

470, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 526

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 526, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 627

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. ENSIGN), the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 811

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicen-

ennial of the birth of Abraham Lincoln.

S. 836

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 836, a bill to require accurate fuel economy testing procedures.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1022

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1055

At the request of Mr. DODD, his name was added as a cosponsor of S. 1055, a bill to improve elementary and secondary education.

S. 1063

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1063, a bill to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1067

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1067, a bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes.

S. 1075

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1075, a bill to postpone the 2005 round of defense base closure and realignment.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1103

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1105

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1105, a bill to amend title VI of the Higher Education Act of 1965 regarding international and foreign language studies.

S. 1107

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1107, a bill to reauthorize the Head Start Act, and for other purposes.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 1108. A bill to amend title XVIII of the Social Security Act to make improvements to payments to ambulance providers in rural areas, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Rural Access to Emergency Services (RAES) Act, which will improve access to emergency medical services (EMS) in rural communities. This bill will take the critical steps to help sustain rural emergency care in the future.

EMS is a vital component of the health care system, particularly in rural areas. Ambulance personnel are not only the first responders to an emergency, but also play a key role in the provision of life-saving medical care. It is said that time is one of the most important factors relating to patient outcomes in emergency situations. Rural EMS providers often have the enormous strain of responding to emergencies many miles away—sometimes nearly 50 minutes. However, current reimbursement levels are insufficient for the squads to bear the costs of responding to calls over these long distances. As rural EMS squads are forced

to close, rural residents—and others traveling through rural areas—are left without access to emergency services. Due to the inadequacy of Medicare reimbursement, rural ambulance providers are also finding it difficult to maintain the heightened “readiness requirement,” exposing communities to the threat of being ill-prepared to respond to a major public health emergency.

My legislation will take steps to improve the EMS system by eliminating the 35-mile rule for ambulance services that provide care in communities served by Critical Access Hospitals. In addition, it will establish an ambulance-specific definition of “urban” and “rural” for Medicare reimbursement. Moreover, my legislation will provide \$15 million in funds to be used for a variety of activities aimed at improving the rural EMS system. Finally, it will expand the Universal Service Fund’s definition of “health care provider” to include “ambulance services.”

It is important to assure that rural Americans receive the best emergency medical services possible. This is especially important to me because 54 percent of North Dakotans live in rural communities, served largely by unpaid volunteer emergency personnel. In fact, only 10 percent receive compensation for their services. In recent years, rural ambulance services have found it difficult to recruit and retain EMS personnel. Congress must take steps to ensure that every American has access to quality emergency care. The RAES Act would do just that by improving reimbursement, increasing collaboration among healthcare entities, and allowing EMS providers to collect quality data.

The EMS bill will provide improved healthcare and better access to EMS for the 49 million Americans living in rural areas, and I urge my colleagues to support this essential legislation.

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

S. 1111. A bill to promote oil shale and tar sand development, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Oil Shale and Tar Sands Development Act of 2005. In doing so, I would like to thank Senator ROBERT BENNETT and Senator WAYNE ALLARD for cosponsoring this legislation.

It could not be any more apparent to Americans when we pay to fill up our cars that this country is in need of a strong, comprehensive energy strategy. Our citizens recognize that there is a shortage of petroleum, and that that shortage is driving up prices.

American consumers have increased their demand for oil by 12 percent in the last decade, but oil production has grown by less than one half of one percent. Is it any wonder we rely on foreign countries for more than half our

oil needs? We import 56 percent of our oil today, and it’s projected to be 68 percent within 20 years.

On a larger scale, global demand for oil is growing at an unprecedented pace—about two and half million barrels per day in 2004 alone. However, while global oil production is increasing, the discovery of new oil reserves is falling dramatically. Moreover, trends indicate that the global thirst for petroleum will continue to grow, especially in Asia.

Last month, Federal Reserve Chairman Alan Greenspan stated, “Markets for oil and natural gas have been subject to a degree of strain over the past year not experienced for a generation. Increased demand and lagging additions to productive capacity have combined to absorb a significant amount of the slack in energy markets that was essential in containing energy prices between 1985 and 2000.”

We are quickly heading into a global energy crunch, and our lack of sufficient oil supply at home will give us little or no buffer against it. Increasing our domestic oil reserve is imperative both from an economic and a national security perspective.

I am pleased to report to my colleagues today that a solution is available.

It is a little known fact that the largest hydrocarbon resource in the world rests within the borders of Utah, Colorado, and Wyoming. I know it may be hard to believe, but energy experts agree that there is more recoverable oil in these three States than there is in all the Middle East. In fact, the U.S. Department of Energy estimates that recoverable oil shale in the western United States exceeds one trillion barrels and is the richest and most geographically concentrated oil shale and tar sands resource in the world.

This gigantic resource of oil shale and tar sands is well known by geologists and energy experts, but it has not been counted among our Nation’s oil reserve because it is not yet being developed commercially. Companies have been waiting for the Federal Government to recognize publicly the existence of this resource as a potential reserve and to allow industry access to it.

This bill would give them that chance.

Some might ask why we have not yet developed these resources if doing so could have such a profound economic potential?

I understand why we have been so hesitant to develop this resource in the past. During the 1970s, we saw a very large and expensive effort begin in western Colorado to develop oil shale there. When the price of oil dropped dramatically, though, the market for oil shale went bust and the region suffered an economic disaster.

We should never forget that experience.

Much has changed since the 1970s, and it would be senseless to continue

to ignore the huge potential of this resource. I think there has been a mind set within the government and the local communities resulting from the Colorado boom and bust experience that developing this resource would be risky. The fact is, developing this energy resource is no more risky than producing oil offshore or in the Arctic. It is certainly less risky than continuing to rely on oil from the Middle East or from other foreign competitors.

We need to remember that our past failure in this area was not necessarily a failure of technology, but rather an inability to sustain this technology economically because of a very large slump in gas prices. Today’s economics and advances in technology combine to provide the right scenario to begin the development of the world’s largest untapped oil resource.

Skeptics might ask how we know that the price of oil won’t plummet, causing the problems of the 1970s all over again? The world is now reaching peak oil production of conventional oil. With the tremendous growth in India and Asia, and the accompanying need for oil, experts predict there will be little economic incentive for prices to drop. This is a new scenario for the world, and it forces us to shift our focus to unconventional resources.

We have already seen this shift in focus by the government of Alberta, Canada. Alberta recognized the potential of its own tar sands deposits and set forth a policy to promote their development. As a result, Canada has increased its oil reserves by more than a factor of 10, going from a reserve of about 14 billion barrels to its current reserve of 176 billion barrels in only a few years. And just think we are sitting on one trillion barrels, more than five times what Canada has.

I think it’s outrageous that Utah imports about one-fourth of its oil from Canadian tar sands, even though we have a very large resource of those very same tar sands in our own State sitting undeveloped. The government of Alberta, which owns the resource, has moved forward in leaps and bounds, while the United States has yet to take even a baby step toward developing our untapped resource.

Our proposed legislation looks to the Alberta model to help the United States move toward greater energy independence. The Oil Shale and Tar Sands Development Act represents a necessary shift by our government from an almost complete reliance on conventional sources of oil to our vast unconventional resources, such as tar sands and oil shale.

In drafting this legislation, we have been mindful of the environment and of States’ water rights. We live in a different world than when these resources were first developed. Unlike 30 years ago, we now have the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the

National Environmental Policy Act, and the Mining Reclamation Act. Also, new technologies make the effort much cleaner and require less water than in the past. Industry understands that any water it needs will have to be acquired according to State law and according to existing water rights.

Let me talk, for a moment, about the specific provisions in our bill. S. 1111 would establish an Office of Strategic Fuels tasked with, among other things, the development of a five-year plan to determine the safest and steadiest route to developing oil shale and tar sands. The bill would also establish a mineral leasing program in the Department of the Interior to provide access to this resource.

Recognizing the tremendous national interest in this resource, our legislation provides a number of programs to encourage oil shale and tar sands development, including Federal royalty relief, Federal cost shares for demonstration projects, advanced procurement agreements by the military, and tax relief through the expensing of new equipment and technologies related to oil shale and tar sands development.

The size of our nation's energy challenge is enormous, but in Utah, Colorado, and Wyoming we have an answer that more than meets the challenge. This bill moves us down that path. I urge my colleagues to join us in our effort to help the United States open the door new frontier for domestic energy.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, Mr. WYDEN, Mr. MCCONNELL, Mr. JEFFORDS, Mr. LOTT, Mr. SCHUMER, Mr. KERRY, Mr. BINGAMAN, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CORZINE, Mr. TALENT, and Mr. HAGEL):

S. 1112. A bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join Senator GRASSLEY, and our other colleagues, in introducing legislation to make the Section 529 enhancements enacted in 2001 permanent.

In 2001, it was the Senate, especially my good friend Chairman GRASSLEY, that insisted on including education savings in the tax bill. I am proud of that fact. And I am proud that the Senate is again taking the lead to make these important provisions permanent.

Higher education is critical to our children's future and our Nation's economy. As a parent, or grandparent, you know that providing your children with a college education means they are likely to earn substantially more than if they only have a high school degree. One study estimated a million dollars more in today's dollars.

College is a good investment, but a very expensive one. The cost of tuition is rising every year. Over the past ten

years, expenses at public universities have increased nearly 40 percent. The U.S. Department of Education says the average cost of a four-year education is currently \$34,000 and almost \$90,000 for private colleges.

In 1996, Congress created 529 plans to help families plan for this expense. Since their inception, 529 plans have helped families' college savings grow faster by not taxing investment income while it is accumulating in the account. In 2001, we saw a need to do more to help families deal with skyrocketing costs, so we allowed tax-free distributions from the account, as long as the money goes for its intended purpose—post-secondary education expenses. This income exclusion will expire after 2010 if we don't do something about it.

There are a lot of provisions that will expire in 2010—so why focus on this one provision today? Because saving for college doesn't happen in five or six years. We want families to save today for college expenses fifteen to twenty years from now. Without this legislation, we are asking families to make critical investment decisions without the promise of today's tax benefits. This is not a good way to encourage savings. Making this tax benefit permanent will allow families to plan and finance their children's education beyond 2010.

Thousands of young people back home have 529 plan accounts. By the end of 2004, Montana families had over \$128 million set aside through the Montana Family Education Savings Program. Across the country there is about \$68 billion invested in over 7 million accounts. The average account balance is just over \$9,000. Not enough to finance a college education, but an important start.

One of the great things about 529 plans is that grandparents can save for the future of their grandchildren. That is what Arlene Hannawalt did—she saved through a 529 plan for her granddaughter Nicole's education. Nicole dropped out of high school, but she is getting her GED. Later this year, with help from her 529 account, Nicole will be going to the University of Montana—Helena College of Technology to study accounting.

Nicole's father is in the Army National Guard, serving in Iraq. Our prayers are with him. I'm sure Nicole's family is very pleased that she will soon be a college student.

Tax-favored treatment for college savings is good policy, but it is not free. I assure my colleagues that we will be looking for appropriate offsets to cover the cost of this bill.

Education is one of my top priorities. And saving for education should be one of a family's top priorities. I encourage my colleagues to join in making the tax status of 529 benefits permanent to help millions of American families plan for their children's future.

By Mr. GRASSLEY (for himself, Mr. LOTT, Mr. SANTORUM, and Mr. ENSIGN):

S. 1113. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, over the past three decades, prescription medicines have assumed a central and critical role in treating health care conditions. Every year, researchers make new discoveries that help patients cope with illnesses and improve their quality of life. Ensuring access to prescription drugs—to treatments that can help people maintain their health and avoid costly hospitalizations, for example—is a fundamental responsibility of our Federal health programs. We would not have worked as hard as we did to establish the first-ever Medicare prescription drug benefit if we did not believe this to be true. At the same time, we have a tremendous responsibility to be good stewards of taxpayers' dollars. I, for one, take that responsibility very seriously.

In 2004, our nation spent \$1.8 trillion on health care. Medicare spending accounted for 17 percent of that amount. In 2005, Medicaid spending is expected to reach \$321 billion. The Federal government offers me and other Federal employees health coverage through the Federal Employees Health Benefits Program (FEHBP). The Department of Defense has TRICARE for military personnel, and the Veterans' Administration provides an important source of health care access to those who proudly served our country. Year after year, the costs of these and other Federal health care programs continue to rise. Year after year, we are forced to make difficult decisions to find ways to save money under these programs with the goal of sustaining them well into the future.

In contrast to those decisions, the bill that I am introducing today was not difficult for me at all. By eliminating all Federal payments for certain "lifestyle" drugs, the legislation restores the fundamental concept of stewardship to prescription drug coverage under Federal programs. It is a pretty simple piece of legislation—no payment for drugs prescribed for sexual or erectile dysfunction under any Federal program, period. The Congressional Budget Office (CBO) estimated that Medicare and Medicaid alone will spend \$2 billion on these drugs between 2006 and 2015. In my opinion, those dollars could be spent more wisely.

When we crafted the Medicare Modernization Act of 2003, our bipartisan agreement sought to strike the most reasonable balance for Medicare beneficiaries and hard working taxpayers. We wanted to make sure that beneficiaries had access to life-saving and life-improving medicines. Now some certainly may argue that these "lifestyle" drugs can improve your life. I

appreciate that view. However, we live in a world of limited resources, and in that world of limited resources coverage of these “lifestyle” drugs under Medicare—or any other Federal program, in my opinion—is inconsistent with that goal of balance. I am pleased to join with Senators LOTT, SANTORUM, and ENSIGN in working to rectify that situation today and urge my colleagues to join us in cosponsoring this important legislation.

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1114. A bill to establish minimum drug testing standards for major professional sports leagues; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am joined today by Senator STEVENS in introducing the Clean Sports Act of 2005. The chairman of the House Government Reform Committee, Congressman DAVIS, and the ranking member of that committee, Congressman WAXMAN, are introducing a companion bill today in the House.

The purpose of this bill is to protect the integrity of professional sports and, more importantly, the health and safety of our Nation's youth, who, for better or for worse, see professional athletes as role models. The legislation would achieve that goal by establishing minimum standards for the testing of steroids and other performance-enhancing substances by major professional sports leagues. By adhering to—and hopefully exceeding—these minimum standards, the Nation's major professional sports leagues would send a strong signal to the public that performance-enhancing drugs have no legitimate role in American sports.

This bill would prohibit our country's major professional sports leagues—the National Football League, Major League Baseball, the National Basketball Association, and the National Hockey League—from operating if they do not meet the minimum testing requirements set forth therein. Those standards would be comprised of five key components: the independence of the entity or entities that perform the leagues' drug tests; testing for a comprehensive list of doping substances and methods; a strong system of unannounced testing; significant penalties that discourage the use of performance-enhancing drugs; and a fair and effective adjudication process for athletes accused of doping. These elements are crucial components of any credible performance-enhancing drug testing policy.

More specifically, the bill would require all major professional sports leagues to have an independent third party administer their performance-enhancing drug tests. The legislation would further require that samples provided by athletes be tested by laboratories approved by the United States Anti-Doping Agency—USADA—and for substances banned by USADA. In addition,

the bill would require not fewer than three unannounced tests during a league's season of play, and at least two unannounced tests during the off season. Under this legislation, if a player were to test positive for a banned performance-enhancing substance, that player would be suspended for 2 years for the first violation and banned for life for a second violation. Finally, if any player were to test positive, the professional sports league would be obligated to ensure that the player would have substantial due process rights including the opportunity for a hearing and right to counsel.

To ensure that the major professional sports leagues meet the highest standards of performance-enhancing drug testing, the bill would require each professional sports league to consult with USADA in developing its drug testing standards and procedures, its protocols for tests in the off season, and its athlete adjudication program. For 5 years, USADA has served as the official antidoping agency for Olympic sports in the United States. In that role, USADA has shown a tremendous dedication to eliminating doping in sports through research, education, testing, and adjudication efforts. The expertise that it has developed over the past half-decade would serve this country's professional sports leagues well.

A violation of this legislation would be treated as a violation of the Federal Trade Commission Act. The Federal Trade Commission would have the ability to either obtain an injunction against the league that is in violation of the bill or seek penalties of up to \$1 million per violation. Any enforcement mechanism that is not as strong as this would simply not be effective to ensure that these multi-billion-dollar businesses adhere to the minimum standards set forth in the legislation.

Finally, the bill would give the Office of National Drug Control Policy—ONDCP—the ability to add other professional sports leagues as well as certain college sports if the ONDCP were to determine that such additions would prevent the use of performance-enhancing substances by high school, college, or professional athletes. The bill would also require the United States Boxing Commission, upon its establishment, to promulgate steroids testing standards consistent with those contained in the bill.

The need for reforming the drug testing policies of professional sports is clear. However, I introduce this legislation reluctantly. Over a year ago, I stated publicly that the failure of professional sports—and in particular Major League Baseball—to commit to addressing the issue of doping straight on and immediately would motivate Congress to search for legislative remedies. Despite my clear warning and the significant attention that Congress has given to this stain on professional sports, baseball, and other professional leagues have refused to do the right thing.

By introducing this bill, I am once again asking the leagues to shore up the integrity of professional sports. I am asking the leagues to realize that what is at stake here is not the sanctity of collective bargaining agreements, but rather the health and safety of America's children. Like it or not, our Nation's kids look to professional athletes as role models and take cues from their actions, both good and bad.

I remain hopeful that professional sports will reform their drug testing policies on their own—a modest proposal in the eyes of reasonable people. However, the introduction of this bill demonstrates the continued seriousness with which Congress views this issue. It should be seen as a renewed incentive for the leagues to clean up their sports on their own without Government interference.

By Ms. MURKOWSKI (for herself and Mr. JOHNSON):

S. 1115. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help increase the amount of food donations going to American Indians and Alaska Natives nationwide. I am pleased to have Mr. JOHNSON join me in introducing this important legislation.

Despite reports from the Census Bureau that show stable income levels for many Americans, the poverty rate for the 4.4 million American Indians and Alaska Natives living throughout the United States remains nearly three times that of non-Hispanic whites. Not only do Natives face greater challenges in securing basic household necessities, but in securing food as well.

According to a U.S. Department of Agriculture report released in late 2004, nearly 36 million Americans face challenges in getting enough food to eat. This includes nearly 13 million children. Of these statistics, Natives constitute a disproportionate number due to the higher poverty rate among this group.

And yet, charitable organizations that provide hunger relief are unable to meet the basic needs of Natives due to an oversight in the Federal tax code. Section 170(e)(3) of the Internal Revenue Code allows corporations to take an enhanced tax deduction for donations of food inventory; however, the food must be distributed to 501(c)(3) nonprofit organizations, such as food banks. Nonprofit organizations cannot then transfer such donations to tribes. Although many donations to tribes are tax deductible under section 7871 of the Internal Revenue Code, tribes are not among the organizations listed under section 501(c)(3) of the Internal Revenue Code. To clarify, section 170(e)(3) does not allow tribes to be eligible recipients of corporate food donations to nonprofit organizations since they are not listed under section 501(c)(3) as an eligible entity.

With this legislation, we intend to make a simple correction to the tax code that clearly indicates that tribes are eligible recipients of food donated under section 170(e)(3) of the Internal Revenue Code. This correction is long overdue and would remedy an egregious inequity in the Federal tax code that affects Natives nationwide.

Please allow me to provide a few examples of how this legislation could foster positive change. In Alaska, approximately half of the food donated to the Food Bank of Alaska from corporations could go to tribes throughout Alaska. Much of this food would go to villages that are only accessible by air or water. In South Dakota, roughly 30 percent of the food the Community Food Banks of South Dakota distributes would go to reservations. In North Dakota, the amount of food donated to the Great Plains Food Bank could double if this legislation were enacted. The Montana Food Bank Network projects that food donations could increase by 16 percent. A food bank based in Albuquerque, NM estimates that their food donations could triple in the first year alone.

It is imperative that we address this important issue expeditiously. The health and well-being of low income American Indians and Alaska Natives across the Nation is at stake.

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. 1115

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

**SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.**

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR INDIAN TRIBES.—

“(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

“(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization’s exemption.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 764. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the

Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 764. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:

**SEC. 2207. WHARF UPGRADES, NAVAL STATION MAYPORT, FLORIDA.**

Of the amount authorized to be appropriated by section 2204(a)(4) for the Navy for architectural and engineering services and construction design, \$500,000 shall be available for the design of wharf upgrades at Naval Station Mayport, Florida.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2005, at 3 p.m., to conduct a hearing on “Money Laundering and Terror Financing Issues in the Middle East.”

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 24, 2005, at 10 a.m. on S. 529, a bill to authorize funding for the U.S. Anti-Doping Agency (USADA) and to designate it as the official doping agency of the U.S. Olympic Committee.

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

**COMMITTEE ON FINANCE**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 24, 2005, at 10 a.m., in 628 Dirksen Senate Office Building, to consider the nominations of Alex Azar, II, to be Deputy Secretary of Health and Human Services, Department of Health and Human Services, Washington, DC; Timothy D. Adams, to be Under Secretary for International Affairs, U.S. Department of Treasury; Shara L. Aranoff, to be Member of the International Trade Commission; Suzanne C. DeFrancis to be Assistant Secretary for Public Affairs, U.S. Department of Health and

Human Services; and Charles E. Johnson, to be Assistant Secretary for Budget, Technology and Finance, U.S. Department of Health and Human Services.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 24, 2005 at 9:30 a.m. to hold a hearing on nominations.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. CORNYN. Mr. President, I ask unanimous consent, pursuant to Rule 26.5(a) of the Standing Rules of the Senate, that the Select Committee on Intelligence be authorized to meet after conclusion of the first two hours after the meeting of the Senate commences on May 24, 2005.

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

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, May 24, 2005, at 2 p.m. for a hearing regarding “Overview of the Competitive Effects of Speciality Hospitals.”

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

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, May 24, 2005, at 10 a.m. for a hearing entitled, “Safeguarding the Merit System: A Review of the U.S. Office of Special Counsel.”

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

**PRIVILEGE OF THE FLOOR**

Mr. REED. Mr. President, I ask unanimous consent that Claire Steele, a fellow in my office, be granted the privilege of the floor for the remainder of today’s session.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Avery Wentzel, a legal intern on my Senate Judiciary Committee staff, be granted the privilege of the floor during the debate on Justice Owen.

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

**ORDER FOR STAR PRINT**

Mr. FRIST. I ask unanimous consent Senate report 109-69 be star printed with the changes at the desk.