-5027 or Danny Mito in my Albuquerque office at 505-346-
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6601. I look forward to working on a positive solution to this with you.

Sincerely,

Jeff Bingaman, U.S. Senator.

Jeff Bingaman, U.S. Senator.

Director, Indian Health Service, Rockville, MD.

Dear Dr. Grim: We are writing in support of the Albuquerque Indian Health Center (AIHC) and to seek funding from other sources within IHS.

The Albuquerque Indian Health Center serves about 25,000 of the 47,000 urban Indians living in Albuquerque, including primary, urgent, and dental care to a projected deficit of $5 million in Fiscal Year 2005 and substantial deficits in years thereafter. The urgent care center is set to close on February 1, 2005, with the loss of access to health care for Indians, particularly to the Albuquerque Indian Health Center and affiliated health services. To meet these fiscal constraints, the service unit and the Albuquerque Area Indian Health Service (IHS) must deliver care based on the available funds. This requires the downsizing of the health services program and a reduction-in-force.

The current FY 2005 IHS operations budget is about $5.4 million, yet FY 2005 expenses are estimated at $10 million with the current level of funding, for a projected deficit of $4 million. This budget is still subject to tribal share transfer through Public Law 93–638, the Indian Self-Determination Act. In an attempt to avoid a large deficit and to prepare for future transfers of funds from IHS to tribes, AIHC officials made the decision to close the urgent care center and downsize clinical personnel starting February 1.

Since 1998, the AIHC has had to significantly reduce services from a 24–7 operation down to Monday through Friday 8:00 AM to 4:30 PM. Services that are currently offered and will continue to be offered include: (1) outpatient primary care; (2) adult and pediatric case management; (3) urgent care treatment and compromise the health of Indians; and (4) discuss fiscal support from the State of New Mexico and other agencies and Tribes to develop alternatives to care for the urban Indian population. This will leave the AIHC with only 9 physicians (4 physicians). It is my understanding that 5 of the 4 physicians are being developed.

Mr. James L. Toya, Director, Albuquerque Area Office and Service Unit, will continue to explore all opportunities for resource development, plan downsizing services at the Albuquerque Health Center in Albuquerque, including primary, urgent, and dental care. Because of a projected deficit for the fiscal year ending September 30, 2005, the AIHC hospital needs a minimum of $5 million in Fiscal Year 2005 and an increase in the number of uninsured Indians residing in the Albuquerque metropolitan community.

The hospital needs a minimum of $5 million to maintain services through this fiscal year. The hospital is not currently receiving IHS appropriation is not a viable option because of limited funds throughout our system to deliver health care services. The transfer of funds that have been shared under P.L. 93–638 to support services to a largely urban population would require extensive time-consuming consultation. The Albuquerque Area Office has presented to the members of the University of New Mexico (NM) Clinical Operations Board, the possibility of a partnership among the University of NM Health Sciences Center, the State of NM, the Tribes, and the IHS Area. This concept is currently being developed.

Thank you for your continued support to our efforts to provide quality health care to our Indian people.

Sincerely yours,

Charles W. Grimm, D.D.S., Assistant Surgeon General, Director.

Department of Health and Human Services, Rockville, MD, January 21, 2005.

Hon. Heather Wilson, House of Representatives, Washington, DC.

Dear Ms. Wilson: I am responding to your December 15, 2004, letter regarding the Albuquerque Indian Health Center. The Albuquerque Service Unit is in a unique situation. The urban Indian population with a minimal funding base and provides contract health care funds for approximately 30 percent of the urban population, including eligible Navajo patients. This is compounded by the transfer of approximately 50 percent of the base appropriation to Tribes in the service unit who are administering their own health care services. To meet these fiscal constraints, the service unit and the Albuquerque Area Indian Health Service (IHS) must deliver care based on the available funds. This requires the downsizing of the health services program and a reduction-in-force.

Reprogramming IHS funds is not viable for two reasons. First, there are no discretionary funds available in our Agency. Second, reprogramming appropriations for Tribal health to a largely urban population requires a mechanism to transfer these funds to Title V of Public Law 94–437 for urban Indians. This would necessitate extensive Tribal consultation, which would be very time-consuming and not as needed.

I have directed the Albuquerque Area Office and Service Unit to: (1) downsize and implement the reduction-in-force; (2) maximize their efforts to increase third-party revenue at the service unit, including developing alternative billable services; (3) work with the State of New Mexico and other agencies and Tribes to develop alternatives to care for the large metropolitan population in Albuquerque; and (4) discuss fiscal support from the State of NM and other agencies. I believe that the Area Office and the service unit will explore all opportunities to provide the highest quality health care to this population.

Thank you for your interest and your continued support of our efforts to provide quality health care to our Indian people.

Sincerely yours,

Charles W. Grimm, D.D.S., Assistant Surgeon General, Director.

Department of Health and Human Services, Rockville, MD, January 21, 2005.


Mr. Michael C. Leavitt, Secretary, U.S. Department of Health and Human Services, Washington, DC.

Dear Secretary Leavitt: During our recent meeting in December, I had the opportunity to talk to you about the crisis that the Albuquerque Indian Health Center (AIHC) is currently facing. The AIHC provides healthcare services to roughly 23,000–25,000 urban Native Americans. Unfortunately, there is a projected $5 million deficit for the fiscal year ending September 30, 2005. As you know, Dr. Charles Grim has that he has directed the Albuquerque Area Office and service unit to downsize and implement a reduction in force.

Since 1998, the AIHC has had to significantly reduce services from a 24 hour 7-day a week operation to Monday through Friday 8:00 am—4:30 pm. Because of the administration’s underfunding of IHS, once again, the AIHC is being forced to “downsize” its operations which will have significant effect on the urban Indian population. This downsizing will force the AIHC to close its urgent care unit, which sees an estimated 10,000 Native Americans. With nearly 70% of the 25,000 Native American users of the AIHC uninsured, this closure will cause 17,000 urban Indians to lose access to their healthcare services. Furthermore, last week the Indian Health Service took its first steps toward their reduction in force which will result in the elimination of 470 positions at the AIHC site. This will result in only 140 employees at the center of whom only 14 are physicians. It is my understanding that 5 of the 14 physicians who will leave the AIHC with only 9 physicians (4 family practice, 2 pediatricians, and 4 specialists) to treat an estimated population of 200,000 to 250,000 patients.

On December 15, 2004 I sent a letter to Dr. Grim asking him to consider reprogramming
FY05 funding in the amount of $13 million. Of this $5 million would be used to stabilize services and the remaining $8 million would be used to increase services. Dr. Grim responds that he is saying that ‘programming IHS funding is not viable’ due to the fact that ‘there are no contingent funds available to our Agency.’ I am now requesting that the existing Department of Health and Human Services (HHS) funds to Indian Health Service in the same amount for the specific purpose of treating the urban Native American population through the Albuquerque Indian Health Center.

It is important for Department of Health and Human Services to understand and acknowledge that urban Indians throughout the country are falling through the cracks and that urban Indian clinics are grossly underfunded. For many years there has been a quiet migration of Indians from reservations to cities. In fact more Native Americans live in cities now, making it important that IHS programs cater to Indian people living in metropolitan/urban areas, in which Albuquerque has the 7th highest urban population. A recent U.S. Commission on Civil Rights (USCCR) report estimates that the Department of Health and Human Services (HHS) per capita health spending for all Americans is at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is $1,187. The United States Government has historical and legal responsibility to provide adequate healthcare for the Native American population and ensure that access to these services are not lost; these cuts and drastic under funding the government is shirking its responsibility.

Thank you for your prompt consideration of this issue. Should you have any questions or require further information please feel free to contact Bruce Lesley in my Washington, DC office at 202-224-5527 or Danny Milo in my Albuquerque office at 505-346-6601. I look forward to working with you on finding a solution to this matter. Best wishes.

Sincerely,

Jeff Bingaman, U.S. Senator.
program has worked well for Indian communities. PE/MOSAA certified workers are located at IHS and tribal health care facilities, tribal schools, and other tribal health and social services, and with NHMIS’s Income Support Division offices. As a pilot project, NMHIS recently stationed an eligibility worker at the Gallup Indian Medical Center, the Gallup Service Unit (including Tohatchi Health Center, and Ft. Wingate Health Center) provides services to about 300 patients per day.

New Mexico cannot nor should not bear sole responsibility for funding healthcare services that fall within the ambit of a federal trust relationship with Indian tribes and pueblos. To this end, I appreciate yourcollective efforts to garner support on the federal level to keep AIHC afloat.

I also appreciate Senator Bingaman’s efforts to address these issues in his legislation that would fulfill the funding needs for AIHC and other critical programs for Native Americans in the Medicaid and State Children’s Health Insurance Program, or SCHIP.

In the coming weeks, I will also be introducing two pieces of legislation to both improve health services generally for urban Indians and to also improve the delivery of health care for Native Americans in the Medicaid and State Children’s Health Insurance Program, or SCHIP.

In the short-term, however, we need passage of this critical and urgent legislation to save the health services provided by the Albuquerque Indian Health Center, which are being threatened. I urge its immediate passage.

(2) Self-Determination Contracts.—The funds transferred under paragraph (1) shall not be distributed to any Indian tribe under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

(d) Funding.—

(1) In General.—On October 1, 2005, out of appropriations made available to the Secretary of the Treasury under section 450f, the Secretary shall transfer to the Secretary of Health and Human Services to carry out this section $3,000,000, to remain available until expended.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to submit legislation along with my colleague, Senator BARACK OBAMA, to establish the Abraham Lincoln National Heritage Area in Illinois.

Mr. DURBIN. Mr. President, I rise today to submit legislation along with my colleague, Senator BARACK OBAMA, to establish the Abraham Lincoln National Heritage Area in Illinois.

The impact of the life and works of Illinois’s favorite son extends far beyond the prairies of the Midwest.

Last week, Senator OBAMA and I attended the dedication of the Abraham Lincoln Presidential Library and Museum in Springfield, IL. This wonderful new facility brings together the entire story of President Lincoln’s life in a rich, unified experience.

In the same spirit, our legislation would establish an Abraham Lincoln National Heritage Area, formally tying together the many Illinois natural, historic, cultural and recreational resources that have been touched by the life and influence of the Nation’s greatest President. Establishing a Lincoln National Heritage Area will connect these scattered elements to provide a more cohesive experience of Lincoln’s legacy for Illinoisans and visitors alike.

The impact of the life and works of Illinois’s favorite son extends far beyond the prairies of the Midwest.

Not long ago, I sat in the United States House of Representatives and listened as the new president of Ukraine, the leader of his nation’s peaceful Orange Revolution, spoke of his countrymen and women’s dreams to live under a “government of the people, for the people.”

Just weeks before that, I was in the Green Zone in Baghdad and heard an official of the new Iraqi Government quote President Lincoln on the need for national unity.

In a sense, the Land of Lincoln is anywhere that people dream of freedom and equality and opportunity for all.

So the whole world would benefit, as the world can appreciate and preserve Lincoln’s history. And we invite the world to come to Illinois and learn not just about the history of this great
man, but also about what he can teach us today.

The Abraham Lincoln National Heritage Area will help spread that message for generations to come, to Americans, and to students of Abraham Lincoln everywhere.

This bill is the Senate companion to legislation introduced by Representative Ray LaHood and endorsed by every member of the Illinois congressional delegation in the House of Representatives, as well as representatives from every other state in the country.

Senator Obama and I ask our colleagues to join with us in recognizing the richness of the Lincoln legacy by supporting the passage of this legislation.

By Mr. Lieberman (for himself, Mr. Hatch, and Mr. Brownback):

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attacks, infectious disease outbreaks, and for other purposes; read the first time.

Mr. Lieberman. Mr. President, Senator Hatch, Senator Brownback and I are pleased to introduce today the Project BioShield II Act of 2005.

This is the fourth bill I have introduced on this subject, and the third with Senator Hatch as my lead cosponsor. We are delighted today to be joined by Senator Brownback, a leading advocate for research to cure deadly tropical diseases.

None of us on the Hill—especially those of us with offices in the Hart Building—will forget October 15, the date of the anthrax attack on Senator Daschle’s office. This date is the bioterrorism equivalent of September 11. We also need to remember October 5, the third anniversary of the discovery of a similar anthrax laced letter mailed to Senator Leahy. Similar anthrax attacks during these weeks were directed at NBC, ABC, CBS and other news organizations. All told five people died and thousands who might have been exposed were put on Cipro, including many of us and many of our staff.

This attack on civilians with weapons grade anthrax was unprovoked. And unlike the case with the 9/11 attacks, we still don’t know who mailed the anthrax letters. As with the 9/11 attacks, we were totally unprepared for the anthrax-laced letters. We are responding forcefully to the 9/11 attacks—the commission that Senator McCain and I propose has issued a superb report. The Government Services Committee, where I serve as the Ranking Democrat, is hard at work translating its recommendations into legislation. Unfortunately our response to the 10/15 anthrax attack has not been as forceful.

Unlike our response to 9/11, we have not seemed to consider the 10/15 attack to be the equivalent of a declaration of war. While a few constructive steps to strengthen our Bioterror defenses, we remain painfully vulnerable to another Bioterror attack, or a chemical or radiological attack.

Many of us believe that enactment of BioShield last fall is a step in the right direction, but we don’t believe that BioShield is sufficient. If we listen carefully, we will hear that the biopharma industry—which is hiding on this issue—is saying that BioShield is not enough. So we have already put strong warning signs that more needs to be done.

There is no terror threat greater than that of Bioterror. With an attack with a plane, a chemical attack or a radiological dispersion device, dirty bomb, the loss of life can be catastrophic, but the perimeter of the attack is fixed. With an infectious disease, the perimeter of an attack might grow exponentially as the infection spreads. It is possible to kill thousands with one shot of a chemical or radiation, but it is possible to kill millions with a bioterror pathogen.

In the 2001 anthrax attack, the terrorist wrote a note in the letter to Senator Daschle warning him to keep his head. The letter could have stopped us. We have this anthrax. You die now. Are you afraid? Death to America. Death to Israel. Allah is great.” If this note had not been included in the letter, and if the intern who opened the letter hadn’t been suspicious, it is possible that some Senators and many Capitol Hill staff from our offices—perhaps hundreds—might have died. We would only have discovered the attack in hospital emergency rooms, where Cipro might have proven too late. The most effective prophylaxis only when it catches anthrax early, before the toxins are released into the bloodstream, which can happen within 24 hours of an infection. Our current anthrax vaccine is administered in six shots over 18 months.

The 9/11 Commission report states that al-Qaeda “was making advances in its ability to produce anthrax prior to Sept. 11” and cited former CIA Director George Tenet as warning that an anthrax attack is one of the most immediate threats the U.S. is likely to face.” Russia developed dozens of anthrax and the security at these former bioweapons laboratories is suspect. It is estimated that a mason jar of anthrax spores sprayed over an urban area could infect 400,000 residents, and if undetected until they started showing up in emergency rooms, kill half of them. It is also estimated that one hundred anthrax laced letters could cross contaminate thirty million people and contaminate a device with anthrax. Imagine what would happen if our mail system—which processed over 200 billion pieces of mail last year—were closed for a few months.

What we need, and don’t yet have, is a therapeutic that disarms the anthrax toxins at a late stage of the disease—which is the aim of a pending RFP at the Department of Health and Human Services.

We saw the potential for morbidity and mortality, and massive economic disruption, with SARS. When SARS was rampant, Beijing, Hong Kong and Shanghai closed down. Quarantines were imposed and China authorized the death penalty on anyone who willfully spread the disease. During the epidemic, there were reports that the SARS virus was mutating to become more virulent. In China’s countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end SARS spread to thirty countries on five continents, sickening nearly 9,000,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate. It. We may not have seen the last of it.

We can also remember the devastating impact of the 1918 Spanish flu pandemic that killed more than died in the first World War, about 30-40 million people, and began in China in the middle of 1918. In the month of October, 1918, 200,000 Americans died of the disease. 43,000 soldiers died, and 28 percent of our population was infected. The flu’s lethality rate was only 2.5 percent the lethality rate of the most common form of smallpox, variola major, is 30 percent and for hemorrhagic smallpox it approaches 100 percent. The lethality rate for SARS was about 15 percent. If the 1918 flu pandemic killed the equivalent of 100 million people, think of how many could die from a smallpox pandemic of which could be weaponized by terrorists—could kill.

Public health authorities are concerned about the incidence of avian influenza in humans. There is now concrete evidence that this virus can be transmitted human-to-human. When humans contract the pathogen from birds, the death rates are very high; a majority die. Since January 2004, a total of 23 confirmed human cases of avian influenza virus have been reported in Vietnam with 19 deaths and 12 cases in Thailand with 9 deaths. These cases were associated with widespread H5N1 poultry outbreaks that occurred at commercial farms and small backyard poultry farms. Since December 2003, nine countries have reported H5N1 outbreaks among poultry. More than 100 million chickens have been culled in an effort to stop the outbreak. The virus now appears to be able to infect mammalian hosts. The current methods of detection are not adequate for an avian virus. This raises concern as pigs are also hosts of human flu viruses and this could yield
Marburg include kidney failure, recurrent hepatitis, inflammation of the spinal cord, bone marrow, eyes, testes, and parotid gland, hemorrhaging into the skin, mucous membranes, internal organs, stomach, and intestines, swelling of the spleen, lymph nodes, kidney, lung, liver, heart, brain, convulsions, coma and amnesia.

Genetically modified pathogens are another possibility. In 2001 the Journal of Virology reported that Australian scientists seeking to create a 'contraceptive for mice used recombinant DNA technology to introduce Interleukin 4 into mousepox and found that it created an especially virulent virus. In the words of the scientists, “These data therefore suggest that virus-encoded IL-4 not only suppresses primary antiviral cell-mediated immune responses but also can inhibit the expression of immune memory responses.” This public research suggests that introducing IL-4 can create an ‘antibiotic resistant or to evade an immune response; weaponized gene therapies that can change the victim’s genetic makeup; or a “stealth” virus, which could lie dormant inside the victim for an extended period before being triggered. Drasticating the possibility, modern biotechnology is advancing to create new bioterror threats is a recent announcement by Craig Venter and his Institute for Biological Energy Alternatives that in fourteen days they had synthetically created working copies of the known existing bacteriophage virus Phi X174. Other researchers had previously synthesised the poliovirus, which is slightly bigger, employing enzymes usually found in cells. But this effort took years to achieve and produced viruses with defects in their code. So the timescale has shifted from years to weeks to make a virus. There are other bigger viruses that would require more time to assemble. Venter asserts that his team could make a bacteria with about 60 times larger genome from scratch within about a year of starting. Does this mean that the debate about whether to destroy smallpox virus stocks is pointless because any virus or bacteria whose DNA sequence is published is eventually going to be easily creatable by labs all around the world?

These pathogens might be deployed by terrorists, sociopaths or rogue states that have no compunctions about killing millions of civilians. Osama Bin Laden's spokesman, Sulaiman Abu Ghaith, bragged that al Qaeda has “the right to kill 400 million Americans. To lose some of our deaths he claims the west has inflicted on Muslims. We are facing sociopaths, with no compunction about using
whatever weapons of mass destruction they can develop or secure. They would see the potential to unleash a weapon in North America and trust that our borders would be closed so that it would only rage here and not spread to the Mexican border.

The Brookings Institution estimated that a bioterror attack would cause one million casualties and inflict $750 billion in economic damage. An earlier Office of Technology Assessment found that there might be three million casualties. If there are this many casualties, what can we expect in the way of public panic and flight? A 2004 poll finds that “most Americans would not cooperate as officials would expect them to during a terrorism incident.” Only 2/5 said that they’d follow instructions to go to a public vaccination site in a smallpox outbreak” and only 3/5 would “stay in a building other than their own home . . .”. A vivid vision of what an attack might look like is found in Albert Camus’ The Plague, with its incinerators and quarantine camps. We can review the history of the Black Death, which killed up to one half of Europe’s population between 1348 and 1349.

Imagine what would happen if the attack involves a pathogen for which we have no diagnostic, vaccine or therapeutic. If we resorted to quarantines, what would the rules of engagement be for the public and military forces we deploy? How would we enforce it? Would it be possible to establish an effective quarantine if there is mass panic and flight? Would our hospitals be overwhelmed by the “worried well”? Would public health workers continue to serve or also flee? If our hospitals are contaminated, where would Americans receive medical care for non-terror related emergencies?

What would happen if a bioterror, chemical or radiological attack closed Atlanta’s Hartsfield International Airport—which handled nearly eighty million passengers last year? Or what would happen if we put a hold on the one hundred and twenty million international airline arrivals and departures we see each year? What would happen if we closed our borders with Mexico and Canada—with 500 million crossings last year? What would happen if we restrained the 2.79 trillion automobile passenger miles driven in the U.S., one billion of which exceeded 100 miles?

What would happen if a terrorist attack rendered certain types of business activity uninsurable? What will happen if large swaths of residential real estate—none of which is currently insured for acts of terror—are contaminated and rendered worthless with anthrax spores?

We are vulnerable to a bioterror attack in many ways, but one of the most troubling is that we have not enough of the diagnostics, therapeutics and vaccines we need to treat those who might be exposed or infected. If we don’t have these medicines, we are likely to see quarantines and panic, which will amplify the damage and disruption. My office is on the 7th floor of the Hart Building, immediately above Senator Daschle’s office. We were told if we immediately started a course of treatment with Cipro we would not develop the panic. Think what would have happened if the government had said, “We don’t know what this is, it’s deadly, we have no way to tell who has been exposed, and we have no medicines to give you.”

In the summer of 2001, the Defense Science Board found that we had only one of the fifty-seven diagnostics, drugs and vaccines we most need to respond to a bioterror attack; we had a therapeutic for chlamydia psittaci, a bacteria. It projected that we’d have twenty of the fifty-seven within 5 years and thirty-four within 20 years. But today we have only two of the fifty-seven countermeasures, we now have a diagnostic for anthrax.

At this time, developing these medical countermeasures, we won’t have twenty of them available until 2076 and we won’t have thirty-four until 2132. This list does not include antibiotic resistant pathogens, hybrid pathogens, genetically engineered and other exotic bioterror pathogens.

The Congress administration have not responded to the anthrax attack with an appropriate sense of urgency, especially with regard to the development of medicines. We have not responded with a crash industrial development program as we did when we developed radar during the Second World War or as we are now undoubtedly undertaking to detect roadside bombs. Reluctantly, I would characterize our national response as lackadaisical.

December 4 is the third anniversary of my introduction of legislation to provide incentives for the development of medical countermeasures, including diagnostics, therapeutics and vaccines—for bioterror pathogens, S. 1764. Chairman HATCH, October 17 is the second anniversary of our introducing our first bill together on this subject, S. 314, and we introduced our current bill on March 19 of last year (S. 666). Twenty months ago President Bush proposed Project BioShield, a bill based on one of the twelve titles in our bills, and it was finally enacted into law on July 21. In that bill, we provided for 12 countermeasures every two years, it’ll take 22 more years to complete our legislative work.

The critical issue for this hearing is whether Project BioShield, Public Law 108-276, is sufficient or whether we need to supplement it with BioShield II, a bill that you and I intend to introduce this Fall. BioShield is only one title of our proposal—the title that provides that the government will define the size and terms of the market for a Bio- terror countermeasure in advance before the company commits much of its own capital at risk. This is a necessary first step; companies won’t risk their capital to develop a product unless they can assess the possible rate of return, product sale on their investment.

Enacting BioShield is a step in the right direction. If we were to enact only one idea first, this is the right first step. We will now see how the Department of Health and Human Services implements this law. We will see what R&D priorities it sets, whether it projects a market for these products sufficiently large to engage the better biopharma companies in this research, whether it sets contract terms that company Chief Financial Officers find acceptable.

Unfortunately, we all heard a deafening silence from biopharma industry—the target of this legislation—as BioShield was being considered. The industry did essentially nothing to fix the Administration’s draft—which the industry privately stated was laced with dysfunctional provisions. The industry did essentially nothing to pass BioShield. And the industry has said essentially nothing since BioShield was enacted.

It is clear to me that BioShield is not sufficient to secure development of the medical countermeasures we need, indeed, I believe it is woefully insufficient.

The industry is skeptical that the government will be a reliable partner during the development bioterror countermeasures. The basis of its skepticism runs deep.

The industry points to the Cipro procurement as a case in point. In 1999, before the anthrax attack, Bayer, the developer of Cipro, was asked by FDA and CDC to secure a label indication for Cipro for anthrax. The government wanted to have one antibiotic available that was explicitly labeled for anthrax—it understands that patients might be reluctant to take a medicine for anthrax where it is not labeled for that indication. Bayer expanded its experimental program to do this with no expectation of ever utilizing the product in this manner, and when the attack occurred, Cipro was the only therapeutic with a label indication for anthrax. Bayer handled this emergency with honor. It immediately donated huge stocks of Cipro, 2 million tablets to the Postal Service and 2 million tablets to the Federal government to be used to protect those who might have been exposed or infected. The government then sought to procure additional stocks of Cipro and demanded that Bayer sell it as one-fourth the market price. Threats were made by Members of Congress that if Bayer would not agree to this price the government might step in to challenge the patent for Cipro. Bayer readily agreed to the deep discount. We can assume that every other purchaser of Cipro then demanded this same price and that this cut Bayer’s market return for Cipro. To add insult to injury, Bayer has had to fend itself from lawsuits by those who took Cipro in response to the attack even though it did what was asked, provided more than enough free product to treat
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all patients and greatly reduced its stockpile pricing. Bayer also was deeply concerned with employee and plant security risks when it was publicly identified as the sole source of this counter-bioterrorism agent. The industry views this incident as proving that with regard to bioterrorism research, no good deed will go unpunished. If a large pharmaceutical company can be manhandled this way, what will happen to a smaller biotechnology company? The industry expects that if there is an attack, and the company has the indispensable medicine we need to respond to it, the government is likely to steal the product. The industry is deeply skeptical of the government already. It has very complex and often contentious relationships with other HHS agencies, including the Center for Medicare Services, the Food and Drug Administration, and the National Institute of Health. It has constant battles with state Medicaid agencies. This is not an industry that trusts government.

Some in Congress have proposed legislation that the industry fears. In 1994 and 1995 legislation was introduced in the House, H.R. 3270, in 1994 and H.R. 1761, introduced on January 31, 1995, that provided the government with eminent domain power with regard to AIDS to confiscate “all potential curatives and all data . . . regarding their development,” including the patents for such compounds. Similarly, in 1999 and 2001 legislation was introduced in the House that was introduced on September 23, 1999, and H.R. 1708, introduced on May 3, 2001, that provided for the compulsory licensing of “any subject invention related to health” where the government finds it “necessary to alleviate a severe public health need.” If the patented material is “priced higher than may be reasonably expected based on criteria developed by the Secretary of Commerce.” Legislation has been introduced that would deny the benefits of the R&D credit for research by pharmaceutical companies where the products that arise from that research are sold at higher prices abroad than in the United States. See H.R. 3665 introduced on February 15, 2000.

The industry’s response to these threats to its patents must be seen in light of the events of March 14, 2000. On that day a White House spokesman apparently indicated that the government was challenged to challenge the biopharma industry patents for genes. The industry lost $40 billion in market capitalization in the panic that ensued on Wall Street. That was not only the beginning of a deep drought in biotech company stock prices. It was the beginning of the collapse of the entire NASDAQ market. A similar collapse and drought had occurred in 1993–1994 when the Clinton Administration proposed that the prices of “breakthrough drugs” would be reviewed by a special government panel.

The issue of price controls and patents was recently considered and rejected by NIH in response to a petition for the government to march-in on the patent of Abbott Laboratories for ritonavir, sold under the name of Norvir, an AIDS therapeutic. The petitioner, Essential Inventions, asked that NIH use its license under the 3501 protocol of this patent to Abbott, which it alleged was charging too much for Norvir. The petitioner had also been involved in the 1994–1995 NIH proceeding, where NIH reviewed the impact of its $74 per pill price for “reasonable” prices were being charged by companies that had licenses with NIH. NIH found that this price review process was destroying the NIH technology transfer program—companies simply would not enter into agreements with NIH. As a result, NIH repealed the price review process. The new march-in petition raised essentially the same issues and if the petition had been granted, we could have expected that the NIH tech transfer process will be crumbling right under our feet from 1989–1995. In rejecting the petition, NIH did not state, however, that is has no right to march-in based on the price of a product, implying that it could or might assert such power in the future. Are we counterproductive on patent protection on the biotechnology companies considering entering into biodefense procurement and research agreements.

Aside from fears about government actions, we could not have picked a worse time to assure the industry needs for the government already. It has very complex and often contentious relationships with other HHS agencies. This is not an industry that trusts government.

The goal of BioShield II is to shift the R&D cost of countermeasures to the government and development to the industry. Given the skepticism of the industry about the reliability of the government as a partner, shifting the risk to the industry—with it risking its own capital to fund the R&D—will be difficult. But engaging the industry as entrepreneurs, rather than as defense contractors, is likely to be less expensive for the government and it’s much more likely to secure the development of the medicines that we need.

If the Government funds the research, the industry can expect to receive the operating margins that are typically paid to defense contractors—8.5–9 percent. If the industry risks its own capital and funds the failures and successes, it will receive 100 percent of any profits. If the government believes it would be justified demanding the operating margins that are typically paid in the commercial sector—28–32 percent—

If the Government funds the research, the industry expects that the government will control or own the patents associated with the medicines. If the industry funds the research, it
believes it has claims on all the patients. The only companies that are likely to accept a defense contractor model are companies with no approved products, no revenue from product sales, and no track record of capital spending in the single digits, so they cannot issue another round of stock that would engender the current shareholders. Many biotech companies have stock trading prices at

the Senate Homeland Security and the proposed structure in this bill is may be different points of view about experts in this area, we recognize there result of discussions with some of the this effort. While this proposal is the DHS assets and resources as part of

new Assistant Secretary would lead the Security as its chair. In addition, the Officer at the Department of Homeland response to such an event and places a industry as entrepreneurs, drawing on for success is a model that engages the guarantees of any success. Providing results. When the Government funds then the Government is only paying for markets. The Government will need is shifted to the industry and we’ve engaged the companies with a track record of bringing products to the market. The Government will need to provide substantial rewards if—and only if—the companies do succeed in developing the medicines we need, but then the Government is only paying for results. When the Government funds the research, it funds a process with no guarantees of any success. Providing the substantial rewards for success is a model that engages the industry as entrepreneurs, drawing on the greatest strength our Nation has in the war on terror.

Our bill addresses a critical question: who is in charge for Government if there’s a mass casualty event and how do they lead the multifaceted response. The legislation sets up an interagency board to map out and develop the response to such an event and places a new position. The new position will be called the Assistant Secretary for Preparedness and Response. The Assistant Secretary will be in charge of the DHS assets and resources as part of this effort. While this proposal is the result of discussions with some of the experts in this area, we recognize there may be different points of view about the optimal structure for the medical response capabilities within DHS and the proposed structure in this bill is open to further discussion. I look forward to working with the chairman of the Senate Homeland Security and Government Affairs Committee, Senator Collins, and others in exploring these complex issues. On these issues, this bill is a discussion draft.

We should not need a 9/11 Commission report to galvanize the administration and the Congress to respond to the unprovoked and deadly bioterror attacks that threaten our country. It could not be more obvious and what we need to do is also obvious. If we don’t develop the diagnostics, therapeutics, and vaccines to protect those who might be exposed or infected, we risk public panic and quarantines. We have the world’s most advanced biopharma industry and we need to put it to work in the national defense.

BioShield I is a step in the right direction, but it is a small step that does not take us where we need to go. We need to follow the implementation of BioShield very carefully and set clear metrics for determining its effectiveness. We should not wait to begin to review the policy options available to supplement BioShield. Senator HATCH and I will be proposing BioShield II and we will press for its consideration. We should press the biopharma industry to present its views on what it will take to engage it in this research and what it will take to establish a biodefense, research tool, and an infectious disease industry.

The American philosopher, George Santanana said, “Those who cannot remember the past are condemned to repeat it.” It’s only been 3 years since the anthrax attack but I fear our memory of it already has faded. Let this hearing stand as a clear statement that some of us in the Congress remember what happened and are determined not to permit it to happen again. War has been declared on us and we need to act as if we noticed.

Mr. HATCH. Mr. President, more than 3 years ago, our country suffered the most deadly attack ever on our soil. We woke up on the morning of September 11, 2001 to a new reality. Just a month later, we again realized the magnitude of the ever-changing threat we were facing when the Senate Hart Office Building was contaminated with anthrax and was closed for three months.

Most Americans were shaken out of their sense of complacency in 2001. As many will recall, after 9/11, Congress took action to secure our borders, our ports, and our airplanes and bolster our public health infrastructure.

Yet, it is important to note that the key steps necessary to protect our country against the continuing threat of bioterrorism are still being carefully reviewed and revised.

And while these steps are being evaluated, time is running out. Even yesterday, we heard news reports that al-Qaida is planning attacks on our country through chemical plants within the next five years.

While Congress took an important step when the Project BioShield Act of 2004 was signed into law last July, I believe that much more still needs to be done.

That is why I am once again joining my good friend and colleague, Senator Joe Lieberman, in introducing this bipartisan bill. I am proud to have been Senator Lieberman’s primary partner on this legislation over the past several years. Indeed, we are pleased that some key concepts contained in our earlier bills, such as the guaranteed market, have been adopted by the administration and our colleagues in Congress.

In May 2000, a bioterrorism exercise was initiated and the naturally occurring plague bacterium, Yersinia Pestis, was theoretically unleashed in Denver. In that exercise, one antibiotic that is available to the public was used to combat the bioterrorism plot and treat the infected individuals.

I believe that this exercise needs to be repeated and against realistic scenario would be one in which no effective treatment is available.

To me, that is the more realistic and threatening scenario. There are already numerous diseases where no actual cure exists, where all the clinicians can do is to support the patient and hope that they survive. We need to focus our efforts on improving our ability to care for these illnesses, as they are currently very attractive weapons to our enemies.

Even as we continue to invest resources to build up a prepared public health infrastructure, we must also develop medicines to threaten those who
are exposed or infected. Otherwise, we will be forced to impose quarantines, just as our ancestors did in times of pestilence, and we will surely find it as difficult a proposition as they did. Quarantining hundreds, maybe even hundreds of thousands of people would, obviously, be extremely difficult to manage.

Developing ways to prevent, detect, and treat dangerous pathogens must be a priority for our Nation so that we do not face these dreadful scenarios.

Our best defense against bioterrorism is a full medicine chest. We must develop medicines to treat the naturally occurring biologic agents, and, in addition, we need to develop medicines to treat bacteria and viruses that have been genetically manipulated as weapons to cause death or injury to human beings.

Therefore, the biopharma companies must be engaged in these discussions because they will play an integral role. Our bill, BioShield II, is the next step in the legislative process to ensure bioterror readiness.

We cannot afford to wait. Every day that we sit idle, we encourage our enemies to move forward.

We cannot abandon business-as-usual and take vigorous steps to protect our Nation, our communities, our citizens and our industries from future bioterrorist attack, especially given the implications of further attacks on the United States.

BioShield II encourages Congress to take vital steps to protect our Nation through an array of intellectual property, tax, procurement, research, liability, and other incentives to ensure the creation of a robust biodefense industry.

Direct government funding can only go so far.

To be effective, we must also enact incentives so that potential investors will want to invest in the research associated with building a strong and flexible defense against potential attacks.

But to accomplish this goal, we must unleash the creative genius of the biopharma industry to work with us on these solutions.

BioShield II will encourage biopharma companies to take the lead in the development of vaccines, therapeutics and diagnostics to combat bioterrorism. These efforts will also help protect our Nation against naturally occurring diseases. In fact, a major improvement in this bill is that we allow the array of incentives to be employed against infectious diseases and as well as disease prevalent in the developing world.

All research on infectious disease is interrelated. SARS, HIV, malaria, and avian and pandemic flu are chilling reminders that our public health system must be able to take on all comers; it is not just deliberately engineered agents that threaten us.

Our infrastructure—our researchers, our pharmaceutical industry, our hospitals, and our caregivers—must be prepared and equipped to fight illness, wherever and however it occurs. By expanding the scope of covered research under this bill, we may also discover cures for diseases that afflict the world’s poorest nations.

The goal of our legislation is to have a surfeit of prepared America. But, to do this we must provide researchers and investors with the proper incentives. Forming unprecedented and vigorous partnerships with these companies is the key. Otherwise, this endeavor will suffer and the American public will remain at great risk.

The harsh reality is that nearly 4 years after 9/11, we have not developed one significant bioterrorism countermeasure.

Aside from vaccines for smallpox and anthrax—both of which have their own downsides—and a handful of antibiotics and anti-infectives—also with their own array of strengths and weaknesses—the cupboard is bare.

This is simply not acceptable.

As new vaccines for smallpox and anthrax—both of which have their own downsides—and a handful of antibiotics and anti-infectives—also with their own array of strengths and weaknesses—the cupboard is bare. But, to do this we must provide researchers and investors with the proper incentives. Forming unprecedented and vigorous partnerships with these companies is the key. Otherwise, this endeavor will suffer and the American public will remain at great risk.

The harsh reality is that nearly 4 years after 9/11, we have not developed one significant bioterrorism countermeasure.

Whereas children are the center of American families;
Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;
Whereas Hispanics in the United States, the youngest and fastest growing ethnic minority in the Nation, have the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;
Whereas 1 in 4 Americans is projected to be Hispanic descent by the year 2050, and as of 2005, approximately 12,300,000 Hispanic children live in the United States;
Whereas traditional Hispanic family life centers largely on children;
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 culture to future generations;
Whereas more than 500,000 children drop out of school each year, and Hispanic dropout 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 family members and encourage children to explore, develop confidence, 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 community;
Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to think about 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 Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as “Día de los Niños: Celebrating 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 God has given to our children to nurture their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it
Resolved, That the Senate—
(1) designates April 30, 2005, as “Día de los Niños: Celebrating Young Americans”; and
(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—
(A) celebrate children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;
(B) are positive and uplifting and that help children express 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 members, so as to promote greater communication among the generations within a family, enriching children to appreciate and benefit from the experiences and wisdom of their elderly family members;
(E) provide opportunities for families within a community to get together;
(F) provide children with the support they need to develop skills and confidence, and to

SUBMITTED RESOLUTIONS


Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI) submitted the following resolution; which was submitted and read:

S. Res. 128

Whereas many nations throughout the world, especially within the Western hemisphere, celebrate “Día de los Niños,” or “Day of the Children” on the 30th of April, in recognition and celebration of their country’s future; their children;
Whereas children represent the hopes and dreams of the people of the United States;