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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MARCHANT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 2005.

I hereby appoint the Honorable KENNY MARCHANT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Colorado (Mr. BEAUPREZ) for 5 minutes.

REASONS TO SUPPORT THE CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BEAUPREZ. Mr. Speaker, I would like to highlight just a few of the reasons why I am in favor of the Central American Free Trade Agreement, known as CAFTA.

CAFTA is going to level the playing field for U.S. workers and farmers. Right now, the CAFTA countries have virtually open access to our U.S. market. This agreement will give Americans the same free and fair access to their markets. The day CAFTA is signed, nearly $1 billion a year in tariffs on U.S. goods goes away, making us immediately more competitive. Somewhere in this world, farmers will be producing the food and workers will be making the goods to meet the growing demand of the CAFTA nations. I want this demand to be met by American workers.

CAFTA will protect existing American jobs, allow us to compete fairly for more international business and strengthen our relationships with these six developing democracies.

Mr. Speaker, neighbors help each other, and CAFTA is a good neighbor treaty. I urge its adoption.

HEALTH SAVINGS ACCOUNTS: A SOLUTION TO THE HIGH COST OF AMERICA'S HEALTH CARE SYSTEM

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to address the high cost of America's health care system and also to highlight a solution to this problem that not only reduces the number of uninsured in the United States, but gives consumers the ability to rein in the high price of health care on their own terms.

Everyone in this Chamber and across the Nation knows that our Nation is in the midst of a health care crisis. The crisis not only affects patients, but our health care professionals as well. Rising health care costs have left nearly 45 million Americans without health insurance and thousands of small businesses struggling to cover their employees. In my home State of Pennsylvania, over 50 percent of Pennsylvanians surveyed said their family has had difficulty paying the cost of health care or obtaining insurance for their dependents.

Since 2001, the cost of health insurance has risen 59 percent. In 2004, employers who offered health insurance benefits were paying an average of 11 percent more for health insurance premiums, making that year the fourth year of double-digit increases in premiums.

Last year, President Bush spoke of the need to create an ownership society in America. His idea was simple: Pass laws to enable our families to take greater ownership in their investments, their financial security and their future. The idea of an ownership society has already resulted in a booming housing market, impressive job growth and historic economic productivity.

I come to the floor today to say that the ownership society can also change health care as we know it today through the use of Health Savings Accounts. Designed as part of the Medicare Modernization Act of 2003, Health Savings Accounts are tax-free accounts that empower consumers to take control over their own health care expenses.

The principle is simple: If a person has a health insurance plan with a high deductible of at least $1,000 for an individual or $2,000 for family coverage, that person can make pre-tax contributions to a savings account specifically designed to handle health insurance.

Health Savings Accounts are portable, interest-bearing financial instruments. Like a 401(k), contributions to HSAs are made with pre-tax income. Like an IRA, the account grows tax-free and can also be moved from job to job. There is no penalty for the removal of money from an HSA, and if an individual does not use any money from an HSA over the course of a year,

the money is not lost. Instead, it is rolled over into the next year and without penalty.

Due to the ability of account holders to contribute 100 percent of their deductible in pre-tax income into an HSA, consumers gain an added benefit by having health insurance plans with higher deductibles. The higher the deductible, the more they are able to invest without a tax penalty.

For business owners, especially small businesses, HSAs allow employers to lower health care spending and simultaneously reap a tax benefit. These incentives will motivate more businesses to take advantage of Health Savings Accounts.

I can relate to you a first-hand account of the success of HSA for small businesses. Last week, I hosted a Small Business Forum back in my State of Pennsylvania that brought together small business owners and employees from across my district to discuss the issue of the cost of rising health care premiums.

The gentleman from Illinois (Chairman MANZULLO) and I heard from George Donovan, the principal of a small architectural firm that employs 30 people. Mr. Donovan testified that the health insurance he pays accounts for nearly 50 percent of his total insurance costs. Three years ago, his firm's health insurance premium was $120,000 per year. By switching to an HSA, he was able to cut that amount by half, to just $60,000, in his first year.

Like many employers, George Donovan does not believe in employing individuals without health insurance. He found through staff interviews that health insurance is the number one criteria for accepting a job or for staying with his firm. By all measures, his adoption of HSAs has helped his bottom line, as well as allowed him to retain trained and talented staff.

Health Savings Accounts empower Americans across the country to make informed choices. Instead of being tied into a traditional plan that limits choice and keeps the consumer at arm's length from the health care market, Health Savings Accounts allow individuals and businesses to take an active role in choosing how to spend their money.

According to Andy Laperriere in a Wall Street Journal article of January 24 of this year, ''health care is the only sector in the economy where there is almost no price transparency and no price competition.''

Laperriere's article is correct. How many of us actually understand the cost of a medical test or procedure? Most of the information in a medical or hospital bill is too complicated to understand, and most health insurance plans compound that confusion.

HSAs create an economic incentive for consumers to shop for care competitively, become involved in the market and save more money with HSAs. Since you are able to keep that money that you do not spend in your HSA, it makes sense to purchase the best care at the lowest possible price. Therefore, the widespread use of HSAs will create an educated class of consumers that will cut administrative costs, lower overhead and reduce the cost of health care for the majority of Americans.

Mr. Speaker, I call on my colleagues to support Health Savings Accounts and legislation that will expand and support their use. The best way to lower the cost of health care is to make the consumer an active participant in the market. Health Savings Accounts do just that, and bring us one step closer to an ownership society.

RECOGNIZING THE 15TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

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

Mr. HOLT. Mr. Speaker, I rise today to recognize the 15th anniversary of the Americans with Disabilities Act, enacted on July 26, 1990.

The ADA occupies a unique place in our political and social history, providing sweeping protections against discrimination for a group that had suffered legal inequities and indignities from time immemorial. The accommodations that ADA afforded to persons with disabilities, in employment, public and private services, transportation and telecommunications, demonstrated that all Americans are entitled to legal protection from discrimination.

Just as the Civil Rights Act of 1964 was essential to eliminating legal justifications for denying equal rights to African Americans and others, the Americans with Disabilities Act constituted a step forward by prohibiting discrimination against persons with disabilities; and just as passage of the Civil Rights Act was a necessary precursor to the elimination of racism in practice, we still have some distance to go in order to eliminate popular prejudice and stigmatization of persons with disabilities.

In Congress, I have worked with the disability community to ensure that all Americans are afforded the full protection of the law. I have introduced legislation to require that staff working with developmentally disabled persons call emergency services in the event of a life-threatening situation. Danielle's Law would extend the New Jersey law to the rest of the country.

I have introduced the Voter Confidence and Increased Accessibility Act, legislation to amend the Help America Vote Act, to require a voter-verified paper audit trail and to ensure that any system of verification be fully accessible for all voters.

In the Committee on Education and Workforce, I successfully amended H.R. 4278, the Improving Access to Assistive Technology For Individuals With Disabilities Act of 2004, in order to allow protection and advocacy agencies to carry over program income, funds generated by program activities, that is, for 2 additional years. This change will enable these programs to reinvest the earned funds into additional services and assistance in the acquisition, utilization and maintenance of assistive technology.

I have opposed the Department of Education's efforts to gut the Rehabilitation Services Administration, a program that has literally changed people's lives, providing the tools for disabled persons to live and work independently and with dignity. I fought for a full 40 percent funding for Individuals With Disability Education Act, the IDEA, which the Federal Government neglects. We are underfunding it by at least a factor of two.

The Americans with Disabilities Act has allowed great gains in the past 15 years, but there is much yet to be done. We must continue to ensure that jobs are open to persons with disabilities and that these valuable employees have the necessary accommodations. We must continue to make accessible transportation and housing options and grant access to community-based supports and services that promote independence and integration. We must also commit to continued education and job training for all Americans.

Since the passage of the ADA, I have been concerned with the interpretation of the law by Federal courts with regard to protections offered and individuals protected. The Federal courts' narrow interpretation of ADA has prevented it from achieving all that it was designed to do. As the Senate considers the nomination of a new Supreme Court justice, I hope the Senate will fully inquire as to his views on the application of the ADA.

Again, I would like to recognize the 15th anniversary of the Americans with Disabilities Act. I value the advances that our country has achieved because of legal protections it extends, and I look forward to continuing to work on behalf of Americans with disabilities.

PATRIOT ACT PROTECTS RIGHTS OF AMERICANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized during morning hour debates for 5 minutes.

Mrs. DRAKE. Mr. Speaker, I think it is important to point out that last week, before we left here, we did a very important thing on Thursday night, and that is that we reauthorized the PATRIOT Act. I think it is important to remember that in 2001, when this act was first put into place, that there were no ''no'' votes. But now, 4 years later, Mr. Speaker, there is a great deal of concern among the American people that our freedoms be protected, and we often hear the expression that if we

give up a little bit of freedom for a little bit of security, that we would have neither.

As Americans, we value our freedoms. We value the freedom of speech, we value our freedom of privacy, we value the protections that we have against unnecessary search and seizure. But as Americans we also know that things have changed.

I do not think there is a parent or grandparent in America today that would tell you that their lives today are what they were when they were children. I can assure you, Mr. Speaker, when I have my grandchildren with me, they have very little freedom, and that I never take my eye off of them because we do live in a different day and a different time, and the securities that we felt as children just do not exist today.

As I drove home last week and I was stuck in traffic, which we all know is certainly a reoccurring thing in our society, but I was listening to a radio program about the PATRIOT Act. What really concerned me about what Americans are being told is that Americans are being told that somehow this is onerous, that we have done the PATRIOT Act, and that our freedoms are being impacted in this act.

What Americans are not being told is that the same provisions that exist in this act have been in place for many years in regards to criminal cases, in regards to child pornography, in regards to drug offenses, in regards to mob bosses.

What the PATRIOT Act did is added foreign terrorism into the same types of provisions that already exist. The PATRIOT Act also broke down walls to allow law enforcement officials to interact together and to make sure that information is being shared and that we as Americans are as safe as we can possibly be. I think that is an important element of the PATRIOT Act, is that it is not new. It is existing law enforcement that has been extended over.

But, Mr. Speaker, it is only fair to remind people that there are additional requirements that are placed in the PATRIOT Act on the provision of foreign terrorism. What some of those provisions are is that under the criminal code, law enforcement gets grand jury permission in order to do what they are doing. Under the PATRIOT Act, that required the permission of a Federal judge. With the amendments that we did Thursday night in regards to the one the American people talked about the most called the ''library provision,'' or what we referred to as section 215, which would allow them to check books and records, now it will require that the Director of the FBI make that request to a Federal judge. So to imply to the American people that someone is checking what books we check out is just unfair, and it is unfair to all of us who do expect to put some safety and some security back into our lives and to the lives of our children.

Mr. Speaker, there is nothing else we can do except to really explain what is the PATRIOT Act, how does it keep us safer and how does it interact with our other criminal codes.

I would like to also point out that the ''library act,'' as it is called, has been used many times in regards to the criminal code, but it has not once been used in regards to foreign terrorism. Is it something we should take away? No, absolutely not, because why should we tie the hands of our law enforcement professionals on one area that is so critical to us when this exists in other provisions of the law?

Mr. Speaker, I applaud the House of Representatives for reauthorizing the PATRIOT Act. I was a little distressed that we put additional requirements in place, but if that is what it takes for people to feel safe and secure, all right. But the most important thing is I think the public should know the truth. They should know how the PATRIOT Act is protecting them and defending them and not impacting their freedoms.

FINDING GOOD NEWS

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

Mr. PRICE of Georgia. Mr. Speaker, sometimes I get tired of all the bad news. You come here and you listen to the speeches that go before the House and you think, my goodness gracious, there must be all sorts of bad news out there.

When I go home and I talk to constituents at home about any issue, I often lead off with saying, ''I am going to have to tell you some things that you haven't seen on television and that you haven't read in the newspaper,'' because the good news, the good news that is happening here, oftentimes gets smothered with all the bad news and all the political sniping that goes on.

I was pleased to hear the gentlewoman from Virginia (Mrs. DRAKE) just now get up and demonstrate her passion, her passion, for principles that we hold dear here in the United States. I was also wonderfully pleased to hear the gentleman from Pennsylvania (Mr. FITZPATRICK) earlier talk about the importance of health care and Health Savings Accounts, an exciting proposal, an exciting policy that we have here, that we have adopted in the Congress, that will allow individuals greater choice in health care. That is good news. That is good news.

When I read my local paper, I have got to get way down in that paper before I see good news. In terms of politics, all you see is who is fighting whom and what will not happen. It is remarkable.

So I am here to talk about a little good news today, because we have good news that we need to spread across this Nation.

There has been a remarkable turnaround in this Nation's economy. The policies that this Congress have adopted have helped our Nation recover from attacks at home, recover from corporate scandals, recover from the bursting of the tech bubble and the incredible demands that we have facing us as a Nation in the War on Terror. These are real challenges, incredible challenges, but we are a strong and a vibrant and a resourceful Nation, and we can overcome these challenges, and, frankly, any other that folks throw in our way.

But what are the principles that are guiding us? Strong, common sense, conservative principles that foster entrepreneurship and almost guarantee success. These are the true engines, entrepreneurship, of job growth and strength in our economy.

From tax relief, to a responsible decrease in areas of our Federal budget, this Republican major is leading the way with a return to fiscal discipline and economic growth as our guideline. And what are the results? What are the results? There used to be somebody on television that said, ''Let's go the videotape.'' Here we say, ''Let's go to the chart.''

Look at this chart. This is May 2003 and these are the number of jobs that have been created in this Nation. May 2003. And look where we are in June 2005. It is a steady increase in growth in the number of jobs. That is exciting news. That is good news. Have you seen it in your newspaper? Have you heard about it on television or on the radio? Probably not. But that is good news, and it is good news that is happening because of the policies that this Congress has adopted.

More Americans are working now than ever before. More Americans are working than ever before in our Nation's history. Nearly 4 million jobs have been created over the past 2 years. The economy has had job growth, more job growth, 24 straight months. Look at that, 24 straight months. That is good news.

Unemployment is at 5 percent. Say, what is that? Well, it is lower than the averages for the 1970s, the 1980s and the 1990s. Unemployment is at an all-time low, given the averages over the last three decades. Unemployment is down for all levels of education, all races and all ages. This is great news.

So I ask my colleagues and I ask folks back home when they pick up their newspaper, do not look at the front page; go to page 7 or 8 or 9 or further, and you may find some good news there. Those are the kinds of stories that need to be on the front page.

Mr. Speaker, we in Congress here are going to continue to work in a positive and a confident way, one that is trustful of Americans and one that appreciates and believes in America. I look forward to being joined by my colleagues on both sides of the aisle to further these common sense principles.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 23 minutes p.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GINGREY) at 10 a.m.

PRAYER

The Reverend W. Don Young, Senior Pastor, Heartland Worship Center, Paducah, Kentucky, offered the following prayer:

My Lord God in heaven, the leaders of this Nation pause every day to acknowledge Your grace, Your mercy, and most of all Your blessings. They acknowledge by this exercise that this Nation was built on your principles.

And Father God, it appears that we are the players that will determine the destiny of this beloved United States of America. Good people all over the world believe we are standing on a precipice at this moment in history.

Either America renews her relationship with You, or we continue our moral free fall, which, sadly to say, will ultimately mean our demise. We, the pastors, political leaders, we just cannot allow that to happen. So God help us to guide this great people in such a way that You can bless America again.

Please help us to honor You and You alone with the decisions that will be made today and in future sessions. It is in my Lord's name that I ask these things. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN led the Pledge of Allegiance as follows:

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

RECOGNIZING PASTER W. DON YOUNG

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, I want to thank Pastor Don Young of the Heartland Worship Center in Paducah, Kentucky, for leading today's opening prayer.

Pastor Young was born and raised in Childress, Texas, and following his graduation from Baptist Bible College in Springfield, Missouri, he became the founding pastor of the Bible Baptist Church in Paducah, Kentucky, where he ministered to the needs of the founding 29 members of that church.

Pastor Young has been there now for 45 years, and the church has 3,000 members and is now known as the Heartland Worship Center. Average Sunday attendance is 1,700, largely because of Pastor Young's unique preaching style and the programs he has initiated to meet the spiritual needs of people from all walks of life.

Heartland's vision statement is: Influencing people to come, instructing people to grow, inspiring people to go.

Under Pastor Young's leadership, the center supports 29 missionaries in foreign countries and the United States, assists the members of the congregation with counseling needs, supports the mission projects endorsed by the Southern Baptist Convention, helps with the spiritual and moral development of our youth, and honors our men and women in uniform as they prepare for deployment overseas.

Heartland Worship Center is blessed to have such a dedicated servant whose compassion and faith have guided him throughout his entire life.

Mr. Speaker, I hope you will join me in welcoming Pastor Young and thanking him for today's prayer.

THE MEDICAL PROFESSION NEEDS HELP

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, you remember the old Peanuts cartoon strip, and the booth with the sign on it that said, ''The doctor is in''? Well, too many times these days nobody is in at the doctor's office, and we are not currently improving the situation.

Many doctors are being forced to shut their doors and leave the practice of medicine due to skyrocketing insurance premiums. In addition, medical schools are seeing fewer young people apply, not as many people interested in becoming doctors.

This week we will be talking a lot about problems and solutions to the challenges we face in health care, and a few questions we must answer are: Where will our doctors come from? What can we do to increase the number and maintain the quality of those wanting careers in medicine?

Skyrocketing medical school costs raise critical questions. Is the cost of medical schools preventing some of our best and brightest from choosing to become a doctor? How will this affect the quality of care for all patients?

Mr. Speaker, patient choice is about being able to choose the doctor that is right for you. If bright young people are not going into medicine, we all lose. Let us work to improve our system so patients will be able to have the right to choose the doctor that is best for them.

CAFTA IS BAD FOR AMERICA

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

Mr. KUCINICH. Mr. Speaker, the North American Free Trade Agreement caused 5.6 million well-paying jobs to leave the United States. If they were replaced at all, they were replaced by insecure, low-wage employment paying 77 percent less.

CAFTA, modeled after the North American Free Trade Agreement, will hurt workers in the United States and Central America. Under CAFTA workers are much more likely to lose their jobs than find better ones, especially if they work in U.S. manufacturing or Central American agriculture, small business or government.

U.S. workers will have to compete in a race to the bottom with sweatshop wages and low standards in Central America reinforced by the weak labor provisions in CAFTA. Provisions that will stay in effect are those like those in El Salvador where they fail to provide for reinstatement of workers fired because of antiunion discrimination; as in Guatemala, where the labor code mandates that unions obtain permission from the labor unions to strike; as in Honduras, where the law prohibits the formation of more than one trade union in a single enterprise.

CAFTA will result in lower wages for the people in this country. It will result in the loss of jobs in this country, and it should be defeated.

REEXAMINE THE BRAC PROCESS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, I have some concerns with the base closure process currently taking place. Under the recommendations, Ellington Field in Houston, Texas, is scheduled to lose all of the F–16s and the 147th Fighter Wing. This would endanger the ability to protect southeast Texas.

The base closure criteria is based upon military and strategic importance, but it also needs to factor in homeland security risk assessments as well. The F–16s at Ellington Field protect Houston, the fourth largest city in the United States.

The city has two major airports. It has the largest medical center in the United States. It is, of course, the home of NASA. It has the Port of Houston, the second largest port in the United States, and two additional ports, Port Arthur and the Port of

Beaumont where one-third of the military cargo goes to Iraq, not to mention the petrochemical area and the energy capital of the world.

So, Mr. Speaker, I plan on introducing a resolution in Congress this week that will call on the President to factor in homeland security in the base closure process and disapprove of any recommendation unless the President is convinced that the recommendations will not adversely affect homeland security in the United States. We need to keep the F–16s flying over Houston.

POSTAL MODERNIZATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, today we will be considering important legislation dealing with the modernization of the Postal Service. It contains some important provisions I have been working on since I came to Congress to make sure that the postal facilities, which are the cornerstone of a livable community, are, in fact, playing by the same rules as the rest of America.

Too often the Postal Service has not played by those rules, with bad results in site location, building and remodeling. While the Postal Service has made some improvements in recent years managing these facilities, this legislation makes clear that the Postal Service will obey local land zoning, planning and environmental regulations, very important developments, playing by the same rules as the rest of America.

It will hasten the day when the U.S. Government itself as the largest landlord, landowner and employer, will lead by example, and behave the way we expect the rest of Americans to behave. It will not cost any extra, but it will help make American families safer, healthier and more economically secure.

IMMIGRATION REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, today the Senate will hold hearings to start the process for comprehensive immigration reform. We will soon start those same hearings hopefully in the House.

As we begin this, I simply want to remind everyone here that we believe in the rule of law. We need to enforce the rule of law. We need to enforce our Nation's laws, but in order to do so, we have to have laws that we can enforce.

Those who say let us enforce the law, the current law, and then have a temporary worker program have yet to offer a proposal to actually enforce the current law, which would require that the 10- to 15 million illegals who are now, most of them, working in jobs would actually be deported to their country of origin and subject to a 10-year bar from reentry.

If that is what people mean by enforcing the current law, then please offer a proposal to do so. But, if not, then let us work together on a comprehensive plan for comprehensive immigration reform that has a guest worker plan and also a provision to enforce the new law. That is what we need to do in this country.

NEED FOR ACCOUNTABILITY ON THE CIA OPERATIVE LEAK

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

Mr. INSLEE. Mr. Speaker, as the sordid tale is unfolding about the Bush administration's outing of one of our covert intelligence agents, as that unfolds, there is an aspect that I just learned about, I wanted to share with my colleagues, last week.

Last week with some Senators, we had a hearing where we listened to former CIA agents about the impact of this event on our national security system, and these four agents spoke as one. And what they said was interesting to me, because what they said was the outing was bad enough where they destroyed the covert status of one of our spies, but what is almost as bad or worse is that the President has refused to take action to deal with whoever is responsible for that wrongful act.

And to them that was a message that the President just did not honor the trust we have to keep the secrecy of our spies secret. That makes it more difficult to recruit. We are trying to recruit people for cells in London right now. How are we going to recruit them when we out, the administration outs, a spy and does not take action to deal with that?

That is as disturbing as the outing originally. The President needs to act. We need to pass House Resolution 363 to get to the bottom of this.

SUPPORT CAFTA

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

Mr. PENCE. Mr. Speaker, I have always believed that trade means jobs, and that is especially true on the Indiana farm. As we consider the Central America Free Trade Agreement, think of this.

Today U.S. agricultural goods exported to that region of the world face tariffs and barriers of 15 to 35 percent. By ending the one-way street, CAFTA will essentially result in my State seeing up to $41 million a year in additional agricultural exports.

Trade means jobs. Not that this is a new idea. Adam Smith wrote in A Wealth of Nations in 1776, ''All for ourselves and nothing for other people seems, in every age of the world, to have been the vile maxim of the masters of mankind.''

Even Benjamin Franklin said, ''No nation was ever ruined by trade.'' And Ralph Waldo Emerson wrote in his personal journal, We rail at trade, but the historian of the world will see that it was the principle of liberty; that it settled America, destroyed feudalism, made peace and keeps peace, and abolished slavery.

All of those great American Founders and thinkers were right. Trade means jobs. I urge my colleagues to support CAFTA in that spirit.

OPPOSITION TO CAFTA

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I rise this morning to address my strong opposition to the Central American Free Trade Agreement. I oppose CAFTA not because I oppose trade, but because I oppose unfair trade agreements that fail to stand up for our national economic interests and protect American jobs.

□ 1015

There are a number of problems with this agreement that make it impossible for me and many of my colleagues on both sides of the aisle to support it. The blatant deficiencies regarding environmental standards, labor standards, and our agriculture interests are the most glaring.

Now, this Congress can consider the CAFTA proposal only on an up-or-down vote with no amendments allowed. Entering into an agreement that does not require the Central American countries to strengthen their environmental laws does a disservice to the workers and citizens of all countries involved.

Our choice is clear, Mr. Speaker. I urge each of my colleagues to reject this unfair trade agreement and send our representatives back to renegotiate a better deal for the American people.

HONORING SERGEANT SHAMUS GOARE

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

Mr. NEY. Mr. Speaker, today I rise to reflect on the remarkable life of Staff Sergeant Shamus O. Goare, who died June 28 in service to his country. A native of Danville, Ohio, Sergeant Goare was killed when his Chinook transport helicopter came under attack by a rocket propelled grenade in the mountains of eastern Afghanistan. He was 28 year old.

Sergeant Goare gave the ultimate sacrifice to his country. By celebrating his life, we will ensure that in death he will not be forgotten.

Sergeant Goare joined the Army in 1994. As a member of the elite Night Stalkers, Sergeant Goare willingly took on some of the most dangerous missions presented. He was posthumously awarded the Bronze Star, the

Purple Heart, the Meritorious Service Medal, and an Air Medal with Valor and the Combat Action Badge. It is clear that Sergeant Goare was an excellent soldier and a remarkable citizen. His devotion to his country is an inspiration to us all.

His sacrifice is a testament to his devotion to our great land, and his heroic efforts must never be forgotten. I extend my deepest condolences to his parents and other family and friends. It is an honor to pay tribute to Sergeant Goare's life, contributions, and dedication as an American. May God rest his soul.

AUCTIONING OFF THE PEOPLE'S HOUSE

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

Mr. EMANUEL. Mr. Speaker, the New York Times reports that during the Vioxx trial in Texas, a cardiologist testified that the pain killer likely led to the needless death of Robert Ernst. Mr. Ernst was a produce manager at Wal-Mart who also ran marathons and worked as a personal trainer.

He took Vioxx for 8 months before he died of an irregular heartbeat, making him one of the 55,000 people who needlessly died as a result of taking Vioxx.

As we debate medical malpractice legislation tomorrow, I hope my colleagues will keep Mr. Ernst's tragedy in mind. Only in this Congress would we consider legislation that specifically protects the drug manufacturers like Merck from any form of liability while a trial is presently ongoing that directly affects that legislation. I am not aware of any other industry that gets this type of liability protection just for going through a governmental approval process.

While families such as Mr. Ernst's fight for fairness in court, this body, the people's House, is fighting to protect the drug companies. I plan to introduce the Vioxx amendment striking this blatantly beneficial provision written for and by the pharmaceutical industry.

Mr. Speaker, when your gavel opens up the people's House, it should open up the people's House and their voices should be heard, not the auction house.

SMALL BUSINESS HEALTH FAIRNESS ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to support the Small Business Health Fairness Act. We will vote on it later today.

We need to increase access and lower the cost of health insurance for small business owners, their employees, and their families.

I represent New York's Hudson Valley where small business owners and self-employed workers tell me time and time again that the toughest challenge they face is finding affordable health care coverage.

Seven out of 10 small businesses do not offer health insurance because they cannot afford the overwhelming costs on their own in the private market.

The Small Business Fairness Act would provide them with the lower costs they need by giving then the same group health insurance purchasing power already being enjoyed by unions and large corporations.

Small businesses on Main Street in towns like Warwick, Goshen, Wappinger, or Mount Kisco deserve the same health insurance advantages that the large firms have on Wall Street. Let us give our small businesses the option by passing this bill.

Studies show it will give 8 million currently uninsured small business workers the affordable access to health insurance they need. Please support America's small businesses and join me in voting for the Small Business Health Fairness Act.

CAFTA HURTS CANDY MAKERS

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

Mr. DAVIS of Illinois. Mr. Speaker, Chicago used to be known as the Candy Capital of the World. Unfortunately, sugar makers, food processors, and other sugar users have been driven out of the city by high prices.

Despite all of my other misgivings, I had hoped that CAFTA would provide us with some relief. But, unfortunately, to let in only 151,000 metric tons of sugar from CAFTA countries over a 15-year period will not put a dent in sugar prices. It will not help the candy makers and food processors in Chicago. Therefore, I shall vote against CAFTA and urge all of my colleagues to vote likewise.

HONORING THE CREW, SCIENTISTS, AND TECHNICIANS OF THE ''DISCOVERY''

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

Mr. BURGESS. Mr. Speaker, in just a few moments the Space Shuttle *Discovery* is due to lift off from its pad in Florida. Last year, Mr. Speaker, I was a member of the House Committee on Science; and in that role I want to acknowledge the wonderful work of the scientists and technicians and the crew of the *Discovery* who uphold the great tradition of our space program.

Barely 1 month into my first term in the 108th Congress, we lost the Space Shuttle *Columbia* over Texas. We felt the concussion from that blast in my north Texas district.

Mr. Speaker, the return to flight was pursued in a careful, methodical fashion with a mission of strict adherence to safety. On momentous occasions like today, we remember those who sacrificed their lives, and we honor them by continuing America's quest to observe and learn from our galaxy and universe. May God guard those members while they lift off from Florida and see them safely home.

NO STRAIGHT ANSWERS FROM BUSH WHITE HOUSE

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

Mr. PALLONE. Mr. Speaker, for 2 years now the Bush White House has covered up its involvement in the leaking of a CIA agent's identity. Now it appears members of the administration are also misleading a grand jury investigating whether or not any laws were broken when Karl Rove, Scooter Libby, and possibly others leaked Valerie Plame's identity to reporters.

According to reports over the weekend, CHENEY's chief of staff, Scooter Libby, told the grand jury that he first heard about Valerie Plame's identity from NBC's Tim Russert, but Russert claims that that was impossible since he did not even know Plame was a CIA agent.

In the meantime, Karl Rove told the grand jury that his conversation with Time magazine's Matt Cooper was mostly about welfare reform until Rove leaked Valerie Plame's identity at the end of the conversation. But Cooper says he and Rove never discussed welfare reform. Instead, he says, the entire conversation was about Plame.

Now, despite these alarming discrepancies, Bush continues to support both men. Mr. Speaker, our covert CIA agents needs President Bush to stand firm against these actions now.

CAFTA BENEFITS AMERICAN BUSINESSES

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

Mr. SHAW. Mr. Speaker, today I rise in support of the United States-Dominican Republic-Central American Free Trade Agreement.

The United States and our neighbors in Central America and the Dominican Republic enjoy a healthy trading relationship with over $32.6 billion worth of goods traded between the United States and the six DR–CAFTA countries just last year. The agreement will not only increase exports and income for United States farmers, manufacturers and business, but it also will provide the United States with an opportunity to enhance the well-being of millions in Central America.

The DR–CAFTA countries are among the poorest in the world. According to the World Bank, the average person in

Nicaragua makes a mere $710 a year. The average person in Costa Rica does a bit better, but still only makes $4,070 a year.

Rather than handouts or loans, the United States can quickly improve the well-being of millions of our neighbors by providing the DR–CAFTA countries improved access to our vast markets. New business opportunities create new jobs, not handouts. In turn, a virtuous circle can be created as wealth and income rises along with the demands for United States products and services.

I urge all of my colleagues to vote ''yes'' on CAFTA. It is good for America's business.

HEALTH CARE ACCESS FOR LATINOS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to address the Republican leadership's failure to bring up legislation that actually addresses the health care problems of American families.

Currently, 45 million Americans are uninsured. Uninsured numbers are even worse for the Latino communities which have the highest uninsured rate of any racial and ethnic group; 13 million Latinos are uninsured. That is more than one-third of the Nation's Latino population.

Latinos make up 14 percent of the U.S. population, nearly 42 million people. Yet the administration's leadership continues to ignore the significant population. This week's legislation on association health plans and medical malpractice demonstrates the Republican leadership's inability to acknowledge the devastating impact these proposals will have on my community.

These proposals will facilitate rampant fraud, raise premiums, and reduce benefits to Latino families. If the current Republican leadership really wants to reduce the number of uninsured and reduce health care costs, then it needs to bring up legislation to the floor that addresses health care problems for all American families, including the 9.1 million Latino families in the U.S.

CAFTA GOOD FOR WORKERS AND CONSUMERS

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

Mr. PITTS. Mr. Speaker, this week we will debate CAFTA. All of the Nation's major newspaper editorial boards support CAFTA. Listen to these quotes.

The Washington Post cites a study that shows U.S. income would increase by $17 billion under CAFTA. The Wall Street Journal says CAFTA would expand the market for U.S. goods with the 44 million consumers of six Central American countries. The Journal goes on to say that American farmers would be among the biggest winners under CAFTA.

USA Today says CAFTA would slash tariffs on agriculture products coming from the U.S. The L.A. Times says the benefits of free trade are evenly spread across society, citing rapid growth and higher income of free trading nations.

Even the New York Times claims that this free trade agreement ''deserves to approved.''

In addition to these editorial boards, Central American workers and leaders overwhelmingly support this agreement. Mr. Speaker, they cannot all be wrong. I, therefore, urge my colleagues to vote in favor of CAFTA. More trade means more jobs.

MEDICAL MALPRACTICE RELIEF HURTS THE COUNTRY

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

Mr. BERRY. Mr. Speaker, we are going to be back here this week and try to convince the American people that we are trying to help them with their health care costs by passing yet again a medical malpractice insurance relief act.

The really sad thing about this is it does not help the cost of health care in this country. It does improve the bottom line considerably for the insurance companies. But the most egregious parts of this is the way it protects the irresponsible drug companies. We are going to provide tort protection. We are going to provide protection from lawsuits to Merck who knowingly put a product on the market that caused 139,000 Americans to have hearts attacks unnecessarily. And they knew it would do that when they put it on the market.

We are going to provide protection to an industry that cares nothing about the health of the people. It cares nothing about anything but making a few million more dollars.

I urge this House to defeat that measure.

INSPIRING DISABLED VETERANS

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

Mr. WILSON of South Carolina. Mr. Speaker, after returning to the United States, many disabled veterans devote themselves to their community with the same dedication they displayed on the battlefields and bases around the world. Specifically, thousands of veterans put their skills and talents to use by operating successful small businesses.

Today, I am proud to announce an event that will pay special attention and tribute to service-disabled business owners. On August 19, Mr. Bernard Smith will host a charity golf tournament at Andrews Air Force Base to raise money for three disabled veterans groups. Twelve disabled veterans who served in Operation Iraqi Freedom have enthusiastically volunteered to participate in the golf tournament. These servicemembers are determined to lead full and successful lives and are an inspiration to all Americans.

Mr. Smith's leadership on this event is truly honorable. As a service-disabled business owner, he understands the importance of supporting those who have already given so much to our country.

In conclusion, God bless our troops; and we will never forget September 11 and the attacks on Egypt.

PRIVATIZING SOCIAL SECURITY

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

Mr. CARDOZA. Mr. Speaker, when are Washington Republicans going to listen to the American people?

At the beginning of this year, President Bush unveiled a general plan that would lead to the privatization of Social Security. When his plan was met with a lukewarm response, President Bush decided that he would travel around the Nation for 60 days trying to sell the American people on the concept of privatizing Social Security.

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The American people listened, and they gave President Bush a resounding no. Our constituents paid into Social Security, and they want it paid back to them when they retire. Cutting Social Security benefits that Americans have earned should always be a last resort.

And yet recently there was legislation introduced by the Republicans that would divert payroll contributions from Americans to create private accounts. By taking money away from Social Security, the Republican plan would explode the deficit or force deep cuts in guaranteed benefits our Nation's citizens have already been promised.

It is time to listen to our constituents and realize Americans are not going to back Social Security privatization. Let us strengthen Social Security rather than destroy it.

IN SUPPORT OF FREE TRADE AND CAFTA

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

Mr. HENSARLING. Mr. Speaker, this week Congress will consider the Central American Free Trade Agreement, the largest free trade agreement in over a decade. I am very proud to support this agreement that will create opportunities for the unemployed, increase wages and improve the standard of living for American workers.

According to a study of only 12 States by the U.S. Chamber of Commerce, CAFTA would create over 25,000 new jobs in these States in the first year alone. According to the American Farm Bureau, CAFTA will provide a substantial competitive advantage to U.S. farmers and ranchers, boosting agricultural exports by $1.5 billion annually.

Mr. Speaker, this historic agreement will also help consumers by delivering a greater choice of goods at lower prices. Through more trade, American families will be able to buy more, using less of their paychecks. We have over 200 years of history to prove it.

Mr. Speaker, I urge all my colleagues to reject protectionism and instead support jobs, support U.S. farmers, support consumers, and support freedom by supporting CAFTA.

WHY ARE REPUBLICANS NOT INVESTIGATING PLAME OUTING BY WHITE HOUSE OFFICIALS?

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, today, a grand jury continues to investigate into the leaking of an undercover agent's identity. Thank goodness a grand jury is taking this case seriously, since it does not appear that either the White House or House Republicans are interested in finding out who is responsible for leaking Valerie Plame's identity.

Back in the 1990s, House Republicans loved ''Roving'' around in the White House's business. House Republicans took 140 hours of testimony to investigate whether the Clinton White House misused its holiday card database. They also once asked President Clinton to explain how the White House responded to letters sent to the President's cat, Socks.

But now that we have an issue that is clearly begging for congressional oversight, House Republicans have been silent. They have not sent a single letter to the White House demanding answers. They have not held congressional hearings to investigate the impact such a leak could have on our ability to gather intelligence.

The leaking of a CIA agent's identity is a serious breach of our national security, and something must be done about it.

DOMINICAN REPUBLIC-CENTRAL AMERICAN FREE TRADE AGREEMENT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of DR–CAFTA. It is not often I agree with the editorial page of The Washington Post, but I want to commend the editorial staff for its outstanding piece today entitled ''The Stakes in CAFTA.''

The stakes in CAFTA are indeed high and go far beyond issues of tariffs and trade barriers. As the Post put it, ''While the U.S. has been focusing on terrorism, a new challenge has been brewing in its own hemisphere. House Members should consider this challenge before voting to slam the door on Central America's pro-American leaders.''

The Post concludes that CAFTA will help the poor of Latin America, creating 300,000 new jobs and a new mechanism for enforcing labor rights. I quote, ''The defeat of CAFTA would help not antipoverty movements but anti-American demagogues, starting with Mr. Chavez of Venezuela. For them, the retreat of the U.S. from partnership with Central America would be a major victory.''

Mr. Speaker, I would urge support of DR–CAFTA.

SOCIAL SECURITY

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, my colleagues have been saying all along that the recently introduced Social Security GROW Act does not address the future solvency of Social Security, that it will cut guaranteed Social Security benefits, and that it continues the raid on the Social Security Trust Fund, despite what its sponsors say.

Well, you do not have to take our word for it. Even my friends on the other side of the aisle have begun to publicly question their party's plan. The gentleman from Arizona (Mr. KOLBE) said in USA Today that ''you must eat your spinach before having dessert, and this plan only offers dessert: the personal retirement accounts.'' Senator CHUCK GRASSLEY of Iowa said in the L.A. Times that he was ''disappointed that the new House Republican bill did not address Social Security's impending insolvency.'' And the gentleman from Connecticut (Mr. SIMMONS) said to Bloomberg News, ''I do not support legislation that takes tax dollars and diverts them to private accounts.''

This legislation is not the way to preserve Social Security. As we prepare to celebrate the 70th anniversary of Social Security, we should be straightening it rather than jeopardizing our citizens' hard-earned retirement savings.

H.R. 2049, FEDERAL CONTRACTORS SECURITY ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Washington Post carries an editorial this morning on illegal immigration, and it talks about the Senate beginning to take up that issue today. I look forward to our discussion and continued work on that issue here in the House. It is an issue that is of tremendous importance to my home State of Tennessee.

I would like to call the body's attention to a bill that I filed that deals with immigration reform, H.R. 2049, the Federal Contractors Security Act. What this does is to require those companies contracting with the Federal Government to use the basic worker verification program to ensure us, the taxpayers, that the individuals working for them are in the country legally and that they are who they claim to be.

Mr. Speaker, this is a national security issue, it is a homeland security issue, it is an issue of tremendous importance. I encourage the body to look at H.R. 2049, and I encourage our leadership to take aggressive action to fight illegal immigration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later in the day.

UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3283) to enhance resources to enforce United States trade rights, as amended.

The Clerk read as follows:

H.R. 3283

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 ''United States Trade Rights Enforcement Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States producers that believe they are injured by subsidized imports from nonmarket economy countries have not been able to obtain relief through countervailing duty actions because the Department of Commerce has declined to make countervailing duty determinations for nonmarket economy countries in part because it lacks explicit legal authority to do so;

(2) explicitly making the countervailing duty law under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) applicable to actions by nonmarket economy countries would give United States producers access to import relief measures that directly target government subsidies;

(3) the Bureau of Customs and Border Protection of the Department of Homeland Security has encountered particular problems in collecting countervailing and antidumping duties from new shippers who default on their bonding obligations;

(4) this behavior may detract from the ability of United States companies to recover from competition found to be unfair under international trade laws;

(5) accordingly, it is appropriate, for a test period, to suspend the availability of bonds for new shippers and instead require cash deposits;

(6) more analysis and assessment is needed to determine the appropriate policy to respond to this and other problems experienced in the collection of duties and the impact that policy changes could have on legitimate United States trade and United States trade obligations;

(7) given the developments in the ongoing World Trade Organization (WTO) negotiations relating to trade remedies, Congress reiterates its resolve as expressed in House Concurrent Resolution 262 (107th Congress), which was overwhelmingly approved by the House of Representatives on November 7, 2001, by a vote of 410 to 4;

(8) the United States Trade Representative should monitor compliance by United States trading partners with their trade obligations and systematically identify areas of noncompliance;

(9) the United States Trade Representative should then aggressively resolve noncompliance through consultations with United States trading partners;

(10) however, should efforts to resolve disputes through consultation fail, the United States Trade Representative should vigorously pursue United States rights through dispute settlement in every available forum;

(11) given the huge growth in trade with the People's Republic of China, its impact on the United States economy, and the complaints voiced by many United States interests that China is not complying with its international trade obligations, the United States Trade Representative should place particular emphasis on identifying and resolving disputes with China that limit United States exports, particularly concerning compliance with obligations relating to intellectual property rights and enforcement, tariff and nontariff barriers, subsidies, technical barriers to trade, sanitary and phytosanitary issues, nonmarket-based industrial policies, distribution rights, and regulatory transparency;

(12) in addition, the United States Trade Representative should place particular emphasis on trade barriers imposed by Japan, specifically the Japanese trade ban on United States beef without scientific justification, the Japanese sanitary and phytosanitary restrictions on United States agricultural products, Japanese policies on pharmaceutical and medical device reference pricing, insurance cross-subsidization, and privatization in a variety of sectors that discriminate against United States companies;

(13) the fixed exchange rate that the People's Republic of China has maintained until recently has been a substantial distortion to world markets, blocking the price mechanism, impeding adjustment of international imbalances, and serving as a source of large and increasing risk to the Chinese economy;

(14) such behavior has effectively prevented market forces from operating efficiently in the People's Republic of China, distorting world trade;

(15) in a welcome move, the People's Republic of China has now begun to move to a more flexible exchange rate, and it should continue to so move to a market-based exchange rate as soon as possible;

(16) in light of this recent positive development, the Secretary of Treasury should provide to Congress a periodic assessment of the mechanism adopted by the Chinese Government to relate its currency to a basket of foreign currencies and the degree to which the application of this mechanism moves the currency closer to a market-based representation of its value;

(17) in addition, Japan's policy of intervening to influence the value of its currency and its prolific barriers to trade create distortions that disadvantage United States exporters;

(18) this adverse impact is magnified by Japan's role in the global marketplace, combined with its chronic surplus, weak economy, deflationary economy, low growth rate, and lack of consumer spending; and

(19) accordingly, the United States Trade Representative should have additional resources in the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs to address a variety of needs that will best enable United States companies, farmers, and workers to benefits from the trade agreements to which the United States has around the world.

SEC. 3. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

(a) AMENDMENTS.—

(1) COUNTERVAILING DUTIES IMPOSED.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting ''(including a nonmarket economy country)'' after ''country'' each place it appears.

(2) DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(E) of such Act (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following new sentences: ''With respect to the People's Republic of China, if the administering authority encounters special difficulties in calculating the amount of a benefit under clause (i), (ii), (iii), or (iv) of this subparagraph, the administering authority may use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. When applying such methodologies, where practicable, the administering authority should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.''.

(b) PROHIBITION ON DOUBLE COUNTING.—In applying section 701(a)(1) of the Tariff Act of 1930, as amended by subsection (a), to a class or kind of merchandise of a nonmarket economy country, the administering authority shall ensure that—

(1) any countervailable subsidy is not double counted in an antidumping order under section 731 of such Act (19 U.S.C. 1673) on the same class or kind of merchandise of the country; and

(2) the application of section 701(a)(1) of such Act is consistent with the international obligations of the United States.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any petition filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after 30 days after the date of the enactment of this Act, and the provisions contained in subsection (b) apply to any subsequent determination made under section 733, 735, or 751 of such Act (19 U.S.C. 1673b, 1673d, or 1675).

SEC. 4. NEW SHIPPER REVIEW AMENDMENT.

(a) SUSPENSION OF THE AVAILABILITY OF BONDS TO NEW SHIPPERS.—Clause (iii) of section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)(iii)) shall not be effective during the 3-year period beginning on the date of the enactment of this Act.

(b) REPORT ON THE IMPACT OF THE SUSPENSION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of Homeland Security, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing—

(1) recommendations on whether the suspension of the effectiveness of section 751(a)(2)(B)(iii) of the Tariff Act of 1930 should be extended beyond the date provided in subsection (a) of this section; and

(2) assessments of the effectiveness of any administrative measures that have been implemented to address the difficulties giving rise to the suspension under subsection (a) of this section, including—

(A) problems in assuring the collection of antidumping duties on imports from new shippers; and

(B) burdens imposed on legitimate trade and commerce by the suspension of availability of bonds to new shippers by reason of the suspension under subsection (a).

(c) REPORT ON COLLECTION PROBLEMS AND ANALYSIS OF PROPOSED SOLUTIONS.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Commissioner of the Bureau of Customs and Border Protection and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report describing the major problems experienced in the collection of duties, including fraudulent activities intended to avoid payment of duties, with an estimate of the total amount of uncollected duties for the previous fiscal year and a breakdown across product lines describing the reasons duties were uncollected.

(2) RECOMMENDATIONS.—The report shall make recommendations on additional actions to address remaining problems related to duty collections and, for each recommendation, provide an analysis of how the recommendation would address the specific problem or problems cited and the impact that implementing the recommendation would have on international trade and commerce (including any additional costs imposed on United States businesses and whether the implementation of the revision is likely to violate any international trade obligations).

SEC. 5. COMPREHENSIVE MONITORING OF COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA WITH ITS INTERNATIONAL TRADE OBLIGATIONS.

(a) INTELLECTUAL PROPERTY RIGHTS COMPLIANCE.—

(1) IN GENERAL.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic China has taken the following steps:

(A) The Chinese Government has increased the number of civil and criminal prosecutions of intellectual property rights violators by the end of 2005 to a level that significantly decreases the current amount of infringing products for sale within China.

(B) China's Supreme People's Court, Supreme People's Procuratorate, and Ministry of Public Security have issued draft guidelines for public comment to ensure the timely referral of intellectual property rights violations from administrative bodies to criminal prosecution.

(C) The Chinese Ministry of Public Security and the General Administration of Customs have issued regulations to ensure the

timely transfer of intellectual property rights cases for criminal investigation.

(D) The Chinese Ministry of Public Security has established a leading group responsible for overall research, planning, and coordination of all intellectual property rights criminal enforcement to ensure a focused and coordinated nationwide enforcement effort.

(E) The Chinese Government has established a bilateral intellectual property rights law enforcement working group in cooperation with the United States whose members will cooperate on enforcement activities to reduce cross-border infringing activities.

(F) The Chinese Government has aggressively countered movie piracy by dedicating enforcement teams to pursue enforcement actions against pirates and has regularly instructed enforcement authorities nationwide that copies of films and audio-visual products still in censorship or import review or otherwise not yet authorized for distribution are deemed pirated and subject to enhanced enforcement.

(G) By the end of 2005, the Chinese Government has completed its legalization program to ensure that all central, provincial, and local government offices are using only licensed software and by the end of 2006 has extended the program to enterprises (including state-owned enterprises).

(H) The Chinese Government, having declared that software end-user piracy is considered to constitute ''harm to the public interest'' and as such will be subject to administrative penalties nationwide, has initiated civil and criminal prosecutions of software end-user violators.

(I) The Chinese Government has appointed an Intellectual Property Rights Ombudsman at the Chinese Embassy in Washington, D.C., to serve as the point of contact for United States companies, particularly small- and medium-sized businesses, seeking to secure and enforce their intellectual property rights in China or experiencing intellectual property rights problems in China.

(J) The relevant Chinese agencies, including the Ministry of Commerce, the China Trademark Office, the State Intellectual Property Office, and the National Copyright Administration of China have significantly improved intellectual property rights enforcement at trade shows and issued new regulations to achieve this goal.

(K) Not later than June 30, 2006, the Chinese State Council has submitted to the National People's Congress the legislative package needed for China to accede to the World Intellectual Property Organization (WIPO) Internet treaties.

(L) The Chinese Government has taken steps to enforce intellectual property right laws against Internet piracy, including through enforcement at Internet cafes.

(M) The Chinese Government, having confirmed that the criminal penalty thresholds in the 2004 Judicial Interpretation are applicable to sound recordings, has instituted civil and criminal prosecutions against such violators.

(N) The Chinese Government has initiated civil and criminal prosecutions against exporters of infringing recordings.

(2) DISPUTE SETTLEMENT PROCEEDINGS IN WTO.—If the President determines that the People's Republic of China has not met each of the obligations described in subparagraphs (A) through (N) of paragraph (1) or taken steps that result in significant improvements in protection of intellectual property rights in accordance with its trade obligations, then the President shall assign such resources as are necessary to collect evidence of such trade agreement violations for use in dispute settlement proceedings against China in the World Trade Organization.

(b) ACCESS FOR EXPORTS OF UNITED STATES GOODS.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has taken steps to ensure that United States products can be freely distributed in China, including by approving a significant backlog of distribution license applications and by preparing a regulatory guide for businesses seeking to acquire distribution rights that expands on the guidelines announced in April 2005.

(2) Chinese officials have permitted all enterprises in China, including those located in bonded zones, to acquire licenses to distribute goods throughout China.

(3) The Chinese Government has submitted regulations on management of direct selling to the Chinese State Council for review and taken any additional steps necessary to provide a legal basis for United States direct sales firms to sell United States goods directly to households in China.

(4) The Chinese Government has issued final regulations on direct selling, including with respect to distribution of imported goods and fixed location requirements.

(c) ACCESS FOR EXPORTS OF UNITED STATES SERVICES.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) The Chinese Government has convened a meeting of the U.S.-China Insurance Dialogue before the end of 2005 to discuss regulatory concerns and barriers to further liberalization of the sector.

(2) The Chinese Government has made senior level officials available to meet under the JCCT Information Technology Working Group to discuss capitalization requirements, resale services, and other issues as agreed to by the two sides.

(d) ACCESS FOR UNITED STATES AGRICULTURE.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Agriculture shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has completed the regulatory approval process for a United States-produced corn biotech variety.

(2) China's Administration of Quality Supervision, Inspection and Quarantine has implemented the 2005 Memorandum of Understanding between the United States and China designed to facilitate cooperation on animal and plant health safety issues and improve efforts to expand United States access to China's markets for agricultural commodities.

(e) ACCOUNTING OF CHINESE SUBSIDIES.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has provided a detailed accounting of its subsidies to the World Trade Organization by the end of 2005.

(f) REPORTS.—

(1) BIANNUAL REPORT.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President should transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a) through (e) of this section (other than obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e));

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

(2) MONTHLY REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the President should transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e);

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

SEC. 6. REPORTS ON CURRENCY MANIPULATION BY FOREIGN COUNTRIES.

(a) REPORT ON CURRENCY MANIPULATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that—

(1) defines currency manipulation;

(2) describes actions of foreign countries that will be considered to be currency manipulation; and

(3) describes how statutory provisions addressing currency manipulation by trading partners of the United States contained in, and relating to, section 40 of the Bretton Woods Agreements Act (22 U.S.C. 286y) and sections 3004 and 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304 and 5305) can be better clarified administratively to provide for improved and more predictable evaluation.

(b) REPORT ON ACTIONS BY CHINA.—

(1) IN GENERAL.—In light of the recent positive announcement by the Government of the People's Republic of China with respect to increased exchange rate flexibility, the

Secretary of the Treasury shall submit to the appropriate congressional committees a report that examines the mechanism adopted by the Chinese Government to relate its currency to a basket of foreign currencies and the degree to which the application of this mechanism moves the currency closer to a market-based representation of its value.

(2) DEADLINE.— The initial report required by this subsection shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act and subsequent reports shall be included in the report required under section 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305).

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Ways and Means and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 141(g)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $44,779,000 for fiscal year 2006.

''(ii) $47,018,000 for fiscal year 2007.''.

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to section 141(g)(1)(A) of the Trade Act of 1974 before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE GENERAL COUNSEL AND CERTAIN OTHER OFFICES.—There are authorized to be appropriated to the Office of the United States Trade Representative for the appointment of additional staff in or enhanced activities by the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs—

(1) $4,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the enforcement of United States rights and of obligations of United States trading partners under trade agreements has gained such significance that the United States Trade Representative should determine which of its current positions is most responsible for carrying out these important enforcement duties and should assign that position, in addition to any other title, the title of Chief Enforcement Officer.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $62,752,000 for fiscal year 2006.

''(ii) $65,890,000 for fiscal year 2007.''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to section section 330(e)(2)(A) of the Tariff Act of 1930 before the date of the enactment of this Act.

(c) STUDY AND REPORT ON TRADE AND ECONOMIC RELATIONS WITH CHINA.—

(1) STUDY.—

(A) IN GENERAL.—The United States International Trade Commission shall carry out a comprehensive study on trade and economic relations between the United States and the People's Republic of China which addresses China's economic policies, including its exchange rate policy, the competitiveness of its industries, the composition and nature of its trade patterns, and other elements impacting the United States trade account, industry, competitiveness, and employment.

(B) REQUIREMENTS.—In carrying out the study under subparagraph (A), the United States International Trade Commission shall undertake the following:

(i) An analysis of the United States trade and investment relationship with China, with a focus on the United States-China trade balance and trends affecting particular industries, products, and sectors in agriculture, manufacturing, and services. The analysis shall provide context for understanding the U.S.-China trade and investment relationship, by including information regarding China's economic relationships with third countries and China's changing policy regime and business environment. The analysis shall include a focus on United States-China trade in goods and services, United States direct investment in China, China's foreign direct investment in the United States, and the relationship between trade and investment. The analysis shall make adjustments, where possible, for merchandise passed through Hong Kong.

(ii) An analysis of the competitive conditions in China affecting United States exports and United States direct investment. The analysis shall take into account, to the extent feasible, significant factors including tariffs and non-tariff measures, competition from Chinese domestic firms and foreign-based companies operating in China, the Chinese regulatory environment, including specific regulations and overall regulatory transparency, and other Chinese industrial and financial policies. In addition, the analysis shall examine the specific competitive conditions facing United States producers in key industries, products, services, and sectors, potentially including computer and telecommunications hardware, textiles, grains, cotton, and financial services based on trade and investment flows.

(iii) An examination of the role and importance of intellectual property rights issues, such as patents, copyrights, and licensing, in specific industries in China, including the pharmaceutical industry, the software industry, and the entertainment industry.

(iv) An analysis of the effects on global commodity markets of China's growing demand for energy and raw materials.

(v) An examination of whether or not increased United States imports from China reflect displacement of United States imports from third countries or United States domestic production, and the role of intermediate and value-added goods processing in China's pattern of trade.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study carried out under paragraph (1).

SEC. 9. SENSE OF CONGRESS REGARDING EXPANSION OF MEMBERSHIP IN THE AGREEMENT ON GOVERNMENT PROCUREMENT OF THE WTO.

(a) FINDINGS.—Congress finds the following:

(1) Nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement of goods and services is essential so that governments can acquire the best goods to meet their needs for the best value.

(2) The Agreement on Government Procurement (GPA) of the World Trade Organization (WTO) provides a multilateral framework of rights and obligations founded on such principles.

(3) The United States is a member of the GPA, along with Canada, the European Union (including its 25 member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, and Switzerland.

(4) Albania, Bulgaria, Georgia, Jordan, the Kyrgyz Republic, Moldova, Oman, Panama, and Taiwan are currently negotiating to accede to the GPA.

(5) The People's Republic of China joined the WTO in December 2001, signaling to the international community its commitment to greater openness.

(6) When China joined the WTO, it committed, in its protocol of accession, to negotiate entry into the GPA ''as soon as possible''.

(7) More than 3 years after its entry into the WTO, China has not commenced negotiations to join the GPA.

(8) Recent legal developments in China illustrate the importance and urgency of expanding membership in the GPA.

(9) In 2002, China enacted a law on government procurement that incorporates preferences for domestic goods and services.

(10) The first sector for which the Chinese Government has sought to implement the new government procurement law is computer software.

(11) In March 2005 the Chinese Government released draft regulations governing the procurement of computer software.

(12) The draft regulations require that non-Chinese software companies meet conditions relating to outsourcing of software development work to China, technology transfer, and similar requirements, in order to be eligible to participate in the Chinese Government market.

(13) As a result of the proposed regulations, it appears likely that a very substantial amount of American software will be excluded from the government procurement process in China. The draft software regulations threatened to close off a market with a potential value of more than $8 billion to United States firms.

(14) United States software companies have made a substantial commitment to the Chinese market and have made a substantial contribution to the development of China's software industry.

(15) The outright exclusion of substantial amounts of software not of Chinese origin that is apparently contemplated in the regulations is out of step with domestic preferences that exist in the procurement laws and practices of other WTO member countries, including the United States.

(16) The draft regulations do not adhere to the principles of nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement embodied in the GPA.

(17) The software piracy rate in China has never fallen below 90 percent over the past 10 years.

(18) Chinese Government entities represent a very significant portion of the software market in China that is not dominated by piracy.

(19) The combined effect of rampant software piracy and the proposed discriminatory government procurement regulations will be a nearly impenetrable barrier to market access for the United States software industry in China.

(20) The United States trade deficit with China in 2004 was $162,000,000,000, the highest with any economy in the world, and a 12.4 percent increase over 2003.

(21) China's Premier, Wen Jiabao, has committed to rectify this serious imbalance by increasing China's imports of goods and services from the United States.

(22) The proposed software procurement regulations that were described by the Chinese Government in November 2004 incorporate policies that are fully at odds with Premier Wen's commitment to increase China's imports from the United States, and will add significantly to the trade imbalance between the United States and China.

(23) Once it is fully implemented, the discriminatory aspects of China's government procurement law will apply to all goods and services that the government procures.

(24) Other developing countries may follow the lead of China.

(25) In July 2005, senior officials of the Chinese Government announced at the U.S.-China Joint Committee on Commerce and Trade that China would accelerate its efforts to join the GPA and toward this end will initiate technical consultations with other WTO member countries and accordingly delay issuing draft regulations on software procurement, as it further considers public comments and makes revisions in light of WTO rules.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should strive to expand membership in the Agreement on Government Procurement of the World Trade Organization (WTO);

(2) the Government of the United States should ensure that the Government of the People's Republic of China meets its WTO obligations as recently affirmed through its commitment in July 2005 through the U.S.-China Joint Committee on Commerce and Trade, to join the WTO Agreement on Government Procurement.

(3) the Government of the United States should seek a commitment from the Government of the People's Republic of China to maintain its suspension of the implementation of its law on government procurement, pending the conclusion of negotiations to accede to the Agreement on Government Procurement of the WTO;

(4) the Government of the United States should seek commitments from the Government of the People's Republic of China and other countries that are not yet members of the Agreement on Government Procurement of the WTO to implement the principles of openness, transparency, fair competition based on merit, nondiscrimination, and accountability in their government procurement as embodied in that agreement; and

(5) the President should direct all appropriate officials of the United States to raise these concerns with appropriate officials of the People's Republic of China and other trading partners.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

The United States Trade Rights Enforcement Act, as amended, is a compendium of a number of positions that have been expressed in a bipartisan way by Members of this House in regard to some of our trading partners.

This bill has been identified as an ''anti-China'' bill. That simply is not the case. The provisions to assist us in determining how you examine a nonmarket economy and determine whether or not it is carrying out practices that are in violation of the WTO is applied to any country with a nonmarket economy.

It is true that there are monitoring provisions dealing with agreements that China has voluntarily laid on the table; for example, moving away from the Government of China using counterfeit software and, therefore, protecting intellectual property rights, and China assigned itself the date of the end of calendar year 2005. This merely creates a monitoring process to determine how it can be achieved.

The bill is very timely because it includes another monitoring process just recently announced by the Government of China dealing with its currency, its desire to unpeg its currency to the U.S. dollar and have it move modestly against a basket of world currencies. That also, in this legislation, would be monitored.

I am pleased to say that the gentleman from New York (Mr. RANGEL) and the gentlewoman from Connecticut (Mrs. JOHNSON) have examined and offered a resolution on the government procurement agreement of the World Trade Organization urging China to fully participate. That is included as well.

This bill is designed to meet a number of Members' particular concerns focused on world trade, not just China. For example, additional money is being provided to the United States Trade Representative for enforcement purposes. Yes, it includes the Office of China Affairs, but I do want Members to know it also includes the Office of Japan, Korea, and Asian Pacific Affairs because there are several provisions in here monitoring, frankly, the Government of Japan based upon its unfair trade practices, most focused on the use of so-called sanitary and phytosanitary measures as, in fact, nontariff trade barriers.

So this is a compendium of concerns presented at a time that the trade issues will be in front of us this week, and leadership felt, and I agree as well, that this measure allows us to focus beyond this hemisphere, in fact, at major trading partners and behavior that we have seen not just in terms of providing tools to enforce U.S. trade rights, but to monitor personal individual and voluntary commitments made by governments as well.

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

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

Mr. Speaker, we object to the suspension calendar being used for political purposes. As most of us know, this calendar is supposed to be used to expedite legislation that is not controversial and has no substantial opposition. One would hardly believe that this bill is on the calendar today for purposes of improving our trade relationship with the People's Republic of China.

Clearly, for those who are following the Central American Free Trade Agreement with the Dominican Republic, they know that this is another effort to elicit votes for a bill that has not got bipartisan support and should have bipartisan support. I think it is bad policy and bad politics for our foreign policy and certainly our trade policy to be used in an effort to solicit votes or to be done in a partisan way to see who won and who lost.

The chairman of the committee is right that the Democrat side as well as working with the gentlewoman from Connecticut (Mrs. JOHNSON) is very anxious to clear up the complexities that put the United States at a disadvantage as relates to dealing with the Chinese Government. But at the same time, we truly believe that these bills should not be the Rangel bill with Democrats or the English bill with Republicans, but rather a bill that we can say as members of the Committee on Ways and Means and as Member of Congress that we have taken it to the committees, we have had hearings, and we have come out with a position that you do not have to check the party to know whether it is right or whether it is wrong.

There is a substantial difference between the bills that the Democrats put in, which certainly deals with the provisions that are in the bill before us today, but also it prevents the loopholes that are in that bill and provides for other considerations that would make this a better bill and improve our relationship with China.

Again, Mr. Speaker, this bill has nothing to do with China and has everything to do with an attempt to get votes for DR–CAFTA. We hope that a vote against this bill will send a message to Democrats and Republicans not to use the procedures of the House for political purposes; to not put controversial bills on the suspension calendar, and to take them to the committee of jurisdiction where they belong so that they can be discussed, debated, and then brought to the floor in a bipartisan way so that we can look at it.

Mr. Speaker, I hope this bill is pulled so that we do not have to take a vote on it.

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

□ 1045

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

Mr. Speaker, I find it ironic that the gentleman from New York (Mr. RANGEL) would call this bill controversial. Perhaps there may be some envy as opposed to who gets credit, and I apologize for mentioning his name if that is his concern. What we do not want to do is engage is unnecessary bashing, as it has been said.

This is a responsible bill. Some of the other measures, and we saw that in the

hearings that the Committee on Ways and Means has had over China and other trade concerns, this bill is backed by hearings notwithstanding what the gentleman from New York (Mr. RANGEL) said. But most of the other pieces of legislation in fact violate the very WTO rules that we desire China and other nations to follow.

This bill does not do that. It is a responsible bill responding in ways that are appropriate. Inappropriate responses that actually violate the WTO rules when trying to make the point that other nations should follow them is, in fact, irresponsible.

Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Pennsylvania (Mr. ENGLISH) who has been instrumental in producing this bill, and that the gentleman from Pennsylvania (Mr. ENGLISH) may control the remainder of the time.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, the argument from the other side of the aisle that this issue is somehow tied to CAFTA, I think, is particularly striking and particularly odd because the underlying bill that we are considering today should be on the consent calendar; it should not be controversial with the bulk of people in this Congress who care about the American economy.

Mr. Speaker, today the House has the opportunity to vote on a bill that will take the largest step toward strengthening our trade remedy laws in over 15 years. This bill is a comprehensive approach towards eliminating many of the inequities that exist in our trading relationships, particularly our bilateral U.S.-China trade relationship. It holds China and others accountable and creates tough mechanisms to ensure compliance with trade agreements and provides tools for us to gain compliance should our trading partners, particularly China, fail to do so.

Voting for this bill today will send a strong signal to Beijing that Congress will not sit idly by while China's mercantilist trade policy injures U.S. employers and costs us jobs. Voting for this bill today will send a strong signal to China and every country that this Congress will do what it takes to ensure that our trading partners fully abide by the rules and are not rewarded with unfettered access to our market when they are not prepared to make the tough choices to follow the international rules.

It is clear that voting against this bill will send a very dangerous signal that this Congress is willing to turn a blind eye to Chinese complacency and we continue with the status quo of unfairness to our producers.

Mr. Speaker, this bill is a strong, responsible, and comprehensive initiative that would close an existing loophole that bars the use of the countervailing duty law against nonmarket economies such as China. Right now a major tool in our arsenal is unavailable in dealing with a nonmarket economy or communist countries. It is ridiculous that when we find subsidies in France, Japan, Brazil, or Taiwan, we can use countervailing duties to strip the benefits of those subsidies, but we cannot do so if we find the same subsidies in China or Vietnam.

This bill would establish a strong and external system to audit China's compliance with trade obligations on intellectual property rights, market access, and transparency; and it would place Congress strongly on the record as opposing attempts to use the WTO to water down domestic trade law protections.

It would require the Treasury Department to define currency manipulation and clarify legal protections against China and other countries that manipulate their currency. It would increase funding for the United States trade representative to create more trade cops to improve enforcement of existing trade laws.

By replacing current bonds that are used by new shippers in antidumping cases with cash deposits, we are dealing with one of the biggest loopholes.

Finally, it would authorize funding for the International Trade Commission.

Mr. Speaker, passage of this legislation is essential for the economic future of the next generation, for the future of good-paying jobs in places like northwestern Pennsylvania where we make things for a living. We need this legislation passed by a Congress willing to come together, to put aside its political differences, and certainly not vote down this legislation merely for political positioning on another trade agreement.

Mr. Speaker, I urge passage of this key legislation. This is the top trade vote of this year, and everyone will be counted on it.

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

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), the distinguished ranking member of the Subcommittee on Trade.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, normally the gentleman from Pennsylvania (Mr. ENGLISH) and I are on the same side when it comes to antidumping and countervailing duty bills. Both of us have a strong desire to make sure that our antidumping laws and countervailing duty laws are enforced, particularly as it relates to our manufacturing industries. We differ on this bill.

This bill purports to move forward and clarify the use of countervailing duty remedies against nonmarket economies, but it establishes two new loopholes that will make it difficult for industry to get relief. It is already difficult for industry to get relief. This bill will make it more difficult.

I find it difficult how people can understand our debate here today. These are very complicated issues talking about double counting. I would like to have a debate with the gentleman from Pennsylvania (Mr. ENGLISH) in regards to problems of double counting. These are complex issues. This bill is on the suspension calendar. We cannot even offer any amendments or substitutes. We are limited to 40 minutes of debate. That is not the way we should be talking about a major issue concerning our relationships with nonmarket economies and our trading rules.

This bill does address some specific issues, but does not address the problems. As it deals with countervailing duties, it creates two new problems for cases to be filed.

In regard to currency manipulation by China, an issue that many of us have talked about on this floor, what does this bill do, it sets up another study by the Treasury Department. We already know what they are going to do. They have already reported back to us. We need action.

In regard to the use of safeguards, no action in this bill.

International property violations, no action in this bill.

In regards to the loophole Chinese exporters have to avoid paying duties, it provides a temporary 3-year provision rather than permanently fixing the action.

Despite what the gentleman from Pennsylvania said, there is no new money in this bill in order to enforce our laws. We have already gone through the appropriation process what this bill purports to do through the suspension calendar.

Mr. Speaker, we should be able to consider H.R. 3306 introduced by the gentleman from New York (Mr. RANGEL). That bill would fix the countervailing duty problems we have with nonmarket economies such as China. It would allow us to take action against Chinese manipulation of currency. It would allow action to be taken in regards to the safeguards that we have negotiated with China on the WTO accession agreement. It would provide permanent relief in regards to the loophole that Chinese exporters are currently using to avoid duties.

That is the legislation we should be able to consider, at least through amendment, but we cannot because of the process that is being used here. The bottom line is this legislation actually creates more problems in industry being able to bring antidumping or countervailing duty actions, and we should not be making it more difficult. It is already too difficult for industries to get the type of relief that they desire. We should have a full and open debate on our relationship with nonmarket economies. This legislation does not allow us to do it. I urge my colleagues to reject the suspension.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), the distinguished chairman of the Subcommittee on Trade.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time. I rise today in strong support of this legislation.

I first want to recognize the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means Subcommittee on Trade, for his persistence in bringing this bill to the House floor.

Today, China continues its emergence as a major global market. As a member of the World Trade Organization, China has developed competitive domestic industries. However, as a World Trade Organization member, China must comply with international standards which promote fairness and respect for the rule of law.

Many in this Chamber, including myself, feel that Beijing can do a much better job in demonstrating to the world that its markets are transparent and fair both to consumers and exporters to China. At the same time, we have to be focused and pragmatic in determining how we can be most effective in establishing checks. This is not and should not continue to be an opportunity for political rhetoric that I have heard here this morning.

The legislation before us allows for a number of these checks. In this bill we create an extensive monitoring of the Chinese market and its compliance on a range of issues, such as intellectual property enforcement, whether the currency mechanism is being implemented properly, market access to the United States goods, and its accountability of Chinese subsidies.

I am pleased to hear the news out of Beijing and the Chinese Government that the Chinese Government has decided to float its currency against a basket of currencies and has appreciated the currency to a certain degree after 10 years. This first step is a positive one, but it must not be met without oversight. We must continue engaging the Chinese Government on the importance of a complete movement toward a managed float of its currency.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a former ranking member of the Subcommittee on Trade of the Committee on Ways and Means.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this bill before us, in a word, is a smoke screen; and it has so little smoke, let alone any fire, that Members can see straight through it.

At its very best, it is feeble; at its worse, it disguises what the real problem is.

The gentleman from New York (Mr. RANGEL) raised the issue why this is on suspension. The gentleman from New York (Mr. RANGEL), I, and others introduced legislation, H.R. 3306. And I want to ask the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. ENGLISH), and the gentleman from California (Chairman THOMAS), why not put this bill not on suspension but regular order? Why not sit down with Democrats, including the gentleman from New York (Mr. RANGEL) and others, the gentleman from Maryland (Mr. CARDIN) and myself, and try to come up with a truly bipartisan bill? The other side of the aisle has not done that.

They say they are adding provisions adding countervailing duties, but then they add other provisions which make it essentially impossible to work. They talk about currency. I say to the gentleman from Pennsylvania (Mr. ENGLISH), it is more reports. The Rangel bill talks about more than reports.

The Rangel bill has a definition of currency manipulation and the ability under 301 to do something about it. The Rangel bill also recreates super-301 so we will indeed be able to take action and ensures that this administration will take action when China does not meet its commitments.

□ 1100

This bill should be voted down so that we can have an honest discussion and debate on this floor about the way to handle this problem. The gentleman from California (Mr. THOMAS) said something about WTO violation. The bill that the gentleman from New York (Mr. RANGEL) introduced is completely consistent with our WTO obligations. So bringing that up is a total dodge.

This is an effort, I guess, to give some people some cover to vote for another bill. We should not be handling our relationships with China in that manipulative a way. I urge everybody to vote ''no'' on this bill and give this Congress, this House that is supposed to be the people's House, a chance to discuss this bill with amendments. This is another example of the abuse of power by this majority, stifling debate, trying to stuff things through on suspension, 40 minutes, no amendment.

What is going to happen is, I think, that this bill will be voted down so that we can take an honest, serious look at this problem on a bipartisan basis.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, perhaps it is the eternal lament of a minority within a legislative body to focus constantly on process and to share their frustrations with process. But perhaps it is better to focus on policy and what this legislation, which I support, will do.

The 40th President of the United States, the late Ronald Wilson Reagan, enshrined these three words as part of American policy: trust but verify. The legislation on the floor today deals with verification. I say as one who opposed a trading agreement with China that this legislation brings the monitoring capacity necessary to understand what happens in international trade. Simply stated, Madam Speaker, if you want to get in the game, play by the rules.

While we have seen all sorts of counterfeiting and theft of American intellectual property, this legislation takes steps to put that to a stop and to monitor the behavior. Trust but verify. Vote ''yes'' on this legislation.

Mr. RANGEL. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Speaker, I thank the gentleman from New York for yielding me this time. As always, the devil is in the details. Ladies and gentlemen, this law guts the countervailing duties provisions that we have been living by.

Check this out: traditionally, the data that we use to determine whether or not a subsidy takes place is used by basing that data on comparable market economies. So we want to trust, but we want to verify. This bill requires the administration to use data from China. We are going to be basing our decisions on data that is gathered by the People's Republic of China. If China's data says there is no subsidy, well, then, there is no subsidy, regardless of what the other comparable economies might say. We are going to trust an administration that has brought one WTO case since 2001, and we want to try to compete with the Chinese?

Last week in the Education Committee, we cut $11 billion from Pell grants. No Child Left Behind is underfunded. We have millions of kids living in poverty. Meanwhile, the Chinese graduated 700,000 engineers last year. We graduated 35,000. Healthy, educated children and enforce international law, that is how you compete with the Chinese.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself 30 seconds.

First of all, the last speaker appears to have read the other party's bill, not ours. The Democrats' bill is actually weaker than our bill because it ignores a recommendation by the GAO to authorize the Commerce Department to use third-country information in countervailing duty cases against China consistent with China's WTO accession commitment. Without this provision, the countervailing duty provision would be difficult to use and could be subject to endless court challenges. They have simply misread this legislation and done it in an egregious way.

Madam Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), a distinguished member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in strong support of H.R. 3283. As one who advocated China's entry into the WTO, I am concerned and disappointed with China's passage of a law on government procurement that incorporates strong preferences for domestic goods and services, fostering discrimination against, for example, software companies that have made a substantial commitment to the development of the Chinese software industry. The combined effect of rampant software piracy and the proposed discriminatory government procurement regulations will create a nearly impenetrable barrier to U.S. software. This at a time when the trade deficit with China is at an all-time high.

Madam Speaker, I call on the Chinese Government to immediately enter into negotiations to accede to the agreement on government procurement of the WTO as they committed to 3 years ago and to suspend the implementation of its law on government procurement.

I urge my colleagues to vote overwhelmingly for this bill to send a very strong message to China on all the fronts the bill covers, not the least of which is government procurement. We have the chance to send a strong message and take strong action, and this bill will do it.

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

I think this discussion, especially the opposition to the Rangel bill by the gentleman from Pennsylvania (Mr. ENGLISH), just shows the complexity as well as sincerity of those people that would like to put some checks on the conduct of the Chinese trade people and I think emphasizes why this bill should not be on the suspension calendar.

Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman from New York for yielding me this time.

Madam Speaker, we have been here before. Congress has often resorted to bills and memoranda of understanding concerning China. But the U.S. trade deficit with China has continued to increase. So I am not going to stand here and argue process. We can look at the history and the fact of the whole architecture of agreements that we have had with China, memoranda of understanding, concerns that Members of Congress from both sides of the aisle brought to this floor in order to try to manage United States trade with China.

Remember we were told that a memorandum of understanding on prison labor with China would remove their competitive advantage and restore balanced trade. But the U.S. trade deficit with China worsened.

Remember the agreement to reaffirm the 1992 market access memorandum of understanding. We passed that, but the U.S. trade deficit with China grew worse.

Remember China's agreement to lower tariffs on imports. They cut the tariffs from 42 percent to 23 percent, then to 17 percent, then to 12 percent. But the U.S. trade deficit with China got worse.

Remember China stopped arbitrary limits on maintaining agricultural imports. That was supposed to be a boon for the United States. But the U.S. trade deficit with China got worse. That is exactly the story that we see with NAFTA and the WTO and, this week, CAFTA.

Why does the U.S. trade deficit with China keep getting worse no matter what we do? No matter what our best intentions are? The U.S. trade deficit with China keeps getting worse because labor costs in China are so much cheaper.

Hello? Wake up, America. We are giving away our jobs here, and the central issue is the cheap labor in China. You can pass all of these agreements you want. They are not going to amount to a hill of beans, because the fact of the matter is that the U.S. trade deficit in China will continue to grow, it will approach $200 billion, as long as the labor costs are cheaper. That is why we are losing jobs. That is why the trade deficit is growing. That is why we are losing market share. With all due respect to my good friend from Pennsylvania, I do not see this bill amounting to anything. Vote against it.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA), a distinguished member of the Committee on Ways and Means and an authentic advocate of fair trade.

Mr. CHOCOLA. I thank the gentleman for yielding time.

Madam Speaker, before being elected to Congress, I ran a manufacturing business that did a significant percentage of our sales outside the United States. I have seen the opportunities of free trade and the global marketplace, and I have seen how those opportunities can lead to jobs right here at home. We did business in over 100 countries, including countries like China. I am convinced that China needs to be a strong trading partner with the United States long term. But for China to successfully and fairly participate in the global marketplace, they must live up to their trade obligations. They must respect and enforce intellectual property rights. They must open market access for U.S. goods, services, and agriculture. They must not manipulate their currency to distort trade.

The Trade Rights Enforcement Act offers a wide range of measures to ensure China abides by its international commitments. Madam Speaker, with a level playing field, U.S. businesses can compete with anybody anywhere at any time. With 96 percent of the world's consumers outside the United States, the global marketplace holds great promise. This bill is a strong tool to make sure China abides by the rules of free trade and puts U.S. businesses in a competitive position to take advantage of those opportunities. I encourage all of my colleagues to support the Trade Rights Enforcement Act.

Mr. RANGEL. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Madam Speaker, let me thank the gentleman from New York for yielding me this time.

Madam Speaker, this legislation in front of us today as it relates to China is about one thing and one thing only: providing political cover for those who are reluctant to embrace CAFTA. That is all this is about. It is about outing CAFTA. The majority realizes if they simply put CAFTA on the floor, they do not have even the muscle in this instance to put this legislation through. So what are we doing instead? We are offering a veneer to the American people, a ruse, as it relates to the problems we are having with our trade practices in China.

Is there anybody who believes that this is about to alter our trading practices with China? We all know it is badly out of balance. And this legislation makes the problem worse.

Currency manipulation in this legislation, no action. Dealing with Chinese trade barriers in this legislation, no action. We are going to monitor and study. I think that if they put a study in front of this House, we all ought to take a test on it in 2 years. Sit down and we will all pay attention to the test that they offer. Imagine in a serious issue like this, we are going to ask for studies.

Safeguards, no action. Subsidies, they create more loopholes than they address. On customs duties, they have a 3-year, but listen to this, temporary measure to deal with the issue.

This is a sloppy bill. It is going to do more harm than good. When it is over, the professors will have their jobs, the trade lawyers will have their jobs, the editorial writers across the country will have their jobs; but the men and women of organized labor who call this for what it is, they know that their jobs are at risk and they are opposed to this legislation. It guts trade laws, and it gives more power to WTO. It purports to help solve problems with customs enforcement. It makes them worse. It does not require China to make meaningful changes to its policy of currency manipulation. How much more emphasis can we put on that issue in this institution? We need to recalibrate our trading relationship with China. This will not do it, and everybody knows it. An emphasis on that term, recalibrate our trading relationship with China.

When we get done with this legislation today, and there is some question

as to whether or not they can pass it, I am just going to close on this note. We have a highly regarded regular order in this institution of the responsibilities of the Committee on Ways and Means, the committee that many members of this institution desire to be on. You do not go around the committee the way this is being done. You go through the committee. You have hearings with a respected tradition in this House of Representatives for the Committee on Ways and Means. You do not do this through the back door.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. REYNOLDS), a distinguished advocate of fair trade and a member of the Subcommittee on Trade.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

□ 1115

Mr. REYNOLDS. Madam Speaker, I recently hosted roundtables with manufacturers in my district. Whether it is currency manipulation or unfair subsidies, it is clear that our local employers have long had enough of the way China cheats on trade.

As John Hoskins of Curtis Screw in Buffalo told me, they have ''never been afraid to compete globally.'' But this century-old manufacturer can only compete globally if they can compete fairly, and they note that some of their Chinese competitors have much of the cost subsidized by the government.

''To put this in perspective,'' he said, ''the only way . . . U.S. manufacturers can compete . . . is if the United States Government begins to pay for our building, our labor, and employee benefits and . . . other costs of doing business.'' That is exactly what the Chinese are doing today.

The United States Trade Rights Enforcement Act will help combat illegal subsidies, provide additional funding for enforcement of trade laws, and make certain that our products and services have fair access to Chinese markets, all critical aspects of our fight to ensure fair trade.

I commend the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from California (Chairman THOMAS) for their hard work on this issue, and I urge my colleagues on both sides of the aisle to support this legislation.

As a long-time champion of fair trade and a lead cosponsor of this legislation, I rise in strong support of the U.S. Trade Rights Enforcement Act.

When China was permitted to join the World Trade Organization in 2001, there was an implicit promise made to American businesses, workers, and consumers—that we would get a fair deal in our trade relations with the Chinese. Yet, in so many areas—intellectual property rights, currency valuation, subsidies, trade barriers, you name it—we see China failing to uphold its end of the bargain by ignoring international trade norms.

The bill includes a variety of measures that will help bring an end to unfair trade practices abroad, and level the playing field for American companies and workers. The countervailing duties provision is especially important for local manufacturers.

It's an important instrument for U.S. businesses trying to successfully combat illegal subsidies; and it is a big reason why the National Association of Manufacturers (NAM) has expressed its strong support for this measure.

I recently hosted roundtables with manufacturers in my district; and whether it's currency manipulation or unfair subsidies, it's clear that our local employers have long had enough of the way China cheats on trade. As John Hoskins of Curtis Screw in Buffalo told me, they've ''never been afraid to compete globally.'' But this century-old manufacturer can only compete globally if they can compete fairly, and they note their Chinese competitors have much of their costs subsidized by the government. ''To put this in perspective,'' he said, ''the only way * * * U.S. manufacturers can compete * * * is if the US government begins to pay for our building * * * our labor, our employee benefits and * * * other costs of doing business.'' ''That's exactly what the Chinese are doing today.''

I have always maintained that our products and our workers can compete anywhere, with anyone in the world, as long as that competition is fair.

This bill will help combat illegal subsidies, provide additional funding for enforcement of trade laws, and make certain that our products and services have fair access to Chinese markets—all critical aspects of our fight to ensure fair trade.

I commend Congressman ENGLISH and Chairman THOMAS for their hard work on this issue; and I urge my colleagues on both sides of the aisle to support this bill.

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

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to gentlewoman from Pennsylvania (Ms. HART), a distinguished member of the Committee on Ways and Means and a member of the executive committee of the Congressional Steel Caucus.

Ms. HART. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in support of this bill, and I am mystified by the opposition on the other side of the aisle. It appears that partisan politics trumps good business. It appears that partisan politics trumps their interest in American manufacturers.

Foreign subsidies products exported to the United States continue to cause extreme financial hardship for these manufacturers. While rules exist to provide countervailing duties on such products, rules do not take into account the advantages enjoyed by nonmarket economies like China.

Because China is such a major global trader, China's undervalued fixed-exchange rate has exacerbated significant imbalances between trading partners. Under China's fixed-exchange rate, the U.S. annual bilateral trade deficit accelerated since 2001, reaching $162 billion in 2004. While U.S. exports to China increase, its undervalued currency has burdened U.S. manufacturers, restricted market opportunities for exporting our products into China.

Meeting with businesses in my district, the three main complaints I have heard from my district regarding China have been piracy of product, the dumping of products on our market, and the currency pegging issue.

I believe that we need to support this legislation, reject the Democrat bill, which does not address these issues.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. ROGERS), one of the key players in developing this legislation.

Mr. ROGERS of Michigan. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time, and I thank the chairman for working on this bill.

Quickly, one of the things that my mother used to tell me is self-pity never solved one problem. We know how to fix this bill. I should not feel sorry for them; they should not feel sorry for me. We should vote on the bill that will make a difference.

These are counterfeit parts made in China. They are robbing and stealing from the American economy. We have the chance today for the first time to put a law enforcement trade officer in charge so that when they get up in the morning, the first thing they do is work on how to stop China from doing exactly this and stealing jobs from our economy.

There is a town in China, 80 percent of the parts, over 30 outlets, were counterfeit. If we do not step up to the plate with this bill, we are going to lose and continue to lose $12 billion a year just in automobile part counterfeiting.

This is our chance. I plead with those on the other side, if they truly care about labor, if they care about the individual that gets up in the morning, plays by the rules, and is trying to compete in a world market, they will vote for this bill. They will send a message to China that American jobs are worth fighting for. Give us a fair, level playing field, and we will compete; we will win.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. BARRETT), another strong advocate of fair trade for American workers and American farmers.

Mr. BARRETT of South Carolina. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of H.R. 3283, the United States Trade Rights Enforcement Act.

Madam Speaker, this bill goes to the heart of what we know is true in South Carolina: China cheats. I thank President Bush and the administration for stepping up their trade enforcements this year, and I especially commend them for expediting the implementation of the Chinese textile safeguards to combat recent surges in exports to our market, but when it comes to China, more must be done.

The United States Trade Rights Enforcement Act would provide the necessary tools to ensure China meets the trade obligations it has agreed to in order to become a member of the WTO. In addition, it holds in this legislation that China will be accountable. It is common sense to say here is what they have agreed to, and if they do not follow through, there will be consequences.

How we deal with China today affects our future, our jobs and our livelihood. That is why I urge all my colleagues to level the playing field for everybody and support H.R. 3283.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a very distinguished advocate of fair trade.

Mr. MURPHY. Madam Speaker, this is one of many bills we need to pass that deal with China and its continued policy of government support, pegging of its currency, not complying with trade laws. They have significantly lower wages, sometimes slave wages, in their plants. Over 90 percent of their steel production comes from government-owned steel mills. Their steel enjoys millions of dollars in government subsidies. China limits foreign participation in the wireless market by imposing severe regulatory requirements on telecommunications imports. The lack of intellectual property rights enforcement has resulted in epidemic levels of counterfeiting and piracy, causing serious harm to U.S. businesses. The implementation of questionable health standards affects what they will import from our agriculture. Their policies mandate the purchase of Chinese-owned software. They have a value-added tax on all non-Chinese semiconductors, which also hampers American manufacturers' ability to export to them.

These unfair Chinese policies are hurting all American businesses, not just a few, and impact workers here.

Only a strong American commitment to hold China accountable will bring about the changes necessary. Consideration of this bill is an important part of what we need to be doing in an extensive selection of things to hit back on China.

Mr. ENGLISH of Pennsylvania. Madam Speaker, is my understanding correct that the gentleman has only himself as the remaining speaker with 4 minutes?

Mr. RANGEL. The gentleman from Pennsylvania is correct.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), a very distinguished member of the Steel Caucus, an advocate of the cause of fair trade.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Madam Speaker, I thank the gentleman from Pennsylvania for his leadership.

It has been alleged here on the House floor that this is a trade for CAFTA, to get some of our votes. Let me be real blunt. It was for me. I took it to the President, the Vice President, our trade ambassador, the Secretary of State, because we have had no action on China. Whether it was a Democratic President or a Republican President, we have had no action on China. Whether it was a Democratic Congress or a Republican Congress, we had no action on China. Every single time we come up for a vote, we get rolled.

We have to hold China accountable. This is not perfect, but a vote against this bill is a vote for China, not for the United States. It is a small step, but a critical step. Without the data, if they do not let their currency float, how in the world do we measure how much they are manipulating the currency? And those critics of those of us who have been putting pressure on China in the last few weeks said we could never get them to reevaluate their currency. It was a little, piddly step, but 2 percent is 2 percent. It is a big admission that they have been manipulating their currency.

So rather than declare victory and rather than saying we finally, it looks like, are going to pass a bill on China, the other side wants to take it down, or at least a few Members.

We had better pass this bill, or this is yet another victory for China, and we will never get anything done except at critical moments when they need our votes.

I rise in support of H.R. 3283, the United States Trade Rights Enforcement Act.

The outcry from American manufacturers has never been louder. China is destroying many American businesses. For too long, warnings of these businesses have been ignored. The American government has negotiated with China, talked to China, cajoled China, but has declined to act decisively and with concrete measures to combat China's policies and help American manufacturers. I applaud those at the United State Trade Representative office who have the daunting task of dealing with the Chinese government, but unless talk is backed-up with action, it really doesn't matter.

Congress has also been reluctant to help where China is concerned. Although we have passed several resolutions condemning Chinese trade practices, they are meaningless, and do nothing to actually help businesses. Often it seems that the piracy of music and movies is worth administration and congressional action but the piracy of manufactured goods or China's deliberate undercutting of manufacturing through suspect trade policies does not warrant action.

The hollowing out of American manufacturing does warrant action. Although China's economy is moving toward the free market, China remains an avowed communist country. The Communist government and the army own countless businesses, including the Chinese National Overseas Oil Company, which recently made a bid for Unocal. They prop up many businesses with free or reduced-cost energy, low cost or no-cost loans and financing, and sometimes forced labor. Because of Chinese government intervention in the economy, Chinese businesses are not subject to the same market forces as American businesses.

American businesses have also been enticed to set-up shop in China. In addition to cheaper labor costs, businesses in China do not have to worry about clean air, clean water, OSHA, or compliance with a crushing regulatory burden.

Although these things put American businesses, particularly manufacturers, at a disadvantage, the biggest distortion of the market is China's currency manipulation. Until last week, China pegged its currency at 8.28 yuan to the dollar. Despite huge growth in the Chinese economy and explosive international trading, the Chinese government refused to revalue its currency. Estimates of China's currency manipulation were anywhere from 20–80 percent. This meant that Chinese goods entering the United States were 20–80 percent cheaper than they should have been. And American goods were 20–80 percent more expensive.

Last week, the Chinese government revalued the yuan by slightly over 2 percent. While I applaud this movement on the part of the Chinese, there is much more that needs to be done. I realize that the Chinese cannot adjust their currency overnight but I expect this latest devaluation to be the first of many. I also expect the Bush administration and future administrations to keep pressuring China to restructure their financial sectors and currency schemes so that they better match those of the market-oriented world. Their currency needs to flock and let markets determine the value, not the government.

As American manufacturers have been severely damaged by unfair Chinese policies, the necessary tools to fight this unfair competition have not been available to them. One important tool is tHe countervailing duty, CVD. Countervailing duties are taxes assessed to counter the effects of subsidies provided by foreign governments to goods exported to the United States. Subsidies cause the price of such merchandise to become artificially low, which may cause economic ''injury'' to U.S. manufacturers.

One thing is sure, the artificially low price of Chinese merchandise has caused injury to American manufacturers. Unfortunately, the most recent interpretation of American trade laws does not allow CVDs to be applied to non-market economies. H.R. 3283 will explicitly allow them to impose CVDs on non-market economies. It will allow investigators to compare China with comparable market economies, most likely India, in order to see just how

much the Chinese government is unfairly aiding its businesses. This will not save American manufacturing overnight but it will help to level the playing field, and allow fair competition in the global marketplace.

This legislation comes to the Floor at the same time as legislation to implement the Central American Free Trade Agreement, CAFTA. I am one of many Members that withheld support for CAFTA in exchange for concrete action on China. Some have criticized the efforts to link China and CAFTA. They argue that they are two different issues. I disagree. CAFTA has been sold with the promise that it will open up new and bigger markets for American manufacturers. That may be, but if manufacturers in my district are put out of business because of unfair competition from China, whether or not they have access to markets in Central America will be irrelevant because they will be out business.

I urge all of my colleagues in the House and the Senate to vote for this necessary tool against unfair trade practices.

Mr. RANGEL. Madam Speaker, I yield myself the balance of my time.

One of the major reasons why we are opposing this bill is because of the process. Clearly a bill is supposed to be brought to this floor when it has overwhelming support, when it is a simple bill, naming a post office, having a stamp, declaring mothers as being essential for parenthood, things that Republicans and Democrats can look up at the scoreboard and see that we have 435 Members or close to it supporting it.

How can anyone perceive, as one of the Members on the other side said, the most important trade legislation that we ever had will be put on just for 40 minutes debate? The qualities that exist in the English bill, we have been able to see some loopholes. He and I would want to work together to close those loopholes. All the members of the Committee on Ways and Means feels the same way about trying to do something to contain the overreaching of China. What makes the other side believe that we Democrats are not entitled to participate in the substantive nature of sensitive, complex legislation?

Putting this on the suspension calendar, in my opinion, is an insult to Members on both sides of the aisle and is an insult to those people who oversight what we do, because the suspension calendar means that we never thought that they would ever have a problem with it, and that is why we did not share what is in this bill.

I also think that it is really unfair to have the Members of Congress to believe that this bill comes to the floor because of its importance and therefore has to be passed on the suspension calendar. We have plenty of time to work in the Committee on Ways and Means in dealing with this so that we can be proud that we do not have a Rangel bill or an English bill or a Republican bill or a Democratic bill. The pride should come when we have a congressional bill which we can say both sides have an opportunity to hear witnesses; to see what the impact is going to be, whether it is going to work or not work; to see whether those who have fought to put checks on China feel satisfied that we have done it; and to be able to say to foreigners that we may have differences among ourselves, political differences, but when it comes to trade policy, we speak with one voice. The flag is up, and we speak for the United States of America.

So I recognize how important it is to pass the DR–CAFTA bill. I recognize that there is a problem because Democrats were not involved and Republicans cannot get the votes. But I do not know how many suspension bills they are going to bring in as an excuse to get Members to say, I got them to talk about China, and therefore I am going to vote for CAFTA.

It is not enough to talk about China and the problems that we face. What we should be doing is bringing these issues up in the committee that has jurisdiction, and we are so proud of it, and to make certain that the best we can is to have this as a bipartisan effort on both sides.

So this is not the first time that the committees of jurisdiction have had to have Members bypassed in terms of their input, bypassed in terms of the ability to have amendments, and bypassed in terms of saying that we have to find some way to find some bill that we can get bipartisanship on it. The vehicle to do this normally, from the record of the Congress, are the suspension bills. But trade bills should not be on the suspension calendar.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would like, in this closing minute, to cut through the fog of process arguments and weird Alice in Wonderland illusions to linkage to other trade agreements. This is important legislation, and it is important in itself, and it deals directly with key problems that we are having in our trade relations, particularly with China.

□ 1130

This legislation closes loopholes, not creates loopholes. It allows us, for the first time, to apply countervailing duties to nonmarket economies. That is a good thing. I realize our friends on the other side of the aisle never engaged on the SOS bill, the underlying core of this bill, nor cosponsored it. I realize that they have been behind the curve on this.

We have to move today and put this on the calendar today so that we can move quickly to send a message to China that we are going to close the loopholes, that we are going to audit their compliance with their trade obligations, that we are going to oppose the WTO watering down our domestic trade relations; and we are determined to put more money into trade so that we can enforce these agreements.

If you care about China, if you care about trade, vote for this bill and avoid the petty partisan politics.

Mr. HERGER. Madam Speaker, I believe it is critical that we seek out abuses in existing agreements, and reform such laws that are detrimental to U.S. producers. Such is currently the case with unfair honey imports from China.

In my northern California Congressional District, honey and honeybees play a critical role in pollinating many of our important export crops, including almonds.

Because Chinese ''new shippers'' are allowed to circumvent antidumping orders by posting bonds, the honey industry in California and nationwide faces serious and continuing price declines, making it difficult for honey producers to provide bees for pollination.

This bill would suspend the bonding privilege for a three-year period. Madam Speaker, I would like to thank my colleagues, Representative ENGLISH, Chairman SHAW and Chairman THOMAS for their work on this matter.

Mr. SPRATT. Madam Speaker, when China joined the WTO, the U.S. and China entered into an ''accession protocol.'' Among other things, that protocol anticipates that the United States may find that China is subsidizing exports, and in that case, the United States may seek to impose countervailing duties, to level the playing field. The Department of Commerce is required to use Chinese data to measure the size of the subsidy, ''where practicable,'' but use of Chinese cost and pricing data is not always practicable, so similar data must be drawn from a comparable country. As originally drawn, this bill dropped the key phrase, ''where practicable.'' It restricted the ability of the Commerce Department to measure subsidies in China and other non-market economies. Due to a barrage of complaints from U.S. industry, that phrase was added back at the last moment, before this bill was brought to the floor.

But two other problems, to which U.S. industry objects, were not corrected.

First of all, this bill requires the Department of Commerce to ensure that there is no ''double-counting'' of countervailing duties and antidumping duties. Current law only requires that there be no double-counting of export subsidies, but makes no provision with respect to antidumping duties. Commerce has called this change ''wholly inappropriate.'' These are the words of the Commerce Department: ''The proposed change would put China into a special category distinct from all other countries when subject to concurrent anti-dumping and countervailing duty investigations.'' According to the Department of Commerce, this restriction ''would raise complex methodological questions, the costs of which may far outweigh any purported equity gains of any such adjustment.''

Secondly, this bill gives the WTO Dispute Settlement Body special influence over U.S. law. WTO decisions are not self-executing. The Congress decides how, when, and whether to implement a WTO decision. This bill would require the Commerce Department to ensure that our application of countervailing duty law to non-market economies is consistent with our international obligations. There

is no guarantee how the WTO would rule if this aspect of this law were brought before it. This provision could place WTO dispute settlement tribunals on a special footing when dealing with U.S. laws.

If this bill were brought up as a regular bill, it would be amendable, and these troubling provisions could be changed or deleted.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in opposition to H.R. 3283 on both process and policy grounds. This legislation is on the floor this week simply to provide political cover for members who vote for the flawed Central American Free Trade Agreement. The consideration of this bill is not a real attempt to react to Chinese currency manipulation, trade barriers and state-sponsored subsidies. It is merely an empty, rhetorical response to our valid concerns about China's ability to utilize CAFTA to circumvent U.S. trade laws.

The bill's title—the U.S. Trade Rights Enforcement Act—is, at best, a misnomer, because it actually prevents our country from enforcing its trade rights. While the bill purports to apply U.S. countervailing duty law to China, it contains three glaring loopholes that strip us from any ability to enforce that law. First, the bill limits our use of third-party data when investigating Chinese subsidies in anti-dumping cases. The effect of this provision is to force us to use China's own data in these cases, even though we've learned time and again that China does not play fair in the global trade market.

The bill also exempts Chinese domestic subsidies when industries file both anti-dumping and countervailing duty cases. This provision essentially applies a more lenient standard to non-market economies than to market economies under U.S. anti-dumping and CVD law. Let me remind my colleagues that our goal here is to get tough on China, not give them a free pass while holding our friends with market economies to a tougher standard.

The bill also imposes extra burdens on the U.S. that raises serious issues with regard to both sovereignty and separation of powers. The bill would direct the Commerce Department to essentially pre-clear the application of U.S. law to ensure consistency with the WTO. While every other U.S. law is deemed WTO-compliant unless and until the WTO rules otherwise, this bill makes our actions toward China jump through extra international hoops before it can ever be applied.

Even worse—for the first time ever—the bill would give the Commerce Department the power to align U.S. law with the WTO, without action from Congress. Article I, Section 8 of the U.S. Constitution gives the Congress—not the executive branch—the sole responsibility for the regulation of foreign commerce. This provision is a serious infringement on the power of the legislative branch and strips the Congress of much, if not all, authority to deal with our country's trade concerns with China.

I urge my colleagues not to fall for the majority's empty rhetoric. This bill will do nothing to help our trade problems with China and is a thinly-veiled diversionary tactic to shore up votes for the flawed CAFTA agreement. Look beyond the majority's smoke and mirrors, and vote against this ill-timed and ill-conceived legislation.

Mr. HOLT. Madam Speaker, I rise today in opposition to H.R. 3283. The so-called United States Trade Rights Enforcement Act would provide little to no remedy for those in my district who are deeply concerned about the ever growing trade deficit with the Peoples Republic of China due to its longstanding illegal policy of currency manipulation.

This is a major issue. Congress should be considering this measure for more than forty minutes and with the opportunity to offer amendments. However, this will not be the case today because of the procedures under which this bill was brought to the floor. We should be debating this issue in great depth, not the rather cursory discussion we are having today. We should be talking seriously about complex issues like ''Super 301,'' ''double counting,'' and what exactly we should do with our countervailing duties. We should be talking about why our trade deficit with China is now at $162 billion and continues to grow with no end in sight. We should be talking about the fact that China doubled its holding of U.S. debt between 2001 and 2004. And we should be talking about how jobs in our home states have been affected and what we can do to help American businesses who are struggling to export their goods to China.

But that debate unfortunately will not happen today.

Rather, today the House is considering H.R. 3283 because of an agreement reached, I presume to secure votes in favor of the seriously flawed Dominican Republic-Central American Free Trade Agreement, (DR–CAFTA). The majority has chosen to play politics on the floor today rather than seriously address the issues resulting from China's currency manipulation and the resulting trade imbalance that has ballooned between the United States and China.

I have heard from a number of constituents in my district who are deeply concerned about these issues. And yet today, we are not addressing their concerns with action, we are requesting studies. Today we are not ordering countervailing duties to correct for unfair trade practices, we are creating additional loopholes for China to evade the even paltry countervailing duties that do exist.

Madam Speaker, today I stand with the people in my district who are affected by China's currency manipulation and our soaring trade deficit. That is why I have cosponsored a number of other bills, such as the bipartisan The Chinese Currency Act, H.R. 1498, that will actually address China's currency manipulation. However, I will vote against H.R. 3283, and it is my hope that the Congress will re-evaluate this serious issue in a detailed fashion to actually address these important issues that have bipartisan support.

Mr. STARK. Madam Speaker, I rise today in opposition to H.R. 3283, the so-called United States Trade Rights Enforcement Act. This bill purports to address China's lax enforcement of its international trade obligations. In fact, this bill does little to address serious trade issues with China, and it is on the House floor for only one reason: to garner votes for CAFTA later this week.

There is no question that Congress should do everything in its power to enforce trade rights worldwide. However, giving lip service to an issue that deserves our careful consideration and strong action is a grave disservice to the American people. What we should be talking about today is the Bush Administration's continued failure to decrease our trade deficits and promote labor rights, environmental standards and public health protections with our trading partners.

Let's look at the facts: In 2004, the U.S. trade deficit with China grew to a record $162 billion. This despite the fact that China joined the World Trade Organization, WTO, in 2001 and should be well on its way to reducing trade barriers and opening up their markets to U.S. goods and services. Even the United States Trade Representative has said that China's WTO compliance efforts are ''far from complete and have not always been satisfactory.''

Given these facts, I support strong trade enforcement against China. I am a cosponsor of H.R. 1498, the Chinese Currency Act, which would allow the administration to impose countervailing duties due to China's continued currency manipulation. The bill has 110 bipartisan cosponsors and provides real enforcement mechanisms, instead of the studies and redefinitions offered by H.R. 3283. If the leadership were serious about China we would be voting on this meaningful legislation today. But, that is not the case.

Madam Speaker, we have known about trade enforcement issues in China for years. But China legislation magically appears only now that CAFTA is in trouble. I urge my colleagues to vote against this sham bill.

Mr. UDALL of Colorado. Madam Speaker, I rise in opposition to H.R. 3283, the United States Trade Rights Enforcement Act.

I do have real concerns about the spiraling trade deficit with China and China's unfair trade practices, and I think Congress should consider possible legislative responses.

However, the bill offered today does little to provide assistance to U.S. workers, farmers, and businesses. In fact, it could create additional problems for them. In particular, I am concerned that the legislation could make it more difficult to apply countervailing duties to China and other nonmarket economies while making it easier for them to hide subsidies.

Further, by placing this legislation on the suspension calendar, which is reserved for non-controversial legislation, the Republican leadership has refused to offer a full debate to Members to consider alternative plans to strengthen enforcement of our trade policies and hold countries accountable for their trade practices.

This procedure makes it clear that real intent here is not so much to address our trade problems—it is more about politics and winning extra votes for passage of CAFTA later this week.

It is unfortunate that the Republican leadership has taken this opportunity to bring about stronger trade policies and instead used it to consider a bill that is largely symbolic at best, and could even be harmful.

It is for these reasons I will vote against this bill.

Mr. BACA. Madam Speaker, I rise in opposition to H.R. 3283, concerning trade with China.

I join with millions of American workers in saying no to this ill-conceived Republican gift to the Chinese government.

This bill does nothing to address the growing unfair trade gap between China and the United States—an imbalance purchased with China's exploitation of political prisoners, oppressive jail-like working conditions, child labor, and suppression of basic freedoms.

Products made in China are cheap through the exploitation of the workforce. Every time

we shop, we are driving the nail further into the coffin of American manufacturing jobs.

This bill does nothing to address artificially low prices. It does nothing to stop manipulation of currency to drive the United States further into a trade imbalance. It does nothing to save honest American workers from losing their jobs.

This bill weakens the ability of the United States to apply sanctions against China for unfair trade practices. Democrats have offered several much stronger proposals to deal with this issue, and the Republicans have refused to let them come to the floor. Not a single one has been considered.

To help U.S. workers, farmers and businesses, and America's long-term economic security, Congress should take decisive action to bring about fair trade with China, instead of squandering this opportunity on a weak Republican bill.

If Congress wants to take real action, it should pass comprehensive legislation to end currency manipulation; allow U.S. companies to challenge subsidized imports from China; and fix China safeguard statute and other import remedies to protect U.S. manufacturers against surges and other unfair imports from China.

I support American workers in saying, let's combat China's unfair trade practices by providing us with the tools to save American jobs.

It is an insult to American workers that, in the same week that Congress is considering CAFTA, it is bringing forth a weak China trade compromise bill. This demonstrates the majority's anti-worker agenda, that gives priority to Chinese workers instead of American jobs.

Mr. PAUL. Madam Speaker, I rise in strong opposition to this legislation. Isn't it ironic that the proponents of ''free trade agreements'' like CAFTA are lining up squarely behind a bill like this that threatens a trade war with China, and at the least calls for the United States to initiate protectionist measures such as punitive tariffs against ''subsidized'' sectors of the Chinese economy? In reality, this bill, which appeared out of the blue on the House floor as a suspension bill, is part of a deal made with several Members in return for a few votes on CAFTA. That is why it is ironic: to get to ''free trade'' with Central America we first need to pass protectionist legislation regarding China.

Madam Speaker, in addition to the irony of the protectionist flavor of this bill, let me say that we should be careful what we demand of the Chinese Government. Take the demand that the Government ''revalue'' its currency, for example. First, there is sufficient precedent to suggest that doing this would have very little effect on China's trade surplus with the United States. As Barron's magazine pointed out recently, ''the Japanese yen's value has more than tripled since the breakdown of the Bretton Woods system, yet Japan's trade surplus remains huge. Why should the unpegging of the Chinese yuan have any greater impact?''

As was pointed out in the Wall Street Journal recently, with the yuan tied to several foreign currencies and the value of the dollar dropping, China could be less inclined to purchase dollars as a way of keeping the yuan down. Fewer Treasury bond purchases by China, in turn, would drive bond prices down and boost yields—which, subsequently, would cause borrowing costs for residential and some corporate customers to increase. Does anyone want to guess what a sudden burst of the real estate bubble might mean for the shaky U.S. economy? This is not an argument for the status quo, however, but rather an observation that there are often unforeseen consequences when we demand that foreign governments manipulate their currency to U.S. ''advantage.''

At the very least, American consumers will feel the strengthening of the yuan in the form of higher U.S. retail prices. This will disproportionately affect Americans of lower incomes and, as a consequence, slow the economy and increase the hardship of those struggling to get by. Is this why our constituents have sent us here?

In conclusion, I strongly oppose this ill-considered and potentially destructive bill, and I hope my colleagues will join me in rejecting it.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3283, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. ENGLISH of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of H.R. 3283, the bill just considered.

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

There was no objection.

BRIAN P. PARRELLO POST OFFICE BUILDING

Ms. FOXX. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 904) to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the ''Brian P. Parrello Post Office Building''.

The Clerk read as follows:

S. 904

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

SECTION 1. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the ''Brian P. Parrello Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX).

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the global war on terror is being fought at home and abroad by the bravest of Americans. Lance Corporal Brian Parrello, a 19-year-old serving with the Second Marine Division from Passaic County, New Jersey, was one of the most heroic of our fellow citizens.

Lance Corporal Parrello was killed in the city of Hadithah in Iraq on New Year's Day of this year.

I know I speak for all American citizens when I say that we have boundless appreciation for Lance Corporal Parrello's service to our Nation. There are many ways we can remember his immeasurable efforts to rid the world of the scourge of international terrorism. One small, but meaningful, way we can memorialize Brian's selfless courage and his priceless life is through this legislation.

To get a sense of Brian's patriotism, I want to impart some words that his older brother Matthew Parrello shared with the local newspaper following Brian's passing in January. Matthew told The Bergen Record newspaper that Brian ''wanted to serve his country, and he loved what he was doing. He was proud to be a Marine, and he loved the guys he was serving with.''

Matthew said Brian had considered joining the military during high school. During his senior year, in February of 2003, Brian enlisted in the Marine Corps. He began active duty September 22, 2003, three months after his high school graduation.

Sean Poppe, Brian's high school football coach, said Lance Corporal Parrello ''possessed a strong desire to excel in whatever he did.'' Indeed, Lance Corporal Parrello gave his excellent life to this Nation.

Madam Speaker, America owes the greatest of debts to heroes like Brian Parrello. No reward, decoration, or compensation can approach what Brian Parrello devoted to his country. However, I appreciate the Senator from

New Jersey's efforts to remember Brian's life through this legislation that would name a post office after him in his hometown of West Milford, New Jersey.

Madam Speaker, I strongly support Senate 904.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of S. 904, a bill designating the postal facility in West Milford, New Jersey, after the late Brian P. Parrello. This measure, which was introduced by Senator FRANK LAUTENBERG, a Democrat from New Jersey, on April 26, 2005, was unanimously passed by the Senate on June 29, 2005.

Lance Corporal Brian P. Parrello, 19, was killed Saturday, January 1, 2005, as a result of hostile action in Hadithah, a city along the Euphrates River. Brian Parrello is remembered by friends and family as being a ''good guy,'' a young person who had dreams of one day becoming a teacher.

Lance Corporal Brian P. Parrello had an avid interest in history. His high school principal, Michael McCormick, recalled that Brian ''took every elective history course that we have in our school.''

Madam Speaker, I commend my colleague for seeking to honor the memory of the late Brian Parrello in this manner. Brian is to be remembered for his sacrifice and that he lost his life in furtherance of our freedom. We should not forget that he died in combat, and we would hope that we could end this conflict so that it would not be necessary that we take to the floor to honor young people whose lives are snuffed out far too quickly.

This is indeed a tribute to Brian, and I would urge passage of this bill.

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

Ms. FOXX. Madam Speaker, I yield such time as he may consume to my distinguished colleague from the State of New Jersey (Mr. GARRETT), the author of the House version of this honor for Brian Parrello.

Mr. GARRETT of New Jersey. Madam Speaker, I also humbly rise this morning as we support a bill to rename the post office in West Milford, New Jersey, up in my district, after Lance Corporal Brian P. Parrello who was killed in action, as we say, in Iraq earlier this year, in January. He was an honorable defender of liberty, and he deserves our gratitude and respect.

Brian joins that long list of our country's heroes who have made the ultimate sacrifice so that each and every one of us can live free. After the attacks on September 11, 2001, Brian proudly joined the United States Marine Corps where he was assigned to the Second Marine Expeditionary Force in North Carolina. In Iraq, Brian served in the Marine's swift boat unit where he patrolled the Tigris and Euphrates rivers.

As indicated earlier, back in West Milford High School, he served on both the football and the hockey teams. His teachers and his coaches and his peers called him a real leader, a real role model, someone who always gave 150 percent to everything that he did, a guy with a big heart who led by example. That is why I am proud to have introduced the legislation in this House to rename the post office in West Milford after Brian.

I am sure that Brian would have been proud to see the Iraqi people vote in the fair and free elections this past January. Brian gave all he could to help secure those freedoms. The war on terror is global in nature, and Brian fought in Iraq so that we may end the scourge of radical Islam and keep terrorists from attacking our homeland and freedom-loving people around the entire world.

Now, we can never fully express our gratitude for his sacrifice, for the freedom and the security to our Nation; but I am proud that we can leave a lasting memorial so that his heroic actions can be remembered in this country for now and future generations as well.

Today, we also remember his family, and we send them our prayers and our comfort as well.

Ms. FOXX. Madam Speaker, I urge all Members to support S. 904.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the Senate bill, S. 904.

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

A motion to reconsider was laid on the table.

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. BUYER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3200) to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

The Clerk read as follows:

H.R. 3200

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 ''Servicemembers' Group Life Insurance Enhancement Act of 2005''.

SEC. 2. REPEALER.

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000''; and

(2) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under paragraph (3)(A)(i) of that subsection''.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. NOTIFICATION TO MEMBER'S SPOUSE OR NEXT OF KIN OF CERTAIN ELECTIONS UNDER SERVICEMEMBER'S GROUP LIFE INSURANCE PROGRAM.

Effective September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1)(A) Whenever a member who is eligible for insurance under this section executes a life insurance option specified in subparagraph (B), the Secretary concerned shall notify the member's spouse or, if the member is unmarried, the member's next of kin, in writing, of the execution of that option.

''(B) A life insurance option referred to in subparagraph (A) is any of the following:

''(i) An election under subsection (a)(2)(A) not to be insured under this subchapter.

''(ii) An election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i).

''(iii) An application under subsection (c) for insurance coverage under this subchapter or for a change in the amount of such insurance coverage.

''(iv) In the case of a married member, a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter.

''(2) Whenever an unmarried member who is eligible for insurance under this section marries, the Secretary concerned shall notify the member's spouse in writing as to whether the member is insured under this subchapter. In the case of a member who is so insured, the Secretary shall include with such notification—

''(A) if the member has made an election described in paragraph (1)(B)(ii), notice that the amount of such insurance is less than the maximum amount provided under subsection (a)(3)(A)(i); and

''(B) if the member has designated a beneficiary other than the spouse or a child of the member for any amount of such insurance, notice that such a designation has been made.

''(3)(A) Notification of a spouse under paragraph (1) or (2), or of any other person under paragraph (1), for purposes of this subsection shall consist of a good faith effort to provide information to the spouse or other person at the last address of the spouse or other person in the records of the Secretary concerned.

''(B) Failure to provide such notification, or to provide such notification in a timely manner, does not affect the validity of any life insurance option referred to in paragraph (1)(B).''.

SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 1, 2005.

SEC. 6. AUTHORITY TO ELECT NEW TRAUMATIC INJURY PROTECTION.

(a) OPT-OUT AUTHORITY.—Section 1980A of title 38, United States Code, is amended by adding at the end of subsection (b) the following new paragraph:

''(4)(A) A member may elect in writing not to be insured under this section.

''(B) If a member eligible for insurance under this section is not so insured by reason of an election made under subparagraph (A), the member may thereafter elect to be insured under this section upon written application by the member, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Secretary. Insurance under this section upon such an election is effective upon the date of the receipt by the Secretary of such application and shall apply only with respect to injuries incurred after that date.

''(C) The Secretary shall prescribe by regulation conditions as to how and when elections under subparagraph (B) shall be made. Such regulations may include limiting the time for such elections to an annual open season, for a duration each year prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect immediately after section 1980A of title 38, United States Code, takes effect pursuant to section 1032(d)(1) of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 260).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

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

Madam Speaker, on July 14, 2005, the Committee on Veterans' Affairs reported H.R. 3200, the Servicemembers' Group Life Insurance Enhancement Act of 2005. Among other things, this bill would provide a permanent authorization for increases in maximum life insurance coverage under the Servicemembers' Group Life Insurance, referred to as the SGLI program, and the Veterans' Group Life Insurance, referred to as the VGLI program from $250,000 to $400,000.

Public Law 109–113, the Emergency Supplemental Appropriations Act For Defense, the Global War on Terror, and Tsunami Relief of 2005, increased the maximum coverage to $400,000 under these programs. However, the authorization expires on September 30, 2005.

It is my understanding that the Senate included the termination date, which was approved in the conference report, to afford the legislative committees the jurisdiction and opportunity to hold public hearings and further consider the specifics of the emergency authorization before it could be made permanent.

The increased level of coverage was requested by the President because of concerns over death benefits for the survivors of servicemembers being inadequate as our Nation fights the global war on terrorism. H.R. 3200 would also repeal the provision of Public Law 109–13 which prevents a married servicemember from declining SGLI coverage, or opting for an amount less than the maximum, without the written consent of the spouse. Public Law 109–13 mandates spousal consent, even in cases where the couple is estranged, as long as they are legally married.

The committee does not believe providing a spouse such veto authority over life insurance elections is good public policy. The spousal consent requirement could also result, for example, in a servicemember's spouse excluding stepchildren as beneficiaries. The government should not interfere legally in a servicemember's highly personal choices about such family matters.

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H.R. 3200 would instead require the military service Secretary concerned to provide written notification to the spouse or the next of kin of an unmarried servicemember as to the servicemember's insurance election.

The committee believes that this is the preferable way of ensuring that the spouse or beneficiary is informed about this important financial decision, while preserving the individual right of the servicemember to make decisions about life insurance coverage.

Finally, Public Law 109–13 also provides for a new traumatic injury program. The traumatic injury program provides financial assistance in the amounts from $25,000 to $100,000 to servicemembers who suffer certain traumatic injuries.

The traumatic injury protection under current law is mandatory for servicemembers who elect SGLI coverage with premiums paid by the servicemember. No hearing had been held on this new program until June 16 of 2005, when the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs held a hearing on H.R. 3200 in its draft form and on the traumatic injury protection program.

H.R. 3200 would allow a servicemember to decline traumatic injury coverage. This program authorization will be effective December 1, 2005, for servicemembers, but it is retroactive to October 7, 2001, when Operation Enduring Freedom began, for qualifying losses that are a direct result of injuries incurred in Operation Enduring Freedom and/or Operation Iraqi Freedom

Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Indiana (Mr. BUYER), the gentleman from Illinois (Mr. EVANS) and the gentleman from Florida (Mr. MILLER) for bringing this bill to the floor before the August recess.

H.R. 3200 would make the maximum amount of $400,000 in the Servicemembers Group Life Insurance program permanent. In May of this year, Congress acted to increase the maximum amount of SGLI available to the men and women who are currently serving in the Armed Forces from $250,000 to $400,000. However, without passage of H.R. 3200, the increase in SGLI benefits will expire on September 30, 2005, prior to the time we return from our recess. This legislation is necessary in order to prevent any gaps in servicemembers' coverage under the SGLI program.

I appreciate the gentleman from Florida (Chairman MILLER's) cooperation in addressing my concerns that spousal consent not be a part of this SGLI program. The VA is already hearing from servicemembers who are upset that they must seek to obtain the consent of an estranged spouse before selecting less than the maximum amount of life insurance. We on the subcommittee have worked together in a bipartisan way on this matter.

I support the provision to eliminate the spousal consent requirement contained in Public Law 109–13. I also support the provision to eliminate the requirement that notice be sent to a current spouse if a servicemember elects to name a child or children as beneficiaries of their SGLI.

I believe we need to allow servicemembers to make decisions on the beneficiaries of their life insurance without any pressure to ignore their financial responsibility to their children, particularly from a prior marriage.

This bill is urgently needed to provide continuous coverage to our servicemen and women. I know that the men and women from Nevada who are currently serving will benefit from this bill. I urge all Members to support H.R. 3200.

Madam Speaker, I reserve the balance of my time.

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

I would like to acknowledge the contributions of the gentleman from Arizona (Mr. RENZI) for his hard work on this legislation. On April 16, 2005, Mr. RENZI introduced H.R. 1618, which would create a traumatic injury protection program similar to what was enacted in Public Law 109–13.

On June 16, the gentleman from Arizona (Mr. RENZI) testified before the Subcommittee on Disability Assistance and Memorial Affairs, and his comments helped shape the bill which we are currently considering today. The gentleman from Arizona (Mr. RENZI) is a strong supporter of our Nation's servicemen and women, and I appreciate his input.

I would also note that I have had continuous dialogue with the gentleman from Arizona (Mr. RENZI), and I deeply appreciate his passion. In having grown up in a military family, he has great understanding of the sacrifices of the men and women who wear the uniform.

Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Madam Speaker, I want to thank the Chairman very much for the opportunity to speak on this legislation, for his leadership, and for the time that he has spent in mentoring me, particularly on this piece of legislation.

The bill that we are considering today, the Servicemembers' Group Life Enhancement Act of 2005, makes permanent and improves a significant change which passed a few months ago. In May, as part of the Emergency Wartime Supplemental Act, Congress passed the provision that allows the armed services and members of the armed services to purchase insurance coverage to protect against traumatic disabling injuries. This new traumatic injury protection program will be up and running in December, and will protect our servicemen and women against the economic consequences of severe disabilities while suffered on Active Duty. It will greatly assist our Armed Forces and their families during a servicemember's hospitalization time and their rehabilitation period, as well as their transition back to full employment.

At a time injured servicemembers and their family need to concentrate on physical recovery and emotional well-being, they are too often burdened with mounting financial debt, and this program goes a long way to help them.

Hospitalization following a traumatic injury often requires the servicemember's family members to leave work for an extended period of time to be with their loved ones, thus potentially losing a source of income. They incur tremendous costs, such as travel and living expenses, at a very stressful time. Travel, housing, food and child care costs can often amount to tens of thousands of dollars, and this insurance program will provide up to $100,000 to these servicemembers to help pay for these indirect costs.

We ask our young people to volunteer their service, and they serve with distinction. This program will be especially important to members of our National Guard and Reserve in which we have a moral obligation to provide the necessary means for our servicemember to transition back to civilian life.

Medical technology has made great gains in the past years. Many of our soldiers who would have been killed in battle now come home with severe disabilities. We need to continue to assist these wounded warriors as they adjust to life with their new disabilities. Therefore, it is vital that we recognize the difficult sacrifices made by our military and their families, and we do all that we can to assist them when they need it most. Our Nation must never forget our wounded warriors, and this legislation goes a long way to help them and to recognize that we care.

I thank the committee. I thank the gentleman from Indiana (Chairman BUYER) and the gentlewoman from Nevada (Ms. BERKLEY) for their approval, and I especially thank the gentleman from Florida (Mr. MILLER), the chairman of the subcommittee, for his help.

Madam Speaker, I urge my colleagues to pass this important legislation.

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

Ms. BERKLEY. Madam Speaker, I would also like to thank the gentleman from Arizona (Mr. RENZI) for his leadership on this issue.

Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I, too, rise to speak about improvements in insurance for veterans and their families.

This bill, H.R. 3200, will permanently, as we have heard, increase the amount of Servicemembers' Group Life Insurance from $250,000 to $400,000 if a servicemember is killed in the line of duty.

It would also provide the same permanent increase in the Veterans' Group Life Insurance program. These changes, of course, make the insurance more in line with today's economy, and we all should support the passage of H.R. 3200.

But I think there are other changes beyond what is in this bill that we also should take before this Congress ends. These changes would, first of all, affect the Service-Disabled Veterans Insurance, the SDVI program. When this insurance program began in 1951, the premiums were based on a 1940 mortality rate. Current standard life insurance policies have premiums based on a 2001 mortality rate, except for this program, which still charges premiums based on a table that is 60 years out of date, which results in higher premiums.

The Independent Budget, that document prepared and endorsed by many veterans service organizations, has recommended that the mortality table be updated. I have introduced a bill, H.R. 2747, the Disabled Veterans Life Insurance Enhancement Act, that would make this important change and decrease this premium payment for disabled veterans.

A second part of my bill affects the mortgage life insurance for severely disabled veterans. Currently this insurance covers only about 55 percent of outstanding mortgage balances. We know how the cost of housing has skyrocketed in most areas of our Nation. In May of 2001, an evaluation by the Department of Veterans Affairs recommended increased coverage. And my bill, H.R. 2747, implements these recommendations by increasing the maximum which would be expected to cover 94 percent of mortgage balances.

Finally, military families are currently provided with $10,000 of life insurance for each child when the servicemember is covered by the program. Some military families have been denied this benefit because their child was stillborn. My bill, H.R. 2747, would extend the $10,000 benefit to those families to help pay for funeral and burial expenses. I note that the Senate Veterans Affairs Committee has taken up this issue in their June 23 hearing.

Let us begin to update and fix the insurance for our servicemembers and our veterans by passing the bill before us, H.R. 3200. But I also encourage my colleagues to cosponsor and support my insurance bill, H.R. 2747, which expands what we are doing here today to additional insurance provisions and programs to support all of our Nation's veterans.

Ms. BERKLEY. Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, at this time I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY), a member of the committee.

Mr. BRADLEY of New Hampshire. Madam Speaker, I want to thank the gentleman from Indiana (Mr. BUYER) for the leadership that he has shown on this issue as well as the gentlewoman from Nevada (Ms. BERKLEY), the gentleman from California (Mr. FILNER), and the gentleman from Illinois (Mr. EVANS) and others.

It is not often that we have the opportunity to come together to do the right thing, to do it in a bipartisan fashion. It is a tribute to the gentleman from Indiana (Mr. BUYER's) leadership and to our friends on the other side of the aisle, and all of the leadership of the committee deserve great credit for doing this.

The details of this bill have been discussed by the chairman and others. I do not need to go through the details. What I want my colleagues to understand is the importance of this bill and why we are doing this bill, why we are increasing the SGLI benefit, the death benefit, and instituting an insurance benefit for injuries.

Most of us have had the opportunity to visit our troops in Iraq, in Afghanistan, and in many other countries around the world, as we are fighting and prevailing in this war on terrorism. And what we have seen when we have visited our troops is the dedication, the sacrifice, the American grit and courage to get the job done to win this battle against terrorism.

And when things happen, when people pay the ultimate sacrifice, when they return with disabling injuries, our country has to make sure that we match their commitment so that they are able to, if they paid the ultimate sacrifice, know that their families will have an increased death benefit; or if they have traumatic injuries, realize that there is help for their recovery and for their family.

This bill does it. It is a major step in the right direction. It is one that has been done in a bipartisan fashion. And I salute the leadership on both sides of the aisle of the committee for getting the job done.

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

Ms. BERKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Speaker, there is no way our Nation can fully repay military widows and their children who have lost their loved ones in service to our country. However, at the very least we should see that the burden that these families bear is not made heavier by financial difficulties in the wake of their deep personal losses.

□ 1200

That is what this legislation is all about. And I want to congratulate the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Nevada (Ms. BERKLEY) for their authorship and leadership on this bill. I want to salute my colleague and leader on the Committee on Veterans' Affairs, the gentleman from Indiana (Mr. BUYER), for his work in bringing this together on a bipartisan basis. I salute my Democratic colleague, the gentleman from Illinois (Mr. EVANS).

When we work on things, important legislation, together on a bipartisan basis, the press galleries are always empty. But that is not a reflection on the importance this legislation, because it will make a true difference in the lives of great American citizens and families who have sacrificed so much for all of us.

Congress with this bill has taken the first step in the right direction by increasing the death gratuity from $12,420, a paltry amount, to a more significant $100,000 in the 2006 defense authorization bill. I want to emphasize we must absolutely pass that increase this year and make it permanent.

In this bill, H.R. 3200, by increasing life insurance from $250,000 to $400,000 for servicemembers' families, we take an important step forward in helping our military families and loved ones who have paid such a dear price and sacrifice to our Nation. If fully enacted, the increase in death gratuity to $100,000 and the availability of relatively low-cost life insurance up to $400,000 should make it difficult if not impossible for anyone to try to take advantage of our military families by selling them outdated, over-priced life insurance policies.

As our Nation asks more and more from our military families and our war on terrorism, Congress has a moral obligation to provide all of our military families with quality education, housing, and health care. And when a service man or woman has paid the ultimate price, we have a moral responsibility to provide financial security to their widow and their children.

This bill is not the final fulfillment to our obligation to our service men and women and veterans, but it certainly takes us in the right direction. It is a good bill. I salute all of those who had a hand in making it possible for its passage today.

Ms. BERKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), a former Marine, a true warrior on behalf of our Nation's veterans, and the ranking Democratic member of the committee.

Mr. EVANS. Madam Speaker, I rise in support of H.R. 3200.

Earlier this year, Congress increased the amount of SGLI available to servicemembers up to $400,000. That provision is scheduled to expire as of September 30, 2005.

We need to make this increase permanent. The costs for this increase would be borne by the men and women who are covered under the SGLI program. SGLI is an insurance program paid by the men and women who are insured. Only in times of war when there is a marked increase in servicemember deaths does the government contribute payments for extra hazards.

H.R. 3200 will receive my full support, and it deserves the support of all Members of this House.

Madam Speaker, I rise in strong support of H.R. 3200, the Servicemembers' Group Life Insurance Enhancement Act of 2005.

Earlier this year, in Public Law 109–13, Congress increased the amount of Servicemembers' Group Life Insurance, SGLI, available to servicemembers. That provision is scheduled to expire as of September 30, 2005. This bill would make the $400,000 of coverage provided on a temporary basis in Public Law 109–13, permanent.

The costs for this increased amount of insurance would be borne by the men and women who are covered under the SGLI program. We must never forget that SGLI is an insurance program, paid for by the men and women who are insured.

Only in times of war when there is a marked increase in servicemember deaths, is the government charged for the ''extra hazards'' of this insurance. No government payments were made between the end of the Vietnam era and 2003. During the last 3 years, the military services have contributed to the cost of payments for ''excess deaths'', the number of deaths which exceed the expected death rate by more than 8 percent, resulting primarily from military operations in Afghanistan and Iraq.

H.R. 3200 also establishes criteria for notification to the spouse or next of kin when a servicemember elects less than the maximum amount of SGLI and notification to a spouse when a servicemember names a beneficiary who is neither the spouse nor child.

Generally, I would expect that a servicemember would discuss his or her financial decisions with persons who may be beneficiaries of a life insurance policy. The notice provisions may be helpful in those situations where a servicemember inadvertently fails to inform their next of kin or spouse of these decisions.

I am strongly opposed to the provision included in Public Law 109–13 which would require a married servicemember to obtain the consent of their spouse, even in situations where the spouses are estranged, if less than the maximum amount of coverage is selected. I am pleased that that provision would be repealed by this bill.

I also believe that no notice should be provided when a servicemember names a child or children rather than their current spouse as the beneficiary of a SGLI policy. Servicemembers are in the best position to determine whether a spouse or child, or some combination of spouse and child should receive the proceeds of their SGLI in the event of the servicemember's death.

Finally, the bill would allow a servicemember to decline coverage under the traumatic injury protection of Public Law 109–13. This insurance, like SGLI, is paid for by the servicemembers with extra hazards coverage for excess traumatic injuries in wartime paid by the military services.

I urge all members to support this bill, so that enhanced coverage currently provided under SGLI will not lapse on September 30, 2005.

H.R. 3200 will receive my full support and it deserves the support of all Members of this House.

Ms. BERKLEY. Madam Speaker, I yield myself the balance of my time. I urge all of my colleagues to support H.R. 3200. I am absolutely delighted we were able to do this prior to the August recess so that we can assure continuity for our veterans.

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

Mr. BUYER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would like to commend the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from Texas (Mr. EDWARDS), of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations when they took up this matter at the request of the President.

I also would like to commend the hard work of the gentleman from Florida (Mr. MILLER), the chairman of the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs, in the consideration of this bill in a timely fashion and ensuring that the Servicemember Group Life Insurance Enhancement Act of 2005 was quickly passed.

I also want to note that the gentleman has been actively involved in these insurance provisions since we were first made aware of them. Following the submission of the supplemental, he convened a roundtable with the administration officials, and he has taken a lead on the crafting of this bill; and I want to thank him for his efforts.

I also want to commend the gentlewoman from Nevada (Ms. BERKLEY), the ranking member, for working with the gentleman from Florida (Mr. MILLER) on this legislation. Her input was valuable, and we appreciate her efforts on behalf of men and women who wear the uniform and our veterans.

I also again want to commend the gentleman from Arizona (Mr. RENZI)

for his contributions to this legislation. I also reserve the last of my thanks to the gentleman from Illinois (Mr. EVANS), the ranking member of full committee, for his good work.

Congress must act promptly to ensure permanent SGLI authorization is enacted before September 30 of 2005, or the coverage levels for servicemember life insurance will revert to $250,000 on October 1 of 2005. I do not believe any Member of this body would want to see that happen. I strongly urge my colleagues to give favorable consideration to H.R. 3200.

Mr. BISHOP of New York. Mr. Speaker, I proudly rise today in support of H.R. 3200, the Servicemembers' Group Life Insurance Enhancement Act of 2005.

As our brave men and women continue to put their lives on the line for our Nation, we owe each of them the peace of mind they were promised, and to make it easier for their families with the knowledge that they will be cared for in a catastrophe.

Active duty personnel fulfill a critical mission in our fighting forces, and they should feel comfortable knowing that their loved ones will be provided for in the event of debilitating injury or death. I am pleased that we are expanding current benefits to adequately care for military families.

The Servicemembers' Group Life Insurance Act was passed to provide peace of mind for active duty personnel. However, since the creation of life insurance for those in the armed forces, benefits have not kept up with need, and it is now appropriate that we increase the maximum payments to families from $250,000 to $400,000.

Mr. Speaker, I am pleased that we are working to correct this problem by offering this bill, and by expanding benefits to our active duty forces and providing a safety net for military families who suffer the unthinkable loss of a loved one.

Mr. MILLER of Florida. Mr. Speaker, Public Law 109–13, the Emergency Supplemental, included provisions which made changes to VA's insurance program for active duty servicemembers. However, these changes expire on September 30, 2005.

H.R 3200 would:

Repeal section 1012 of the Supplemental, the section dealing with the insurance changes, and replace it with the text of H.R. 3200. This will reduce the administrative burden on the Department of Veterans Affairs and the Department of Defense who are currently promulgating regulations that are to be in effect for one month before the law expires;

Make permanent the increase from $250,000 to $400,000 in maximum Servicemembers' Group and Veterans' Group Life Insurance coverage;

Make permanent the increments of SGLI coverage from $10,000 to $50,000; and

Require the military service Secretary concerned to notify a servicemember's spouse or unmarried servicemember's next-of-kin, in writing, if the servicemember declines SGLI or chooses an amount less than the maximum, and also require the military service Secretary concerned to notify a spouse if someone other than the spouse or child is designated as the policyholders' beneficiary.

This language was included in H.R. 2046, which passed the House on May 23: Clarify that spousal notification requirement does not apply to Veterans' Group Life Insurance; and Permit a servicemember to decline Traumatic Injury Protection coverage established by section 1032 of Public Law 109–13.

There were no public hearings regarding the servicemembers' and veterans' insurance changes prior to House and Senate passage of the defense emergency supplemental. However, on March 6, 2005, the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs held a roundtable briefing on these provisions with officials from the Department of Veterans Affairs, the Department of Defense, and private sector insurance representatives. Last month, the Subcommittee held a hearing on these proposals and this bill is a response to issues and concerns I and others had with the insurance provisions contained in the Supplemental.

In addition to the provisions noted above, the Supplemental also provided for a new Traumatic Injury Protection program.

As Chairman BUYER indicated in his opening statement, this program—which goes into effect on December 1 of this year but is retroactive to October 7, 2001—will provide financial assistance from $25,000 to $100,000 to servicemembers who suffer certain traumatic injuries.

Under current law, participation in the new program is mandatory and those covered must pay premiums. Although the Department of Veterans Affairs estimate the premium to be as Iowa $1 a month, I do not believe Congress should be making financial decisions for the men and women who serve in our armed forces, Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service—all of whom are covered under this new program.

Therefore, section 6 of H.R. 3200 would allow a servicemember to decline traumatic injury coverage. I view our role as ensuring that our servicemembers have a variety of options to assist them in planning for the future. If at a later date someone wants to participate, they would be able to elect coverage upon written application, and coverage would apply with respect to injuries occurring after the subsequent election.

Mr. Speaker, I applaud Ms. BERKLEY, the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, for her active participation in crafting this bill, as well as the subcommittee vice chairman, JEB BRADLEY, and a former member of the Committee, RICK RENZI. This has indeed been a team effort.

I also want to thank the subcommittee staffs on both sides of the aisle, and the Office of Legislative Counsel for their technical assistance.

Finally, I commend Chairman BUYER and Ranking Member EVANS for their continuing leadership.

Mr. Speaker, I urge my colleagues to support the Servicemembers' Group Life Insurance Enhancement Act.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 3200, the Servicemembers Group Life Insurance (SGLI) Enhancement Act of 2005.

Since 1965, the SGLI program has been providing insurance coverage for our men and women in uniform. While the SGLI initially covered only active duty servicemembers, today it extends coverage to our nation's guard and reserve forces as well.

This legislation would increase the minimum SGLI coverage from $10,000 to $50,000 and make permanent the increase in maximum coverage from $250,000 to $400,000. This increased insurance coverage would become available for any servicemember wanting to participate.

The war on terror has placed greater demands on all of our active duty and reserve forces at home and abroad. These brave men and women have made tremendous sacrifices for our freedom and it is our responsibility as Members of Congress to do everything possible to assist them both during and after their service to our country.

Mr. Speaker, my colleagues and I on the House Veterans Affairs Committee favorably passed H.R. 3200 and as a co-sponsor I would urge all my colleagues to do the same on the House floor. Thank you.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 3200 because of the importance of making permanent the provisions included in P.L. 109–13, the War Supplemental, related to the Servicemembers' Group Life Insurance (SGLI) Program.

SGLI is an important benefit offered to America's servicemembers particularly during this time of war. Prior to passage of P.L. 109–13, SGLI provided inadequate life insurance coverage to American servicemen and women. This inadequacy became intolerable when juxtaposed with the sacrifices of servicemembers in the War on Terror. With the former maximum coverage level set at $250,000, a servicemember could not ensure that his or her family would have sufficient resources to endure a catastrophic loss. In the 2005 War Supplemental, Congress increased coverage to $400,000, and, importantly, applied the provision retroactively in order to provide relief to the many families that had already lost a loved one in combat. However, the provisions included in the supplemental will expire in September 2005. H.R. 3200 is important because it makes permanent the supplemental's provisions on SGLI including increasing life insurance coverage to $400,000.

America asks her sons and daughters in the Armed Services to make extreme sacrifices to protect our liberties, our freedom and our way of life. Tragically, in the prosecution of the War on Terror many of our Soldiers have made the ultimate sacrifice. We have an obligation to those fallen heroes to protect the families they left behind. By providing for SGLI coverage that reflects the degree of our Soldiers' sacrifices and the needs of families when faced with the loss of a breadwinner, we are moving a step closer to fully and properly caring for America's heroes. This is not an option, but an obligation.

I am pleased that the over one hundred thousand troops now deployed into combat zones in support of the War on Terror can rest easier knowing they will permanently have access to affordable and sufficient life insurance. While they protect all of us from duty stations overseas, today we are helping protect them here at home.

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

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 3200.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3200.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 515

Mr. EVANS. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from Florida (Mr. BOYD) removed as a cosponsor of H.R. 515, as it was inadvertently added.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

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

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

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2361 be instructed to agree to section 439 of the Senate amendment, providing $1,500,000,000 for fiscal year 2005 for the Department of Veterans Affairs for medical services provided by the Veterans Health Administration and designating that amount as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from North Carolina (Mr. TAYLOR) each will control 30 minutes.

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

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

Mr. Speaker, for the past 3 years, a number of us on this side of the aisle, including the gentleman from Texas (Mr. EDWARDS), myself and several others, have tried to bring the administration to the realization that we needed many more dollars in the veterans health care funds than, in fact, they requested each year. And each year we have been able to drag them a little bit towards that goal, but we have not been able to drag them far enough.

As a result, we have heard many, many horror stories. We have heard that thousands of patients have had to wait more than 3 months for appointments in California. We have heard that in States like Arkansas and Oklahoma and Mississippi and Louisiana, the VA has stopped scheduling appointments for many veterans who are eligible for care. We have heard of 6-month delays in emergency surgery in Oregon. We have heard that facilities have had to erect scaffolding to protect patients and staff from falling bricks in Maine. We have heard that a medical center in Vermont has major shortfalls in their prosthetics budget. We have been told that doctors have had to pilfer supplies from neighboring hospitals to carry out routine procedures in Illinois. And we have been told that life safety improvements like replacing fire alarm systems have been postponed as the funds are used to cover operating expenses in States like California.

Yet, in the face of stories like that, in April VA Secretary Nicholson told the Congress that no additional funds would be needed for fiscal year 2005. But by the end of June he had to admit that there was a big problem, and he then testified that an additional $975 million was needed. Two weeks later, the problem in their eyes got even bigger. OMB asked for yet another $300 million for fiscal year 2005, so they are admitting a $1.3 billion shortfall right now; and the numbers look worse for the coming fiscal year.

The VA has already amended their $20 billion medical care budget request for an additional $1.7 billion, and that does not count the additional $500 million they are going to need, because I doubt that many Members want to go along with the administration's proposal to raise the veterans health care fees and co-op pays as has been suggested by the administration.

I would hope that by now every Member realizes that we have a VA health care crisis and we have to deal with it right now. The other body did the right thing in the interior bill. They provided $1.5 billion of emergency money for the VA. That would cover the immediate $975 million shortfall and provide an additional $525 million that could be distributed among the VA regions to take care of the source of problems that each of us has been hearing about.

I would point out also that in my view some Members of this House have paid a very high price for speaking out on behalf of our veterans. We saw earlier this year news stories which reported the fact that the majority caucus not only removed from his chairmanship but removed from the committee itself the Member on the other side of the aisle who chaired the committee in charge of veterans funding because he had been too insistent in agreeing with those of us on this side of the aisle who kept insisting that we needed more funding for veterans health care.

I would hope that it would be recognized that he was right, that we were right, not just about yesterday's problems but about today's and tomorrow's with respect to this account.

So I would simply urge each and every Member of this House to vote for this motion. This money is going to be provided. It is just a question of how many times we have to hit the House along side the head before, like a stubborn donkey, they finally recognize that something needs to be done.

□ 1215

Reality is here. It would be nice if we faced up to it. I would hope this would receive the unanimous support of the Members of the House.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will soon, I think, hear from our chairman of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, who will be speaking on this. I know that the error that was made is being taken care of in this legislation, in 2005 with $1.5 billion, and in 2006 with another $1.5 billion to make the entire $3 billion.

Every year, Mr. Speaker, we have raised benefits for American veterans, and rightly so. Some 68 percent of our veterans are from World War II and Korea, and we know when we go out on the plaza and see the monument to the World War II veterans the sacrifices paid. We all have relatives who served in World War II, and we know they saved this world with their dedication. We know also how much our other veterans give to this country, those who fought in subsequent wars right up through the current time with our own children fighting in Iraq.

So all of us want to provide the materials and the health care benefits for our veterans, and this amendment will be one of the steps in providing that.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the subcommittee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Wisconsin (Mr. OBEY), the gentleman from Texas (Mr. EDWARDS), and all the Members who deeply care about our veterans in this body.

I am always surprised that this issue takes on a partisan tone, because I really believe each Member cares about veterans. It is just that there seems to be an unwillingness on the part of this administration to face up to the reality of how much money is needed to take care of the veterans. And with the war raging in Iraq, and with the seriousness of the injuries, any of us who have been out to Walter Reed or to Bethesda to see these heroic young men and women who have come back with these very severe wounds, I think all of us want to see the best care given to our veterans.

We have been reading about post-traumatic stress syndrome and the consequences and the effect on the lives of these soldiers and sailors and marines when they come home after having been involved in the kind of violent combat that is being seen in Iraq. I had a chance to visit the VA Hospital in Seattle recently, and I was told by the people there that they still have a backlog, a waiting list of 2,500 people waiting to get their appointments at the Seattle VA. Now, that is just unacceptable. I hope that that has been reduced.

Mr. Speaker, I want to say that I believe the other body was correct in adding this money, but this is not something that normally would be part of the Interior appropriations bill. This is not within our jurisdiction. This is just something that happened—we were the first bill moving through, and it became a convenient vehicle in the other body to put this $1.5 billion onto.

There was an effort here to put some money, I think it was, what, $975 million—or thereabouts, which the House adopted, I believe, overwhelmingly, maybe unanimously, but it is simply not enough. I think Mr. Nicholson has not been as forthright as he should have been in telling the various committees on the Hill what was needed. But in my mind there is absolutely no excuse for not approving this $1.5 billion.

I hope that it will be unanimous that every Member of the House will vote for this because I think we should do as much as we can to take care of the legitimate needs of these people. As I said, this should not be a partisan issue. I just regret that the administration continues to underfund this important priority.

Mr. TAYLOR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), who has been a key leader on this issue as the ranking member of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies.

Mr. EDWARDS. Mr. Speaker, for 2 years, our Nation's respected veterans' organizations, along with Democrats in Congress, have been predicting cuts in veterans' health care services due to inadequate VA health care budgets. In February, in fact, of 2004, nearly a year and a half ago, Republican chairman of the House Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), and his Democratic ranking member, the gentleman from Illinois (Mr. EVANS), in a bipartisan letter predicted the administration request for VA health care for this year would be $2.5 billion short.

Now, Mr. Speaker, what was the reaction of the House Republican leadership? Did they stand up for veterans' health care needs in funding? No. They fired the gentleman from New Jersey (Mr. SMITH) from his job as chairman of the House Committee on Veterans' Affairs and even took him completely off the committee. That may be hard to believe, but it is true. The House Republican leadership punished a Member of Congress, a member of its own party, for putting loyalty to veterans above loyalty to the House leadership during a time of war. It is not only true, it is sad.

To make matters worse, the gentleman from New Jersey (Mr. SMITH), House Democrats, and veterans' organizations were right in saying veterans' health care services were underfunded and the House leadership was wrong. At every step of the way over the past 2 years, in the Committee on the Budget, in amendments there; in the Committee on Appropriations, in amendments there; in the 302(b) allocation, the amount of money for veterans' care in the Committee on Appropriations, in all of these places and on this House floor repeatedly the House leadership has fought against the money needed to adequately support our veterans' health care needs during a time of our war on terrorism.

Even after it became public that the VA has a $1 billion shortfall, a $1 billion-plus shortfall this year, even after that, the House leadership dragged its feet. They are still dragging their feet in trying to adequately fund veterans' health care needs.

It is time for Republicans and Democrats alike, today, to do the right thing and to instruct the conferees on the Interior appropriations bill to support the same $1.5 billion emergency veterans' health care funding that was approved by a bipartisan vote of 96 to 0 weeks ago in the Senate.

It is morally wrong for our Nation to ask young troops to go into combat and then shortchange their health care when they return home as veterans. Supporting veterans' health care may be costly, but it is the right thing to do. Standing up for veterans may have cost the gentleman from New Jersey (Mr. SMITH) his job as chairman of the House Committee on Veterans' Affairs, but it was the right thing to do.

The right thing to do now is to send a message to this House leadership, that has opposed adequate funding for veterans' health care for 2 years now, that supporting veterans is more important than misplaced partisan loyalty.

Mr. TAYLOR of North Carolina. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time do we have remaining on each side?

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Wisconsin (Mr. OBEY) has 19 minutes remaining, and the gentleman from North Carolina (Mr. TAYLOR) has 28½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time and for his leadership on behalf of our Nation's veterans, leadership which has sorely been lacking in this House.

This administration and this Congress has insulted our veterans community repeatedly in the last few months, insults which I hope we will remedy with today's motion. The head of the Office of Management and Budget actually had the nerve to testify before the Committee on the Budget that over the last 3 years the Veterans Administration had received $.5 billion more than it actually needed, more than it actually needed, when we have waiting lists which the gentleman outlined, when we have nursing and medical vacancies, when we have maintenance backlogs, when we have people waiting a year for an appointment for a dentist, and months and months for surgeries that are needed. OMB told the veterans that we have more than what was needed!

Then the Secretary of our Veterans Administration testified before committees of this Congress that we got it wrong because we had a bad mathematical model. We had a mathematical model that did not take into account the fact that there was a war going on and thousands of troops were coming back with significant injuries and with post-traumatic stress disorder. We did not know a war was going on, so we underfunded the VA. That is an insult to our Nation's veterans, that we did not know a war was going on, and we did not provide the money. Many are suffering today as a result of that decision.

And, Mr. Speaker, when we had a chance to help the veterans before our last recess, the chairman of the Committee on Veterans' Affairs said, we can only give $975 million, that that was the right number, while the Senate did $1.5 billion, which we are now instructing our House to accept today.

We could have had this money flowing to our veterans' centers weeks ago. This could have been signed by the President several weeks ago, yet in my hometown of San Diego, we have 1,000 people on a waiting list just to have their first appointment. We have maintenance backlogs and nursing shortages, and we cannot get them the money because we did not have the right numbers, said the veterans chairman.

Well, we had the right number all along, my colleagues. The Independent Budget, a professional document prepared by our veterans' service organizations, had the numbers exactly right. The mathematical model could have been tested against this, and we could have had the proper support for our Nation's veterans. So everybody who talked about our Nation's veterans when we had Memorial Day, when we had our July 4th celebrations, and we will hear it on November 11th as we have heard today, that we all support our veterans. Well, let us show it by the proper votes!

The Democrats in this Congress have tried at every level, on the Committee on the Budget, on the Committee on Appropriations, in the Senate, in the House, and we tried on the floor of this House to give the Independent Budget numbers the force of law, but we were voted down on pure party-line votes. So I hear that everybody supports our veterans, but when the votes come, the majority party is not supporting our Nation's veterans.

Let us pass this instruction motion. Let us honor our veterans and give the veterans the support they need, especially when they come home from war.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, a member of the party which, as we all know, has supported our veterans with increases every year.

Mr. WALSH. Mr. Speaker, I thank the chairman of the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations for calling for this motion to instruct conferees, and I rise in support of that motion, and I thank him for his hard work and support on this issue.

Mr. Speaker, we have come to this point through a fairly long circuitous route this year. There has been a number of different estimates as to what the actual needs of the Veterans' Health Administration are. We conducted lengthy, extensive hearings, as did the authorizing committee, the Committee on Veterans' Affairs, and we have been receiving different information all the way along.

It is our best determination that the $1.5 billion figure will provide us the funds that we need to complete this fiscal year, the 2005 fiscal year, and the funds that are not utilized in 2005 will be available in 2006. We are also working with our Senate counterparts to make sure that the 2006 figure is correct.

□ 1230

This has all been done with the very best intention of providing the Veterans Administration and our veterans with the resources they need to meet the demands of the patients of the hospitals of the Veterans Administration.

I think the Secretary of Veterans Affairs, Mr. Nicholson, has an opportunity here as the new Secretary. And he did not develop the budget; the budget was developed by his predecessor with the advice and counsel of the Office of Management and Budget.

Mr. Nicholson now has an opportunity to make his impression on the Veterans Administration, and the key here is accountability. Making sure that the people who provide Congress with the cost estimates to tell us how we can best serve our veterans and keep our promises, those individuals need to be accountable to the Secretary of the Veterans Administration. I know he is setting about doing that, and hopefully this difficult process that we have had this year will not be repeated.

I might add we have had estimates from the veterans service organizations in each of the 6 years that I have been chairman responsible for the appropriations for Veterans Affairs. We have been right, and I think they have been wrong; and this year their estimate was higher than ours. Who is closer, we will see at the end of the process. But to cite the estimates this year, we need to reflect those against all of the preceding years, and I think by and large we have been on the money.

By the way, we have increased this Veterans Administration budget each year in the neighborhood of double digits. No other budget within the Federal Government other than perhaps defense health has had those kinds of increases.

The House has the power of the purse. We establish our priorities with that purse, and clearly the Veterans Administration is the priority of the House of Representatives. I stand on that record.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to express my support for the Senate-passed amendment to include $1.5 billion to the veterans budget. After the budget shortfall was announced, both sides of the aisle in the Senate came together to take immediate action to address the issue. They passed a $1.5 billion emergency funding amendment to immediately get the funds to the people who need it, our veterans.

The Republican leadership of the House decided to sit on their hands and wait for President Bush to pull out of the air a number. That number was $975 million. This House passed that funding level and left for the July 4 recess. However, it turned out that the Bush level was $300 million short of funding veterans health. We know that budget is underfunded by more than $3 billion, that is B, billion. All Members need to do is read the independent budget. Every year they release their priorities, and every year the VA is short of funding to complete its mission.

While we were sitting on our hands, the three surgical operating rooms at the White River Junction in VAMC was closed on June 27 because the heating and air conditioning system was broken.

The community-based outpatient clinics needed to meet veterans' increased demand for care in the North Florida and South Georgia VA health care system was delayed due to fiscal restraint. As of April in Gainesville, Florida, there were nearly 700 service-connected veterans waiting for more than 30 days for an appointment.

Let us get past the $1.5 billion for veterans health care; let us just stop all of the talking and put our talk into action. Pass this motion to instruct and get veterans the health care that they need and deserve today.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I just wanted to come to the floor and say the gentleman from Washington is correct, all Members of this body that I know, Republicans and Democrats, totally stand behind our veterans in giving them resources; and that is the spirit with which we should approach this debate.

But I have to tell Members, one thing we forget around here, money is one piece of it, and accountability is another. I have to tell Members that now that this is added to the interior bill, and that is where I serve, this is when I speak, that the VA is still not accountable enough.

Yes, we need this money; but do not think for a minute that more money is the answer. Some of these needs are not being met because they are not accountable. They are not efficient enough. The VA in my area is still not accountable enough, but we need this money.

To allege or assert in any way that the House Republican leadership removed the gentleman from New Jersey, let me tell Members, I was there. While I am not going to say what was said in the meeting of the steering committee, we hired the gentleman from Indiana. For all of the right reasons, we hired the gentleman from Indiana as the chairman of the Committee on Veterans' Affairs because of what he is doing and we need to do in terms of reforms and accountability at the VA. It needs to be done.

On issues like homeland security and veterans, Members can always say it is not enough money to try to appeal to people. But we have to give them the

money that they need when they need it for the purpose they need it and hold them accountable for better management. This body does not exert enough oversight on how the money is being spent. That is the truth, and it is especially true with the Veterans Affairs operation nationwide.

So, yes, let us give them the money; but let us not just throw them the money and say, There, that is more money. Let us follow through with a much more scrutinized process of accountability at the VA.

The VA should have been moving money around 10 years ago to reform, to close the facilities they do not need, open new facilities, even contract so people can go to the best health care provider in their community to receive health care.

We have got to reform the VA and give them more money, and I come to the floor today to say that the appropriations process can do that. The chairman, the gentleman from New York (Mr. WALSH), has done an outstanding job here, but surely the general public knows that Members of Congress support our veterans. All Members of Congress that I know support our veterans with the necessary funds.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise today in support of the motion to instruct conferees on H.R. 2361, Department of Interior, Environment and Related Agencies Appropriations Act for Fiscal Year 2006.

This bill will provide the Department of Veterans Affairs with supplemental funding of approximately $1.5 billion for fiscal year 2005. Several weeks ago, the House of Representatives unanimously passed H.R. 3130 which provided $975 million in health care funding for the fiscal year. We did that in response to revelations at the time to a line of questioning that I had with Dr. Perlin of VHA at a full committee hearing on health care modeling and forecasting.

We learned that since the spring of this year VA hospitals and clinics were shifting significant amounts of funds into medical services from maintenance and capital equipment accounts. This shifting was driven by underestimates of long-term care requirements and increased use of VA facilities by returning Operations Enduring Freedom and Operation Iraqi Freedom veterans to also include a surge of veterans in categories 1 through 6 and category 7 for health care.

I directed Secretary Nicholson to tell us what additional funds he needed for 2005. I also then immediately informed the Speaker of the House and the majority leader of this issue.

The Secretary returned from meetings with his staff on June 30, bringing to us a number of $975 million. This House acted the very same day in which the Secretary made his request through the President of the United States approving to the penny the VA's request. Yet the number was not even dry on the paper when, in fact, days later we were then informed that number was really $1.275 billion, and they needed an additional $300 million.

The $300 million is for a carryover account which we in Congress permit the VA to utilize. So you will hear this number. What is really important is the $975 million number; and as a matter of fact, just last week the VA said they hold to the number. The additional $300 million is for the carryover account.

The Republican Senate leadership offered a number of $1.5 billion. Now the challenge we have is they passed a number on the Senate interior appropriations bill of emergency supplemental. The House passed a $975 million number that was paid for out of the 2005 budget. As Members go to the interior conference, we have a challenge. We have got moneys which were paid for, the Senate asks for emergency. Now I suppose we are asking for an instruction that is saying make it an emergency supplemental.

So what we are doing is rolling one on top of another. We have $975 million which was paid for out of the 2005 budget. Now we are going to vote for an instruction to the conferees on $1.5 billion on emergency supplemental. So these are issues that conferees are going to have to work out at conference.

But when we look at VHA's forecasting performance which has been the focus at some of our animated hearings in the House, 3 over the last several weeks, in April they provide notice to the Committee on Appropriations that they are going to reprogram $600 million. Then in the latter part of June when we hold our hearing, they testify they are short $975 million, but they have ''work-around solutions.''

Then a few days later while we are on our July break, we learn that the number was short $300 million. They are going to spend down the $975, and the $300 million is the carryover account. We either take care of that in 2005, or we have to include it in the 2006 budget amendment.

If Members watch this, we go from $600 million to $975 million to $1.275 billion. What is it going to be in August? I think that is what the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) are indicating. So that is why I am going to support the motion to instruct, because there is a loss of confidence here in the House with regard to the number that has been given to us. Patience with the VHA bureaucracy has run out.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's efforts and he is sincere in everything he says.

Has the committee held any hearings on why they are having all of these financial difficulties? What is driving this increase?

Mr. BUYER. We have. We have held three hearings. Part of the reason dealt with their modeling and their forecasting. For the 2005 budget, they used 2002 data, and they also had false assumptions. So we have informed them that they have every opportunity to get right the 2007 budget because now they tell us about the use of old data and poor measuring criteria. So they have every reason now to get it right. So what are they changing with regard to their assumptions and how are they improving the data with regard to the 2007, because that is what they are doing right now.

So what has occurred is we get the 2005 right. They come with a 2006 budget amendment. We just held a hearing on the 2006 budget amendment, which is just under $2 billion; and then we told them that we are going to do some handholding as they prepare the 2007 budget.

Mr. DICKS. Mr. Speaker, if the gentleman will continue to yield, are you able to get OMB to cooperate, because sometimes the agencies try their best to do the right thing, but then they are told by OMB they cannot do that because we are trying to fight the deficit. Is OMB being helpful here or not?

Mr. BUYER. Mr. Speaker, I would say everyone wants the modeling to be correct and for us to reestablish trust and confidence on our predictability of a budget number. When we do that, we bring purity to the process and OMB also brings trust and confidence. I think there is lack of trust and confidence under the budget number, and OMB has proven they are not as good of a caretaker here as they think they are. We will work cooperatively with OMB because they also are part of this process of the pain.

Mr. DICKS. Mr. Speaker, I thank the gentleman for that explanation.

Mr. BUYER. Mr. Speaker, the issue is accountability. The gentleman from New York (Mr. WALSH) touched on it and so did the gentleman from Tennessee (Mr. WAMP). The credibility must be rebuilt, and OMB is integral to this process.

I have asked Secretary Nicholson to review the leadership of the VHA bureaucracy to ensure that the right people are running it, and also its finances and some within the health network.

In particular, I am greatly disappointed and have lost confidence in the leadership and management of the Deputy Under Secretary for Health, for Operations and for Management. In the meantime, Congress will ensure that veterans health care is funded. We will hold VA accountable for its use of these dollars in the performance of its mission.

Over the recess, other Committee on Veterans' Affairs members, staff, and I will personally visit VA health care facilities because there is no substitute for boots-on-the-ground examination.

□ 1245

I will specifically visit a polytrauma center in Minneapolis.

One of the harshest realities of combat in Iraq and Afghanistan is the number of servicemembers returning from Iraq and Afghanistan with loss of limbs and other severe and lasting injuries. With the body armor which we are providing to our soldiers, they can turn that up, and what is happening is it protects the torso, and they are having now loss of limbs and traumatic brain injuries.

VA has four regional traumatic brain injury rehabilitation centers. One of them is in Minneapolis, one is in Palo Alto, another one is in Richmond, and one is in Tampa. These are very important regional referral centers for individuals who have sustained these serious disabling conditions due to combat. VSOs and others are saying that these individual veterans are not being seen because of cuts in the VA. I find that challenging. I want to make sure these allegations are correct, so I am going to go on the ground to see if it is true.

I have also asked the GAO to review the VA's budget process, and I think that will be very important for some other eyes on this issue.

Mr. Speaker, America's veterans will receive the health care they have earned. $1.5 billion is a significant number for an important constituency, and I anticipate that we will act quickly to provide it. We can all see that only 2 months remain in the fiscal year. Unspent funds from this appropriation will be available for their use as down payments on the 2006 budget supplemental so that all funds will be put to good use.

I would like to thank the gentleman from Illinois (Mr. EVANS) for his work. I would like to thank the gentleman from Wisconsin (Mr. OBEY) for this motion. I also commend my colleagues in the Senate for their willingness to act quickly to Secretary Nicholson's request and to resolve this matter. I also want to thank the President, because when this was alerted to everyone's attention, the President acted and sent over a number. He also did the 2006 budget amendment.

In the end, those of us who exercise great care to raise and support the military know that our obligation does not end upon one's discharge. We care for the wounds and the injuries. We care for those who are left behind. We care for them to make as whole as possible and to create a climate so that one may take advantage of economic opportunities to live beyond a disability paycheck so that the defenders of liberty may also enjoy the bounties of the liberty for which they fight. I urge my colleagues to support the motion to instruct conferees in order to ensure that the veterans' funding can be done as quickly as possible.

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

Mr. OBEY. Mr. Speaker, let me conclude on this side by making four simple points. First of all, one of the previous speakers tried to suggest that, in fact, the gentleman from New Jersey (Mr. SMITH) had not been fired by the majority party caucus because he had been too willing to speak his own mind about the needs that he saw for veterans' health care. I would simply say that I am perfectly happy to believe that if the House is ready to believe that my grandmother is an astronaut and that the Cubs are going to win the pennant this year. The fact is that we know what the facts are, or were, I should say, with respect to the removal of the gentleman from New Jersey from office. He simply did not follow the party line and paid a price. So did the veterans. And now this bill is trying to help meet those costs.

Secondly, the gentleman from New York indicated that there had been a variety of estimates about what would be needed for veterans health care funding this year. The fact is that the Democratic estimates that we offered were consistent, and the bipartisan estimates that were offered by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) were consistently that we needed $2.5 billion in this account over the budget request. The House earlier enacted a $1 billion increase. This $1.5 billion in this motion now brings us to the $2.5 billion that we have been saying all along was needed and that the gentleman from New Jersey and the gentleman from Illinois were saying all along was needed.

Thirdly, I would simply say that the administration's denial of the truth on this matter follows a pattern. We saw earlier over the past year and a half when the Veterans' Administration was discouraging outreach, because if veterans knew what they were entitled to, it would cost more money, and that would impact the budget. So we have already seen that effort to not fully explain to the American veterans what they were entitled to. In that sense, it is very similar to the action of the administration in threatening to fire the government official who tried to tell Congress what the true cost of the prescription drugs under Medicare proposal was that the administration proposed last year.

Lastly, I would simply say one of the previous speakers raised the question as to why we were providing this money as an emergency. It is very simple: because it is an emergency for each and every veteran who otherwise will not be adequately served. We have a war going on. It would be nice if during that war we had a sense of shared sacrifice that was conveyed to each and every citizen of this country. But we really do not. We have a narrow band of people, those in the uniformed services of the United States, who are being asked to sacrifice virtually everything while 90 percent of American society is making no sacrifice about the war. They are getting tax cuts. They are able to be comfortable in their homes. It is only a precious few military families who are bearing the entire burden of that war.

It is human nature, I guess, for Americans, when our soldiers go off to war, to cheer and to have the bands playing, but it would be nice if we had that same enthusiasm for veterans when Johnny comes marching home again. Unfortunately, we have not demonstrated that because of the shortfalls that we have seen in the veterans' health care budget.

I would hope that we would adopt an understanding that if we ask someone to put his very life at risk, to put his family's future at risk and go to war to defend an action of the President of the United States, I would hope that we would recognize that we have a concurrent and permanent obligation to each and every one of those soldiers to meet the full cost of meeting their health care needs, their education needs, and their economic readjustment needs when they return to this country. That is the very least that we ought to do. This amendment tries to measure up to that standard. I would urge a unanimous ''yes'' vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Motion to Instruct Conferees to accept the Senate position to provide an additional $1.5 billion for Veteran's Medical care under H.R. 2361 the Interior Appropriations Bill. This motion to instruct will remedy the shortfall in veterans' health care for this year. Clearly, we have an obligation to our veterans that is not being met and can not go another day allowing this deficiency in Veteran's Medical care to continue.

The sad fact is that it has been 33 days since the Bush Administration acknowledged a $1 billion shortfall in Veteran's Medical care for FY 2005. Every day we see more and more veterans turned away and health care rationed across the country because the VA lacks the resources it needs to care for veterans. Every day we don't act, is another day that a veteran who bravely served our Nation is shortchanged.

To remedy this situation more than three weeks ago, the Senate unanimously passed a $1.5 billion bill. But the amount offered by House Republicans did not match that passed in the Senate, meaning money has not gotten to VA medical facilities and veterans will continue to wait in lines for health care. It has been nearly one month since this shortfall was first acknowledged, and yet Republicans continue to fail our veterans. Veterans and this Nation as a whole can not wait another day for this shortfall to be addressed; waiting any longer would be a travesty.

The truly sad facts demonstrate that the shortfall in veterans health care funding has resulted in some VA medical facilities no longer scheduling appointments for veterans, others not filling vacancies of medical and nursing staff, and others having to close operating rooms or not replacing basic medical equipment, such as hospital beds. Right now, there are more than 50,000 waiting in line for medical appointments, with more than 100,000 veterans from Iraq and Afghanistan seeking health care. But instead of remedying this situation as quickly as possible, Republicans continue to reject proposals that would give veterans the resources they so desperately need.

This spring, Democrats attempted to add $1.2 billion for veterans' health care on the $82 billion Iraqi supplemental. And last September, Democrats sought to provide a $2.5 billion increase over the Bush budget for veterans' health care. Over the last month, House Republicans have voted four times to block consideration of amendments offered by Democrats to add the needed funds for VA health care. It is time that we as a body unite to defend those brave Americans who risked their lives to defend our great nation. I urge all Members to support the Motion to Instruct.

Ms. BORDALLO. Mr. Speaker, I rise today in support of the gentleman from Wisconsin's (Mr. OBEY's) Motion to Instruct Conferees on Veterans Health Care on H.R. 2361, the Interior Appropriations Bill. Our servicemen and women are making daily sacrifices for our Nation in far off lands. Many will return home scarred by combat wounds, many others scarred by the face of war. Having completed their service to our Nation overseas, these servicemen and women have earned more then a debt of gratitude from their Nation but a debt of care. In order to do this, we must properly fund the organization dedicated to their care, the Veterans Administration.

I am pleased that the gentleman from Wisconsin, Mr. OBEY, has offered a motion to highlight the inadequacy of the House passed appropriations measures for our Veterans. This motion instructs conferees to accept the Senate position on Veterans' medical care by adding a desperately needed $1.5 billion to the Veterans Administration budget.

Guam recently welcomed home a company of the Guam Army National Guard following the unit's combat tour in Djibouti, Africa. Many other sons and daughters of Guam have served on active duty in units across the Armed Services. I have an obligation to do everything possible for these heroes in ensuring that Congress has made a commitment to their care equivalent to the commitment they made to the care of our Nation.

It is time for the rhetoric of supporting our Soldiers and our Veterans to be met by our actions. I urge my colleagues to support the motion to instruct.

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

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

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

APPOINTMENT OF CONFEREES ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. OBEY. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I express this reservation in order to take a couple of moments to again express my disquiet about this legislative appropriation bill. I had originally intended to offer a motion to instruct conferees, but in the interest of time and comity, I will not do that. But I, under my reservation, want to make a number of points about funding contained in this bill.

This bill contains another large amount of taxpayers' dollars to pay for what is euphemistically referred to as the Capitol Visitors Center now being constructed on this end of the Capitol. In my view, that project has become a story of spectacular mismanagement and colossal government waste, and I feel obligated, as often as I have the opportunity, to object to the way this project has been handled and to object to what it is going to produce.

The cost of the Capitol Visitors Center, which was first estimated at $95 million, has now ballooned to well over $500 million, and there is no end in sight to the escalation in cost.

My second objection is that, for this money, we are getting a pitiful allocation of space to the major needs of the Congress and an outrageous, wasteful allocation of space to areas that I think represent far lower-grade needs. The current design of that Capitol Visitors Center, the House space under that project, provides for approximately 87,000 square feet of space, of which only 3,200 square feet is for hearing rooms where public business can be conducted. The major need of this Congress, if we are going to expand the size of this building, is to have rooms that are sufficiently large so that we can have conferences with the Senate and do our legislative business. Instead, the primary usable space in the House portion of this project is for, in essence, a media center or a propaganda center. It is to make the Congress comfortable with television. So we are going to have this elaborate, two-floor, ornate, state-of-the-art media center, communication center, propaganda center, whatever you want to call it, but we will have tiny rooms for conference committees and very little additional usable space. In short, what I think we will have in the end is an opulent Taj Mahal, abundance of show space, but we will have a shortage of usable working space. I think that is regrettable given what the taxpayer is going to be asked to spend.

I would also say again that I find it incredible to hear the changing justifications for the new theater which is going to be in the visitors center. There is a huge 450-seat theater which is being built at a cost of many millions of dollars. When I asked why we need another room of that size, I was told, well, because it is a place where Members of Congress can bring large constituency groups. I do not know how many Members of Congress bring 450 people into a room in the Capitol, but if there is a Member who has ever tried to do that, I have never met him.

Secondly, we were then told, well, actually this will be good space for the House of Representatives to meet in when its existing House Chamber, the room that we are in now, is refurbished and reengineered and redecorated. The only problem with that, Mr. Speaker, is that we already have a room, the Ways and Means Committee room in the Longworth Building, which was built for that purpose, to serve as a backup House Chamber, and which was just redecorated at a cost of many, many dollars. It is beautiful. It ought to be sufficient. In addition to that, there is yet another Chamber being built for the House off-campus, which I cannot talk about because it is classified. So we are going to have two backup Chambers at a cost of an enormous amount.

□ 1300

And when we really dig into what this room is really supposed to be for, we discover that in the original budget justifications, what it was designated as, is being an additional theater for the Library of Congress.

So those are some of my objections to this bill, and I believe that this is the last chance that we have to get the leadership of this House and the Architect of the Capitol to at least change the way the space is being designed so that it is more usable, more efficient, and more useful to produce legislative products rather than propaganda press releases out of a media center.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LINDER). Is there objection the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. KINGSTON, Ms. GRANGER, and Messrs. DOOLITTLE, LAHOOD, OBEY, HOYER, and MORAN of Virginia.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules and on a motion to instruct conferees previously postponed.

Votes will be taken in the following order:

H.R. 3200, a motion to suspend, by the yeas and nays;

H.R. 3283, a motion to suspend, by the yeas and nays;

H.R. 2361, a motion to instruct, by the yeas and nays; and

H.R. 2977, a motion to suspend, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3200.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 3200, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 420]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Castle
Cox
Cramer
DeLay
Feeney
Gibbons
Moran (VA)
Payne
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1324

Mr. COSTELLO changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3283, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3283, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 186, not voting 7, as follows:

[Roll No. 421]

YEAS—240

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)

Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Cox
Cramer
Feeney
Gibbons
Payne
Peterson (MN)
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). There are 2 minutes remaining in this vote.

□ 1334

So (two-thirds not having voted in favor thereof) the resolution was not agreed to.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

THE SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 2361.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY), on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 422]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cox
Cramer
Feeney
Gibbons
Payne
Stearns
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1342

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, due to the launch of the Space Shuttle Discovery earlier today, I was unable to be present for several votes. Had I been present, I would ask that the official RECORD reflect that I would have voted in favor of the following bills: H.R. 2977—Paul Kasten Post Office Building Designation Act; H.R. 3200—Servicemembers' Group Life Insurance Enhancement Act of 2005; and H.R. 3283—United States Trade Rights Enforcement Act.

Also, I would have voted in favor of the Obey Motion to Instruct Conferees on H.R. 2361—Department of the Interior, Environment, and Related Agencies Appropriations Act for FY 2006.

PAUL KASTEN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H.R. 2977.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H.R. 2977, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 423]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Boehlert
Cox
Cramer
Dicks
Feeney
Gibbons
Gillmor
Oberstar
Payne
Sanders
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1350

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2361, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 2361: Messrs. TAYLOR of North Carolina, LEWIS of California, WAMP, PETERSON of Pennsylvania, SHERWOOD, ISTOOK, ADERHOLT, DOOLITTLE, SIMPSON, DICKS, OBEY, MORAN of Virginia, HINCHEY, OLVER, and MOLLOHAN.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 525, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 379 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 379

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 525) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Kind of Wisconsin or his designee, which shall be in order without intervention of any point of order, shall be

considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This resolution provides for a structured rule and provides for 1 hour of debate equally divided between the chairman and ranking minority member of Committee on Education and the Workforce, waives all points of order against consideration of the bill, and makes in order an amendment in the nature of a substitute offered by the minority. This is a good and a fair rule. It allows the House to focus the debate and the vote upon two different approaches aimed at helping America's small businesses to offer health coverage to its employees, and to debate and examine the proper role of the Federal Government in the health care arena.

Amendments not made in order were offered and discussed by the committee, so it is appropriate, I think, not to duplicate that committee action here on the floor.

H.R. 525 is the Small Business Health Fairness Act of 2005, sponsored by the distinguished gentleman from Texas (Mr. SAM JOHNSON), and is virtually identical to legislation passed in the 108th Congress, then H.R. 660, which passed this House by a 90-vote margin of 252 to 162. So I commend the subcommittee chairman, the gentleman from Texas (Mr. SAM JOHNSON); the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), for once again moving this bill through the committee process.

Mr. Speaker, H.R. 525 is a modest bill. It does not seek to address every aspect of health care in America. It does not seek to mandate Federal control into every aspect of medical treatments. To the chagrin of some of my friends on both sides of the aisle, it does not move our country in the direction of government control and taxpayer-funded universal health care.

What it does do, and this is really the bottom line, is make health insurance more affordable to small business and thereby increase the total number of Americans and families that are insured.

H.R. 525, if enacted, will result in more Americans and more American families being covered by private health insurance, and that is a worthy goal that we should all be working to achieve.

Mr. Speaker, I would like to point out that large corporations and unions already enjoy, many through ERISA, the same insurance-risk pooling features and already enjoy the cost efficiencies built into this health coverage package for their workers and their members. This bill, therefore, is about achieving a measure of fairness towards small business, an effort for the mom and pop businesses and industries to be treated the same way as giant corporations and union organizations.

The small guy will have nothing the large guy does not already have, with specific regulations placed in the bill to ensure against unfair pooling practices. It has bipartisan support from a wide range of groups, from the U.S. Chamber of Commerce, the National Federation of American Business, the American Farming Bureau, Associated Builders and Contractors, the Latino Coalition, the National Black Chamber of Commerce, the National Association of Women Business Owners and the National Restaurant Association, as well as many others.

In the course of this debate, Mr. Speaker, there will be many who will be giving facts and figures. I do not wish to go into those right now. But I wish to make sure that this is part of a larger picture.

As politicians, we oftentimes talk about the Nation or issues being at a crossroads. We do that a lot because it is a very dramatic phrase, and it makes us seem more important because we are in the middle of it. But I do believe in the issue of health care and insurance we are as a Nation in the crossroads. We can take one direction which would be to have greater government control, especially on the Federal level which ultimately would lead to a single-payer Federal program where decisions, right or wrong, would be made here.

Indeed, I think the substitute that will be ordered is illustrative not in topic but in spirit of this, where there is greater government control, greater regulations being put in there so that one wonders if the issue is really health insurance or if the issue is control.

The other approach that we are in the crossroads of and could take would be an approach to try and add market forces into the system to try and move some type of reforms along the way. This bill is not a panacea for all of our health care issues; but it is a step for certain groups who are currently excluded, often by well-intended decisions of the government.

I clearly understand both sides of these particular issues. I was a State legislator who did both while I was down there. There were requirements in health care which I thought were good at the time, which I also knew were costly at the time; and I also realize in hindsight, in helping one group of very vulnerable people, we actually hurt a different group of very vulnerable people.

For example, in my State, family health care is covered for everyone until the age of 25. When I joined this august body, all of the sudden the limitation was now at age 22, not 25; and I immediately realized I had three sons who had no health insurance whatsoever. I still have two sons who are out there in that risky group with no health insurance whatsoever.

I clearly realized from personal experience that all the mandates of coverage of health care systems are useless to those who cannot get or cannot afford insurance in the first place.

My oldest son finally got a job with a large corporation. I was very relieved that now he has insurance until a couple of weeks ago when he came and talked to me about joining a friend in an entrepreneurial enterprise, in which case they would start their own business. I should have been excited about his attitude; but the first question out of my mouth was, Well, what about your insurance?

We make decisions here that have far-reaching effects in creating a society of limitations instead of visions as they should be. With all sorts of good intentions, government also has helped create people whose options are shut to them when all they want really is hope and the freedom to choose some kind of options. Sometimes it is a matter of control of those options, which is frightening for any government level to try and give up.

This bill does not try to create mandatory efforts. It tries to create options. It tries to create options from which people can choose. People who are not now covered have a chance to be covered in some way with insurance. Regardless of how one votes on this issue in the past or in the future, this is a fair rule. With that, I urge my colleagues to support this rule.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for yielding me this time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

□ 1400

Ms. MATSUI. Mr. Speaker, today I rise in opposition to this rule and the underlying measure of H.R. 525. This country leads in medicine and technology. When combined with increased education and awareness, we have made diseases more preventable and treatable. We have made huge strides, for example, diagnosing and treating breast cancer. Women are now going in for annual mammograms. In and of itself, mammograms do not prevent breast cancer, but they can save lives by finding breast cancer as early as possible.

For example, mammograms have been shown to lower the chance of dying from breast cancer by 35 percent in women over the age of 50. And studies suggest for women between 40 and 50, they may lower the chance of dying of breast cancer by 25 to 35 percent.

Having worked on educational campaigns for over a decade, I know that it has not been easy to convince women that they should be asking their doctor for a mammogram, nor, I might add, has it been easy to ensure that health insurance companies cover the cost of these mammograms. But through the tireless efforts of doctors, survivors, and advocates, the insurance companies relented.

Today we are increasingly catching and treating breast cancer in the early stages, yet the legislation we are debating here on the floor today would effectively roll back these advances, and, even worse, doctors would now have to tell the 28-year-old woman who thinks she has found a lump in her breast that her health care insurance does not cover a mammogram to better see the abnormality; that her health care coverage is no longer subject to minimum standards established by her State because she is covered by an associated health plan, an AHP, which is located in a different State with far more relaxed laws on health care coverage.

Too many Americans are already without sufficient health care coverage. They are being forced to accept health care that does not provide what they need when they fall ill, whether it is breast cancer exams, diabetes medication, or childhood vaccinations. Why would we increase the number of these individuals without adequate health care coverage?

Some may claim that these standards for health care treatments, like those that require insurance companies to cover mammograms, are nothing but burdensome regulations, but these safeguards go to the heart of what responsible health care is all about: providing necessary care to those in need. And AHPs would not even reduce the cost of the premiums. Under the legislation we debate today, AHPs could skim off a small minority of small businesses, those with younger and healthier workforces. As a direct result, 80 percent of small businesses would see an increase in their health care premiums.

Mr. Speaker, I truly question what we are doing today. Why would we create a situation that increases the already skyrocketing health care costs for four out of five small businesses? Sadly, this is what we are doing. We are putting our small businesses in the awkward position of not being able to offer health care coverage to that young woman facing the possibility of breast cancer, or offering access to a health care plan that will not cover her diagnosis and certainly not a treatment.

We could do better by that young woman and our Nation's small business owners. Congress could pass the Democratic substitute offered by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), which would allow small business employees to access the same quality health care coverage which Federal employees enjoy. The substitute's Federal partnership would allow this plan to be offered at an affordable price. This alternative would truly have a positive impact, ensuring that Americans have access to affordable and quality health care. I urge my colleagues to support it.

Unfortunately, the legislation we debate on the floor, H.R. 525, which would create AHPs will most likely worsen health care situations. Mr. Speaker, if we, Members of Congress, would not accept a health plan that does not include minimum coverage, why then should the American people?

We have an opportunity today. We can support the Democratic alternative and pass legislation that actually addresses the critical health care problems facing small business owners, or we can pass the legislation in front of us that does the opposite. It should not be a difficult decision. Mr. Speaker, I urge all Members to votes against the rule and the underlying bill.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank my friend and colleague on the Committee on Rules, the gentleman from Utah (Mr. BISHOP), for yielding me this time; and I rise today in support of the rule and the underlying legislation, the Small Business Health Fairness Act.

Mr. Speaker, a trip to the doctor should not bust the family budget. Too many of America's small business employees go without health insurance or pay a big chunk of their paycheck for health care. This House has acted on four separate occasions in a bipartisan way to pass reforms that will allow small business owners to provide their employees with affordable health insurance options, yet our efforts to help reduce the ranks of the uninsured has not gone forward.

This crucial legislation allows small business owners to have similar purchasing power for health insurance as large corporations. The creation of association health plans will permit small business owners to band together through a trade association or other method to purchase health insurance for them and their employees. The ability to provide health insurance is critical for our small businesses to remain competitive.

Mr. Speaker, workers are frustrated with paying the high cost of health care. Congress needs to finish this job and pass association health plans into law. I urge my colleagues to support the rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding me this time and for her leadership and consistent work on behalf of the American people regardless of what issue and what bills we are dealing with today. I want to say that I join her today in opposition to this rule and to the underlying bill. It is fundamentally flawed not only for what it does, but for what it fails to do.

Mr. Speaker, if this bill were made law, we would still have well over 44 million people in our country uninsured. Something is wrong. Something is fundamentally wrong where in the wealthiest Nation in the world we have 44 million uninsured. Where, quite frankly, is the morality in that? Under this bill, of the 45 million uninsured Americans in this country, only 600,000 people would move into coverage, while 10,000 workers with coverage would be pushed off of their current plans.

Not only does this bill fail to provide any significant coverage for the uninsured, it also puts women and girls at risk by preempting very strong State laws. Specifically, the bill overrides contraceptive protections in 21 States that currently ensure access to contraceptives and treatments for sexually transmitted diseases. Clearly, Mr. Speaker, this bill puts women and girls at risk and makes empty promises to millions of uninsured Americans in desperate need of health care.

Instead of considering this bill, we should be debating the real question: How do we begin to put people before profits in our own health care system? Millions of Americans are calling on Congress to address this question by debating and voting on meaningful proposals, like universal health care, reimportation of prescription drugs, and allowing HHS to negotiate drug prices for Medicare recipients. It is time for Congress to wake up and take a hard look at our broken health care system. It is time for us to make a real effort at reform.

Mr. Speaker, H.R. 525 does nothing to expand health care to those who need it the most, and it undermines vital protections for women and girls. As a former small business owner, I know from years of experience the difficulties small businesses face due to a lack of consistent cash flow to afford these payments. Profitability for small businesses to afford health care contributions should really be addressed, and that is what we should be talking about today.

What this bill should do is assist small employers or employees in affording premium payments. I am sure that is why 69 local Chambers of Commerce, the National Governors Association, 41 attorneys general, Blue Cross/Blue Shield, and over 1,300 business, labor and community organizations oppose H.R. 525. This bill is bad for the health of our country.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, uninsured working families are looking to

Congress for answers to help give them access to quality health care, and before us today is a bipartisan bill that should give them hope.

The economic picture remains bright, and more Americans are finding work every day. Earlier this month, the Department of Labor reported that 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of positive job growth for the U.S. economy. Unfortunately, there are still millions of working families without health insurance. They need access to quality health care, and they are asking for our help. The bill we will consider on the floor later today responds directly to their needs.

It is simply unacceptable that more than 45 million Americans lack health insurance today. Studies indicate that 60 percent of these uninsured Americans either work for a small business or are dependent upon someone who does. Many of these Americans work for small employers who cannot afford to purchase quality health insurance benefits for their workers. That is the crux of the problem. More Americans are finding new jobs, but many small businesses cannot afford to offer health insurance because of rising premium costs.

Our primary goal here in Congress, Mr. Speaker, should be creating affordable options to help the uninsured. With health care costs continuing to rise sharply across the country, more and more employers and their employees are sharing the burden of increased premiums. Employer-based health insurance premiums rose by 11 percent last year, following a 15 percent increase in 2003. As costs escalate, the ranks of the uninsured could continue to increase as well.

The Small Business Health Fairness Act before us represents a bipartisan solution to this problem. By creating association health plans, the bill gives small businesses the opportunity to band together through bona fide trade associations and purchase quality health insurance for their workers at a lower cost. In the last year, we have seen how large corporations are now starting to band together to provide health care to their part-time workers. Small businesses and their workers deserve the same opportunities.

This bipartisan bill would increase small businesses' bargaining power with health care providers, giving them freedom from costly State-mandated benefit packages and lowering their overhead costs by as much as 30 percent, which are benefits many large corporations and unions already enjoy. By pooling their resources and increasing their bargaining power, association health plans will reduce the cost of health insurance for employers and allow more small businesses to provide health care to their workers.

Last year, the House passed this measure on a bipartisan basis with the support of 37 of my colleagues on the other side of the aisle. Unfortunately, the other body has yet to act on this bill. But there remains hope. Senator ENZI, who chairs the Senate Committee on Health, Education, Labor, and Pensions, has expressed a strong interest in working on this proposal, and I am more optimistic than ever that the Senate will address this problem.

This measure is supported by President Bush, the Labor Department, Republicans and Democrats, and, moreover, a poll conducted last year reveals that 93 percent of Americans support AHPs as an option for providing affordable health care for American workers. Small businesses deserve the chance to obtain high-quality health insurance at an affordable price for their workers, and AHPs are a prescription for helping the uninsured.

Mr. Speaker, I think the rule before us today is a fair rule, and I urge my colleagues to support it.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume to comment that only 1 out of every 14 people enrolled in an AHP will be newly insured. Overwhelmingly, this is a bill that shifts the already insured into plans with lower coverage.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, I oppose this rule and the underlying bill because it will result in preempting State laws and in a reduction in health care. AHPs would be exempt from having to provide certain critical services, preempting State laws which require coverage.

Mr. Speaker, this Nation spends millions and millions of dollars on cancer treatments. We also spend millions of dollars just on research and development. This bill would take away a tool that is used to save lives.

□ 1415

The gentlewoman from California (Ms. WOOLSEY) and I offered an amendment to this legislation both in committee and again last night in the Committee on Rules. The amendment would have prohibited employers from joining AHPs if it would mean a reduction in coverage for breast and cervical cancer services. Unfortunately, the amendment was not accepted.

Almost every State has recognized the need to cut health care costs and still provide quality services to their citizens. The States know that without guaranteeing these services, patients will not receive the health care they need. Members have to remember the attorneys general fought in their States to make sure that women would have this care. Why did they fight for it? Because the insurance companies would not offer it.

According to the American Cancer Society, over 211,000 new cases of breast cancer will be diagnosed in the United States in this year alone. In New York State, there will be 14,000 new cases of breast cancer diagnosed this year alone. Breast cancer is a potentially fatal, but very treatable, disease. However, early detection is the key to proper treatment. Mammogram screenings are essential for the early detection of breast cancer. Timely screening can prevent 15 to 30 percent of all deaths from breast cancer among women over 40 years old.

Currently, New York and 48 other States require insurance companies to cover mammogram screenings. The U.S. Department of Health and Human Services has stated that mammograms save women's lives. Former Secretary Tommy Thompson stated, ''The Federal Government makes a clear recommendation for women over 40 to have mammograms, get screened for breast cancer with mammograms every 1 to 2 years. The early detection of breast cancer can save lives.''

Preventive screening for cervical cancer is also vital for women's health. Over 10,000 new cases of cervical cancer will be diagnosed this year, and nearly 1,000 of those cases are residing in my home State of New York. Nearly 4,000 women will die in 2005 from cervical cancer.

Preserving the coverage of mammograms and cervical screenings will help save the lives of our wives, mothers and daughters, and also keep down the cost of health care in this country. I know many of my colleagues on both sides of the aisle have supported similar measures while in their home States as legislators. They have shown commitment to their home State, and now it is time to show commitment to the Nation.

As a nurse, I know first hand the importance of early detection. I have seen the hardships cancer patients endure. Since I have been here, I have done outreach within my district to get women in for their cervical exams and women over 40 in to get their mammograms. This is very important, and we should not miss this opportunity to save lives. For this reason, I oppose the rule and the underlying bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I appreciate this opportunity to speak on behalf of the rule and the underlying legislation.

Mr. Speaker, I would like to just mention a personal story. I have a son-in-law who manages 150 stores. They are part of a franchise and are spread across 40 different States. If they have to purchase health care store by store, it is prohibitively expensive. Their costs are going up 10 to 20 percent a year. One of the previous speakers said it may not add a whole lot of people, but what is happening is we are losing more and more people out of health care plans each year because small businesses simply cannot afford it.

If they can band together, those 150 stores, and pool their resources and have 500 employees in a pool, they have a chance to keep their health care. I think it is critical.

Mr. Speaker, 60 percent of all Americans work for small businesses, and this is key to this legislation. Small businesses are particularly important to rural areas like Nebraska. The measure would do three things: one, increase small business' bargaining power with health care providers; number two, give them freedom from costly state-mandated benefit packages. In many cases, the State regulations simply stifle the health care packages. And, number three, lower their overhead cost by as much as 30 percent.

Republicans and Democrats alike have joined together in each of the last two Congresses to pass this legislation. I urge support of the underlying rule and the bill.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in opposition to the rule even though it has made in order a substitute that the gentleman from New Jersey (Mr. ANDREWS) and I will be offering.

The reason I rise in opposition is because this is such an important issue that we really should have an open and fair and reasonable debate on the floor of the House of Representatives. Eight of the Democratic amendments offered last night were effectively blocked. Instead, we have a closed rule that will allow some time for general debate on the AHP underlying bill, an hour on the substitute, and that is it.

I think we can all stipulate that when we go home, this is clearly the overriding issue we hear from our constituents: the rising cost of health care and the inability, especially in small businesses, to be able to afford and access quality health care which is crucial to a growing and vibrant economy.

There is a reason why we are here year after year debating the same issue, and that is because the underlying bill is bad policy. It is recognized as bad policy by over 1,400 organizations nationwide that have come out and publicly opposed it, including the National Governors Association, both the Democratic and the Republican Governors associations; including 41 of the States attorneys general; the National Association of Insurance Commissioners; the National Conference of State Legislatures, all of whom recognize this does not make sense, it is bad policy and we should offer something more than just a broken promise or false hope to small businesses and their employees hoping to obtain coverage.

There should be an unwritten rule when we are debating any type of health care policy changes, and that is following the Hippocratic Oath that our doctors and health care providers follow: first, do no harm.

Unfortunately, the AHP bill before us today does plenty of harm. And, again, it has been recognized by independent studies both within the congressional body and outside. In fact, a recent Mercer Study indicates that adoption of this AHP legislation could raise the ranks of the uninsured by over 1 million people. You would think that alone would be enough for a ''no'' vote on this underlying bill. Any policy that is going to increase the number of uninsured, which is roughly between 45 and 48 million today, is something that we should resist.

It also shows that those who do not join AHPs and are not part of an association, who have health coverage for their employees, the premiums are going to increase for those people by 23 percent. This is consistent with what the Congressional Budget Office has shown in their study that shows that adoption of this bill would leave 20 million of the workers with higher premium payments overall.

Also, recently there was a study out of Georgetown University that shows that adoption of this bill, and again it is consistent with past GAO studies, would increase the likelihood of greater fraud and abuse within the associated health plan system. The GAO in a study showed that there are 144 illegal AHPs operating affecting every State in the Union with unpaid claims affecting over 200,000 workers today.

The underlying bill is going to take oversight and accountability away from the States where it has traditionally resided with oversight powers and audit responsibilities, put it in the Department of Labor with insufficient resources and no accountability and no oversight at all. Because of that, the State attorneys general in a letter stated: ''The elimination of the State role and replacement with weak Federal oversight is a bad deal for small businesses and consumers.''

Finally, as the gentlewoman from New York (Mrs. MCCARTHY) has indicated, it does preempt consumer protection which has been traditionally guaranteed by the States if they found that necessary.

So there are a lot of reasons why the underlying bill before us today is bad policy. That is one of the reasons it has had a difficult time moving through the Senate. We are going to have a substitute offered that the gentleman from New Jersey (Mr. ANDREWS) and I and others who support think is a viable and reasonable approach to deal with the growing health care crisis that so many of our small businesses and their employees are facing. It is a bill that does allow the purchasing pool concept to go forward, but it is modeled after what Federal employees currently have under their health care plan. And it also does not preempt State law.

Mr. Speaker, I ask my colleagues to defeat the rule so we have an honest debate and support the substitute and vote ''no'' on the underlying bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER), a member of the committee who has gone through this discussion many times.

Mr. KELLER. Mr. Speaker, I support the rule, and I support H.R. 525. The number one problem facing small businesses today is the skyrocketing cost of health insurance. Association health plans are a big part of the solution.

I met with many small business people in my hometown of Orlando, Florida, and they told me they need association health plans. I agree with them, and here is why: of the 45 million Americans without health insurance, 60 percent are small business employees and their families. They do not have health insurance because their small business employers cannot afford it.

If we would allow these small businesses to join together, they could have the same bargaining power as large Fortune 500 corporations, which could lower their health insurance premiums by up to 30 percent. Association health plans will increase access to health care for millions of Americans now without insurance.

It certainly is an issue that is personal to me. I had the happy privilege of flying down to Orlando, Florida, with President Bush on Air Force One on March 18 of this year. He asked me what, if anything, he could do to help small businesses in my area. I told him what the small businesses told me: the number one thing they want is association health plans, and he pledged to support it and use his bully pulpit to help it get through the Senate.

I also authored a Small Business Bill of Rights that passed this House back in April. It called for the passage of association health plans, fixing the death tax, and cracking down on frivolous lawsuits. This House is on record as supporting that. It is time for us to take the lead today and help small business people provide health insurance to their employees. Vote ''yes'' on the rule and vote ''yes'' on H.R. 525. I urge my colleagues to do these things.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, increasingly, one of the things I hear from small business owners back in Tennessee is they want Congress to open the way, just to open the way and set the stage for more affordable health care choices.

Over 90 percent of the jobs in Tennessee are small business jobs. It is the largest employer in my district.

Mr. Speaker, one of the things that we hear is that these employers want to do the best they can for their employees. They feel like they are a part of their family. The gentleman from Texas (Mr. SAM JOHNSON) really should be applauded for introducing the Small Business Health Fairness Act of 2005. It is one of those things that will help small businesses, as we have heard from so many of the speakers, to pool together and to purchase association health plans through their national trade groups.

I have joined him as a co-sponsor of the legislation, and I believe we do

have that opportunity to extend affordable, quality health care to millions of Americans. Every small business owner knows that providing quality health care is one of the most costly items in running a business. It is a very difficult part, handling the mountains of paperwork and finding the right policies. We have the power to help by passing this commonsense legislation. I ask my colleagues to support the rule and to support the underlying legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, today I rise in strong support of the rule for H.R. 525, the Small Business Health Fairness Act of 2005, offered by the gentleman from Texas (Mr. SAM JOHNSON).

Mr. Speaker, if we do not act soon, America will face a health care crisis. Health care costs are skyrocketing. We all know it; and, unfortunately, so do the ranks of America's uninsured. As usual, government is part of the problem. More freedom and more competition is part of the solution.

With nearly half of the 45 million uninsured Americans employed by small businesses, or dependent upon someone who is, H.R. 525 will help more Americans get access to the affordable health insurance they need.

□ 1430

H.R. 525 would allow the creation of association health plans to help alleviate the enormous health care burden on America's small businesses. They will empower small businesses to join together to bargain with insurance carriers to get health care coverage for their workers at an affordable cost. No affordable cost, no insurance. Under current law, large employers that self-insure are exempt from State mandates while small businesses are not. This increases the cost of health insurance up to 13 percent and bars up to one-quarter of the uninsured from acquiring health care.

Mr. Speaker, that is not right. Small businesses and their employees should have the same right to quality health care insurance that large corporations and unions already enjoy. The Congressional Budget Office estimates that association health plans could actually reduce premiums for small businesses up to 25 percent. That could mean an average savings of $1,000 to $2,000 for the average family health plan offered by a small business. That means more people covered, more lives saved.

I urge all my colleagues to support the rule for H.R. 525 and the underlying legislation. With association health plans, we can dramatically reduce the number of uninsured Americans while increasing health care access, affordability, and choice.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I must admit that much of the opposition gloom-and-doom predictions are based on assumptions of what people and companies will choose to do and, therefore, the government should make those mandates. I am pleased that this particular piece of legislation is based on the assumption that people have the ability to make good choices for themselves without the assistance of the heavy hand of government.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the sponsor of this bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am pleased to be here today to support the rule to govern H.R. 525, the Small Business Health Fairness Act of 2005. As costs continue to escalate annually at unprecedented rates, our employers are being forced to drop health care coverage, or not be able to afford it at all. Our small businesses share a large part of that burden because they are forced to shop for health insurance in the costly small group market. Large employers bring bargaining clout to the table when they work with insurance companies. Small businesses have fewer employees and thus have little or no bargaining power. Not only that, but large employers and unions are exempt from burdensome State mandates. These mandates dictate what health plans must cover and which vary from State to State. Small employers do not have that luxury.

We know that more than 60 percent of the over-40 million uninsured Americans either work for a small business or are dependent upon someone who does. The clear course of action here is to help our small businesses afford health coverage by giving them the same opportunity.

Association health plans, or AHPs, do just that. Small businesses would be able to group together in bona fide trade associations. AHPs would then be able to use economies of scale to their advantage and provide more affordable health care for working families while avoiding the administrative cost of State mandates. AHPs are expected to save small business owners and their employees as much as 30 percent on their health insurance.

This bipartisan bill makes sense. The time to act is now. I urge a ''yes'' vote on this rule.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend from California for yielding me this time.

I hear the phrase ''burdensome State mandates.'' A woman has a C section and gets to stay in the hospital for at least 48 hours. A woman has the right under a health insurance policy to get a mammogram paid for by the insurance company every year. A diabetic has the right to get insulin provided and other blood care paid for by their insurance company. These are the burdensome mandates that we hear talked about on the floor. One of my other friends talked about the heavy hand of government. That heavy hand of government in this case is evidently shared by Republican Governors around the country, because the National Governors Association opposes this bill. Republican and Democratic Governors have looked at this bill and said laws that they have passed that many of our friends on the majority side voted for in State legislatures around the country, laws that protect C sections, mammograms, diabetic care, substance abuse care, mental health care, these laws should not be repealed and thrown aside by the heavy hand of government at the Federal level. That is what this is really about.

Amendments that would have addressed these issues, that would have let us discuss these issues on this floor, were prohibited by the rule that we are debating right now. I would suspect that maybe one of the reasons they were prohibited is because Republican attorneys general and Republican Governors around the country would have supported such amendments because they oppose the good work that is undone by this bill. Members should oppose this rule and eventually, after debate, oppose the underlying bill.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of H. Res. 379 and the underlying bill, H.R. 525, the Small Business Health Fairness Act of 2005. My good friend, the gentleman from New Jersey, just spoke about some mandates regarding OB care and, of course, there are mandates that have been passed in the several States, all 50, in fact, that are very compassionate sounding. The gentleman from New Jersey is right. Many of us have, as former members of State legislatures, voted for mandates.

I am one of them. In fact, in the State of Georgia, there was a mandate, because of managed care intrusion and the requirement that everybody go through a gatekeeper and not to a specialist, that women in the State of Georgia, if any health insurance policy was written, they would have direct access to their OB–GYN. Certainly, as an OB–GYN specialist, I liked that mandate. In fact, I think I voted for that one. But shortly after that along came the dermatologists and they wanted direct access to everybody who had an itch, to have to be able to go, demand to be seen by a specialist, a dermatologist, rather than their family practitioner.

I want to tell you about a couple of other mandates in the State of Georgia. There was one to require that every woman would have the right to

have a blood test to be screened for ovarian cancer. It is called CEA–125. Any cancer specialist would tell you that that screening test for ovarian cancer is absolutely worthless. A better mandate would have been to say that anybody over age 30, any woman, could have an ultrasound done every 6 months to look at the ovaries, but that would be astronomically expensive. Another mandate in the State of Georgia says that every baby born in a hospital in the State of Georgia has to be screened for sickle cell anemia, even when they are a part of an ethnic group where the percentage of sickle cell anemia is zero. Nada. These mandates just go and on, and you have got them in all 50 States.

Clearly, we need to do something about that because they are driving up the cost of health care. We need to give people the opportunity to join their other employees in trade associations.

This is a good bill. It will reduce the rolls of the uninsured by 8 million people. I commend it to my colleagues on both sides of the aisle. I urge you to support this rule and pass the Sam Johnson legislation. It is a good bill. It will get people the protection they need and provide health care for so many who do not have it.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Earlier this month, the Los Angeles Times ran a story that I think cuts to the heart of this discussion. It is the story of a husband and wife living in Southern California. After successfully battling bone cancer 7 years earlier, Doug did what so many Americans would like to do. He started a small business making boat parts. Soon, he was approached by an AHP offering a $400-a-month health insurance policy which even included special cancer coverage.

Tragically, a few months after he purchased the policy, his cancer returned and it became quite clear that the quality of that association plan was not what Doug or his wife, Dana, expected. It turned out that this particular plan covered less than 18 percent of Doug's $550,000 treatment cost. Doug and Dana rapidly found themselves buried under hundreds of thousands of dollars in bills. And as his wife recounted to the Los Angeles Times, at several points before the cancer ultimately claimed his life, Doug begged her to divorce him so that she would not be responsible for his debt.

I cannot believe this is the solution we are offering to small business owners like Doug and Dana. The American people deserve better.

Mr. Speaker, this bill offers no health care solutions for small business owners. It raises premiums on 80 percent of small businesses; will increase the number of uninsured by 1 million people; and reduce coverage for another 7 million individuals who are most in need of care. My friends on the other side might find these facts inconvenient, but that does not make them less true. And it will accomplish all of this by loosening or removing consumer protections and by walking away from State mandates that guarantee treatment for diabetes and screenings for breast cancer.

We can do much, much better than this for America, Mr. Speaker. I urge Members to oppose the rule, oppose the underlying bill, and support the Kind-Andrews substitute.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

I appreciate those who have spoken on the bill today. I appreciate the gentleman from Georgia (Mr. GINGREY), a member of the medical profession, who so eloquently talked about some of the realities of this particular bill and what we are looking at. And I appreciate the gentlewoman from California and her wonderful and kind way in which she handled the rule on the minority side.

Just as a means of criteria of what we are going through as far as the rule itself, every amendment that was proposed for this particular rule was discussed thoroughly and voted upon in the committee, with the exception of obviously the motion to recommit. With the debate we have had in previous years, every element of this bill has been thoroughly debated both on the floor and in committee, this year as well as in years past.

I have to admit, Mr. Speaker, my favorite Senator, even though I am not supposed to have one, is the junior Senator from Kentucky who is the only one to have won 100 games in both the American and the National League. Because of that, I have his baseball cards. I hope he does very well over there because if they continue to rise in value, that may be the only way I pay for my health care in the future.

I was reading on the airplane coming back yesterday of a story of Senator BUNNING when he was a pitcher for the Detroit Tigers and he was facing the Yankees. The Yankees sent out Bob Turley to be the first base coach because he was great at picking off signals. Sure enough, he knew what the signals were. His signal would be every time a fastball was coming, he would whistle at the batter. Hank Bauer is the first batter up there. Fastball, he whistled, Bauer hit a screamer into left field. The second batter is Tony Kubek. Fastball, whistle, he hit what would have been extra bases into right field except the second baseman caught the ball in self-defense.

The third hitter up is Mickey Mantle. By this time the pitcher is upset with what is going on and takes a couple of steps to Turley and says, ''Next time you whistle, I'm going to drill the batter.'' He takes a couple of steps to the batter and tells him the same thing. Sure enough, a fastball, the whistle, Mantle does not swing. The next pitch is a slider which hits Mantle right in the legs. He is upset, takes a couple of steps towards the mound, but the catcher and the umpire direct him to first base.

The next batter up is Yogi Berra. Once again, fastball, the whistle comes, Yogi does not take it, but then remembering what happened, he steps out of the batter's box, cups his hands and yells back at Senator BUNNING who is the pitcher at this time and says, ''He may be whistling, but I ain't listening.''

Mr. Speaker, there are a lot of people who have been whistling at us on this particular issue. Every time I go to a town hall meeting, I face people who want some kind of relief in the ability of getting insurance. I get letters from them all the time. When small businesspeople come to my office, they are talking repeatedly about this particular issue. They are all whistling, asking for some kind of relief.

I realize I talked about my three sons who did not have insurance. My two that still do not will not have it under this bill because the provisions do not allow them to participate. But my next-door neighbor who is trying to make a living in a shop down on Main Street that does not have insurance could under the provisions of this bill. Those are real-life people who need this kind of assistance and help, and they cannot get it any other way. The status quo does not offer this kind of assistance. This is one of those few rays of hope that they will have. These people are truly whistling at us. Our job as Congress is to finally listen.

Mr. Speaker, I urge support of the rule on the underlying bill, H.R. 525.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

PROVIDING FOR CONSIDERATION OF H.R. 22, POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 380 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 380

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 22) to reform the postal laws of the United States. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-

minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This structured rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment and waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Government Reform.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution and provides that these amendments may be offered only in the order printed in the report, only by a Member designated in the report, and shall be considered as read. They shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in strong support of H.R. 22, the Postal Accountability and Enhancement Act, and this underlying rule. When I was first elected to Congress in 1996, I served on the Committee on Government Reform and Oversight's Postal Service Subcommittee, which was charged with the task of reforming our Nation's postal operations to make them more efficient, cost-effective, and responsive. And although I no longer serve on the committee or the subcommittee charged with the oversight of the U.S. Postal Service, my commitment to reforming the Postal Service has not decreased.

Today, for the first time in three decades, the gentleman from Virginia (Mr. TOM DAVIS), chairman of Committee on Government Reform; and the gentleman from New York (Mr. MCHUGH), my friend, have brought to the House floor a comprehensive bill that would vastly improve the United States Postal Service, and I would like to thank both of them for all the hard work that the Committee on Government Reform has invested in this legislation.

Since President Nixon signed the Postal Reorganization Act in 1970, the United States Postal Service has not significantly updated its fundamental operations. While this legislation helped to update the Postal Service and to move it from a bureaucracy subsidized by tax revenue to self-sufficiency, a market-based entity, the way that people communicate has changed dramatically over the last three decades, and the Postal Service must now evolve to meet the changing demands of consumers.

The Postal Service is a very large organization that sits at the center of a $900 billion industry, representing about 9 percent of America's GDP, that employs more than 9 million workers nationwide. It processes more than 200 billion pieces of mail to 130 million households and businesses every year, and it directly employs 700,000 people, making it the second largest employer in the country. If the Postal Service were a private company, it would rank 11th on the Fortune 500 in terms of revenue.

However, 21st century realities, including decreasing volume; insufficient revenue; mounting debts; and the rapid growth of electronic communications for advertising, bill payments, and information transfer present an enormous challenge to the Postal Service in fulfilling its mission to ''provide postal services that bind the Nation together through the correspondence of the people, to provide access in all communities, and to offer prompt, reliable postal services at uniform prices.''

H.R. 22 maps out a responsible and accountable future for the United States Postal Service that will provide increased oversight for its operations, renew its focus on its core mission of delivering the mail, and save as many as 1.5 million jobs in the private sector that rely on the Postal, and accomplishing all of this without imposing a significant new tax burden on every American who uses stamps.

This bill would transform today's Postal Rate Commission into the Postal Regulatory Commission and give it to the authority to ensure that the Postal Service as an efficient and responsible operation in the 21st Century environment exists. It would require the Postal Service to account for all of its costs in SCC-like financial disclosure statements and give the Regulatory Commission the authority to punish the Postal Service for any noncompliance. It would also subject the Postal Service to antitrust laws, require the Regulatory Commission to account for the advantages that its government status confers, and build these advantages into a competitive product that helps to raise the level playing field with private business.

H.R. 22 would renew the Postal Service's focus on its core mission also of collecting, sorting, transporting, and delivering the mail more efficiently, and to bar it from new nonpostal products and services already being provided efficiently by the private sector. It would also prevent a 2-cent postage rate increase this year with another even larger increase that might have been anticipated next year that would act as a significant drain and backdoor tax on our growing economy.

According to estimates, if mail decreased by 10 percent, over 780,000 mailing industry jobs would also be at risk; and if decreased by 20 percent, over 1.5 million jobs would also be at risk.

As our economy continues to expand with 25 consecutive months of job gains adding over 3.7 million new jobs to payrolls, and payroll employment having increased by 2.1 over the year, we should not be adding artificial impediments to future job growth and expansion like a stamp price increase. Adding this new stealth tax on American families and businesses would simply accelerate the movement of mailers to other communications media, decreasing volumes at the Postal Service even further and exposing taxpayers to the unfunded obligations of the United States Postal Service.

I am very proud of the hard work that so many Members have put into reforming the United States Postal Service to ensure that it is a dynamic, market-based entity that provides uniform and universal service to America while preventing its status as a government entity from subsidizing its competition for providing goods and services already being supplied by the private sector.

I would personally like to thank the gentleman from New York (Mr. MCHUGH) and the gentleman from Virginia (Mr. TOM DAVIS), our wonderful chairman, for their tireless efforts to

improve the United States Postal Office.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today with disappointment that the House is again considering a rule that blocks all but a select few from offering amendments. Let me make it clear I do not oppose the underlying bill, and I intend to vote for it, but the closed manner by which the majority is bringing the underlying bill to the floor is just plain wrong.

Yesterday in the Committee on Rules, the gentleman from Tennessee (Mr. FORD) offered an amendment that would permit military personnel on Active Duty in the Department of Defense-designated combat zones to receive packages on a postage-free basis. Under this rule, however, the gentleman from Tennessee (Mr. FORD) is not permitted to offer his amendment. I am disappointed and displeased that the majority has once again failed to provide the House with an opportunity to extend the most meager of benefits to those men and women who risk their lives so that all of us can be free. We really should be ashamed of ourselves.

As the gentleman from Texas has noted, Mr. Speaker, the Postal Accountability and Enhancement Act represents the first major restructuring of the United States Postal Service in over 30 years. This bill provides the Postal Service with greater flexibility to set its rates and manage its costs. It also creates a new regulatory system for overseeing the Postal Service's operations and levels the playing field for the Postal Service to finally compete against the megacommercial delivery services of the world.

Mr. Speaker, this legislation is long overdue. On July 26, 1775, Benjamin Franklin was named our country's first Postmaster General. It took the Continental Congress just 1 day to name Benjamin Franklin to that prestigious post. As many of my colleagues and students of American history are well aware, the Congress of 1775 had many great issues to deal with at that particular time, such as the Revolutionary War, disputes over taxes, and the issue of private landownership, just to name a few. Yet with all the great events that were taking place at the time, the Continental Congress still managed to name a Postmaster General in just 1 day. Ironically, it took President Bush 5 years to finally support the Postal Accountability and Enhancement Act.

□ 1500

Benjamin Franklin once said: ''You may delay, but time will not.''

Mr. Speaker, I applaud my colleagues on both sides of the aisle for refusing to delay this bill any further and for demonstrating the intuition to present such a sensible and necessary piece of legislation. The success of the legislative process by which the underlying bill comes to the floor today should serve as an example of what Congress can accomplish when bipartisanship and openness overwhelm political partisanship.

Mr. Speaker, I urge my colleagues to support the underlying legislation, and I reserve the balance of my time.

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

The gentleman from Florida (Mr. HASTINGS) has made some very good points, and that is that the work that has gone into this bill, while it has been some probably 10 years in the making, was done through strong leadership, it was done through strong bipartisan leadership, it was done not only with the negotiation of the United States Postal Service, its management and its unions, but also so many outside groups that had an influence in impacting a bill that was done properly.

A lot of that credit goes to the chairman of the Committee on Government Reform, who a long time ago decided that it was in the best interest of the economy of this country to make sure that a carefully crafted bill, a bipartisan bill that could be supported on this floor by members like the gentleman from Florida (Mr. HASTINGS) and the gentleman from Virginia (Mr. TOM DAVIS), who had served on the postal committee many years ago with me, would be able to bring forth to this floor a good answer. I am very proud to support this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my friend, an alumnus of the Committee on Government Reform, a very active former committee member, for yielding me this time.

I rise today in support of House Resolution 380, the rule to provide for the consideration of the Postal Accountability and Enhancement Act.

''Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.'' This is the unofficial motto of the Postal Service, engraved outside the James A. Farley Post Office in New York City.

But today, the Postal Service faces a threat far greater than snow or rain or heat or gloom of night. The threat is the outdated and unsustainable structural framework within which the Postal Service operates. It threatens to bring it to the brink of catastrophe unless Congress acts immediately. I think that H.R. 22, the Postal Accountability and Enhancement Act, is the solution.

This legislation reforms and sustains a vital sector of our overall economy. Standing alone, the Postal Service currently has more than 800,000 employees. But more than 9 million American jobs, $900 billion in commerce, and nearly 9 percent of the Nation's gross domestic product depend on mail and package delivery.

Each year the Postal Service processes and delivers 208 billion pieces of mail to more than 130 million addresses in the United States. That is 208 billion magazines, catalogs, thank-you notes, birthday cards, wedding invitations, Social Security checks, IRS refunds, letters to our Congressmen, movie rentals, all delivered in fulfillment of the Postal Service's promise of universal service.

The last time that the Congress passed legislation to overhaul the Postal Service was 1970 when President Nixon signed the Postal Reorganization Act, before e-mails, before faxes. The world has changed.

It is now time to bring the Postal Service into the 21st century, to rescue it from the structural, legal, and financial constraints that have brought it to the brink of utter breakdown.

Now, our time to act is short. This past April, the Postal Service began the process of requesting a 5.4 percent rate hike for all categories of mail. These rate hikes, think of them as a tax on the average postal customer which, of course, is practically everybody in the United States, will take effect next year unless Congress acts. For direct marketers, financial service companies, businesses relying heavily on shipping and mailing, these rate hikes will be devastating.

Some observers have likened the Postal Service's current situation to a death spiral, where declining business leads to higher rates which, in turn, leads to further declines in business until it is too late to change course. Unfortunately, under current law, the Postal Service's only recourse to remain competitive in today's markets is to raise its rates.

Moreover, the Postal Service's more recent request for a rate increase was spurred in part by an existing requirement that the Postal Service contribute $3.1 billion to a Federal pension escrow account, even though this account now houses more than $73 billion in civil service retirement savings that rightfully belongs to the USPS. This is but one of the outdated requirements that H.R. 22 seeks to reform.

Is this bill perfect? No, but there is no magic legislative potion that will cure the Postal Service of its ills. But I think that all of the stakeholders, the postal employees, the financial service companies, major marketers and, most importantly, all Americans who use stamps, are better off with this legislation than they would be without this long overdue package of reform.

More than 35 years after the last reform of the Postal Service, with millions of jobs at stake, and particularly in the face of the pending rate increases, the time has come for Congress to act. I want to thank the gentleman from California (Chairman DREIER) and the Committee on Rules

for crafting this rule. I urge Members to support it. I thank my good friend, the gentleman from Texas (Mr. SESSIONS), a former member of the committee, for his leadership and assistance in crafting this rule and getting this bill to the House floor. It was very, very important; and without his efforts, we probably would not be here today.

Ben Franklin once said: ''A penny saved is a penny earned.'' Rates are set to go up 2 cents. If we act today, we can stave that off, we can delay that, we can put savings back into the post office.

I want to also thank my colleague, the gentleman from New York (Mr. MCHUGH), who has forgotten more about the Postal Service than I will ever know, who struggled with this for 10 years and has been very critical in crafting this legislation; and on the other side of the aisle, my ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS) who have put innumerable hours into crafting the bipartisan bill.

I think this is a good rule, it is a good bill, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my friend, the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule. I rise in support of the approach that has been taken. I add my praise for the gentleman from Virginia (Mr. TOM DAVIS), for the gentleman from New York (Mr. MCHUGH), for the gentleman from Illinois (Mr. DAVIS), for the gentleman from California (Mr. WAXMAN), for people who have labored long and hard dealing with the first post office update in over a third of a century. What we have before us is a carefully balanced effort to update and modernize this critical service.

I became involved with this effort when I first came to Congress 10 years ago, dealing with one specific element of focus, and that is to make sure that the post office, the local post office, which is the cornerstone of a livable community in small neighborhoods, in small-town America, in downtowns, that those 38,000 postal facilities in every way were assets to the community.

Sadly, what we found was a litany of efforts in the past where the post office basically did not play by the rules. It was idiosyncratic. Local land-use decisions were turned into political footballs. We had a series of efforts where the post office unfortunately ignored environmental regulations, local needs and desires. We set about to fix that with legislation that basically would have required the post office to play by the same rules as the rest of America.

I will say over the course of the 10 years, working with some of the colleagues that I mentioned, working with the Board of Governors of the Postal Service, working with three Postmasters General and others who are active in this effort, that we have come a long way. In fact, in many areas of the United States, we have seen examples where the post office has taken seriously its responsibilities and has been a model player providing that essential cornerstone.

It is important that this not be idiosyncratic. It is important that this approach, this way of doing business, must be codified into law so everybody can be protected. One of the reasons I support H.R. 22 is because it does just that. It requires the post office to obey zoning, planning, environmental regulations. It will be better for the post office; it is better for our communities.

But I want to go a little beyond that, because as I have been involved, I have been struck with the importance, not just in bringing up the physical facilities of 38,000 postal offices around the country, but to be active in terms of the change that is taking place.

The United States Postal Service occasionally comes into criticism by people who are concerned about it, but the fact is the post office handles one-half of the mail in the entire world. They collect only one-quarter of the revenue; they have less than a fifth of the work force; they are more than three times as productive as postal services around the world, and their rates are lower than any other of the developed countries. It is also important that we are ready for the changes that are cascading down upon the Postal Service. The status quo is not tenable. This legislation recognizes that.

I strongly urge, however, that as we come forward with a range of amendments that they be rejected. I appreciate that they are well-intended. Some of them in other contexts I may be interested in, but this is part of this carefully crafted balance. It is important that we not upset the apple cart. It does not take much to derail it. It has been a hard pull to get to this point. I strongly urge that we support making the post office a full partner, that we resist amendments that would upset the balance, and that we can all be, after the approval of H.R. 22, the modernization, so that we can be about the business that is going to have to go on from here. Because there is more work that is going to be done. Controversy is not going to go away. Luckily, this legislation provides a platform that is going to help us all do this important work.

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

A lot of the leadership that has been talked about, making sure that this bill is a carefully crafted bill, is true. But there are also a lot of people who played a big role in making sure that the elements and the people who are a part of the dialogue and a part of the things that were necessary to make sure this balanced bill was brought forward were important also.

Mr. Speaker, the gentlewoman from Michigan (Mrs. MILLER), the chairman of the Subcommittee on Regulatory Affairs for the Committee on Government Reform, has played an integral role in making sure that not only her footprint was on this and hand print was on this but, also, in particular, that other people who had a vested interest, most of all the taxpayers of this country, were also involved.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support this rule, and I am very proud to be a cosponsor of this legislation. I did serve on the postal panel and the Committee on Government Reform as well. This is really the first real reform of the United States Postal Service since the 1970s.

Mr. Speaker, America succeeds and America prospers because America evolves. Our Nation evolves. We are always striving to leverage our economic, our technological, and our political advancements to improve our entire Nation. Much of what might have been good in the 1970s is clearly not good enough for the 21st century, especially when it comes to communications; and the United States Postal Service, with a uniquely critical means of communicating in our Nation, unfortunately, is laboring under a business model that was built in an era that predates the Internet, that predates e-mail, and even fax machines.

Any private sector business would have been put out of business. But the United States Postal Service today, and these are some staggering numbers, actually delivers 200 billion pieces of mail each and every year, it delivers to 130 million households, and it is the center of a nearly $1 trillion industry.

But the competition is growing, of course. Revenues are at risk; its workforce, unfortunately, is aging, and so is its equipment. Yet these are all the same kinds of challenges that so many businesses today face.

I was very proud to cosponsor and to update and to upgrade this legislation, which does all of that, for our Postal Service. The Postal Accountability and Enhancement Act modernizes the Postal Service's infrastructure and its financial framework; and at the same time, it also maintains its traditional benefit, the best benefit I think, and that, of course, is 6-day, universal service.

□ 1515

H.R. 22 provides the postal office with firmer financial ground, and it mitigates the needs to constantly raise postal rates. It ensures those that live in America's rural communities that they still have very close access to a full-service postal center. What is more, equally as important, I think, is it preserves the right for collective bargaining for our postal workers.

Our postal employees have a record of achievement of on-time delivery performance, and many of us, I think, were reminded of how much we take them for granted after the anthrax scare. In fact, I remember it was a commercial that was playing that was put out by the Postal Service that had that Carly Simon song in the background, Let the River Run, and it really, I think, was a very powerful ad that reminded us all of how important our postal employees are.

The men and women of the United States Postal Service stood then and they stand now in harm's way sometimes, because they have dedicated themselves to serving all of us. They certainly deserve the right to bargain collectively to protect the financial future of their families.

This bill also serves as the framework that will help the United States Postal Service to become a model, quite frankly, as a governmental agency to be both cost-effective and cost-efficient, to help them to create a business plan, to negotiate the best business practices with its customers, and it allows for them to focus on a term, customer service, that is not exclusively a concept that is exclusively in the private domain, it can also be in the public domain as well.

This bill embraces concepts like work sharing, in which the Postal Service embarks in a partnership with private companies offering postage discounts to businesses who help the Postal Service prepare and move our mail, flexibility that the private sector enjoys and that they employee as part of its competitive business mix.

This bill essentially allows the United States Postal Service to operate like a business, which will clearly benefit all Americans. So I do want to thank everybody who worked so very hard on this piece of legislation. It is a very important piece of legislation. I want to personally recognize the gentleman from Virginia (Chairman DAVIS), who just made some remarks earlier. I have watched him work tirelessly on this bill, as well as the gentleman from New York (Mr. MCHUGH), who has been a leader in postal reform for a very long time.

Mr. Speaker, I think this is a great piece of legislation which also demonstrates very clearly how bipartisanship can work very well on the floor of this House. It certainly has done that. I commend all of the Democratic Members who have worked very hard on this as well, and I would urge my colleagues to support this rule and urge them to support this critical piece of legislation as well.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), my good friend. A lot has been made of those who crafted this legislation. The gentleman from Illinois (Mr. DAVIS) was extremely instrumental in providing that bipartisan flavor to bring us to this moment.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS) for yielding me this time. I also want to thank him and the gentleman from Texas (Mr. SESSIONS) for the presentation of this rule.

I want to commend the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), and the ranking member, the gentleman from California (Mr. WAXMAN), for the tremendous leadership that they have displayed in shaping this bipartisan legislation.

I also want to commend the gentleman from New York (Mr. MCHUGH), who is known as ''Postal Reform'' in our committee, because he has worked on this issue for such a long period of time.

Many of us recognize that postal issues are not considered to be the most exotic business that will come before this House, but if you are waiting for an important document that does not come at the time you were hoping to receive it, or maybe it was a letter from a relative, from your mother or your father or from your child, and it is not there, or it was an admissions letter to college or university and you are anticipating its arrival, and it does not come, then you begin to realize how important the Postal Service is.

I want to commend the thousands of men and women who work every day to make sure that these channels of communication are still open. Imagine being able to get a letter from anyplace, first class, in the United States of America for 37 cents. That is no easy feat.

And so I commend all of those who have made sure that these channels of communication have been kept open. I commend all of those members of the committee who have labored, and all of the stakeholders. Shaping this legislation was not the easiest thing in the world to do, but I have been told that when men and women of goodwill come together with a basic recognition of the need to be in sync, that you can work out solutions to any problems that have existed.

That is what has taken place in the Committee on Government Reform. Again, I commend the tremendous leadership that we have gotten from the chairman and ranking member. I know that there are amendments that are desirable, but I am going to resist them, and urge that they be resisted, and urge passage of this landmark legislation that seeks to reform the postal system and postal operations.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Let me stand today and thank those who have put together this postal reform bill. It is not an issue that I work on. I deal with Education and Workforce issues. But I have watched this issue over the last 10 years be hit from one side of the ballpark to the other, kicked from one end of the field to the other, and yet we never could quite get it over the line.

Mr. Speaker, I really want to stand today and thank the gentleman (Chairman DAVIS), the ranking member, the gentleman from California (Mr. WAXMAN), the other members of the committee who were involved in this, for bringing together all of these different moving pieces in order to create a successful legislative package.

The real reason I rise is to thank our colleague and my friend, the gentleman from New York (Mr. MCHUGH), for over 10 years has put in time, effort, blood, tears, to try to hold these pieces together, bring the necessary agreements to bring other parties together, and I think that he has done a fabulous job and deserves a lot of recognition from all of the Members for bringing this package along, staying with it. He could have walked away countless times because it was too hard, it was too difficult, and too many people just never wanted to come to the table, but because of his efforts and the efforts of many others, we are here today with a bipartisan package that deserves the support of all of our colleagues.

I support the bill and certainly support the rule that will bring it to the floor.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time and for his work in bringing this bill and this rule to the floor.

The reason that my colleagues are hearing such kudos for the chairman, the gentleman from Virginia (Mr. DAVIS), subcommittee chairman, the gentleman from New York (Mr. MCHUGH), the ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS) will be understood, I think, if you understand that it has taken us 11 years to get here. So only great tenacity and skill could have brought us this far.

I have been in Congress for 15 years. It seems to me that this has been before us forever, but never on the floor before, and there is a good reason for it. It is not because there were special interests or cantankerous Members; it is we are trying to do almost the impossible. We are trying to make an agency meant to be only partially competitive stand alongside one of the most competitive parts of our economy.

So what was necessary was to somehow bring the likes of UPS and FedEx on board at the same time that all of the unions could be brought with us, UPS and the entire industry. That is why it has taken so long and why in reverence we have to be thankful for those who have accomplished this mission. Understand we are dealing with

an industry that is 9 percent of our GDP, nothing to be taken lightly.

Yet what you have before you is something of a miracle. It is a unanimous and bipartisan bill where Members have put aside their selfish concerns, and we do have them, for the greater good of the Postal Service, because one thing we have to come to grips with is not a single Member that can go home and say, well, it was not good enough for me, so I put your Postal Service in jeopardy. Just try that out on your constituents.

At the same time, the Postal Service had to wake up to the 21st century, had to modernize in ways that 9/11 had nothing to do with, had to modernize because the world has come forward with technology that challenges them, the way UPS and FedEx will never challenge them. How do you do that?

They are still trying to do that. But one of the things you do is give the Postal Service some of the flexibility that is associated with the private sector, as much of it as you can, consistent with the fact that this is a controlled section of the economy, because there are some things that the Postal Service must do and nobody else can do; that is, go to some of the far reaches of your rural districts where they better get their mail on time the way I do mine nine blocks from the Capitol.

Even those who had serious problems with this bill, the mail handlers, for example, have a real problem and one that has to be taken seriously with the way in which the bill deals with single pieces of parcels, single parcels, where we have allowed the Postal Service to transfer revenue in order to keep this part of the service lower, and we are getting rid of that to make them more competitive with the private sector.

They say, watch out because you are going to raise the costs, and that is not good. But you know what they have said and agreed to? Perhaps we can resolve it in conference. So they say, pass the bill. I say as well, because we need to modernize the Postal Service. And we have even gotten around for ourselves the part that says that we might contribute to the deficit by giving back to the Treasury what they put on to the Postal Service, which is the cost of military pensions.

We say you have held billions of dollars from the Postal Service. Tell you one thing, if we did not do that, what it means is that the Postal Service, which has already filed for a rate increase, would be forced to go ahead. I, for one, do not want to go home in 2006 and say, I voted for a mail increase. That is what you will vote for if you vote against this bill.

My thanks to the sponsors once again for this historic work.

Mr. SESSIONS. Mr. Speaker, as you know, this bill is about the taxpayer. It is also about high-tech areas that depend upon a Postal Service that works properly. And our next speaker is from one of those areas, a high-tech area that is important to this country in not only manufacturing, but also delivery of goods and products.

Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in strong support of this rule and underlying postal reform legislation. I commend the gentleman from Virginia (Chairman DAVIS) and the ranking member, the gentleman from California (Mr. WAXMAN), along with the much heralded sponsor of this bill, the gentleman from New York (Mr. MCHUGH), for working in a bipartisan manner that has twice allowed this bill to be reported from committee by a unanimous vote.

Now, I have only been here 5 years, and like my colleague from Washington, DC, says, she feels like every year it is painstakingly making its way through the process. And even in the 5 years since I have been here, I know how important this bill is, and I am so pleased that we are at the point we are today.

I am pleased to be a cosponsor of H.R. 22 because of its importance to businesses, postal employees, and all of us who have mail delivered to our homes or our businesses. This legislation has provisions that will allow the Postal Service to operate more efficiently and would require that it focus primarily on its main focus, which is delivering the mail.

H.R. 22 helps enable mailers to partner with the Postal Service to reduce the cost of mailings, providing an efficiency to the Postal Service, and helping businesses to save money that can be invested in jobs and job growth.

The bill is a good idea for postal employees for a lot of different reasons, one of which is because it returns the responsibility for the military service portion of postal retiree benefits back to the government and corrects overpayments by the Postal Service to the Civil Service Retirement System.

□ 1530

In short, the bill provides the changes necessary to keep the Postal Service operating. It is so important to all of us every day. I mean, I know at certain times in my life I felt like if I did not see my friendly mailman or mailwoman at my door, I felt like I did not have a friend in the world. So let us keep the Postal Service operating without the hefty rate increases that would inevitably come with the status quo.

This bill means a great deal to very many people. After so many years of work, I congratulate all of those intimately involved. I urge my colleagues to join me in support of the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we come to the close offering praise to those who brought us this far. I add my congratulations to the distinguished leadership of this committee on both sides of the aisle for fashioning a piece of legislation that I believe will pass the House overwhelmingly and that I certainly intend to support, and I ask all of our colleagues to do likewise.

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

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

Today, we have had an opportunity to bring forth this postal bill with not only bipartisanship, but really some pats on the back to a lot of people who have been engaged in this issue for a long time, and perhaps none more diligent about this than the gentleman from New York (Mr. MCHUGH), our wonderful colleague. I think the way he has gone about this, Mr. Speaker, has been good, not only for this House but a credit to the men and women who have also been engaged in this.

I remember some 9 years ago as I went with a rural letter carrier down in Jeuitt, Texas, Stan Waltrip. I had a chance to go and deliver the mail with Stan and to see firsthand the kinds of, not only the people he came in contact with but the importance of doing this. So this bill is important that we have done this.

There are other people who have contributed to the success, rural letter carriers, certainly the postal carriers, letter carriers, those people who represent the Post Masters, the Financial Services Roundtable and many others. I would also like to thank the White House for their involvement. Three people in particular from the Leg Affairs office, Brian Conklin, Elan Liang, and Chris Frech, have been very diligent in making sure that this House and its Members are updated about the position of the White House.

Mr. Speaker, I would say this is a good piece of legislation. It is one that comes at a great time for this country. It is one that will spur the economy and make sure we are prepared for the future.

I ask my colleagues to please make sure they support this rule and also the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to H. Res. 379, I call up the bill (H.R. 525) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 379, the bill is considered read for amendment.

The text of H.R. 525 is as follows:

H.R. 525

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Health Fairness Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''SEC. 801. ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

''(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

''(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

''(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

''SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

''(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

''(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

''(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

''(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

''(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

''(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Fairness Act of 2005,

''(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

''(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

''SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

''(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

''(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

''(1) FISCAL CONTROL.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

''(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

''(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

''(A) BOARD MEMBERSHIP.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

''(ii) LIMITATION.—

''(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

''(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

''(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

''(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Fairness Act of 2005.

''(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

''(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

''(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

''(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

''SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor,

''(B) the sponsor, or

''(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

''(B) the beneficiaries of individuals described in subparagraph (A).

''(b) COVERAGE OF PREVIOUSLY UNINSURED EMPLOYEES.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2005, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

''(1) the affiliated member was an affiliated member on the date of certification under this part; or

''(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

''(c) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

''(d) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to an association health plan if—

''(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

''(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

''(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

''SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

''(1) CONTENTS OF GOVERNING INSTRUMENTS.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

''(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

''(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

''(C) incorporates the requirements of section 806.

''(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

''(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

''(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

''(i) setting contribution rates based on the claims experience of the plan; or

''(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

''(3) FLOOR FOR NUMBER OF COVERED INDIVIDUALS WITH RESPECT TO CERTAIN PLANS.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

''(4) MARKETING REQUIREMENTS.—

''(A) IN GENERAL.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

''(B) STATE-LICENSED INSURANCE AGENTS.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

''(5) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

''(b) ABILITY OF ASSOCIATION HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

''SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if—

''(1) the benefits under the plan consist solely of health insurance coverage; or

''(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

''(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

''(i) a reserve sufficient for unearned contributions;

''(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

''(iii) a reserve sufficient for any other obligations of the plan; and

''(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

''(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

''(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

''(b) MINIMUM SURPLUS IN ADDITION TO CLAIMS RESERVES.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

''(1) $500,000, or

''(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

''(c) ADDITIONAL REQUIREMENTS.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

''(d) ADJUSTMENTS FOR EXCESS/STOP LOSS INSURANCE.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

''(e) ALTERNATIVE MEANS OF COMPLIANCE.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

''(f) MEASURES TO ENSURE CONTINUED PAYMENT OF BENEFITS BY CERTAIN PLANS IN DISTRESS.—

''(1) PAYMENTS BY CERTAIN PLANS TO ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

''(B) PENALTIES FOR FAILURE TO MAKE PAYMENTS.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

''(C) CONTINUED DUTY OF THE SECRETARY.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

''(2) PAYMENTS BY SECRETARY TO CONTINUE EXCESS/STOP LOSS INSURANCE COVERAGE AND INDEMNIFICATION INSURANCE COVERAGE FOR CERTAIN PLANS.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

''(3) ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

''(B) INVESTMENT.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

''(g) EXCESS/STOP LOSS INSURANCE.—For purposes of this section—

''(1) AGGREGATE EXCESS/STOP LOSS INSURANCE.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(2) SPECIFIC EXCESS/STOP LOSS INSURANCE.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(h) INDEMNIFICATION INSURANCE.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

''(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

''(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

''(3) which allows for payment of premiums by any third party on behalf of the insured plan.

''(i) RESERVES.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

''(j) SOLVENCY STANDARDS WORKING GROUP.—

''(1) IN GENERAL.—Within 90 days after the date of the enactment of the Small Business Health Fairness Act of 2005, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

''(2) MEMBERSHIP.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

''(A) a representative of the National Association of Insurance Commissioners;

''(B) a representative of the American Academy of Actuaries;

''(C) a representative of the State governments, or their interests;

''(D) a representative of existing self-insured arrangements, or their interests;

''(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

''(F) a representative of multiemployer plans that are group health plans, or their interests.

''SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

''(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

''(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(1) IDENTIFYING INFORMATION.—The names and addresses of—

''(A) the sponsor; and

''(B) the members of the board of trustees of the plan.

''(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

''(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

''(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary

plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

''(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

''(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

''(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

''(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

''(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

''(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

''(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

''(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

''(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

''(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

''(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

''(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

''SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

''Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

''(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

''(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

''(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

''SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

''(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

''(b) MANDATORY TERMINATION.—In any case in which—

''(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

''(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

''SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

''(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

''(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

''(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

''(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed

by the Secretary, and applicable provisions of law;

''(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

''(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

''(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

''(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

''(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

''(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

''(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

''(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

''(1) the sponsor and plan administrator;

''(2) each participant;

''(3) each participating employer; and

''(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

''(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

''(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

''(f) JURISDICTION OF COURT.—

''(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

''(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

''(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

''SEC. 811. STATE ASSESSMENT AUTHORITY.

''(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Fairness Act of 2005.

''(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

''(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

''(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

''(3) such tax is otherwise nondiscriminatory; and

''(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

''SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

''(a) DEFINITIONS.—For purposes of this part—

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

''(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

''(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

''(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

''(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

''(7) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

''(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

''(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

''(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2005, a person eligible to be a member of the sponsor or one of its member associations.

''(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

''(b) RULES OF CONSTRUCTION.—

''(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

''(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

''(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

''(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.''.

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

''(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.''.

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (d)'';

(B) in subsection (b)(5), by striking ''subsection (a)'' in subparagraph (A) and inserting ''subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805'', and by striking ''subsection (a)'' in subparagraph (B) and inserting ''subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805'';

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

''(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

''(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

''(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

''(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

''(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

''(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

''(B) relating to prompt payment of claims.

''(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

''(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.''.

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and which does not provide medical care (within the meaning of section 733(a)(2)),'' after ''arrangement,'', and by striking ''title.'' and inserting ''title, and''; and

(C) by adding at the end the following new clause:

''(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.''.

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking ''Nothing'' and inserting ''(1) Except as provided in paragraph (2), nothing''; and

(B) by adding at the end the following new paragraph:

''(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Fairness Act of 2005 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.''.

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of an association health plan under part 8.''.

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: ''An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2010, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''801. Association health plans.
''802. Certification of association health plans.
''803. Requirements relating to sponsors and boards of trustees.
''804. Participation and coverage requirements.
''805. Other requirements relating to plan documents, contribution rates, and benefit options.
''806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage.
''807. Requirements for application and related requirements.
''808. Notice requirements for voluntary termination.
''809. Corrective actions and mandatory termination.
''810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage.
''811. State assessment authority.
''812. Definitions and rules of construction.''.

SEC. 3. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after ''control group,'' the following: ''except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,'';

(2) in clause (iii), by striking ''(iii) the determination'' and inserting the following:

''(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

''(II) in any other case, the determination'';

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

''(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,''.

SEC. 4. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting ''(a)'' after ''Sec. 501.''; and

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

''(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

''(1) being an association health plan which has been certified under part 8;

''(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

''(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.''.

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

''(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

''(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

''(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

''(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

''(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

''(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.''.

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a) IN GENERAL.—'' before ''In accordance'', and by adding at the end the following new subsection:

''(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.''.

SEC. 5. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

''(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

''(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

''(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

''(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

''(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

''(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

''(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.''.

SEC. 6. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect one year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this Act within one year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''group health plan'', ''medical care'', and ''participating employer'' shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an ''association health plan'' shall be deemed a reference to an arrangement referred to in this subsection.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 109–183, if offered by the gentleman from Wisconsin (Mr. KIND) or his designee, which shall be considered read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes of debate on the bill.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 525.

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

There was no objection.

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

Mr. Speaker, the most pressing crisis we face in health care today is the number of Americans who lack basic health insurance. The number of uninsured Americans today stands at 45 million Americans; 27 million are fully employed. And 63 percent of these working uninsured are either self-employed or work for a small business with fewer than 100 employees. It is tragic that so many employers cannot afford to purchase high-quality health insurance benefits for their workers.

The problem is not going away, and we have a responsibility to confront it. With health care costs continuing to rise sharply across the country, more and more employers and their employees are sharing the burden of increased insurance premiums. Employer-based health insurance premiums jumped by 11 percent last year following a 15 percent increase in 2003.

Clearly, we need to focus on providing affordable health care to the uninsured as well as ensure employers

who provide health benefits to their employees are not forced to drop their coverage because of rising premiums and high administrative costs.

The Small Business Health Fairness Act responds to this problem and can help reduce the high cost of health insurance for small businesses and uninsured working families. By creating association health plans which would be strictly regulated by the Department of Labor, small businesses could pool their resources and increase their bargaining power with benefit providers which will allow them to negotiate better rates and purchase quality health care at a lower cost.

President Bush addressed this point directly last year during his speech at the United States Chamber of Commerce where he said, ''AHPs would provide small businesses the same opportunity that big businesses get, and that is the economies of scale, the economies of purchase, the abilities to share risk in larger pools which drives down the costs of health care for small businesses.''

The President is right, and we should help level the playing field so small businesses can offer quality coverage to their workers.

Americans overwhelmingly agree with President Bush that association health plans are the right plan to help the uninsured. A poll conducted last year showed that 93 percent of Americans support association health plans as a way of providing access to affordable care for American workers who lack coverage. Over the last year, we have seen how large corporations are now starting to band together to provide health care to their part-time workers. Do small businesses and their workers not deserve the same opportunity?

Importantly, the bill gives AHPs the freedom from costly State mandates because small businesses deserve to be treated in the same fashion as large corporations and unions who receive the same exemptions today. Clearly, these mandates are useless to families who have no health coverage in the first place. If you do not have health care coverage, State mandates requiring health plans to offer specific benefits do you and your family no good at all. This measure includes strong safeguards to protect American workers.

Despite the bipartisan nature of this bill, I would like to correct some of the misinformation that I have heard. The measure protects against cherry-picking because we make clear that AHPs must comply with the 1996 Health Insurance Portability and Accountability Act, which prohibits group health plans from excluding or charging a higher rate to high-risk individuals with a high claims experience.

Under our bill, sick or high-risk groups or individuals cannot be denied coverage. In addition, AHPs cannot charge higher rates for employers with sicker individuals within the plan except to the extent already allowed by State law where the employer is located. The bill also includes strict requirements under which only bona fide professional and trade associations can sponsor an association health plan, and, therefore, does not allow sham association plans set up by health insurance companies. These organizations must be established for purposes other than providing health insurance for at least 3 years.

We in Congress have a responsibility to deal with a problem of small businesses who cannot afford to provide health insurance because of skyrocketing health care costs. The U.S. economy is getting stronger by the day, and more and more employers are hiring workers each month. Earlier this month the unemployment rate dropped to its lowest level since September of 2001 and the Labor Department reported that 3.7 million new jobs have been created since March of 2003. That is 25 consecutive months of sustained job creation.

We want to make sure that these workers have the opportunity to receive quality health insurance through their employer, and this bill can help make that happen.

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

Mr. ANDREWS. Mr. Speaker, I rise in opposition to the bill and I yield myself 4 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, today there is a point of agreements and a strong point of disagreement. There is a point of agreement that health care costs are rising too fast for too many people. There is a point of agreement that the consequences of that price increase is a tremendous burden on small business and a high likelihood that more people will be uninsured.

I do not think there is a Member of this body that does not favor finding an intelligent and effective way to reduce health care costs for small business so they can continue to insure the people they do insure and expand and insure more people in the future.

Where we disagree is over whether this underlying bill is the right way to do it, and we emphatically believe that it is not.

There are four reasons to oppose this bill. The first is that there is a better idea. There is a better way to solve this problem, and the gentleman from Wisconsin (Mr. KIND) will address that issue when our substitute is brought to the floor in a little while.

The second reason is that this bill will not result in a reduction of the number of uninsured. To the contrary, it will result in an increase in the number of uninsured people, and here is how. It is estimated by the experts in this field that 8 million people will be shifted from conventional health care policies and plans to association health plans. These 8 million people will, in fact, probably have a lower premium than they do right now for a little while. But when those 8 million people are shifted out of conventional health care plans and they will tend to be younger and healthier people, the people remaining in the conventional health care plans will have to bear more of the costs, and premiums will go up by an estimate of 23 percent. When the premiums go up on the rest of those in the pool, fewer of them will be insured.

The experts estimate that while 8 million people will be shifted from regular plans to AHPs, 9 million people approximately will lose their coverage altogether, and the results will be a net loss in the number of insured of 1 million people.

So supporting this bill will increase the number of uninsured, not decrease it; and it will increase premiums by 23 percent.

The second reason to oppose this bill is that it fails to provide the protection to patients, providers and consumers that good insurance regulation provides. There are simply no effective regulations that will keep an insurance company from going bankrupt and being unable to meet its obligations to its policy holders and pay its claims. We have seen this happen before in multiemployer welfare associations. We will be submitting at the appropriate time a list for the RECORD of MEWAs that have failed.

This is the reason that the National Governors Association, that attorneys general, that commissioners of insurance both Republican and Democrat oppose this bill because the regulation that would protect patients and providers and consumers is not there.

The third reason that we should oppose this bill, the final reason, is that the coverage that people have fought for over the years, so that women have a minimum stay in the hospital after they have a C section, so that women have the right to an annual mammogram, so that people with diabetes have the right to insulin or diabetic care, so that people struggling with mental health problems or with substance abuse have the right to have those services covered, those protections which have been supported by Republicans and Democrats in State legislatures around this country are effectively repealed by the underlying bill, a judgment being made in Washington that contravenes the good judgment of Republicans and Democrats around the country.

This bill should be opposed. There is a better way that the gentleman from Wisconsin (Mr. KIND) will be putting forward with my assistance. This is a bill that will increase the number of uninsured and increase health insurance premiums for small businesses.

□ 1545

This is a bill that will leave patients and providers and consumers unprotected if and when insurance companies go bankrupt. Finally, this is a bill

that effectively repeals protections for breast cancer screening, colon cancer screening, diabetes care, substance abuse care, and mental health care. It is a bill that should be defeated.

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

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON), chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

As you know, Mr. Speaker, the cost of providing health care for employees has become the number one issue for small businesses around this country. It is especially important to me, because in my home State of Texas, one in four workers are uninsured. Small businesses have it especially tough because there is an inherent problem in a small number of people. You need to be able to pool risk to make insurance work. To make matters worse, there is a lack of competition in the small group health insurance market, allowing a few insurers to charge whatever they want. That is why we need association health plans.

These AHPs would allow small businesses to pool together to purchase health insurance. So instead of one individual company shopping for health care insurance, they would bring an entire trade association, for example, the U.S. Chamber of Commerce, to the table with much better bargaining power.

However, pooling risk and buying in bulk is not enough. If your association had members all across the United States, you would have to abide by 50 different sets of mandated benefits in order to offer your insurance. Not only is that a headache, but it is more costly. Some of the mandates that have been enacted by State legislatures include infertility treatment and alternative health solutions such as acupuncture. These mandates drive up the cost of premiums.

To resolve this, AHPs would allow small businesses to buy insurance under the same terms that large corporations and unions enjoy today. ERISA, a law that governs employer benefits, lets these sort of self-insured plans use one set of Federal rules, not 50 State rules. Talk about a quick way to lower administrative costs.

And lower administrative costs, Mr. Speaker, means lower premiums, up to 30 percent lower by some estimates, and that means affordable health care for employers and their employees alike. So who would not want AHPs to pass?

Some critics say AHPs will be an opportunity for fly-by-night groups that front as insurance companies and then leave employers with unpaid claims. The AHP bill in both the House and the Senate has tough safeguards to protect small businesses and their employees. A bona fide trade organization must have been in existence for 3 years before enactment of the law in order to offer an AHP. And there are Federal solvency standards set up for these health plans, including requirements for a reserve fund and stop-loss coverage. This is beyond and above what ERISA requires.

Moreover, the Department of Labor would be charged with the oversight of these plans, and the bill gives them the power to pursue criminal penalties against those who commit fraud. The Department of Labor has testified in hearings that they are up to the task and support the legislation.

Who else? Groups that have worked so hard to get coverage for their particular treatment mandated by State legislatures do not want AHPs to be exempt from the 50 different State laws. Let me say it plainly: That is the point of the legislation. One uniform set of benefits lowers administrative costs. If it is good enough for large corporations and unions, it ought to be good enough for small businesses.

Mr. Speaker, AHPs are a big step in the right direction for our hard-working families who need health insurance now.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. KIND), who has come up with a very constructive and progressive alternative.

Mr. KIND. Mr. Speaker, I want to commend my friend and colleague, the gentleman from New Jersey (Mr. ANDREWS), for the leadership he has shown on this issue.

Here we are again, Mr. Speaker. Year after year after year it seems we continue to rise in this Chamber to debate the same issue. One of the reasons we have to do this year after year is because bad policy is tough to sell, and especially tough to sell in the Senate right now, which has refused to take this up and move it forward because it has been bad policy.

The chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), had a chart showing us a 93 percent approval of AHPs. That is not surprising, Mr. Speaker. There is such a craving throughout America for any type of legislative proposal that would bring price relief to the rising cost of health care, that I am afraid people will chase any proposal and even jump off a cliff without looking where they are going to land.

That is why, Mr. Speaker, especially under these conditions, it is more incumbent upon us here in this Chamber to be extra careful in regard to the policy proposals that we are proposing so we do not violate the Hippocratic oath, and that is: first do no harm to the current health care system. There is plenty of places where this legislation that is being offered today would do substantial harm.

We have had studies outside and inside this body that have come back explaining the true deficiencies of this legislation, but none probably summarize it better than the National Small Business Association that recently sent us a letter expressing their concerns. Now, this is an organization of some of the largest Chambers of Commerce and some of the biggest local and national organizations throughout the country, all of which see this AHP proposal for what it really is: an empty promise.

Mr. Speaker, I quote from this letter from the National Small Business Association in which they state, ''The biggest loser from the passage of AHPs would be small businesses. AHPs are not an answer to rising health care costs and would significantly worsen the state of health care for all businesses. More and more small businesses are realizing that despite the bumper sticker pitch in its favor, AHPs are, simply put, bad public policy.''

They go on to cite the Mercer study, saying that ''premiums for those outside the AHP market would increase an additional 23 percent, and an additional 1 million people would become uninsured as this policy plays out.'' They go on to state that ''the minimal price savings realized by some businesses through AHPs would come from attracting healthier participants and depleting benefits that are currently required by States. AHPs could create plans that manipulate benefits and are extremely unattractive to sicker, less healthy participants.

''Furthermore, the CBO found most of the enrollment in AHPs would come from businesses switching coverage. Only 1 in 14 would be newly insured. AHPs do nothing to solve the problem in rising health care costs to small businesses and their employees.'' And they conclude by saying, ''They simply shift the cost from the overall market to a more concentrated group of people. This is hardly a long-term solution.''

There is a better proposal, one that we will talk about in more detail when our substitute is offered. There is a way for us, I believe, to come together in a bipartisan fashion to address one of the most pressing issues of the day, and that is affordability and access to quality health care.

Businesses large and small, family farmers, individual employees are all suffering alike, and that is why it is important for us to come together and do something meaningful to relieve the health care pressures in this economy.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), the chairman of the Subcommittee on Workforce Protections.

Mr. NORWOOD. Mr. Speaker, I thank the chairman very much for yielding me this time.

Mr. Speaker, it is my understanding that H.R. 525 is supposed to decrease the cost of health insurance for small businesses that cannot afford it today. Well, I support that. That is a good goal. All of us support that. Yet, unfortunately, I believe that in this bill that

has been undermined a little bit, and my logic is fairly simple.

As I read it, in section 805 of the bill, it allows an AHP to preempt State-level patient protection laws that prevent cherry-picking against small businesses with sick employees. Now, that troubles me a great deal. Look at the bill. Line 8 through 14 gives us the right, and line 21 through 22 takes it away. Sure, everybody can buy an AHP. It is just if you have anybody sick, you are in serious trouble, because the premium is going to be so high you cannot afford it.

After all, H.R. 525 is supposed to allow small businesses to come together to form large pools and purchase affordable health care through an association. That is a good idea. This makes sense, since large employers use this concept under ERISA to provide employees good rates, regardless of preexisting conditions. But in my opinion we, somewhere along the way, allowed this very good idea to be corrupted by a very bad provision, a sort of fly in the buttermilk of health care reform, in the form of section 805.

Mr. Speaker, 49 out of 50 States have instituted at least some patient protections that prevent insurers from using health status to discriminate against patients. Yet in plain English it appears to me that section 805 allows an AHP to preempt those rating laws. This simply makes no sense.

This is the bottom line: A small business owner in remission from cancer likely cannot get health insurance for himself, his family, or his employees if he lives in a State that allows for rating based on health status. Will that small business owner be able to afford high-quality health insurance from an AHP if H.R. 525 becomes law? Based on the language as I understand it, as I believe it to be true, he will not be able to get that insurance. Now, I believe that if H.R. 525 becomes law, it may even be much harder for that employer to get insurance. Why is that? Because all other employers with healthy employees will be in the AHPs.

I do not believe that is the intention of this bill. I hope I am wrong. I am going to vote for this bill. I am going to vote for it to move it forward, and I dearly hope I am wrong, and I hope that my chairman is right. But if time proves my position correct, I want these comments on the record so we will know exactly where to go to fix this when the milk turns sour.

Mr. BOEHNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Georgia and I have had a disagreement over this particular provision for several years. It is very clear in the bill, as I read it, not the way the gentleman from Georgia (Mr. NORWOOD) reads it, and this is where the source of the disagreement comes in terms of how plans can choose groups of employees.

Under current ERISA law, you are allowed to have different rates for different groups of employees as long as there is a reason other than the health status of that group to have a separate group. Maybe you have a plant located in one part of the State, another plant in another part of the State. You could have two different rates at those two different plants, just like you can under most State laws and what you can under ERISA.

So I look forward to continuing to work with my friend from Georgia to resolve our misunderstanding of this issue.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a person who is a strong voice for the rights of patients and families.

Ms. WOOLSEY. Mr. Speaker, there currently are 45 million Americans who do not have health insurance and are looking for real solutions for their lack of health care coverage. Unfortunately, H.R. 525, the so-called Small Business Health Fairness Act, is not their answer. In fact, this bill allows insurance companies to preempt State law, making possible a race to the bottom by associated health plans as companies, because of this bill, can offer the cheapest insurance with the least coverage.

The idea that we would allow insurance companies to trump State law is really outrageous. Laws to protect those with diabetes, those with cancer, and a host of other ailments are at risk under this plan. That is why I offered an amendment in the Committee on Rules, along with the gentlewoman from New York (Mrs. MCCARTHY), that would protect mammograms and cervical cancer screenings from being preempted by association health plans. Unfortunately, the Republican majority does not see the value in protecting women from breast and/or cervical cancer, because they would not allow our amendment to come to the floor to be debated before we voted on this bill.

□ 1600

Mr. Speaker, in my district, the Sixth Congressional District of California, the women of Marin County are plagued by an unusually high rate of breast cancer, and particularly young woman have the high incidence of breast cancers. But, fortunately, in California we require insurance companies to cover mammograms. So while the women of Marin County still have to worry about their community's high rate of breast cancer, at least they know their insurance companies cannot deny them access to the best available screening tools.

I cannot accept the idea of even one woman in this Nation foregoing an annual mammogram or a pap smear only to be diagnosed later with advanced breast or cervical cancer because an association health plan does not provide coverage. This is a risk we cannot afford, and I urge my colleagues to vote ''no'' on H.R. 525.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a physician.

Mr. BOUSTANY. Mr. Speaker, 45 million Americans lack health insurance today, and the number is rapidly growing. Twenty-six percent of all adults in Louisiana lack health insurance, and 22.6 percent of all working adults in Louisiana lack insurance.

It has been said over here that we need the insurance mandates to protect the patient. Insurance mandates are meaningless without insurance. We need a free market health care system that allows doctors to make decisions and not insurance companies. Fifty-two percent of Louisiana's small businesses offer health insurance, and the number is constantly declining. We must act to ensure that Americans can afford the health insurance that they need, and we can do so by passing H.R. 525, the Small Business Health Fairness Act.

This bill will create association health plans that will allow small businesses to band together through bona fide trade associations to become larger purchasers of health insurance, thus giving small businesses the same benefits that Fortune 500 companies now enjoy.

The Congressional Budget Office has estimated that small businesses obtaining insurance through AHPs would average premium reductions of 13 percent and some as high as 25 percent reductions. Overhead costs alone would decrease by as much as 30 percent under these plans. What is wrong with this? This is offering affordable coverage to workers.

There is additional research that also shows that up to 8.5 million Americans who are currently uninsured would become insured under AHPs. And this bill offers very many protections, consumers protections and protections with regard to solvency, as outlined.

If we are going to lower costs and increase accessibility to health care, we need to create choices and enhance competition. This bill is an important first step, and I urge its passage.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a Member who does not want to see a 23-percent increase in premiums for his constituents.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, today Member after Member has been talking about the 45 million Americans who lack health insurance. At the origin of our problem, we are the only major country where your health care coverage depends on who you work for. But that is not to be debated today.

We are talking about the small businesses in New Jersey and elsewhere around the country that face the high cost of health insurance. We all hear about it from our small businesses and their employees. Unfortunately, what has been brought to the floor here is a bill that creates more problems than it solves.

The concept of companies working together to control costs has worked in

some States, and it is certainly something I support. However, I cannot support allowing association health plans to achieve cost savings by offering inferior coverage. Allowing AHPs to circumvent existing State laws, for example, with regard to mental health coverage or contraceptive equity or mammograms or prostate screening or countless other necessary benefits is not an acceptable means to cut premiums.

Supporters of this legislation claim that millions of small businesses and their employees will be eligible for this new insurance option. However, the Congressional Budget Office estimates that only 600,000 of those eligible are currently uninsured, a small fraction of this huge population.

And H.R. 525 would allow AHPs to offer artificially lower costs by offering cheaper premiums to lower-risk populations, a policy that will lead to older and sicker people paying higher premiums. The CBO found that more than 20 million workers and their dependents would see their premiums increase due to AHPs cherry-picking.

States require that qualified health plans cover certain basic items. States say that anything that is worthy of the name health plan must cover certain things. Well, under this bill I could create a health plan that covers nothing but ingrown toenail surgery. It would be the cheapest plan out there, but it would not help employees very much.

I urge my colleagues to vote against H.R. 525 and to support the Andrews-Kind substitute. Their legislation would address the real needs of small employers. It would establish a small employer health benefits plan that would grant small business employees the same benefits as Federal employees receive. It provides prorated premium assistance for companies of varying sizes and employees of varying income. It would be much preferable to H.R. 525.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE), a member of the committee.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time and for his work on this issue and so many other important issues.

When I go home, and especially as a physician in Congress, when I go home and talk to small businesses, they say whatever you do, whatever you do, do something about my health care costs. Make it so I can help my employees get insurance.

Mr. Speaker, 45 million uninsured we have heard, 60 percent or more of those are employed currently, and why do they not have health insurance. Either they are self-employed or they work for small businesses so they have to purchase health insurance in the individual market.

So what is the solution? Pool together. Six people can buy insurance for cheaper than one person; 60 cheaper than 6; 600 cheaper than 60; and 6 million cheaper than 600, and it can be quality insurance, and H.R. 525 is a step in the right direction.

We have heard that the number of uninsured will go up, the cost for the premium will go up 23 percent. I will take that wager. This is the same crowd that said welfare reform would not work. I will take that bet.

Once again, the rhetoric we have heard is disgraceful. We have heard that Republicans do not care about women with breast cancer. Come on. What kind of nonsense is this. Who do you think will be making the decisions about the kinds of provisions that will be in that insurance policy? It is patients. It is patients in the associations, and they are much closer I would argue to the individuals making decisions about what is going to be included under those plans than human resources officers in large companies.

H.R. 525 is a step in the right direction. I encourage my colleagues on both sides of the aisle to support it.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), a person with whom I share an important goal, but have a disagreement on means.

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Speaker, in every State and every district when we meet with small business owners, their number one concern is rising health care costs. Even as we sit here, the cost of health care continues to rise.

Today's legislation will help address this problem. Association health plans will provide an employer-based solution to help the sector of the economy that is being hit the hardest: small businesses. Critics of the bill will come forward today and tell you how association health plans are going to lead to a devastating impact on small businesses and the insurance market. Well, from where I stand, it is hard to imagine that it could get any worse.

We have 45 million Americans without health insurance and over half are small businesses and their employees. This includes up to 7 million children that have family members working for small firms. And for the last 5 years, small businesses have seen insurance costs increase by over 60 percent. These are statistics that are so often stated in this town that we forget what the real impact is. When an employer has to spend an additional $3,000 a year for coverage per employee year after year, it is easy to understand why some are dropping coverage all together.

We have a modest solution before us today that no one can claim will address all of the problems, but it can provide some help in a market that needs it. I think it is important to talk about what association health plans are and what they are not. These plans will be under the same set of rules that apply to corporate and union plans. In fact, the requirements for association health plans are even more strict. It will require that an association health plan have sufficient reserves to pay all claims. It includes protections against cherry-picking to prevent adverse selection. It provides a structure to ensure that the DOL can monitor these plans.

Critics will cite an outdated CBO study that does not even examine the legislation before us today. Will association health plans cure all of the problems when it comes to health insurance in the small group market? Absolutely not. But will it bring some elements of affordability and competition in these markets? I think so.

By some estimates, this bill is estimated to provide as many as 8 million Americans with insurance, no small sum. One of the best indicators as to whether AHPs will increase competition is the strong opposition from insurance companies. They are worried that they will lose their stranglehold on the small-group market. These insurance companies with highly paid lobbyists from Blue Cross/Blue Shield, for example, that hold monopolies on State markets are worried that they will have to start negotiating premiums rather than dictating them.

I rise in strong support of this legislation. I ask my colleagues to do the same. Just as important, I call on the Senate to act on this legislation and the administration to put its full backing behind this bill. This Nation's entrepreneurs deserve it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a Member who understands that this bill will increase the number of uninsured by at least 1 million people.

Mr. TIERNEY. Mr. Speaker, this so-called Small Business Health Fairness Act is a bill that is attractive to a few, seems to be sufficient for none, and is going to be harmful for many.

The Congressional Budget Office did an estimate of the proposed bill. It estimated that only 600,000 of the 45 million uninsured will be provided new insurance coverage by these AHPs. In fact, the respected 2003 Mercer Consultant Study that was done for the National Small Business Association found that the number of uninsured will increase by 1 million, as increased nonassociated market costs force small employers to drop coverage.

The fact of the matter is there is not going to be the dramatic savings proposed here. That is not going to materialize. The Congressional Budget Office found that these premiums for AHPs would only be marginally less than traditional premiums for health care plans.

In fact, the 2003 Mercer Study found that premiums would increase by 23 percent for those outside the AHP market. It also found that there would be an increase in the number of uninsured workers in small firms, an increase of 1

million people as a result of this plan being implemented.

Again, the fact of the matter is that Americans would also lose their right to vital medical coverage, like OB-GYN and pediatrician services, cervical, colon, mammography and prostate cancer screening, maternity benefits, well-care child services, and diabetes treatment.

Mr. Speaker, this bill is going to disallow a lot of State protections. In fact, that is how you get cheaper insurance. If you want to lower the price, you just do not give people the coverage that they need and deserve. Almost all of the States that we talk about have protections for people with coverage. Almost every Member of this House voted for the Federal Patient Bill of Rights that would have recognized these State protections that are in place for insurance programs; yet this bill would take those out carte blanche.

□ 1615

As a person in small business for over 22 years, and having represented a lot of small businesses, I can tell you from personal experience that small business employers do not want inferior coverage for their employees. We cannot allow it to happen again here. In fact, Mr. Speaker, I can tell you that AHPs really already exist. They are called the multiple employer welfare arrangements, the MEWAs. The public record is filled with stories of failed MEWAs that left employers and employees alike with unpaid medical bills. From 1988 to 1991, dozens of MEWAs failed, leaving 400,000 individuals with over $123 million of unpaid medical claims.

Small business owners and their families and their employees deserve protections. They deserve to go to the emergency room. Women in small businesses deserve to go to gynecologists without referral from another doctor. Why should we treat small business owners and employees as second-class citizens and give them second-class health care? Instead of extending the patient protections to all Americans, this AHP bill would actually roll them back and roll back the limited protections that they get today.

Plainly speaking, Mr. Speaker, this bill eliminates all those protections. For this reason and for the other reasons I have mentioned, and the fact that over 1,000 different organizations oppose this bill, the National Governors Association, the Republican Governors Association, 41 State attorneys general, the National Small Business Administration, the National Association of Insurance Commissioners, as well as a dozen other labor, business and consumer groups think that this is not a good bill, I urge my colleagues to reject this bill and vote for the substitute.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would request that Members, as a courtesy to their colleagues, respect those time limits.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 525, the Small Business Health Fairness Act, designed to allow small businesses to create large insurance pools in order to give them market power which will allow them to purchase quality health insurance at affordable prices through association health plans.

In truth, our biggest bipartisan failure in this Congress has been our inability to help 45 million, now pushing 50 million, Americans who do not have health insurance. Sixty percent of these people work in small businesses or are self-employed. Unfortunately, small business employers either cannot afford to offer health insurance or offer it at premium costs that employees cannot afford. Small businesses and their employees need our help. AHPs are not a panacea, but they are a step in the right direction.

AHPs, association health plans, will be subject to Federal consumer protections, unlike what you may have heard, such as continuation of coverage; Federal claims procedures for benefit denials and appeals; guaranteed portability and renewability of health coverage for those with preexisting conditions; as well as the Mental Health Parity Act, the Women's Health and Cancer Rights Act, and the Newborns' and Mothers' Health Protection Act.

We have also heard that AHPs will allow for cherry-picking, that only the healthiest will be signed up. That is not true due to the antidiscrimination language in the bill. Really and centrally, opponents claim that AHPs are bad because they do not provide mandated State benefits. This misanalysis reflects some of the backward thinking in our health care system, that people would put mandated benefits ahead of prevention. That does not make sense.

Consider a State's mandated coverage for diabetes supplies. But what good is mandated benefits for diabetes supplies if you cannot afford to go to the doctor, and therefore do not know you have diabetes? Under AHPs you have an affordable, basic policy which covers doctors' visits. Therefore, you can get checkups and learn about your risk of diabetes or other health problems. The doctor can give you advice, prescribe life-style changes, and help you overcome, control, or avoid health problems. In fact, the American Diabetes Association cited a recently completed study on diabetes prevention that conclusively showed that people with prediabetes can prevent the development of Type 2, or full-blown, diabetes by making changes in their diet and increasing their level of physical activity.

Our approach provides affordable access to this kind of preventive care, allowing people to lead healthier lives and not go to the emergency room, which is driving up costs for all of us.

Some of our elitist opponents will call these policies worthless because they do not offer 30 or more State mandates. For a single mother who is a waitress who is able to take her son to the doctor, that is not a worthless policy. That is called progress. If the plans are so inadequate, don't worry, the people won't buy them.

Most professional men and women have health insurance. Members of Congress have a great health insurance plan. Members of labor unions have health insurance. Why do they not want the mechanics and the barbers and the waitresses and the realtors to have health insurance? The attitude of our opponents seems to be, ''I drive a Cadillac. If you can't afford to drive a Cadillac, you don't get to drive at all.'' That does not make sense.

Today 45 million Americans cannot afford a Cadillac health insurance policy with all the mandated benefits. However, they might be able to afford a more modest vehicle that would get them to their doctor's office where they could at least get a diagnosis, advice and recommendations in order to improve their quality of life.

A broad and diverse coalition of more than 180 groups support this bill, including the U.S. Chamber of Commerce, the National Federation of Independent Business, the American Farm Bureau, the Associated Builders and Contractors, the Latino Coalition, and the National Black Chamber of Commerce. People want health insurance. Opponents of AHPs say, ''If you can't do everything for everyone, do nothing.'' We say this bill will help some people get health insurance, and we think that is a good thing.

Please, support AHPs. Let us quit talking about health insurance and actually deliver it to the American people who work in small businesses and who are self-employed, because they really need it.

Mr. ANDREWS. Mr. Speaker, among those who know the difference between a Cadillac and a lemon are the insurance commissioners of our States who oppose this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), one of their former members.

Mr. POMEROY. I thank the gentleman for yielding time.

Mr. Speaker, let us understand something fundamental here. People do not just want the appearance of health insurance. They want a program that they can trust and that will pay when they incur the claim, and that is the critical problem with the bill being put before us. There are no meaningful consumer safeguards. This can manifest itself in three critical ways. First, as to content. We all know about insurance loopholes, the fine print that says, oh, we will pay your claim unless you file a claim, in which case we

won't pay the claim. This kind of malarkey has been with us ever since insurance first came in the marketplace. Insurance commissioners make certain that the policy does what it purports to do, no fine print taking away the meaningful coverage. This bill takes away that insurance commissioner protection provided to the consumers.

The second protection, rating. Do you know that in our States, there was a company that tried to sell a policy that actually raised the premium whenever you went to see a doctor? You thought you had good health care coverage, you went to see a doctor, your premium went up until it quickly became unaffordable. That is no insurance coverage. There is not the kind of protection on this kind of terrible rating scheme in this plan. As an insurance commissioner, I have seen rating schemes. Do not think for a second there are not people that will try this under this legislation. Consumers need protection there.

Thirdly, solvency. If there is one part of this bill that I think just screams out, ''This is stupid,'' it is the part on solvency. There is a $2 million cap on the solvency required for an AHP, no matter how many lives you have. Millions and millions of lives, $2 million maximum coverage. Do you know that the claims incurred by two premature babies could totally bust this plan? Again, people want coverage that is there when they need it, not coverage that gives them the appearance of having something only to have it go bust because it did not have enough capitalization. This business of capping solvency stands in stark contrast to any actuarial approach and shows that this is absolute danger for our consumers. Reject this bill.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the gentleman for yielding me this time.

Mr. Speaker, first of all, I have respect for our insurance commissioners, but I want to say that three out of the last four in Louisiana went to jail. So that is no automatic protection. I think other States have had similar problems.

The preemption language in the bill only grants two limited exceptions from State laws that regulate insurance. Fully insured AHPs are exempted from State laws that would, one, preclude them from establishing an AHP; or, two, prevent them from designing their own benefit package. These two exemptions are narrowly tailored to allow AHPs to set a uniform benefit package that can be offered across State lines and to ensure that State regulators will not pass laws that prohibit the establishment of AHPs. State laws that regulate insurance and do not impact benefit design will apply, including prompt pay, external review, and solvency requirements. Assistant Secretary Ann Combs testified to this at a March 2003 Subcommittee on Employer-Employee Relations hearing. At that hearing she noted that, quote, ''fully insured AHPs would purchase insurance products with solvency standards and consumer protections regulated by the States.''

Further specifying which State laws are not preempted is unnecessary. All State laws will apply except those that prevent a uniform benefit design or prevent an AHP from existing. Consumer protection laws that States see fit to pass will apply to fully insured AHPs. No further change in the legislation is necessary. Benefit mandates, as we have discussed, will be preempted as is the case for unions and large employers.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a Member who understands that this bill will raise premiums by 23 percent and cost 1 million people their coverage.

Mr. VAN HOLLEN. Mr. Speaker, I thank the gentleman from New Jersey for his leadership on this.

This is a bad bill, Mr. Speaker, for many reasons. I want to focus on one of them, which is that this bill will strip away the consumer protections and the patient protections that exist under State law for our constituents today. I understand that we have 50 States, and in those 50 States many of them have different mandates for what has to be covered and what does not have to be covered, and there is some sense when you are talking about organizations operating across State lines that you would streamline that effort.

That is exactly what the gentleman from Massachusetts (Mr. TIERNEY) and I tried to do when we took an amendment the other day to the Rules Committee. We said, let us look at six patients' rights that have been agreed to on a bipartisan basis by this Congress in previous legislation and which are overwhelmingly agreed to in our States, and let us say with respect to those six rights, you can't take that right away from one of our constituents, one of our patients, one of our consumers if you are an associated health plan.

What happened to that amendment? We did not even get to hear it or vote on it in this House. What are we afraid of? What were those six provisions that we wanted to make sure all our constituents, all our consumers, were protected by? The right to an independent external review of coverage decisions. Forty-three States have this rule already. It says if you disagree with your insurance company as to whether or not you are covered, let us not ask the insurance company who is right and who is wrong, let us have an independent individual who can make that decision. Does that make sense? Most of our constituents think they will have that right. If you pass this legislation and if you are in an AHP, you are not going to get it.

Second, direct access to obstetric, gynecological, or pediatric services. You do not have to wait in line before you take your child to see the pediatrician.

Third, imposition of prudent layperson decision-making standards. If you show up at the hospital, and you have a good faith reason for thinking you are sick, and it turns out you did not have a heart attack, but you went thinking you had one and you had good reason to think so, your insurance company cannot deny you coverage for that visit. You do not have to be the doctor. That is why we have doctors.

Use of drug formularies, access to hospital emergency room treatment, 42 States have this requirement; and making sure that we do not restrict the ability of our doctors to give us their opinions, to make sure that those States where they say you cannot have a gag rule, where your physician can tell you, the patient, what he or she thinks is in your best medical interest, they cannot be punished by the insurance company for telling you the truth.

These are common-sense provisions, six common-sense provisions. That is what our amendment would have done. It would have made this piece of legislation stronger and protected our constituents. What happened? We did not even allow a vote on that.

I would just like to quote from 42 State attorneys general, Republicans and Democrats, who say, ''Consumers rightfully expect their States to protect them from fraud and abuse. Elimination of the State role and replacement with weak Federal oversight is a bad deal for small businesses and for consumers.'' Those are State attorneys general, Republican and Democrat, who, like us, are trying to look out for the consumer interest.

Do not pass this bill. If you do, you are going to have a lot of explaining to do to your constituents when they are denied by their insurance companies coverage that they thought they rightfully had.

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

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee and a fighter for working families throughout his career here.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

□ 1630

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I must say the Republicans are on a roll here. Last week they voted in the Committee on Education and the Workforce to raise the cost of education to those students seeking a higher education by raising the cost of the loans that they will seek to finance that education. In this legislation what we see them doing is taking away vital

health benefits that millions of Americans currently have but will lose if this legislation is passed. And later this week they are going to bring an energy to the bill to the floor of the Congress that The Wall Street Journal says will raise the price of gasoline.

What is it that the middle class did to them to make them so angry at them? They raise the cost of their education, they take away their health care benefits, and now they are going to increase the price of gasoline. Do the Members know what the price of gasoline is in California? It is $2.67, $2.77, $2.87 a gallon. Do the Members know how hard people have struggled in these States to have minimum health care benefits so that they can have a mammogram, so they can have diabetes testing, and now they are going to take that away. And now they raise the cost of college education. It just does not make any sense.

The theory is that Congress should be trying to extend meaningful health care coverage to families and to making sure that they have benefits that, in fact, are there when they need them. But that is not what this legislation does. This legislation overrides all of the hard work that was done in 40 or 45 States to make sure that people would have access to well baby care, to make sure that they would have access to maternity benefits, to make sure that they would have access to mammograms, crucial services that families need. This legislation says not necessarily so, they do not get that, on the theory that we have heard argued here that some plan is better than no plan.

But a plan without benefits is not worth much at all. And why would one keep paying premiums even if they are low premiums if they do not get the coverage that their family needs?

The point is for the people running that plan, that can turn out to be very profitable. That is why they do not want the insurance commissioners involved, because at some point the insurance commissioners would do what they have done in the past. They would blow the whistle on people running plans where they take premiums from middle-class workers, but they do not give the benefit that they want. The record is replete with that, replete with that in State after State after State. But that is stripped out of this legislation.

This legislation should be rejected because it just is not the benefits that people need. What we ought to be doing is extending that kind of universal access to plans that provide people the benefits.

The Congressional Budget Office in its most recent report, April of this year, analyzed the legislation two other times and concluded that 8½ million workers would end up in AHPs under this bill, and over 90 percent of them would come from existing health care plans where in all likelihood their benefits are better. The CBO looked at it once, it looked at it twice, it looked at it three times, and it said that is their conclusion.

This means that millions of Americans, working Americans today with health insurance, under this plan would get stripped of the health care coverage that they now have and that they need, that they need. They are talking about trying to cover a couple hundred thousand people. That is their argument, but they are going to strip the health care benefits away from almost 8 million people that have this kind of coverage. It is unacceptable.

We ought to reject this. Later this week we ought to reject the energy bill, and maybe we can do something to keep people in decent health care plans, lower their energy costs, and, when the higher ed bill comes, reject that, and we can save them some money on a college education.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Employer-Employee Relations Subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we have heard it over and over again today on the floor. Too many working Americans have a job, but are uninsured because their employers cannot afford to purchase quality health insurance benefits for their workers.

This bill addresses the two most important issues in the health care reform debate: cost and access. H.R. 525 would, one, increase small businesses' bargaining power with health care providers; two, give them much-needed freedom from costly State-mandated benefit packages; and, three, lower their overhead costs by as much as 30 percent.

Our small businesses are denied the ability to purchase health coverage with the benefits large multistate companies and unions have enjoyed for decades. This bill fixes that problem.

By pooling their resources, increasing their bargaining power, AHPs will help small businesses reduce their health insurance costs. As the Members have heard me say before, if it is good enough for Wall Street, it is good enough for Main Street. Small businesses in most States are stuck with disproportionately higher costs because they have to choose from fewer than five providers. So AHPs offer them a new option to choose from. Most importantly, AHPs will expand access to quality health care for the people for whom it is currently out of reach: uninsured working families.

This bill has had unwavering support in the House for nearly a decade now. The other body is taking a serious look at the legislation this year, and it is a priority in the President's health care agenda. I look forward to working with our colleagues from the other body to make this bill law this year.

The problem is getting worse every day. Small businesses need our help now. Let us vote ''yes'' on H.R. 525.

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

Mr. Speaker, the argument for this bill rests upon a false choice that I believe would have catastrophic consequences for many Americans. We are told by proponents of the bill that if we are willing to yield the guarantees that they presently enjoy under the law that guarantee them a mammogram, guarantee them care for diabetic illness, guarantee them other rights that they fought and won for, if we make that trade-off, we will get more people health insurance. If that were true, this would be a difficult choice, but it is not true.

The net impact of this bill will be to increase the number of uninsured people by nearly 1 million people because the increases in premiums for small business that will occur in businesses that stay in conventional plans will chase more people out of these plans. The experts estimate that these increases will be in excess of 20 percent.

So this is a false choice. This bill does not say that if we yield these benefits that people cherish, more people will be insured. The opposite is true. If we were to make the mistake of yielding these cherished benefits, more people would lose their coverage than would gain it.

This is a choice not worth making, and it is why the National Governors Association opposes the bill, Republicans and Democrats. And it is why the Attorneys General oppose the bill, Republicans and Democrats. And it is why commissioners of insurance, Republicans and Democrats, oppose the bill.

I urge our colleagues on both sides of the aisle to protect the benefits that our constituents earned and deserve and to prevent the increase in the number of uninsured and the increase in health insurance benefit premiums and vote ''no'' on this bill.

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

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

Mr. Speaker, small employers today have a difficult problem. They are trying to keep their business alive. They are trying to make enough money to hire and grow their business and at the same time trying to provide affordable health insurance. About 60 percent of the 45 million people who have no health insurance work for small businesses of some sort. But what happens to those small employers in most of these State risk pools? They are in the small group coverage area, and guess what happens? There may be a provider or two that will offer them insurance. They are stuck in a small pool, and they pay the highest rates of any group that is out there, unless, unless, one happens to be self-employed.

Let us say that they were a realtor, and as a realtor they are self-employed, they are not an employee of a company, and they try to buy health insurance for themselves out in the open market again in these small State risk pools. Here it comes, $1,500 a month,

$2,000 a month. And, my goodness, if they are sick, they will not get it at all.

So what we have been proposing now for some 10 years, and the House has passed this on a bipartisan basis at least five times, is to allow businesses and self-employed individuals who belong to bona fide organizations to group together for the purposes of health insurance. Why should a realtor who belongs to the National Association of Realtors not have an opportunity, whether their State association or the national association wants to put together a package of plans and allow them to choose one of those plans that might fit the kind of coverage that they want, why would we not want to do this?

We have heard all this shtick about all these plans are lousy, they are low-cost coverage. No. These plans would look exactly like the plans that big companies and unions offer today. Everybody in America wants to work for a big company or a union. Why? Because they have got great health benefits. And why do they have great health benefits? Because that is what their employees and that is that their members want. People do not want to go out and buy low-cost coverage that does not cover anything. That does not accomplish anything.

So when we look at the opportunity for small businesses to go out and to be able to purchase health insurance for their employees, just like a big company or just like a union under the same set of rules, the same set of rules for small companies that big companies have today, we should not let the perfect become the enemy of the good. This will not solve the problem of all 45 million of the uninsured, but it will help millions of Americans who work for small businesses have a better opportunity at getting good health coverage at competitive prices.

We have heard an awful lot of talk about it does not have this mandate, that mandate, that mandate. And why do big companies who do not have to have any mandated coverages under ERISA, why do they provide those? Why do they have breast cancer screening? Why? Because it makes sense to screen for this to detect it early and to deal with it. Why do they have these benefits that are not mandated? Why? Because they make sense to find out early in the illness.

These small companies are going to have the same types of high-quality plans that big companies have today without State mandates, because what happens is every State has a mandate. Some of them have as many as 30 mandated benefits that drive up the cost of health insurance and drive the number of uninsured up as well. But companies that offer a lot of these benefits, they do so with, as an example, a breast cancer benefit that covers the whole country, one size, not 50 different States done in 50 different ways that they have to find out exactly how it is going to be covered in each of those 50 States.

I have no doubt that the policies that will be offered by these association health plans will, in fact, be high-quality policies at very competitive prices.

As I said before, this bill has passed the House on a number of occasions with broad bipartisan support, and I expect that will occur again today. So I would ask my colleagues to stand up and vote. We hope that the other body will eventually take this bill up and move it and to help reduce the number of uninsured Americans that we have.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong opposition to the Small Business Fairness Act, which is not fair any place, but in its name, and in strong support for the Kind-Andrews substitute.

As a 5-term member of the Small Business Committee, I know and am very concerned that 60 percent of the uninsured are employees of small businesses.

We all want to make sure they are covered, but H.R. 525 will not do that, it is an empty promise.

Worse, it would more likely increase the number of uninsured instead of reduce them. Even for those who might be covered. This bill is designed to provide great coverage if you don't need it, but please don't get sick—what it provides then is a false sense of security.

The stories of individuals with similar low cost plans in States with little regulations are tragic, and must not be replicated as H.R. 525 would do.

AHPs specifically remove State consumer protection laws and appeal rights. It is fool hardy to think that the market will provide any protection, and our experience with the Department of Labor and hearings with the Secretary have added no reassurance.

People of color, who make up a sizeable portion of small business employees and who tend to be sicker because this government will not build fairness and equality into our healthcare system, will get the shortest end of the stick again. Because of the higher costs of taking care of them, minorities will be left out, and left behind.

There is nothing fair about this bill, I urge my colleagues vote ''no'' on 525 and vote for a bill that provides insurance relief to small businesses, keeps the cost low, and protects the consumer. I urge my colleagues to vote ''yes'' on the Kind/Andrews substitute. The only fair bill before us at this time.

Mr. REYES. Mr. Speaker, I rise in opposition to H.R. 525, the Small Business Health Fairness Act, but in strong support of meaningful measures to help small businesses offer affordable, quality health care coverage to their employees.

For many businesses in my congressional district and across the country, the rising cost of health insurance is a growing crisis. Currently, many small businesses devote significant resources to offer health insurance to their employees—money they could have otherwise invested in their businesses. Others have had to reduce or drop coverage entirely.

While I agree that we must find a solution to this problem, H.R. 525 is not the answer, for several reasons. First, supporters of H.R. 525 claim the legislation would reduce the number of uninsured. However, a recent Urban Institute survey states that the number would actually increase, because some small employers in the State-regulated market would be forced to drop coverage when premiums increase as a result of the creation of Association Health Plans, AHPs.

Second, AHPs would be exempt from State rules that limit how much and how often premiums can be increased, making it likely that premiums would go up rather than down. In fact, the Congressional Budget Office estimates that AHP legislation would result in higher premiums for 80 percent of small employers, and as many as 100,000 sick people would lose coverage because they would not be able to afford the increases.

Finally, AHPs would mean that consumers would lose important health benefits, such as treatment and care for diabetes, child immunizations, cancer screenings, and preventive care. Consumers would lose State-based patient protections such as direct access to specialty care, emergency care, and the right to an independent, external review of denied medical claims.

Instead of this flawed bill, I support the substitute offered by Representatives KIND and ANDREWS. This legislation would expand the health care options available for small businesses by building on the efforts of many State governments that are providing health care plans specifically for small businesses. Under the substitute, Federal and State health insurance pools would be created for small businesses to band together to purchase coverage. Participating businesses would be able to defray the costs of their participation through a 4-year tax credit provided under the legislation. By grouping small companies in healthcare pools, this bill would give small firms some of the same advantages large corporations have in trying to keep costs down.

Mr. Speaker, I urge my colleagues to oppose the Small Business Health Fairness Act, and instead support real relief for small businesses trying to meet the health care needs of their employees by voting for the Kind-Andrews substitute.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to H.R. 525, the Small Business Health Fairness Act of 2005. Today we face a problem. An estimated 45 million people are without health insurance. The number of uninsured has risen in almost every year since 1989 and is expected to continue its rise in the near term. Most people in the U.S. who have health insurance obtain it through their employer or a family member's employer as a workplace benefit. Due to the rising cost of health coverage, small employers are far less likely than larger employers to provide health insurance to their workers and almost half of the uninsured work for, or are family members of employees who work for, small employers. The Small Business Health Fairness Act would not address this problem.

As a former small business owner, I understand the need for employers to offer benefits like health insurance to attract the best employees. I also understand the desire to offer benefits to employees to reward them for their efforts in making their business a success. Small businesses are a vital part of our economy, and it is critical that we provide them with affordable heath coverage that not only covers their employees, but helps reduce the ranks of the uninsured in our Nation.

Unfortunately, the association health plans created by H.R. 525 would actually reduce

health care benefits and coverage. In fact, the Congressional Budget Office estimates that only 600,000 of the 45 million uninsured would receive coverage as a result of this bill. The CBO also found that almost 75 percent of workers would actually see their premiums rise. These numbers are evidence that this legislation will not address the problem.

The bill raises numerous other concerns as well. It would create an uneven playing field where Federal law would provide one set of favorable rules for employers who join association health plans and a different, less favorable set of rules for those who do not. Association health plans would be exempt from most State benefit requirements, including those that ensure access to emergency services, mental health services and cancer screening. They would be free to choose healthier individuals who are cheaper to insure and leave behind those most in need of health care coverage. Finally, association health plans under this bill would be allowed to license themselves in a State with looser consumer protection provisions than the State they offer coverage in, leaving consumers open to fraud and abuse. These loopholes will not address the problem.

However, today we will offer a real solution to this problem. The substitute amendment offered by the gentleman from Wisconsin, Mr. KIND, and the gentleman from New Jersey, Mr. ANDREWS, would address the needs of small businesses by providing them with the same access to health benefits as Federal employees through a Small Employer Health Benefits Plan. This plan would provide coverage to all small businesses and their employees, ensuring that every worker gets the coverage they need regardless of age, sex, race or any other factor. Additionally, it would commit Federal funds to aid small businesses in offering health insurance to employees. Finally, it would work within existing State laws and not preempt state regulations regarding health care coverage. This substitute will help small businesses more, cover more of the uninsured, and protect the rights of States.

Unfortunately, without the Kind/Andrews amendment, I cannot support the Small Business Health Fairness Act. This is the fourth time the House has voted on association health plans and the fourth time it has been the wrong answer for small businesses and the uninsured. This is just another example of the Majority bringing the same legislation to the floor year after year knowing that it will go nowhere because it is the wrong answer for Americans. I urge my colleagues to join me in supporting the Kind/Andrews amendment, which would provide real solutions to help our Nation's small businesses and cover the 45 million uninsured Americans.

Mr. MANZULLO. Mr. Speaker, as the chairman of the Small Business Committee, our Nation's small business men and women tell me over and over that finding accessible and affordable quality health care is their number one priority for themselves and their employees.

I have heard from thousands of small employers in America who have been pleading for options to help them manage their surging health care costs.

Small business owners tell me regularly how they struggle to provide their workers health insurance, but each year they face double digit increases.

''Mom and Pop'' businesses tell me how they want to provide healthcare for their employees, but every single year it gets more difficult.

Many are giving up. Our Nation's entrepreneurs, whose ingenuity and hard work ethic have driven the American economy, have run out of options to battle this crisis. They need our help.

And today, we bring forward a great option—Association Health Plans—to help them control these outrageous costs and continue offering vital health insurance to their employees and their families.

In March of this year, I held a hearing on AHPs. The Coca Cola Bottlers Association testified they have long offered AHPs.

However, in 1990, they had to stop offering AHPs to members with under 100 employees because of the disparity of law from State to State. Those small employers have incurred increased premiums of between 20–25 percent per year.

For those bottlers employing over 100 workers and who still were able to maintain an AHP, they only had an average increase of 9 percent a year.

The proof is irrefutable. AHPs work. I urge all of my colleagues to support H.R. 525. Give hope to America's entrepreneurs. Vote for H.R. 525.

Mr. ENGEL. Mr. Speaker, the so-called Small Business Health Fairness Act is anything but fair. Congress should not be in the business of promoting the reduction of healthcare benefits and coverage and that is exactly what this bill does.

Proponents of H.R. 525 argue that health insurance will be cheaper under this bill, but the devil is in the details. Healthy people would enjoy low premiums under association health plans because the plans are exempt from State consumer protections and minimum quality requirements, and therefore meaningful coverage. Without consumer safeguards, association health plans would be largely unregulated and unlikely to cover such benefits as mammography screening, cervical cancer screening, well-child visits, mental health services and diabetic supplies. While this might appeal to healthy people, it will be devastating to those who actually need medical care. Those who are sicker would remain in non-association health plans and would have to pay higher premiums to compensate for those individuals who are siphoned off into the association health plans.

It is also troublesome that this legislation exempts association health plans from State solvency standards. Many States have strict solvency laws that protect workers from insurance fraud and abuse. Any meaningful insurance company should have to adhere to adequate standards of protection.

We should reject this anti-consumer proposal in favor of the Kind/Andrews substitute. This measure would create a Small Employer Health Benefits Plan, SEHB, similar to the Federal Employee Health Benefit Plan and would offer coverage to all small businesses with fewer than 100 workers. Significantly, this legislation works with existing State laws and does not preempt State mandates regarding health care coverage. This substitute very clearly commits Federal funds to aid small businesses in offering insurance to employees.

True health insurance coverage offers meaningful benefits with appropriate solvency safeguards. Our constituents deserve no less. I urge my colleagues to reject H.R. 525 and pass the Kind/Andrews substitute today.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the Small Business Health Fairness Act, H.R. 525, which will allow small businesses and associations to band together to purchase health insurance coverage for their workers and their families.

The Small Business Health Fairness Act can directly benefit the over 2,300 small businesses and associations in my congressional district and their employees.

H.R. 525 would allow AHPs and small businesses to be certified under one Federal law, instead of 50 different State regulations.

Like large employers and labor unions that offer health insurance to their employees and members, AHPs would be regulated by the U.S. Department of Labor.

Many opponents of the Small Business Health Fairness Act claim that AHPs will ''cherry pick'' and therefore only benefit healthy people. This is not true.

All AHPs must comply with the Health Insurance Portability and Accountability Act, which prohibits group plans from excluding high-risk individuals that have required repeated health insurance claims.

H.R. 525 also guarantees that only bona fide professional and trade associations can sponsor an AHP. This measure ensures that AHPs will undergo a strict, new certification process before they will be allowed to offer health benefits to employers. This new certification process includes stronger solvency standards, including stop-loss and indemnification insurance.

Studies have shown that AHPs would save the typical small business owner between 15 percent and 30 percent on health insurance.

Currently, there are 45 million Americans who are uninsured. Even more troubling is the fact that 60 percent of uninsured Americans work for small businesses that lack the resources to provide health care benefits to their workers.

In fact, 65 percent of small-business owners indicate high cost as the main reason why they do not offer health insurance.

Small employers are facing 50 percent premium hikes, even as many insurers are leaving the small group market because it is not profitable enough.

The time to offer small businesses and associations the ability to band together to offer health insurance to their employees is now.

The Small Business Health Fairness Act represents a first step in helping to lower the number of uninsured Americans, many of whom work for small businesses.

H.R. 525 would introduce more competition into the market, reduce unnecessary regulation and administrative costs and make health coverage more affordable for small employers and their employees.

I urge support of H.R. 525.

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that while we are in the midst of a healthcare crisis for the uninsured, for small businesses, and for practitioners, Congress is recycling the same flawed legislation. The proposal would allow association health plans to bypass the State solvency framework requirements, leaving the consumers at a significant risk.

The reason that over 1,350 business, labor, and community organizations oppose H.R.

525—including organizations such as the National Governors Association, 41 Attorneys General, the National Association of Insurance Commissioners, Blue Cross/Blue Shield, National Small Business United and 69 local Chambers of Commerce—is because it not only misses the point, it will make things worse.

The bill would undermine our efforts to provide essential services to everyone by providing incentives to insure only the healthiest and wealthiest, leaving the vast majority of over ½ million uninsured Oregonians and 45 million uninsured Americans behind. Even worse, the adverse selection process will mean that the insurance pool will be narrower and sicker, resulting in more expensive insurance for most families. Furthermore, the Congressional Budget Office estimates that 8 million individuals who currently have health coverage will be switched to a lower benefit plan. Consumers may be denied the proper screening, procedures and treatment they deserve.

These are critical issues for taxpayers and businesses alike. I will continue to work with the healthcare and business community to produce the type of process, discussion and legislation Americans critically deserve.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 525, the regurgitated association health plan, AHP, bill. This is the fourth vote on this exact same legislation in as many years. So, if my statement sounds familiar, that's because it has all been said before.

While they've titled the bill the Small Business Health Fairness Act, its impact would be the opposite. This bill would have the perverse effect of increasing the cost of health insurance for many people and increase the number of people without health insurance altogether.

This bill would allow new entities, called association health plans, AHPs, to bypass State regulation and offer bare-bones health insurance policies. Small businesses that don't choose to offer these inadequate policies would see their premiums increase by 23 percent on average. This premium hike would occur because AHPs, which would offer only bare-bones coverage, would attract the healthiest individuals, leaving traditional health insurance plans with the sickest and most expensive patients. This shift would penalize businesses with sicker employees, and make health insurance for those who need it the most even more unaffordable.

Further, this legislation would swell the ranks of the uninsured by over 1 million more individuals. As traditional health insurance becomes increasingly expensive, more and more businesses would have no choice but to drop health insurance for their employees, leaving these individuals with little or no opportunity to purchase health coverage.

Contrary to what proponents of this bill claim, AHPs would not truly help small businesses purchase health insurance for their employees. Although proponents claim that AHPs would give small employers bargaining power to purchase affordable health insurance, most States already have laws in place that allow for group purchasing arrangements. This bill would only harm existing laws while usurping the traditional role of States to regulate insurance.

In fact, this bill would override key State laws and regulations that protect millions of Americans. For example, many States regulate insurance premiums to prevent insurers from discriminating against the ill. But under this bill those laws wouldn't apply. AHPs would be allowed to offer extremely low, ''teaser'' rates, and then rapidly increase the premium if the enrollee becomes sick. Furthermore, nearly all States have enacted external review laws that guaranteed patients an independent doctor review if a health plan denies them coverage for a particular service. Patients who join AHPs would lose this vitally important consumer protection.

This bill also exempts AHPs from State laws that require health insurance to cover particular benefits. These laws have helped to ensure that millions of Americans get access to the healthcare that they need—such as mammography screenings, maternity care, well-child care, and prompt payment rules. In my State of California, employees who join AHPs could well lose access to these services as well as certain emergency services, direct access to OB/GYNs, mental health parity, and other important benefits. Moreover, this law would allow health plans to ''gag'' doctors, the currently illegal practice of health insurers preventing doctors from discussing treatment options that the plan does not cover, even if some of those options are in the patient's best medical interest.

The problems go on. AHPs are likely to create new fraud and abuse problems in health care as well. These plans are very similar to multiple employer welfare plans, MEWAs, that Congress created in the 1970s. MEWAs were also exempt from State insurance regulation. The Department of Labor found that many of these plans were frauds and left their enrollees holding the bag for more than $123 million in unpaid health expenses. Congress had to come back and clean up the law to end this blatant abuse. We should learn from that mistake, not repeat it.

This bill is bad for patients, bad for small business, and bad for States. It is opposed by more than 1,300 organizations, including the National Governors Association, the National Association of Insurance Commissioners, the American Academy of Actuaries, local Chambers of Commerce, small business associations, physician organizations, labor unions, and healthcare coalitions.

The Senate has no intention of taking up this legislation. It's bad policy, and our colleagues on the other side of the Capitol know it. Taking yet another vote on AHPs is an enormous waste of time and taxpayer resources, and has nothing to do with providing affordable healthcare options to our citizens. Health care reform shouldn't raise premiums, increase the number of uninsured, lead to massive fraud, and remove key State patient protections. I urge my colleagues to reject this legislation once and for all.

Mr. SHUSTER. Mr. Speaker, I rise today in support of the Small Business Health Fairness Act, H.R. 525. This legislation is a prescription to provide quality, affordable health care to the Americans who need it most: 45 million people from working families across the country.

By lowering costs and strengthening bargaining power, Association Health Plans, AHPs, would allow small businesses to band together through associations and purchase quality health care for workers and their families at a lower cost. Small businesses currently have little buying power and few affordable options—five or fewer insurers control at least three-quarters of the small group market in most States, according to a GAO report in 2002. By banding together through bona-fide trade associations, AHPs would level the playing field and give participating small employers the exact same advantages Fortune 500 companies and unions currently enjoy.

It is important to note that this legislation does not make AHPs a mandatory program for employers. AHPs are about choice and healthy, competitive options for those seeking quality coverage. Each business would have the option of remaining with their current insurance provider, if they have one, or joining up with a legitimate, certified, and regulated association that is able to pool risk and offer small businesses a seat at the table when it comes to really being serious about providing health care for American workers.

Contrary to opponent's claims, H.R. 525 provides safeguards against fraud and abuse with a strict, new certification process that must be adhered to before any association can offer health benefits to employers. Included are strong solvency protections that go beyond what is required of single employer and labor union plans under current law. The bill requires self-insured AHPs to maintain reserves that are sufficient for unearned contribution, benefit liabilities, expected administrative costs, and any other obligations. With the reserve levels required to be recommended by a certified actuary who is a member of the American Academy of Actuaries, AHPs are designed to protect the employer from fraudulent abuse and those who would seek to take advantage of the system.

Under this bill, regulated by the Department of Labor and current ERISA and HIPPA laws, AHPs would be prohibited from excluding high-risk individuals from their plans and AHPs would also be barred from charging higher rates for sicker individuals or groups within the plan.

The lack of current competition in the health care market contributes to double-digit rate increases for many small businesses and a resulting rise in the number of small business employees who are uninsured. Too many small business owners and employers are forced to choose between offering health care benefits to their employees and hiring, expanding, or even maintaining their business. With the adoption of AHPs, the door of opportunity is opened to millions who do not currently have access to the kind of quality, affordable health care America's working families deserve.

Mr. Speaker, I would strongly encourage my colleagues in joining me and voting in favor of H.R. 525.

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 525, the Small Business Health Fairness Act of 2005.

In 2003, there were an estimated 45 million Americans without health insurance. Small businesses employ over 60 percent of those currently uninsured.

Without question, cost is often the biggest barrier to affordable health insurance for small businesses. Too often, I hear from small businesses owners back in my district in Missouri that the affordability of health insurance is their number one concern. This problem has been deepened in recent years as the overall cost of health care has risen. While large employer-sponsored health plans have seen an average 12-percent increase in health insurance premiums, small businesses have been

faced with annual premium increases of up to 50 percent, forcing many firms to drop coverage altogether.

By allowing small firms to join an association health plan as H.R. 525 would do, small employers would enjoy greater bargaining power because they would become part of a larger bargaining force, enabling them to offer their employees the same advantages and benefits that are currently available to larger companies.

I doubt that many of my colleagues here would deny the fact that small businesses are leaders in innovation. They pay the majority of our Nation's taxes and employ the majority of our Nation's workforce. Yet we have burdened them with excessive regulations to the point that they cannot afford to provide health insurance to their employees. We must not deny quality, affordable health care to these hardworking Americans who want to safeguard their own health and provide their families access to such protections.

I urge my colleagues to support the Small Business Health Fairness Act.

Mr. WELDON of Florida. Mr. Speaker, an issue I often hear about from my constituents is concern about the high cost of health insurance and the need for affordable insurance coverage. We all know health insurance premiums continue to increase substantially each year. As such, many small businesses are unable to afford health insurance for their employees. Furthermore, for those who can afford insurance for their employees, rising costs make U.S. products more expensive, harming U.S. competitiveness and costing American jobs.

Small businesses are the backbone of our economy, but the financial viability of many small businesses is being hurt by the escalating costs of health insurance. This hurts job creation and economic growth. The U.S. Small Business Administration's Office of Advocacy found that administrative expenses for small health plans make up about 35 percent of total costs. This is not good for small business owners, their employees, or the American economy. Congress must address this problem, which is why I support H.R. 525, the Small Business Health Fairness Act.

By passing H.R. 525 Congress will be leveling the playing field between small businesses, the self-employed, and large corporations. This allows organizations of individuals and businesses to enter into Association Health Plans, AHPs. Under AHPs, small business can pool their resources and purchase group health care similar to the way large corporations do today. They can get better bargaining power in terms of costs and benefits for their employees. It gives workers, who do not have health insurance today, the opportunity to obtain health insurance coverage.

Whether it is a small business a trade association, a farm bureau, or a local community organization that is seeking to purchase more affordable health insurance, this legislation will help them. They can join together with other groups and purchase health insurance at much more affordable rates and have better negotiating power with insurance providers.

It is generally reported that there are over 40 million people in America without health insurance at any given time. According to the Congressional Budget Office, a more accurate estimate of the number of people who were uninsured for all of an entire year is 21 million to 31 million. Regardless, almost 60 percent of those individuals are employed by a small business. As health care costs increase, fewer employers and working families will be able to afford coverage, and more Americans will be without health insurance. Those who work for small businesses should have the same type of access to health insurance that their counterparts in large corporations already enjoy.

I urge Congress to pass H.R. 525. Congress must pass this bipartisan legislation to give much needed relief to American small businesses, farmers, and hard working families.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 525, the Small Business Health Fairness Act. This legislation would allow small businesses to pool their resources into what are known as Association Health Plans, AHPs, to purchase health insurance.

Pooled alliances, including AHPs, help control health care costs by permitting individuals to use their collective bargaining power to win cost concessions from insurance companies.

These alliances also achieve economies of scale for administrative functions—substantially cutting overhead costs, which currently amount to between 30 and 40 cents of every premium dollar paid by small businesses to insurers.

Purchasing alliances have been a popular response in many States to the problems many self-employed and small business owners have had securing affordable health insurance for themselves or their employees.

While I sensitive to the concerns many disease advocacy groups have about this legislation, the fact is this legislation provides the same exemption from State benefit mandates for small businesses already enjoyed by large employers.

The cost savings from avoiding benefit mandates has been estimated to be between 4 and 13 percent. This could make a huge difference for small businesses looking to offer their employees health insurance. Because small businesses are extremely cost-sensitive, studies indicate that even a 5 percent reduction in costs will result in a 10 to 15-percent increase in small businesses offering health insurance.

The legislation also protects against these plans ''cherry-picking'' the healthiest employees by restricting the ability of self-insured health plans to be qualified as an AHP. Unless a self-insured plan is in existence before the date of enactment, it would be required to offer membership to a broad cross-section of trades or to employers representing at least one higher-risk occupation.

Additionally, AHPs must comply with the Health Insurance Portability and Accountability Act, which prohibits group health plans from excluding high-risk individuals with high claims experience.

The bottom line is this legislation will help small businesses, which are the engine in our economy, provide health insurance to their employees. I urge the passage of this bill.

Mr. HONDA. Mr. Speaker, I rise today in strong opposition to the Small Business Health Fairness Act, H.R. 525. This bill would not only fail to expand health coverage for the uninsured, but would actually reduce health care benefits and coverage for 8 million individuals who would be switched to lower benefit AHP health plans. Only 1 percent—600,000 people—of the 45 million uninsured Americans would be provided new coverage by AHPs.

Instead of providing broader access to comprehensive health insurance for the millions of uninsured Americans, H.R. 525 will undermine access to quality, affordable health insurance and may actually increase the ranks of the uninsured. Under current law, the majority of health insurance plans are regulated at the State level. States have enacted a number of protections to ensure the fairness of health insurance coverage for patients. Most States now require insurers to allow direct access to emergency services, independent external appeal of health care claims denials, and access to an adequate range of health professionals. AHPs would be exempt from these requirements, leaving those with AHP coverage with inadequate protection.

Insurers naturally have incentives to select the healthiest individuals or groups that are seeking coverage. State regulations counter this incentive by mandating that certain benefits be covered, and by limiting and defining how policies are to be priced. By exempting AHPs from these State regulations, AHPs would offer less-generous policies that would be attractive to healthier individuals and groups. By permitting AHPs to offer coverage to specific types of employers, the bill allows them to hand pick populations that are better risks and therefore less costly to insure. Under H.R. 525, AHPs would offer different premiums to each member employer, charging lower rates for lower risk persons and charging much higher rates for higher risk persons.

The only restriction on premiums is that differences could not be based on health status. This provision is essentially meaningless because it permits AHPs to accomplish the same goal by varying premiums based on age, sex, race, national origin, or any other factor in the employers' workforce, including claims experience. As a Nation, we have recognized and are committed to eliminating health disparities based on race, ethnicity, and national origin. Why then would we create laws that perpetuate and encourage further health disparities?

Small businesses comprise nearly one-third of the private sector workforce, and are much less likely than large firms to provide health coverage for their employees. Although this is a serious concern, AHPs are not the answer. The Kind/Andrews substitute offers provisions that would address the real health insurance needs of small employers. It would provide small employers the same access to health benefits as Federal employees by establishing a Small Employer Health Benefits Plan, SEHB, similar to the Federal Employees Health Benefits Plan. It offers coverage to all small employers and their employees to apply for coverage under SEHB. Those working less than full-time would be eligible for pro rata coverage. It would also minimize adverse selection, use State-licenses insurers without preempting State laws, provide a minimum benefit package similar to Federal employees, and provide premium assistance to make employee and employer premiums affordable.

I urge my colleagues to support the Kind/Andrews substitute and oppose the Republican leadership's flawed approach to AHPs.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Kind/Andrews substitute and in strong opposition to H.R. 525, the Small Business Health Fairness Act of 2005. We have the opportunity to give small business owners and employees meaningful

access to affordable and comprehensive coverage by adopting the Kind/Andrews substitute. Or, by passing H.R. 525, we can give access to cheap, flimsy insurance policies that will not provide meaningful protection and leave those who need better coverage far worse off.

All of us are concerned about the high cost of health insurance, particularly for small businesses. We all agree that we need to allow small businesses to band together to achieve economies of scale in purchasing coverage. The Kind/Andrews substitute would give small businesses the ability to pool together through a Small Employer Health Benefits Plan. It would provide premium assistance to make coverage affordable for small business employers and employees. The Kind/Andrews substitute will guarantee that insurance policies are not worthless paper but provide meaningful access to benefits.

What the Kind/Andrews substitute will not do is preempt State consumer protection laws—laws that have been enacted by State legislatures on a bipartisan basis in response to real-life problems in the insurance market. The Kind/Andrews approach would benefit employers and consumers. The so-called Small Business Health Fairness Act of 2005 would not. In fact, this ill-conceived bill would make the current situation worse—adding to the ranks of the uninsured, reducing benefits, and leaving small business workers with insurance policies that do not provide the care that they and their families need.

There are three fundamental problems with this bill—all of which stem from the decision to preempt State laws and leave no other protections in their place. First, the bill will not significantly reduce the number of uninsured and may actually make this crisis worse. It would preempt State insurance regulation—allowing association health plans to cherry pick healthy small businesses. Small businesses with older workers, persons with disabilities or chronic conditions, and women of child-bearing age would face higher premiums. The nonpartisan Congressional Budget Office estimates that only 620,000 uninsured workers would buy these new, barebones policies but that 75 percent of currently insured small business employees—20 million—would see their premiums increase. National Small Business United—a group whose reason for being is to promote the interests of small businesses—opposes the bill because it would increase health ''insurance premiums for small employers by up to 23 percent and cause some to drop coverage altogether. A Mercer Consultants study in 2003 found that it would actually increase the number of uninsured by 1 million. The CBO says that up to 100,000 of the most medically needy workers—those with chronic, ongoing conditions or disabilities—would be among those losing coverage.

Second, the bill would take away protections from consumers victimized by fraud and abuse. All 50 States and the District of Columbia have passed tough laws to stop abuses in the small group health insurance market. Again, these laws would be preempted. The U.S. Department of Labor is not going to have the will or the resources to respond when consumers are injured by benefit denials, AHPs go belly-up, or fraud is committed. AHP policy holders and health consumers would be left in a regulatory blackhole—with no place to turn if they are defrauded, cheated, or denied benefits. That's why the National Association of Insurance Commissioners and 41 attorneys general oppose this bill.

Third, the bill would preempt basic benefit requirements and patient protections, allowing AHPs to drop coverage for preventive services, screening, mental health and other critical services. CBO estimates that 8 million workers with health coverage today would lose benefits under H.R. 525.

In Illinois, we have enacted benefits that include mammograms, pap tests, minimum mastectomy stays, colorectal screening, diabetes education and supplies, pre- and postnatal care, mental health parity that goes beyond inadequate federal requirements, and access to cancer drugs. We have a prudent layperson rule to ensure access to emergency services, direct access to OB–GYNs, and a ban on HMOs ''gagging'' doctors in their communications with patients. We have prompt payment rules for providers and fair marketing requirements. We require that insurance companies cover newborns. Those protections would be preempted under H.R. 525.

Many of us who previously served in State legislatures fought for those benefits because private insurance policies refused to cover items like mammograms, maternity care, diabetes education, prosthetics, or chemotherapy. We had constituents whose insurance companies refused to cover their babies, arguing that conditions developed in the mother's womb were ''preexisting.'' Dropping those critical benefits will not make health care more affordable; it will simply shift costs to employees and their families. And, despite having so-called insurance, if workers cannot afford to pay those costs on their own, they might as well be uninsured. That is why groups from Consumers Union to the American Diabetes Association, from the National Mental Health Association to the NAACP oppose this bill.

I also want to point out that women have a tremendous stake in this debate. Nearly all women-owned firms are small firms, most with fewer than five employees. Women are half of all workers at very small firms. And women are the beneficiaries of many of the State benefits enacted because private insurers refused to cover critical services—mammography, pap smears, reconstructive surgery following mastectomies, contraceptive services, breast and cervical cancer screening, direct access to OB–GYNs and nurse-midwives, and osteoporosis screening. A bill that raises premiums to women-owned small businesses and cuts women's health services is no solution.

Finally, I want to respond to the arguments of the proponents of H.R. 525 that something is better than nothing. As I have mentioned, for at least 8 million people, the something that would be provided under this bill would be a policy with lower benefits than they have today, for at least 20 million it would be a policy with higher premiums than they pay today. That is hardly a good deal. But there is a more important issue at stake here. H.R. 525 says that we owe small business owners and employees nothing better than barebones coverage, an insurance policy that may be affordable but that doesn't provide access to needed medical services and is stripped of consumer protections. I believe that we can do better and that is why I support the Kind/Andrews substitute.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 525. This bill, introduced by the Employer-Employee Relations Subcommittee Chairman SAM JOHNSON, Committee Chairman JOHN BOEHNER, Small Business Committee Ranking Member NYDIA VELÁZQUEZ and ALBERT WYNN, would allow small businesses to join together through association health plans, AHPs, to purchase health insurance for their workers at a lower cost. The measure would increase small businesses' bargaining power with health care providers, give them freedom from costly State-mandated benefit packages, and lower their overhead costs by as much as 30 percent. This is a benefit that many large corporations like GM and Ford already enjoy because of their larger economies of scale.

Furthermore, this bill expressly prohibits discrimination by requiring that all employers who are association members are eligible for participation, all geographically available coverage options are made available upon request to eligible employers, and eligible individuals cannot be excluded from enrolling because of health status. Premium contribution rates for any particular small employer cannot be based on the health status or claims experience of plan participants or beneficiaries or on the type of business or industry in which the employer is engaged.

The measure makes clear that AHPs must comply with the Health Insurance Portability and Accountability Act, HIPAA, which prohibits group health plans from excluding high-risk individuals with high claims experience. Thus, it will not be possible for AHPs to ''cherry pick'' because sick or high risk-groups or individuals cannot be denied coverage. The bill prohibits AHPs from charging higher rates for sicker individuals or groups within the plan, except to the extent already allowed under the relevant State rating law.

While I support all of these positive aspects of the bill, I do have concerns with other areas. Due to this fact, I also stand today to support the Kind/Andrews substitute. This substitute would strengthen the larger goal of the legislation which is to lower health care cost for workers. The substitute does this by providing small employers the same access to health benefits as Federal employees. Under the substitute, the Department of Labor will establish a Small Employer Health Benefits Plan, SEHB, similar to the Federal Employees Health Benefits Plan, FEHB. The States also may establish State small employer health pools.

In addition, the substitute offers coverage to all small employers and their employees. In essence, all employers with fewer than 100 employees during the previous calendar year shall be eligible to apply for coverage under SEHB. Employers must offer coverage to all employees who have completed 3 months of service. Employees working less than full-time are eligible for pro rata coverage.

Furthermore, the substitute also minimizes adverse selection. This is done by requiring the Secretary to establish an initial open enrollment period and thereafter an annual enrollment period.

One of the most important things achieved by the substitute is the fact that is uses State-licensed insurers without preempting State laws. It also provides a minimum benefit package similar to Federal employees, i.e., all participating insurers must offer benefits similar to the benefits offered under the four largest FEHB health plans.

As I close, I would hope that the differences I have mentioned are reconciled as this bill moves to conference.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 525, the Small Business Health Fairness Act.

The sponsors of this legislation have a laudable intent: To make health insurance more affordable for small businesses by allowing them to band together to increase their purchasing power and negotiate lower health insurance rates.

With costs in the private health insurance growing 12.8 percent each year, no one would disagree that our small businesses are struggling to provide coverage for their employees.

But this legislation is not the answer to the rising cost of health insurance in this country.

Mr. Speaker, the regulation of health insurance has long rested with the States.

For decades, State legislatures in each of our States have enacted State coverage mandates and consumer protections to ensure that residents of those States purchase a quality health insurance policy.

While some policies cost more than others, thanks to State regulations, consumers can be assured that all policies offer a minimum level of coverage.

In my home State of Texas, health plans must provide access to emergency services, immunizations for children, direct access to OB/GYNs, and coverage of diabetes supplies and education—just to name a few guaranteed benefits.

The State has also enacted important consumer protection laws that afford consumers external review and limit how much insurers can charge sicker groups of people.

Under H.R. 525, however, the State would have no authority to ensure that Federal association health plans provide these benefits and consumer protections.

By taking away these vital patient protections, the policies purchased under AHPs would be worth little more than the paper they are printed on.

The amendment offered by our colleagues Mr. KIND and Mr. ANDREWS would correct many of the flaws in this legislation.

Specifically, the alternative would allow small businesses to purchase insurance through a Small Employees Health Benefit Plan—similar to the Federal employees health plan.

The Kind/Andrews amendment would ensure that the quality of health plans is protected; that low income employees have assistance in purchasing policies; and that the smallest of small businesses get the additional assistance they need.

As a former small business employee charged with choosing my company's health plan, I am all too aware of the need for the assistance outlined in the Kind/Andrews amendment.

The employees choosing these health plans for small businesses most often are not human resources or insurance professionals.

The coverage and benefit mandates enacted by State legislatures ensure that small businesses won't fall victim to sham policies and that their employees can depend on quality health insurance when an illness strikes.

Because H.R. 525 eviscerates these assurances by preempting the laws enacted by State legislatures, I urge my colleagues to oppose the underlying bill and support the Kind/Andrews alternative.

Mr. BACA. Mr. Speaker, I rise in opposition of H.R. 525 and the association health plans it creates.

There are 44 million Americans who are uninsured in this country and this bill will not even affect 1 percent of them. Not 1 percent.

CBO found that only 360,000 uninsured Americans would join AHPs.

This bill in fact hurts those who enroll in the plans and will even cause healthcare costs to go up for many other Americans.

There has to be a better way to help 44 million uninsured Americans.

AHPs will not be accountable to State health regulations. This will leave consumers who enroll in these plans without protection or a right to appeal if their cancer or diabetes treatment or medicines are denied.

We cannot let AHPs become bargain basement plans that enroll only the healthiest Americans. What will happen to our sick, elderly and those with severe health conditions?

Twenty million Americans will face higher healthcare costs. Twenty million.

Health insurers will give breaks to the AHPs and charge other consumers more. Studies show that these higher healthcare costs could cause up to 10,000 Americans to become insured.

There is a better way to help small businesses and the uninsured.

H.R. 525 will not help small businesses or their employees. This is a shortsighted plan that does nothing to cover the 44 million uninsured Americans who cannot afford to get sick.

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

The SPEAKER pro tempore (Mr. REHBERG). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KIND

Mr. KIND. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KIND:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Affordable Health Insurance Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. ESTABLISHMENT OF SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP).

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

''SEC. 801. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish, in accordance with this part, a program (to be known as the 'Small Employer Health Benefits Program' or 'SEHBP') providing—

''(1) access to qualified health pooling arrangements (consisting of both qualified State health pooling arrangements and a national health pooling arrangement) under which self-only and family coverage is offered to small employers and their employees, and

''(2) premium assistance to small employers and their employees to assist with the payment of premiums incurred for coverage offered under such arrangements.

''(b) LIMITATIONS.—

''(1) EMPLOYER MUST BEAR 50 PERCENT OF COST.—Premium assistance shall not be provided under this part with respect to premiums incurred for any period for coverage under a qualified health pooling arrangement unless at least 50 percent of the premiums are paid by the employer.

''(2) 10-YEAR PERIOD OF COVERAGE.—Premium assistance shall be provided under this part only with respect to coverage for the 10-year period beginning on the date the employer first begins participating in a qualified health pooling arrangement.

''(3) EMPLOYERS OFFERING OTHER HEALTH BENEFITS.—In the case of an employer who paid or incurred any expenses for health benefits for the employees of such employer during the first calendar year ending on or after the date of the enactment of this section, premium assistance shall be provided under this part only if the employer begins participating in a qualified health pooling arrangement during the 2-year period beginning on the later of—

''(A) the date of the enactment of this section, or

''(B) the first date that a qualified health pooling arrangement exists which allows such employer to participate.

''(4) PARTICIPATION REQUIREMENTS.—Premium assistance shall not be provided under this part with respect to premiums incurred for any period unless at all times during such period coverage for health benefits under a qualified health pooling arrangement is available to all employees of the employer under similar terms, except that, under regulations of the Secretary—

''(A) coverage under the arrangement may exclude employees with less than 90 days of service with the employer, and

''(B) in the case of an employee serving in a position in which service is customarily less than 1,000 hours per year, the reference in paragraph (1) to '50 percent' shall be deemed a percentage reduced to a percentage that bears the same ratio to 50 percent as the number of hours of service per year customarily in such position bears to 1,000.

''(5) AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred pursuant to a salary reduction arrangement shall be taken into account under subsection (a).

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this part—

''(1) SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'small employer' means an employer who normally employed not more than 100 employees on a

typical business day during the preceding calendar year (determined under rules similar to the rules applicable under section 601(b)).

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the number of employees that it is reasonably expected such employer will normally employ on business days in the current calendar year.

''(C) PREDECESSORS.—The Secretary may prescribe regulations which provide for references in this paragraph to an employer to be treated as including references to predecessors of such employer.

''(D) PERMANENT STATUS AS SMALL EMPLOYER.—In the case of an employer who meets the requirements of this paragraph with respect to the calendar year in which such employer first begins participating in a qualified health pooling arrangement, such employer shall not fail to be treated as a small employer for any subsequent calendar year.

''(2) FAMILY COVERAGE.—The term 'family coverage' means coverage for health benefits of the employee and qualified family members of the employee (as defined in section 35(d) of the Internal Revenue Code of 1986, but without regard to the last sentence of paragraph (1) thereof).

''(3) QUALIFIED HEALTH POOLING ARRANGEMENT.—The term 'qualified health pooling arrangement' means a qualified State health pooling arrangement described in section 802 or the national health pooling arrangement described in section 803.

''(4) ENTITIES UNDER COMMON CONTROL.—

''(A) CONTROLLED GROUP OF CORPORATIONS.—All employees of all corporations which are members of the same controlled group of corporations shall be treated as employed by a single employer. In any such case, the total premium assistance (if any) provided to each member of the controlled group and the total premium assistance (if any) provided to its employees shall be its proportionate share of the wages paid to all employees of members of the controlled group. For purposes of this subparagraph, the term 'controlled group of corporations' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986, except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in subsection (a)(1) of such section 1563, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of such section 1563.

''(B) EMPLOYEES OF PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary—

''(i) all employees of trades or business (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and

''(ii) the total premium assistance (if any) provided to each trade or business and the total premium assistance (if any) provided to its employees shall be its proportionate share of the wages paid to all employees of such trades or business under common control.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

''SEC. 802. PREMIUM ASSISTANCE FOR SMALL EMPLOYERS AND THEIR EMPLOYEES.

''(a) EMPLOYER PREMIUM ASSISTANCE.—

''(1) IN GENERAL.—Pursuant to section 801(a)(2), the Secretary shall provide to small employers who are eligible under paragraph (3) and who elect to provide for coverage of their employees under a qualified health pooling arrangement premium assistance for premiums paid by the employer for such coverage with respect to employees whose individual income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for an individual.

''(2) PREMIUM ASSISTANCE SCALED ACCORDING TO SIZE OF EMPLOYER.—The premium assistance provided under paragraph (1) shall be designed so that the premium assistance equals, for any calendar year—

''(A) 50 percent of the portion of the premium payable by the employer for the coverage, in the case of small employers who employ an average of fewer than 11 employees on business days during the preceding calendar year;

''(B) 35 percent of the portion of the premium payable by the employer for the coverage, in the case of small employers who employ an average of more than 10 employees but fewer than 26 employees on business days during the preceding calendar year; and

''(C) 25 percent of the portion of the premium payable by the employer for the coverage, in the case of small employers who employ an average of more than 25 employees but fewer than 51 employees on business days during the preceding calendar year.

''(3) ELIGIBLE EMPLOYERS.—A small employer is eligible under this paragraph if such employer—

''(A) normally employed fewer than 25 employees on a typical business day during the preceding calendar year (determined under rules similar to the rules applicable under section 601(b)), and

''(B) paid such employees during such year at an average annual rate of income (consisting of wages and salary) per employee which was at or below the median income (as determined by the Secretary for the most recent calendar year for which data are available as of the end of the preceding calendar year) for an individual residing in the State in which the employer maintains its principal place of business.

''(b) EMPLOYEE PREMIUM ASSISTANCE.—

''(1) IN GENERAL.—Pursuant to section 801(a)(2), the Secretary shall provide to employees of small employers premium assistance for premiums for coverage under qualified health pooling arrangements paid by such employees in the case of employees whose family income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for a family of the size involved.

''(2) AMOUNT OF PREMIUM ASSISTANCE.—Such premium assistance shall be in an amount equal to the excess of the portion of the total premium for coverage otherwise payable by the employee under this part for any period, over 5 percent of the family income (as determined under paragraph (1)(A)) of the employee for such period.

''(3) COORDINATION OF PREMIUM ASSISTANCE.—Notwithstanding paragraph (1), under regulations of the Secretary, the total premium assistance to which any employee may be provided under this subsection for any period shall be reduced (to not less than zero) by the total amount of subsidies for which such employee is eligible for such period under any Federal or State health insurance subsidy program (including a program under title V, XIX, or XXI of the Social Security Act). For purposes of this paragraph, an employee is 'eligible' for a subsidy under a program if such employee is entitled to such subsidy or would, upon filing application therefore, be entitled to such subsidy.

''(4) AUTHORITY TO EXPAND ELIGIBILITY.—The Secretary may, to the extent of available funding, provide for expansion of the premium assistance program under this subsection to employees whose family income (as defined by the Secretary) is at or below 300 percent of the poverty line (as determined under paragraph (1)).

''(c) PROCEDURES.—The Secretary shall establish by regulation applications, methods, and procedures for carrying out this section, including measures to ascertain or confirm levels of income.

''SEC. 803. QUALIFIED STATE HEALTH POOLING ARRANGEMENTS.

''(a) DEFINED.—For purposes of this part, the term 'qualified State health pooling arrangement' means an arrangement established by a State which meets the following requirements:

''(1) COVERAGE PROVIDED BY HEALTH INSURANCE ISSUER.—The health benefits coverage is provided by a health insurance issuer (as defined in section 733(b)(2)).

''(2) HEALTH BENEFITS COVERAGE.—The arrangement provides health benefits coverage that the Secretary determines is substantially similar to the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code.

''(3) GROUP HEALTH PLAN REQUIREMENTS.—The health benefits coverage provided under the arrangement meets the requirements applicable to a group health plan under this title and State law.

''(4) GUARANTEED ISSUE AND RENEWABLE.—The arrangement does not deny coverage (including renewal of coverage) with respect to employees of any eligible small employer or qualifying family members of such employees on the basis of health status of such employees or family members or any other condition or requirement that the Secretary determines constitutes health underwriting.

''(5) NO PREEXISTING CONDITION EXCLUSION.—The arrangement does not permit a preexisting condition exclusion as defined under section 701(b)(1).

''(6) NO UNDERWRITING; COMMUNITY-RATED PREMIUMS.—(A) Subject to subparagraph (B), the arrangement does not permit underwriting, through a preexisting condition limitation, differential benefits, or different premium levels, or otherwise, with respect to such coverage for employees or their qualifying family members.

''(B) The premiums charged for such coverage are community-rated for individuals without regard to health status.

''(7) NO RIDERS.—The arrangement does not permit riders to the health benefits coverage.

''(8) ACCESSIBILITY TO ELIGIBLE SMALL EMPLOYERS.—The arrangement makes such coverage available to an eligible small employer without regard to whether premium assistance is available under section 802 with respect to such employer or its employees.

''(9) MINIMUM OF TWO PLANS OFFERED UNDER THE ARRANGEMENT.—The arrangement makes available at least two alternative forms of health benefits coverage.

''(b) LIMITATION ON ENROLLMENT PERIODS.—A qualified State health pooling arrangement may provide limits on the periods of times during which employees may elect coverage offered under the arrangement, but the arrangement shall not be treated as meeting the requirements of this section unless the arrangement provides for at least

annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

''(c) QUALIFYING FAMILY MEMBER.—For purposes of this part, the term 'qualifying family member' has the meaning given such term in section 35(d) of the Internal Revenue Code of 1986, applied without regard to the last sentence of paragraph (1) thereof.

''(d) STATE DEFINED.—For purposes of this part, the term 'State' includes the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Northern Mariana Islands.

''(e) CONSTRUCTION.—Nothing in this section shall be construed as requiring a State to establish or maintain a qualified State health pooling arrangement.

''(f) CREDITABLE COVERAGE FOR PURPOSES OF HIPAA.—Health benefits coverage provided under a qualified State health pooling arrangement under this section (and coverage provided under a National Pooling Arrangement under section 803) shall be treated as creditable coverage for purposes of part 7.

''(g) ANNUAL REPORTS.—

''(1) IN GENERAL.—Each State that offers a qualified State health pooling arrangement under this section in a year shall submit, in a form and manner specified by the Secretary, a report on the operation of the arrangement in that year.

''(2) CONTENTS OF REPORT.—Reports required under paragraph (1) shall include the following:

''(A) A description of the health benefits coverage offered under the arrangement.

''(B) The number of employers that participated in the arrangement.

''(C) The number of employees and qualifying family members of employees who received health benefits coverage under the arrangement.

''(D) The premiums charged for the health benefits coverage under the arrangement.

''(3) CERTIFICATION.—Each State that offers a qualified State health pooling arrangement under this section in a year shall submit, in a form and manner specified by the Secretary, a certification that the arrangement meets the requirements of this part.

''(h) NEGOTIATIONS TO LOWER HEALTH CARE COSTS.—The Secretary and States offering qualified State health pooling arrangements may collectively negotiate for lower prices for medical services, supplies, equipment, and pharmaceuticals for the purpose of lowering the health care costs to employers and employees served by such arrangements.

''(i) COORDINATION WITH STATE REGULATION.—Nothing in this section shall be construed as preempting provisions of State law that provide protections in excess of the protections required under this section. The Secretary shall coordinate with the insurance commissioners for the various States in establishing a process for handling and resolving any complaints relating to health benefits coverage offered under this part, to the extent necessary to augment processes otherwise available under State law.

''SEC. 804. ESTABLISHMENT OF NATIONAL HEALTH POOLING ARRANGEMENT.

''(a) IN GENERAL.—The Secretary shall provide for the offering and oversight of a national health pooling arrangement to eligible small employers.

''(b) NATIONAL HEALTH POOLING ARRANGEMENT DEFINED.— For purposes of this section, the term 'national health pooling arrangement' means an arrangement under which health benefits coverage is offered under terms and conditions that meet the requirements of section 803(a).

''(c) USE OF FEHBP MODEL.—The Secretary shall provide for the national health pooling arrangement using the model of the Federal employees health benefits program under chapter 89 of title 5, United States Code, to the extent practicable and consistent with the provisions of this part. In carrying out such model, the Secretary shall, to the maximum extent practicable, negotiate the most affordable and substantial coverage possible for small employers.

''(d) LIMITATION ON ENROLLMENT PERIODS.—The Secretary may provide limits on the periods of times during which employees may elect coverage offered under the national health pooling arrangement, but the Secretary shall provide for at least annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

''(e) AUTHORIZING USE OF STATES IN MAKING ARRANGEMENTS FOR COVERAGE.—In lieu of the coverage otherwise arranged by the Secretary under this section, the Secretary may enter an arrangement with a State under which a State arranges for the provision of qualifying health insurance coverage to eligible small employers in such manner as the Secretary would otherwise arrange for such coverage.

''SEC. 805. COORDINATION AND CONSULTATION.

''(a) COORDINATION OF STATE AND NATIONAL PROGRAMS.—The Secretary shall provide by regulation for coordination of the offering under this part of health benefits coverage to employees of small employers under State health pooling arrangements and the offering under this part of such coverage to such employees under the national health pooling arrangement.

''(b) CONSULTATION.—In carrying out the provisions of this part, the Secretary shall consult with the Secretary of Health and Human Services and the Director of the Office of Personnel Management.

''SEC. 806. PUBLIC EDUCATION.

''The Secretary shall maintain an ongoing program of public education under which the Secretary shall—

''(1) publicize the national health pooling arrangement established under section 804, and

''(2) assist, and participate with, the States in publicizing the qualified State health pooling arrangements established under section 803.

''SEC. 807. FUNDING FOR PREMIUM ASSISTANCE AND POOLING ARRANGEMENTS.

''(a) PREMIUM ASSISTANCE.—There are authorized to be appropriated to the Secretary such sums as may be necessary to provide for premium assistance under section 802.

''(b) GRANTS TO STATES ESTABLISHING AND OPERATING QUALIFIED STATE HEALTH POOLING ARRANGEMENTS.—The Secretary may provide for grants to States to establish and operate qualified State health pooling arrangements described in section 803. There are authorized to be appropriated to the Secretary such sums as may be necessary to provide such grants.

''(c) FUNDING FOR NATIONAL HEALTH POOLING ARRANGEMENT AND OTHER DUTIES OF THE SECRETARY.—There are authorized to be appropriated to the Secretary such sums as may be necessary to provide for the offering and operation of the national health pooling arrangement under section 804 and to carry out the other duties of the Secretary under this part.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

''Sec. 801. Establishment of program.
''Sec. 802. Premium assistance for small employers and their employees.
''Sec. 803. Qualified State health pooling arrangements.
''Sec. 804. Establishment of national health pooling arrangement.
''Sec. 805. Coordination and consultation.
''Sec. 806. Public education.
''Sec. 807. Funding for premium assistance and pooling arrangements.''.

SEC. 3. INSTITUTE OF MEDICINE STUDY AND REPORT.

(a) STUDY.—The Secretary shall enter into an arrangement under which the Institute of Medicine of the National Academy of Sciences shall conduct a study on the operation of qualified State health pooling arrangements under section 803 of the Employee Retirement Income Security Act of 1974 and the national health pooling arrangement under section 804 of such Act.

(b) MATTERS STUDIED.—The study conducted under subsection (a) shall include the following:

(1) An assessment of the success of the arrangements.

(2) A determination of the affordability of health benefits coverage under the arrangements for employers and employees.

(3) A determination of the access of small employers to health benefits coverage.

(4) A determination of the extent to which part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 provides premium assistance for eligible small employers (and premium assistance for employees of such employers) that provided (or would have provided) health benefits coverage in the absence of such premium assistance.

(5) Recommendations with respect to—

(A) extension of the period for which the premium assistance under part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is available to employers and employees or an appropriate phase-out of such premium assistance over time;

(B) expansion of categories of persons eligible for such premium assistance;

(C) expansion of persons eligible for health benefits coverage under the arrangements; and

(D) such other matters as the Institute determines appropriate.

(c) REPORT.—Not later than January 1, 2010, the Comptroller General shall submit to the Congress a report on the study conducted under subsection (a).

Amend the title so as to read: ''A bill to amend title I of the Employee Retirement Income Security Act of 1974 to encourage small employers to offer affordable health coverage to their employees through qualified health pooling arrangements, to encourage the establishment and operation of these arrangements, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to House Resolution 379, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

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

Mr. Speaker, this morning we fortunately witnessed the successful takeoff of the latest space shuttle mission into space, and I, and I know all my colleagues, our thoughts and prayers go with that crew and their families. We wish them a successful mission and a safe return here to Earth at the conclusion of that mission.

But, Mr. Speaker, ''Houston, we have got a problem'' right here on Earth today, and that problem we all can agree to is the rising cost of health care, the impact that it is having on businesses large and small, family farmers, individual employees. It is a crisis that has been building through a number of years, and there is nothing more heart-wrenching or gut-wrenching than to speak to young parents who have a young child in desperate need of emergency medical attention, having to take that child to the hospital knowing that they do not have adequate health care coverage to provide for their sick child.

□ 1645

Today, one of the major factors for individual and personal bankruptcies is health care-related costs. There is also nothing more disheartening than speaking to the multitude of small business owners throughout this country who would love nothing better than to be able to extend affordable health care coverage to their employees; but they cannot because it is too expensive.

I think we can all agree to the fact that this is something that we have to have focused attention to alleviate the high costs of health care and the growing ranks of the uninsured, which is roughly 45 million to 48 million today. When we think about who comprises these 45 million to 48 million uninsured, the vast majority of them are working Americans, working in small businesses who cannot afford to provide coverage. Again, it is something we all recognize, because we hear about it daily when we are back home traveling in our congressional districts. So, yes, action is needed; but there is a right way and a wrong way in taking action.

A wrong way would be doing more harm than good in passing legislation and, for the previous hour, we have had a discussion in regard to the deficiencies and the shortfalls of the underlying associated health plans bill. That is why over 1,400 organizations around the country have come out in opposition to it.

But today, the gentleman from New Jersey (Mr. ANDREWS) and I are offering the right way, an alternative way, another approach to dealing with the health care crisis that our small businesses are facing, one that we believe would extend health care coverage to millions of Americans, while keeping a lid on the rising premium costs.

What it does, in essence, Mr. Speaker, is it builds upon the successful framework that the Federal Employees Health Benefits Program has offered to countless Federal employees throughout the country. It is a purchasing pool concept that they can enter into, with the competition of the marketplace and different insurance plans competing for that business that has proven to be extremely cost effective in not only extending coverage to millions of Federal employees, but also by guaranteeing the State protections and consumer protections that have been passed by State legislatures throughout the country.

Mr. Speaker, it is one of the more amazing aspects of this debate that the party that claims to be for States' rights and tries to take political advantage of saying, listen, States, we stand for you and what you decide to do on a policy level, is so quick to jettison States' rights when it becomes politically inconvenient for their political allies, and that is exactly what is going on here today with the proposed associated health plans, which will preempt and trump the public policy decisions that have been made throughout this country by State legislatures.

Now, our plan also would offer a minimum guarantee of coverage, one that the Federal Employee Health Plan currently does. It does not preempt the consumer protections and the State laws that have been passed. And the reason those State laws have been passed throughout the years is because the free marketplace and the insurance companies competing for the business were not offering this type of coverage, and that is why the State legislatures, in working with the Governors, had to pass legislation requiring certain minimal safeguards of health care coverage. So if a State legislature has felt in the past that it is necessary to require prenatal care, for instance, or to prohibit drive-through deliveries, or to require screening for diabetes, autism, cancer, they have chosen to do so; and it has made sense for those States that have.

But, instead, this one-size-fits-all approach comes in and tries to preempt what the States have been doing for many, many years.

But what is also different with our substitute is it actually offers premium support payments to make it more affordable to small businesses to offer health care coverage to their employees, something that the underlying AHP plan is silent on. Again, an analysis of our bill would show that it would actually increase the coverage of the uninsured, help premium prices come down by building on this purchasing-pool concept, but also maintaining important and safe consumer protections. There is a reason why the National Governors Association and the States attorneys general have opposed the underlying bill. It is for all of these reasons, and we would respectfully submit the right approach is the substitute that we are offering today.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Texas (Mr. SAM JOHNSON) is recognized for 30 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the number of uninsured Americans continues to increase and health insurance costs continue to rise by double digits annually, it is clear that something must be done. I commend our friends across the aisle for coming up with a plan they think works. While I have great respect for the gentleman from New Jersey (Ranking Member ANDREWS) and the gentleman from Wisconsin (Mr. KIND), I have to disagree with them. Their substitute will have the unintended consequence of raising, not lowering, costs for small businesses trying to offer health insurance. It will impose new mandates on employers and saddle the American public with yet another government program to fund.

The proponents of the plan claim that the new ''small employer health benefits plan'' is modeled after ours here in the Federal Government. Unfortunately, unlike the Federal Employee Health Benefit Plan, health insurance provided under the Democrat substitute would be subject to more than 1,500 State mandates that make up 15 percent of the rising costs of health insurance. That increased cost would likely be funded by higher taxes, adding another burden to small businesses. And on top of that, the substitute would force small businesses to deal with a host of new mandates.

Their substitute mandates employers provide health coverage to every employee who has been employed for more than 3 months. It mandates that employers pay 50 percent of the health care premiums for employees. It mandates that they cover the dependents of their workers. More mandates are supposed to lower costs? The Democrat substitute just does not make sense.

In contrast, AHPs utilize the strengths of the employer-based system, the private market, competition, economy of scale enjoyed by large union and employer plans, and ERISA's preemption of State mandates, to lower costs. Mr. Speaker, AHPs are supported by our Nation's small businesses. The NFIB, the National Retail Federation; the National Association of Wholesalers and Distributors; the National Restaurant Association; Associated Builders and Contractors; National Association of Homebuilders; the United States Chamber of Commerce, and others are strongly supportive of this legislation.

I hope my colleagues will join me in offering assistance to our Nation's small businesses and their workers by supporting AHPs and opposing the Democrat substitute.

Mr. Speaker I reserve the balance of my time.

Mr. KIND. Mr. Speaker, at this time I yield 4 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a person who certainly appreciates the role of States and consumer protection in this health care debate.

Ms. DEGETTE. Mr. Speaker, I rise today to urge a ''no'' vote on H.R. 525 and a ''yes'' vote on the Kind-Andrews substitute.

This debate is, frankly, misdirected. The question is not who recognizes that there is a health care crisis in this country and who does not. This is not a contest to see who among us truly understands that small businesses are finding themselves in an increasingly difficult predicament when it comes to providing health care insurance for their employees.

We all care about this issue, and we all have constituents who need help affording health care insurance. Small businesses, which do face unique challenges across the board compared to large corporations, are the backbone of our economy; and we should be doing more to help them. And providing better and more health care coverage is one of the biggest problems they face today.

So I ask our friends on the other side of the aisle, why do we have before us a bill that does nothing to really address the problem for small businesses and very well may end up hurting the people who we say we are trying to help? There is a reason why the National Governors Association and 41 attorneys general are against this bill. There is a reason why numerous advocacy associations, consumer groups, and others oppose this misguided legislation.

This bill has been hailed as the answer to covering many of the 45 million Americans who are currently uninsured; but in truth, a very small percentage of the population would be helped in any way. This is because association health plans would help a relatively small number of the youngest and healthiest among us who will gain access to cheap minimalist plans. But that would come at the expense of the vast majority of workers whose premiums would actually increase. It would also make it nearly impossible for those with previous health challenges or chronic diseases to obtain any coverage at all.

Let me give an example. I am the cochair of the bipartisan Diabetes Caucus in Congress. Forty-six States have mandated that insurance plans must cover diabetic supplies? Why? One little vial of strips, test strips costs $50, and insurance companies simply were not giving that benefit in the past. That is why 46 of the 50 States said, you have to pay for this. Now, if diabetics test their blood, long-term complications like heart disease, kidney failure, end-stage renal disease, all of those are eliminated; but they have to have insurance coverage for these supplies. This legislation wipes out that requirement. It says, you do not have to pay for that; you do not have to follow that State law. That is not only wrong for those beneficiaries who are diabetic; it is shortsighted in the long run for the cost of our health care system.

We need to address the real access and affordability issues that affect employees of small businesses, and the only way we can do that is by passing the Kind-Andrews substitute. This substitute will give small employers the ability to provide the same access to health benefits as Federal employees. It will also allow States to establish small employer health pools. It would also minimize adverse selection and use state-licensed insurers without preempting State laws. Sounds like a good substitute to me.

If we pass the substitute, we can make a true impact on the status of millions of uninsured workers across this country; and for that reason, I urge a ''no'' vote on H.R. 525 and a ''yes'' vote on the substitute.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee.

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding me this time to speak on the substitute that has been offered.

Now, if we think that having States regulate insurance in a small group market is a problem with state-mandated benefits, this is the mother of all complicated programs to offer health insurance, because what are we going to do? We are going to have the Federal Government do it. Now, none of us really believes that the Federal Government ought to be in the business of running big-risk pools and offering plans to small businesses.

Secondly, the bill is estimated, and it has changed from last year; last year there was a $50 billion authorization, but it is still going to cost an awful lot of money to do this bill.

One of the most damaging parts, though, is that each employer who would take part in this plan that is being offered would still be subjected to the State mandates on health insurance in their particular State. There are 1,500 State-mandated health benefits around the country. It also requires that the employer must pay at least 50 percent of the premium. In most cases, I would imagine the employer would pay far more than that of the premium; but maybe it is a small company, maybe it is five or six employees, and maybe together they decide, we want to qualify for this, but we will each pick up our own share of the cost. Why would we want to prohibit them from including themselves in this by this type of a requirement?

It also says that every employer must offer this to every employee who has worked at the company for 3 months. That seems like a very short period of time, especially in some industries where you have an awful lot of turnover where they would typically require that you wait 6 months before you would qualify. All this would do would be to drive up the cost.

But one of the most amazing parts of this substitute, we would subsidize this from the Federal Government and, for employers with 25 or fewer employees, we would give them a subsidy to help entice them into this program. And, if you qualified, you qualify for a 10-year period. Now, some small company with less than 25 employees may qualify, may get the subsidy and may, over a course of several years, become highly successful. But under this particular substitute, they would still qualify for the subsidy.

□ 1700

I do not think any of us believe that the Federal Government ought to be operating a health insurance company. There are a lot of mechanisms in the private market for this association health plan program to work. And, again, why do we want to make the perfect the enemy of the good?

The underlying bill that we have will, in fact, work. It will allow millions of Americans to get better-quality coverage at much more competitive prices than what they get today.

So let us allow the underlying bill to go forward. Let us defeat the substitute.

Mr. KIND. Mr. Speaker, I yield myself 1 minute to respond quickly, just to clarify a couple of facts.

Mr. Speaker, I have all of the respect and admiration for the chair of our committee, but a closer reading of the substitute bill would not, in fact, require a Federal-run program; rather the Department of Labor would contract out the State-licensed health insurance plans in order to administer these programs.

But we do feel that there is a requirement or a necessity to offer greater incentives and inducements for small businesses to offer this coverage. That is why we are offering a premium support program with it.

Mr. Speaker, I yield 5 minutes to the coauthor and codrafter of this substitute amendment, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. KIND), for yielding me the time.

I think the best way to understand the difference between the plan that the gentleman from Wisconsin (Mr. KIND) and I are putting forward and the majority plan is to look at it from the point of view of one of the small business people that we keep hearing referred to over and over again here today.

My friend, the gentleman from Wisconsin (Mr. OBEY), often refers to speeches on the floor as posing for holy pictures, and I think that is what is going on here today, where everyone is embracing the small businessman or small businesswoman and saying how much we love them and care about them, and I am sure everyone does. But I think what matters is the impact of these various proposals, what the proposals would have on the small business person.

In my State the cost of insuring a family is about $14,000 a year. So let us

take a small business person that has 10 employees and is looking at a situation where he or she would have to spend $140,000 to insure each of those employees and their families if the employer was going to bear the whole cost. That is a huge amount of money, but is probably well beyond the ability of that employer to pay for.

Under the majority's bill, if we give the majority every benefit of the doubt, if we assume that the majority's bill will work exactly as they say that it will, the most optimistic forecast is the majority's bill will save 13 percent in premiums for that employer. And let us round it up a little bit and give them the benefit of the doubt further and say it will save $2,000 per employee off that $14,000.

So what would happen? We would save $20,000, and the employer would be looking at spending $120,000 to insure the families instead of $140,000. That is not going to do it. That is still far more than the person running a machine shop or a small retail store or landscaping business or a delicatessen is ever going to be able to afford. This just is not going to happen. It is not going to happen.

Our proposal is very different. It says that in a case of a small business like the one I am hypothesizing here, where you have about 10 employees, and where those employees make less than 200 percent of the poverty level, which in my State for a family of four would be about $40,000, so just about anybody making less than $20 an hour or so would be eligible for this kind of subsidy, that is most people. That is most people. Under our plan that employer, if the employer chose to do this, my friend a minute ago said that the employers were mandated to do this, that is not so. No one is required to insure their employees under this plan, but if the employer chooses to insure his or her employees, what would happen is they would get a credit of $7,000 per employee toward the cost of this health insurance, a 50 percent credit. So the price of the coverage would drop from $140,000 down to $70,000. That is still an awful lot of money. It is an awful lot of money for a person running a small business, but it puts the person in reach of maybe covering that family, particularly if they ask the family to share with copays and deductibles and their own contribution.

Now, my friend, the gentleman from Ohio (Mr. BOEHNER), the chairman of the full committee, said, my goodness, the Government will be subsidizing small employers if we do this. It is big government. Well, government already subsidizes health care for large employers, because they permit the large employers to deduct every premium dollar. And that employer is paying at the 36 or 37 percent corporate tax rate, which most of them do. That constitutes a 36 or 37 percent subsidy. So General Motors is getting a nearly 40 percent subsidy, but the person running the delicatessen or the machine shop is not. This evens the playing field.

Now, how do we pay for this? Now, the chairman knows that under the rules of the House that it would not be appropriate or germane for us to identify the source of paying for this, because it would take it outside of the committee's jurisdiction.

There are different views as to how we could pay for this. I speak only for myself when I say this, but I would note for the record that the cost of tax breaks to companies that outsource their jobs outside of the United States is $100 billion over the next 10 years. So if that machine shop, if its competitor takes all of the jobs and moves them to Malaysia or Mexico, gets a tax break for doing that, which I think is a foolish policy, if we were to repeal that tax break for companies that are outsourcing their jobs out of this country, that would go a long way toward paying for the plan that we are talking about.

That to me is a pretty good trade-off. Companies that are sending their jobs overseas would lose a tax break; companies here in America would gain health insurance.

Vote yes on the Kind-Andrews substitute.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, you know what we are trying to do here is to make health care more affordable, available and accessible to all Americans. It seems to me that if we are going to achieve this goal, we have to adhere to some principles, and I can think of three right off the bat that are very important. One is to provide information to the consumer; second, choices to the consumer; and, thirdly, thirdly, control to the consumer.

Now, this amendment that is being proposed seems to me that it is going to limit choice rather than create choice. And I find it odd that there is no mention of what its cost is going to be to the Federal Government in putting forth these subsidies. I think we need to know that information. I think it is very important information.

And it also seems to me that this program is going to add to the cost of health care, and not lower the cost. What we need to do is foster competition in health care, and right now 45 percent of all of the health care dollars are within governmental systems, Medicare and Medicaid and so forth. The other 55 percent is in the insurance market, and there is no competition. There is no competition in this arena. And so if we stick to these three principles I mentioned earlier, we can create competition.

It seems to me that if we are going to give subsidies, why not give subsidies to individuals to buy health savings accounts which provide those choices which will allow for an information flow to the patient, to the consumer?

And so I urge colleagues on both sides of the aisle to not support this amendment and to vote for H.R. 525, which offers a good starting point to creating competition in the health care market.

Mr. KIND. Mr. Speaker, I just recommend to the previous speaker that he should talk to any Federal employee with regard to the choices that they are offered under the Federal Employee Health Plan.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a person who would rather take millions of people off the ranks of the uninsured rather than add a million people into the uninsured.

Mrs. JONES of Ohio. Mr. Speaker, first of all, I want to thank my colleagues, the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), for offering this substitute.

I live in the city of Cleveland. We have a great organization representing many of our smaller enterprises called COSE, and COSE has come together in an attempt to provide health care coverage to small businesses.

I wanted to vote for a piece of legislation that will allow small business to have insurance policies for their people, but I did not want to vote for a plan that did not provide the same kind of coverage that everybody else has, meaning that it did not have to be responsible for State insurance regulations as did other policies.

So by presenting this amendment, the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) have offered me an opportunity to say to the small businesses in my community, I support you, and I want to make sure you can provide health care coverage to your employees.

What is also of particular concern to me is that offering something that does not provide the same safeguards is like offering nothing. All we have to do is go back and look at the MEWAs, the Multiple Employer Welfare Arrangement, I guess that is what they call them, the Multiple Employer Welfare Arrangements, which have been used by employers as vehicles to provide benefits. The public record is filled with instances where they have failed, left employees and employers alike with unpaid medical bills.

Mr. Speaker, the other thing that we have to look at is, and the prior speaker said something about subsidies, and you give them to people, and they do not get anything in return. We gave subsidies to the drug companies in the Medicare prescription drug bill, and they got money that they did not even have to use towards a prescription benefit. So do not talk to me about subsidizing anything.

Let us make sure that the people of America and the small businesses have an opportunity to have health care. If we do preventive health care, we would not have so many people coming into

hospitals with acute problems because they have not had any prevention.

It is so wonderful that we have a substitute that offers coverage to small employers. Vote for the substitute and vote against H.R. 525, the Small Business Fairness Act.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I think the Rules Committee has made a terrible mistake here, and not the usual Rules Committee sort of mistake, because they have actually allowed to come to the floor a substitute that is so clearly superior to the AHP bill it is amazing.

Now, let my friends on the other side understand, I am not against AHPs. I am an original cosponsor of the gentleman from Texas (Mr. JOHNSON's) legislation. AHPs would be an improvement over current market conditions, which are appalling. But this plan put forward by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) is better than AHPs, and let me describe some of the ways.

First, the gentleman from Louisiana (Mr. BOUSTANY) mentioned choice earlier. Under the AHP approach, the average small business might be able to offer their employees one or two insurance plans, and that employee of the small business would have no idea whether their doctor was going to be a apart of one of those plans. But under the Federal employee approach, such as the one that we enjoy in this House of Representatives, they could have 10 or 20 or more plans to choose from, and the likelihood that their physician, their caregiver, would be part of one or more of those plans increases substantially.

So when you are talking about unleashing the free market to work for the individual, the Federal Employee Health Benefits-type plan, and this would not infringe on Federal employees' benefits, but it would set up a parallel organization that small businesses could benefit from, the opportunities for the small businesses of America are magnificent under this approach.

Another key aspect of this is the substitute approach is more likely to work. AHPs are largely a thought experiment. They have never really worked anywhere. But the Federal Employee Health Benefit System has worked well for decades, 30 or 40 years of a magnificent track record of experience. It has got bipartisan support. Men and women of goodwill on both sides of the aisle know that this sort of approach works; it lowers the sales load, it increases the risk pool to the maximum size which you need for lower group rates.

It really is the fairest and best way to approach this nagging small business problem that we have had. It is also going to be more affordable, because while it lowers the sales load and increases the size of the risk pool, it is fairer to all industries.

There are probably going to be a lot of insurance companies that want to offer insurance to software companies, because those employees tend to be young and healthy. How many are going to be eager to insure older Rust Belt industries?

The tax credit approach that my friend has mentioned has had to be adjusted for purposes of this substitute, but we need to acknowledge, as my friend from New Jersey (Mr. ANDREWS) mentioned, health care is already seriously subsidized in this country. All we are trying to do is make that subsidy fairer.

I think also the substitute approach would make the system higher quality. First of all, under AHPs, there would be minimal solvency requirements. By completely overturning all State regulation, as AHPs would do, that is a truly radical approach, and while my friends on the other side may be radicals in this regard, I think they are going further than they realize. These insurance plans need to be thoroughly solvent. You need to have adequate capital requirements so that you know the insurance is going to be there when you need it.

□ 1715

I think you would have better benefits under this plan, too, because you would have more proven traditional insurance policies that I think more folks who work for small businesses are accustomed to.

Let me admit, Mr. Speaker, in closing, our approach is less famous. Why? Because we do not have every PAC and trade association in Washington, D.C. favoring this because they stand to personally benefit from promoting AHPs to their members. They are desperate for non-dues revenue for those associations.

For any tourist who comes to Washington, if you do not think these PACs and trade associations are rich enough, come visit again. You will see skyscrapers full of these folks all over town, and they would love to make money as insurance salesmen to all the small businesses in America. That is not doing justice for our folks back home.

As I say, AHPs are an improvement, but they are not as good as the Kind-Andrews approach. Please vote for Kind-Andrews.

Mr. KIND. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Wisconsin (Mr. KIND) has 9½ minutes remaining. The gentleman from Texas (Mr. SAM JOHNSON) has 22 minutes remaining.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY), someone who understands the importance of maintaining consumer protections as we have in our substitute bill.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman for yielding me time.

As we all know, we are in a health care crisis and many propose many solutions. But let us just find out the simple facts. Facts are, insurance ratings are really dependent on the notion that some people are higher risk than others. Those are the people that insurance companies love to insure. They love to insure them because if they have low risk, every dollar that they pay in terms of premium is another dollar down on their bottom line of profit. However, if you are unfortunate enough to be born with a congenital defect in your organs, if you are unfortunate to be run over by a car, if you are struck by some ailment that is out of any control that you have whatsoever, under the insurance system you are known as a risk. Simply growing old titles you as a risk.

Do you think an insurance company wants to cover you? Of course they do not.

This is a zero sum game. If some get insurance, others get zero. But the fact of the matter is we all pay. The notion that some people are going to get away from paying, meaning some small businesses are going to get away from paying, is just hogwash.

The fact of the matter is, we all know that when we pay our premiums, we are paying for someone who is uninsured. We are paying for someone who is underinsured. The way out of this problem is not to escape giving people health insurance, which this legislation does. Of course it is going to be cheaper if you do not pay for care. That should not be a surprise to any of us. That is pretty obvious. If you want to get lower insurance costs, let us just cut out treatment for cancer. That will reduce insurance costs. Let us just cut out treatment for mental health.

That is just what this act does. It says ''no State mandates'' which means all the provisions, for example, for pregnant women to be able to have at least 72 hours after giving birth, all those provisions that States have put in for consumer protection, are no longer there under this legislation because this obviates all those State requirements that the people want in their insurance coverage. By joining the insurance pool of Federal employees, we bring everyone under a community rating, which means that we all pay our share, irrespective of whether someone is healthy and young versus old and sick.

All of us should be paying our fair share unless you want to escape paying for the notion that there but for the grace of God go you. The fact of the matter is there but for the grace of God go you, someone else, and I. All of us

have an obligation to those who have needs that need that health insurance.

Why? Because it could be any one of us that is the person that is in great need. And I do not think any one of us would be denied health care coverage simply because as a human being we have greater health care needs. And that is why I believe people ought to support the Kind substitute. We ought to support people's access to the same coverage all of us as Federal Members of Congress receive.

Thank you to my good friends, Mr. KIND and Mr. ANDREWS, for yielding me this time to speak in support of this substitute, the Small Employer Health Benefits Program, which will provide a real solution for many of the forty-five million Americans without health insurance.

Mr. Speaker, our health care system is broken.

To live in a country as great and as wealthy as ours, and to have millions of hard working, employed Americans who cannot afford quality health insurance is inexcusable.

My friends from across the aisle would like the American people to believe that Association Health Plans are the only available option to relieve the burden of increased health care costs on small business owners.

However, the fact remains that Association Health Plans not only ignore the unique needs of small businesses, but will actually undermine our insurance system by allowing healthy individuals to opt out.

We shouldn't be making policy only for the fortunate. We should be making policy for everybody.

The proposed substitute, the Small Employers Health Benefits Program, would provide the same access to health benefits as the Federal Employees Health Benefits Program, FEHBP.

If we are not ready to provide an overall solution to the Nation's health care crisis, then why don't we at least extend small businesses the courtesy of providing a plan that meets the same requirements that Members of Congress and their families currently enjoy.

My colleagues on the other side of the aisle are right about one thing, small business owners are facing a crisis. Now let's provide them with a solution.

Mr. KIND. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), a person who has built up considerable health care expertise from his position on the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I oppose the underlying bill for many reasons. Fundamentally, it violates the concept of federalism that is embodied in our Constitution, respect for our States, and the ability of our States to be able to regulate public safety issues and health issues for the people of our States.

This legislation would preempt the ability of my State and your State to protect the rights of our own citizens through regulation. That is wrong. That is the wrong usurpation of power by the Federal Government.

This underlying legislation would adversely affect the people of Maryland, and let me tell you why. Our legislature has passed small market reform. People who work for companies that are between two and 50 employees have the opportunity to purchase insurance, affordable health insurance in Maryland as a result of our small market reform. The passage of this legislation will mean the end of the small market reform and the opportunity to purchase insurance by small employers in my State. That is wrong.

We are going to be moving in the wrong direction with making affordable health insurance available for the people of this Nation.

Mr. Speaker, I want you to understand the Insurance Commissioner of Maryland is a Republican. The Governor of Maryland, who opposes this bill, is a Republican. This should not be a partisan issue. This should be a matter about the appropriate use of the Federal authority and it is being used wrong here.

I congratulate the gentleman from Wisconsin (Mr. KIND) for his substitute which is sensitive to the rights of our States. I hope Members will support the substitute and reject the underlying bill.

Mr. Speaker, as a member who is dedicated to protecting the rights of Americans who have health insurance and to ensuring that opportunities to secure affordable health insurance can be expanded, I rise in opposition to H.R. 525. Since coming to Congress, I have heard frequently from individuals who work in small business. They have spoken to me about the difficulties that result from a lack of health insurance coverage, skyrocketing premiums, and reductions in benefits. I remain committed to developing solutions that will alleviate the hardships faced by many Maryland families and small businesses.

However, the Association Health Plan (AHP) legislation we are considering on the House floor today is not a viable solution. H.R. 525 would exempt AHPs from State laws and State regulatory oversight. Through this special exemption, AHPs would be able to severely undermine the goal of greater health care access and affordability for Maryland residents. Although some supporters of this legislation claim it will benefit small employers, the reality is that H.R. 525 will only hurt the small business community.

H.R. 525 would leave the Maryland insurance commissioner powerless to protect our citizens. Under this misguided bill, unregulated out-of-state AHPs could operate in Maryland without being required to comply with health care safeguards enacted by our state legislature, such as:

Appropriate access to emergency care. The right to independent appeal of denied claims, Fair insurance premiums for small groups, Consumer marketing protections, Prevention of health plan failures due to insolvency.

Under this legislation, my constituents would not only lose their ability to demand an independent review of denied claims, but they would lose guaranteed access to important benefits such as emergency medical treatment and mammography screenings. Workers who purchase association health plan coverage—believing that they are getting comprehensive insurance—may very well find that they would still have to shoulder the costs of these essential services.

Not only would this bill be harmful to potential subscribers, it would destroy the small group market reforms already in place in Maryland. Twelve years ago, my home state of Maryland took a major step toward helping small businesses afford health insurance for their workers. Our reforms guarantee the availability of reasonably priced, comprehensive health insurance for all small employers. Specifically, Maryland requires all health insurers to sell a comprehensive standard benefit package designed by an independent commission to all employers with between 2 and 50 employees. The plan must have benefits that are actuarially equivalent to those required to be offered by federally qualified HMOs, and the average cost cannot exceed 12 percent of Maryland's average annual wage. Insurers have the option of offering additional benefits, but they must be priced separately. Insurers must use adjusted community rating to price their plans, and they cannot impose pre-existing condition limitations. The Maryland plan not only guarantees the availability of reasonably priced insurance, it also makes it easier for small employers to make ''apples to apples'' comparisons of health costs throughout the state.

Due to these reforms, more Maryland small businesses offer health care coverage to their employees than in any surrounding states or in the nation as a whole. Maryland's system is one in which healthy subscribers subsidize those who are less healthy. These reforms work because insurers are not allowed to ''cherry pick'' the businesses that have the healthiest workers. Association health plans have been outlawed in our state. The association health plan legislation before us would undermine our system by using the lure of lower premiums to attract firms whose workers have fewer health problems, firms whose employees might be willing to forgo some of the consumer protections offered under Maryland law. Businesses with older, sicker employees would remain in the state system, driving up premiums. H.R. 525 would, in effect, lead to the collapse of Maryland's system. I want to emphasize that this is not a partisan issue—AHS's are opposed by my own governor, our former colleague Robert Ehrlich, and by the National Governors' Association, and the National Association of Insurance Commissioners. I will submit for the RECORD an April 19 letter from Alfred Redmer, Maryland's Insurance Commissioner, expressing his opposition to H.R. 525.

This bill would be devastating on a national level, as well. The non-partisan Congressional Budget Office found that premiums would increase for 20 million employees and their dependents who are covered through small firms, and that 100,000 of the sickest workers would lose coverage altogether if this AHP legislation were enacted.

Passage of this legislation would be a disservice to every worker, every family, and every small business in Maryland. H.R. 525 fails to provide meaningful help for the uninsured, denies access to affordable health care for older, less healthy groups, and undermines the crucial consumer protections that our General Assembly has enacted. For these reasons, I urge my colleagues to vote against this bill.

Mr. Speaker, the following is a letter from our insurance commissioner who is opposed to H.R. 525:

MARYLAND INSURANCE ADMINISTRATION,
Baltimore, MD, April 19, 2005.

Hon. BENJAMIN L. CARDIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CARDIN: As Commissioner of the Maryland Insurance Administration I am writing to express my strong opposition to federal legislation that would create Association Health Plans, AHPs. I understand such legislation, H.R. 525, has been passed, again, by the House Education and the Workforce Committee and may soon come to the floor of the House for a vote. H.R. 525 would allow AHPs to form and operate in Maryland outside the authority of my office and beyond the reach of proven State consumer safeguards and solvency laws. If enacted into law, this could do irreparable harm to our small group market and strip our citizens of critical protections.

Altough I share the sponsor's concern for the growing number of small business employees who cannot afford adequate coverage, the fact is this legislation would do little, if anything to address this problem. H.R. 525 ignores the root cause of the current crisis—skyrocketing healthcare spending. Unless spending is brought under control no attempts to increase competition or enhance options for small business will truly make insurance affordable and, thus, promote coverage.

Even more troubling is the harm the legislation would do to consumers, H.R. 525 would: (1) permit risk selection thereby creating opportunities for ''cherry-picking'' among healthier groups; (2) allow inadequate capital standards and solvency requirements, both of which are inferior to existing State standards; (3) eliminate proven State consumer protection laws, including those designed to allow consumer appeals of adverse plan decisions and those aimed at preventing and fighting fraud; and (4) allow AHPs to ignore State benefit requirements. To add insult to injury, while longstanding State oversight and consumer protections would be eliminated, H.R. 525 provides no additional resources to the Department of Labor to regulate AHPs or help consumers.

I remain committed to improving access to affordable insurance for small business owners and workers in Maryland. Together, we can find solutions that will be effective and not lead to greater problems in the future. H.R. 515 is clearly not the answer and I urge you to oppose it.

Sincerely,

AL REDMER, Jr.,
Insurance Commissioner.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I would like to engage the gentleman from Wisconsin (Mr. KIND) in a colloquy.

My question is, I think we need to know this information, what is the cost of your amendment to the Federal Government?

Mr. KIND. Mr. Speaker, will the gentleman yield?

Mr. BOUSTANY. I yield to the gentleman from Wisconsin.

Mr. KIND. We are waiting to get a cost estimate back, but based on two previous debates on this issue, it was comparable to the amount of money set aside for the health savings account that has been a part of this bill in the past, but is not this year.

Mr. BOUSTANY. I think we need to have that information. I am all for choices and the gentleman's plan is intriguing, it is interesting; but I think it may be premature.

Mr. SAM JOHNSON of Texas. Mr. Speaker, do I have the right to close?

The SPEAKER pro tempore. Yes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I think there is wide agreement, bipartisan agreement that we have got a serious issue on our hands, a huge challenge that is facing our Nation, that is, rising health care costs and the impact it is having on economic growth, the opportunities for businesses large and small to grow and hire additional workers. I think it is one of the main reasons why we have experienced such anemic job growth in this country in recent years, because of the hesitancy of so many businesses, especially small businesses to hire additional workers because of the associated rising health care costs. It is something that we must address in order to deal with an expanding economy at a rate that we would all like to see, but also to get a grip on the stagnant wages right now that are holding so many of our workers back.

I think there is a direct cause and effect whereas the typical worker's wages have been frozen in effect in recent years because of the additional costs coming out of their pockets to afford health care. That is why, again, we have had an important debate today, but it is one we should be working on in a bipartisan fashion to address the underlying causes.

Volumes have been written about the underlying associated health plan that is before us today. And, unfortunately, the verdict is in and that verdict is this is just bad public policy. That is why so many of the Governors and so many of the attorneys general, and the commissioners of insurance, the Association of State Legislatures in a bipartisan fashion have roundly criticized and condemned the underlying associated health plan, because they feel as we do on this side that it will do more harm than good.

I understand and appreciate the motivation on the other side to try to move forward on this issue. But we are stuck. The wheels are stuck in the mud, and it is just spinning because it is not getting any traction. And that is because the Senate in their analysis of the underlying bill has found that it, too, is bad public policy. And I am afraid we are going to have this debate today, it is going to expire and it is going to get stuck with no progress being made.

Perhaps there may be some deficiencies in what we are offering in our substitute, just as we believe there are deficiencies in theirs. But now is the time for us to come together to try to find some common ground so we can make progress and deal with this issue that is affecting more and more Americans every year.

One of the issues that really has not received that much attention, and I would just like to close on and highlight it, is again the fact of the Federal preemption and taking away from States the ability to conduct proper oversight and accountability with these insurance plans.

Both the GAO in a study and a recent Georgetown University study that came out this summer indicated that the underlying AHP bill, as it is written with the weak provisions that would go to the Department of Labor, would lead to an explosion of fraud and abuse with these types of plans throughout the country. And there is a history of fraud and abuse.

Currently, there are over 144 plans that are set up fraudulently that are not paying the claims that are affecting well over 200,000 workers. But for the effective oversight and the policing that is taking place at the State level, even these would probably go unnoticed. It would impact more and more Americans. It is another reason why the underlying bill does not make sense, why the Federal preemption over State jurisdiction, which has been the history of health care regulation in this country, is another bad idea.

Our substitute addresses that by not preempting State law by allowing the State jurisdiction and oversight to continue. It does build upon the concept of a purchasing pool modeled after the Federal employee health plan which, as was stated earlier, has worked marvelously over the years. No one is recommending dismantling that.

I would encourage a ''yes'' on the substitute and a ''no'' on the underlying bill.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we do not know the cost. It is going to be out of reason, I believe. And while AHP legislation will be implemented quickly, this Democrat substitute might take years to get up and running.

In addition, the funds are subject to appropriations. And if an appropriation did not go through or did not provide enough funds, small employers and their workers would be left hanging.

Let me make myself clear. I believe our Nation's employer-sponsored health care system is a success story. Employers provide coverage for the vast majority of our Nation's population; 131 million Americans obtain their coverage from private employers.

The Committee on Education and the Workforce and the Department of Labor through our oversight of ERISA have jurisdiction over employer-sponsored health care. So I support using

the employer-based system to address the problems of the uninsured.

□ 1730

However, the way to do that is to build on the success of the current system by utilizing the strengths that enable large employers and unions to offer Cadillac health plans. AHPs are the way to do that. Vote down this amendment. Vote for AHPs.

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

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 379, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. KIND).

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 197, nays 230, not voting 6, as follows:

[Roll No. 424]

YEAS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NAYS—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cramer
Feeney
Gibbons
Owens
Oxley
Westmoreland

□ 1753

Messrs. WYNN, WELLER, and SHERWOOD changed their vote from ''yea'' to ''nay.''

Mr. RUSH changed his vote from ''nay'' to ''yea.''

So the amendment in a nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAYES). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. GEORGE MILLER of California moves to recommit the bill H.R. 525 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendments:

Page 17, line 16, insert ''subsection (c) and'' before ''section 514(d)''.

Page 18, insert after line 6 the following:

''(c) MAINTENANCE OF STATE LAWS PROVIDING FOR CERTAIN FORMS OF COVERAGE .—Nothing in this part or section 514 shall be construed to preclude the application of State law (as defined in section 514(c)(1)) to an association health plan, or any health insurance issuer offering health insurance coverage in connection with the plan—

''(1) to the extent that such law requires coverage for the expenses of—

''(A) pregnancy and childbirth, or

''(B) children's health services (including the application of any such State law to the extent such law requires certain numbers of child health supervision visits or requires exemption of reasonable and customary charges for child health supervision services from a deductible, copayment, or other coinsurance or dollar limitation requirement),

''(2) to the extent that such law requires—

''(A) a minimum hospital stay for mastectomy,

''(B) coverage for reconstructive surgery following mastectomies (in excess of coverage required under section 713), and

''(C) coverage for the expenses of screening and tests recommended by a physician for breast cancer,

''(3) to the extent that such law requires—

''(A) coverage for medical treatments relating to cervical cancer, and

''(B) coverage for the expenses of screening and tests recommended by a physician for cervical cancer,

''(4) to the extent that such law requires—

''(A) the offering of, or coverage for, medical treatments related to mental illness or substance abuse and other services related to the treatment of mental illness or substance abuse,

''(B) coverage for prescription medications associated with the management of mental illness or substance abuse, or

''(C) education and self-management training services relating to mental illness or substance abuse,

''(5) to the extent that such law requires—

''(A) coverage for medical treatments related to diabetes,

''(B) coverage for diabetes-specific supplies, including blood glucose monitors, insulin pumps, insulin syringes, and single-use medical supplies associated with the management of diabetes,

''(C) coverage for prescription medications when prescribed by a physician associated with the management of diabetes, including insulin, or

''(D) diabetes education and self-management training services, or

''(6) to the extent that such law imposes annual, lifetime, or day and visit benefit minimums or limits copayments, deductibles, or out-of-pocket or other coinsurance requirements in connection with coverage, or items and services, described in the preceding paragraphs of this subsection.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes in support of his motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I submit a motion to recommit along with my colleagues on the Committee on Education and the Workforce, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from California (Ms. WOOLSEY), and the gentlewoman from Minnesota (Ms. MCCOLLUM).

This motion shows exactly what the issue is about. It is about the minimum standard of health care protection for all Americans, including those who work for small businesses.

Mr. Speaker, all employees, including the employees of small employers, may need access to pregnancy, to well-child care, to cancer treatment, mental health treatment, or even diabetes treatment. We should not encourage insurers to offer bare-bones treatment that does not protect anyone.

Everyone gets sick at some point in their lives, and everyone will need access to a meaningful package of benefits. That is why I am offering this motion to recommit.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, as we worked on this on the Committee on Education and the Workforce, we tried to put our thoughts into it. People have to understand, if the main bill is passed, health care for our small employers is not going to help the majority of those employees seeking coverage.

The recommittal goes back to what the States have already done, mainly because in the beginning the insurance companies would not give health care to women that needed to have a mammogram or to have a pap smear to make sure they do not have cervical cancer.

This House spends money constantly on cancer research, and here we are using a tool that we can prevent cancer and make sure that women are treated earlier. With this bill, the mainline bill is taking that away. I ask my colleagues, do not be fooled, stand up for your State. Stand up for the health care of your constituents. That is what our job is.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to support the motion to recommit because AHPs are awful health plans. AHPs roll back State benefit standards that protect women and children. They are awful for women; they are awful for children.

Our motion protects Americans who have access to mental health benefits. It protects families' access to maternity care and well-baby checks.

□ 1800

Maternity coverage is critical for women. It should not be optional. Fortunately, many States require health plans to cover maternity care and well-baby checks for their children. The bottom line is healthy moms equal healthy children. Healthy children, valuing children's lives, should be a goal we all share.

Children deserve a healthy start in life with regular visits to the doctor and necessary immunizations. Preventive care makes economic sense. It can prevent avoidable illness and reduce future health care costs.

I encourage all Members to reject awful health plans and to support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the preemption of State law that is allowed under H.R. 525 makes no sense. For example, 49 States guarantee that health insurance plans include mammograms, and for good reason. We know that if a woman has health insurance, the likelihood she will receive a mammogram is promising. We know that early detection increases a woman's chance of surviving breast cancer. No one knows this better than my constituents in Marin County, California, who suffer from the highest rates of breast cancer in the country. They deserve more protections from this deadly disease, not a rollback in coverage of the most basic screening tool we have, mammograms. They are looking to Congress to help more women get the services they need to catch this disease before it becomes fatal. Instead, today we are telling them that insurance companies are allowed to trump State law and decide what is best for their health.

I am sure that all of the men and women here today want their wives, sisters, mothers, and daughters to have annual screenings as recommended by physicians. It is common sense. I urge each of my colleagues, support the women in your lives. Support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I would hope that people would support this motion to recommit. This is fundamental and basic. It is about whether or not people will have coverage that works for them when they or a member of their family becomes sick.

CBO has looked at this legislation three times, and three times they have determined that almost 8 million people who today have health care coverage that is good coverage, they will be stripped of that coverage and put into these AHPs. In fact, they expect that 90 percent of the new enrollees will be people who come out of better plans who will lose that coverage that people have fought hard for in almost every State in this Union, to have those kinds of health care protections that our three colleagues just spoke about in support of this motion to recommit.

I would urge the House to support the motion to recommit and reject this legislation that is harmful to the health care coverage of millions of Americans and their families.

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the gentleman's motion.

The SPEAKER pro tempore (Mr. HAYES). The gentleman is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, the most coveted health insurance available to Americans is offered by big companies and unions. All we are trying to do in the underlying bill is to give small employers the same opportunity to provide high-quality health insurance to their employees at competitive prices.

The motion to recommit would require every AHP to cover every mandate known to man, driving up the cost of those policies and making sure that no new employees would ever be covered by an AHP. There are 45 million Americans with no health insurance. While this will not cover all 45 million Americans, it will help some Americans who have no access to health insurance today have access to high-quality, competitively priced health insurance. You can have all the mandates in the world; but if you do not have health insurance, you get no coverage at all. No doctors' visits. No nothing. It is a bad motion. Support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 525, if ordered, and suspending the rules on H.R. 2894.

The vote was taken by electronic device, and there were—yeas 198, nays 230, not voting 5, as follows:

[Roll No. 425]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NAYS—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Evans
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Cramer
Feeney
Gibbons
Oxley
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1821

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 165, not voting 5, as follows:

[Roll No. 426]

YEAS—263

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher

Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

Cramer
Feeney
Gibbons
Oxley
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1834

Ms. MILLENDER-McDONALD changed her vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ABRAHAM LINCOLN BIRTHPLACE POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2894.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2894, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 427]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Brown-Waite, Ginny
Cramer
Feeney
Gibbons
LaTourette
McHenry
Otter
Oxley
Paul
Peterson (PA)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006, AND H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file conference reports to accompany H.R. 2361 and H.R. 2985.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794. An act to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Dr. Richard D. Land of Tennessee, for a term of two years (July 25, 2005–July 24, 2007).

MEDICAL DEVICE USER FEE STABILIZATION ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 3423) to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Ms. ESHOO. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Georgia to explain his unanimous consent request.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentlewoman from California for yielding.

In 2002, Congress passed the Medical Device User Fee and Modernization Act, and it allowed the Food and Drug Administration to collect user fees from manufacturers who would submit applications for medical devices. This legislation was in response to the fact that there were many applications for new devices, and we were falling behind in the approval process.

With the passage of this legislation, the FDA was authorized to add additional personnel, and have done so and have speeded up the approval time for these new devices.

However, the legislation provided that Congress had to set and reach certain marks of appropriations for fiscal year 2003 and through 2005 for this program to continue; and in the event we did not reach those targeted appropriation levels, then the program would expire at the end of this September. Unfortunately, Congress did not meet those targeted appropriation levels.

□ 1845

Since Congress did not reach the targeted appropriations required to keep the program in place, this user fee program will cease at the end of September, and the FDA will be required to start sending out notices of termination.

So this legislation is essential to keep this very successful program in place, and it will allow us to retain the medical personnel who are working and approving device applications in a much more speedy and rapid fashion than they would have been able to do without the user fee being in place.

Mr. Speaker, that is the purpose of this legislation is to extend the program.

Ms. ESHOO. Further reserving the right to object, Mr. Speaker, I would like to make a few comments about H.R. 3423, the Medical Device User Fee Stabilization Act, which is being considered today. I am the lead Democrat, along with my colleague, on the committee, the gentleman from Pennsylvania (Mr. PITTS), who is also my neighbor across the hall from me in the Cannon House Office Building.

In 2002, former Representative GREENwood and myself introduced the Medical Devices User Fee Modernization Act. It passed the House unanimously, and it was signed into law by the President. The goal of the bill was to eliminate FDA's backlog in approving new medical devices so that doctors and patients could more quickly benefit from them.

While the law required device manufacturers to contribute toward FDA's cost in evaluating and approving new devices, the program was contingent on the Federal Government paying its fair share. If Federal funding did not reach the trigger level, the program would be eliminated. This legislation fixes the trigger so that the user fee program can continue.

Specifically the bill will reduce the rate of user fee increases to the single-digit range for the remaining 2 years of the program. It will help small medical device companies, which is very important, because the small companies operate differently under different circumstances than the larger ones. The small device companies, it helps them to afford the cost to submit new medical devices for FDA review and approval. And finally, the bill will enhance labeling and tracking of reprocessed single-use devices. So this legislation before us only authorizes the program for 2 more years.

It really is a significant accomplishment, and it allows us to now concentrate on making the device approval process even better in 2007. And I know that both of my colleagues, both the gentleman from Georgia (Mr. DEAL), the subcommittee chairman, as well as my colleague, the gentleman from Pennsylvania (Mr. PITTS), are committed to that.

I want to thank Ryan Long with Chairman BARTON's staff; John Ford, who is seated here to my left, with Ranking Member DINGELL's staff; and for Vanessa Kramer of my staff who has worked so hard on this. And it is because of all of them and their hard work that this bill has successfully reached the floor today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYES) Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3423

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 ''Medical Device User Fee Stabilization Act of 2005''.

SEC. 2. AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEVICE USER FEES.—Section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended—

(1) in subsection (b)—

(A) after ''2004;'', by inserting ''and''; and

(B) by striking ''2005;'' and all that follows through ''2007'' and inserting ''2005'';

(2) in subsection (c)—

(A) by striking the heading and inserting ''Annual Fee Setting.—'';

(B) by striking paragraphs (1), (2), (3), and (4);

(C) by redesignating paragraphs (5) and (6) as paragraphs (1) and (2), respectively;

(D) in paragraph (1), as so redesignated, by—

(i) striking the heading and inserting ''**IN GENERAL**.—'';

(ii) striking ''establish, for the next fiscal year, and'' and all that follows through ''the fees'' and inserting ''publish in the Federal Register fees under subsection (a). The fees'';

(iii) striking ''2003'' and inserting ''2006''; and

(iv) striking ''$154,000.'' and inserting ''$259,600, and the fees established for fiscal year 2007 shall be based on a premarket application fee of $281,600.''; and

(E) by adding at the end the following:

''(3) SUPPLEMENT.—

''(A) IN GENERAL.—For fiscal years 2006 and 2007, the Secretary may use unobligated carryover balances from fees collected in previous fiscal years to ensure that sufficient fee revenues are available in that fiscal year, so long as the Secretary maintains unobligated carryover balances of not less than 1 month of operating reserves for the first month of fiscal year 2008.

''(B) NOTICE TO CONGRESS.—Not later than 14 days before the Secretary anticipates the use of funds described in subparagraph (A), the Secretary shall provide notice to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on

Energy and Commerce and the Committee on Appropriations of the House of Representatives.'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting after the first sentence the following: ''For the purposes of this paragraph, the term 'small business' means an entity that reported $30,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, and parent firms.''; and

(B) in paragraph (2)(A), by—

(i) striking ''(i) **IN GENERAL**.—'';

(ii) striking ''subsection,'' and inserting ''paragraph,'';

(iii) striking ''$30,000,000'' and inserting ''$100,000,000''; and

(iv) striking clause (ii);

(4) in subsection (e)(2)(A), by striking ''$30,000,000'' and inserting ''$100,000,000'';

(5) in subsection (g)(1)—

(A) in subparagraph (B)—

(i) by striking clause (i) and inserting the following:

''(i) For fiscal year 2005, the Secretary is expected to meet all of the performance goals identified for the fiscal year if the amount so appropriated for such fiscal year, excluding the amount of fees appropriated for such fiscal year, is equal to or greater than $205,720,000 multiplied by the adjustment factor applicable to the fiscal year.''; and

(ii) in clause (ii), by striking the matter preceding subclause (I) and inserting the following:

''(ii) For fiscal year 2005, if the amount so appropriated for such fiscal year, excluding the amount of fees appropriated for such fiscal year, is more than 1 percent less than the amount that applies under clause (i), the following applies:'';

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by—

(I) striking ''2003 through'' and inserting ''2005 and''; and

(II) inserting ''more than 1 percent'' after ''years, is''; and

(ii) in clause (ii), by striking ''sum'' and inserting ''amount''; and

(C) in subparagraph (D)(i), by inserting ''more than 1 percent'' after ''year, is'';

(6) in subsection (h)(3)—

(A) in subparagraph (C), by striking the semicolon and inserting ''; and''; and

(B) by striking subparagraphs (D) and (E) and inserting the following:

''(D) such sums as may be necessary for each of fiscal years 2006 and 2007.''; and

(7) by striking ''subsection (c)(5)'' each place it appears and inserting ''subsection (c)(1)''.

(b) ANNUAL REPORTS.—Section 103 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250 (116 Stat. 1600)) is amended—

(1) by striking ''Beginning with'' and inserting ''(a) In General.—Beginning with''; and

(2) by adding at the end the following:

''(b) ADDITIONAL INFORMATION.—For fiscal years 2006 and 2007, the report described under subsection (a)(2) shall include—

''(1) information on the number of different types of applications and notifications, and the total amount of fees paid for each such type of application or notification, from businesses with gross receipts or sales from $0 to $100,000,000, with such businesses categorized in $10,000,000 intervals; and

''(2) a certification by the Secretary that the amounts appropriated for salaries and expenses of the Food and Drug Administration for such fiscal year and obligated by the Secretary for the performance of any function relating to devices that is not for the process for the review of device applications, as defined in paragraph (5) of section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i), are not less than such amounts for fiscal year 2002 multiplied by the adjustment factor, as defined in paragraph (7) of such section 737.''.

(c) MISBRANDED DEVICES.—

(1) IN GENERAL.—Section 502(u) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(u)) is amended to read as follows:

''(u)(1) Subject to paragraph (2), if it is a reprocessed single-use device, unless it, or an attachment thereto, prominently and conspicuously bears the name of the manufacturer of the reprocessed device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer.

''(2) If the original device or an attachment thereto does not prominently and conspicuously bear the name of the manufacturer of the original device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, a reprocessed device may satisfy the requirements of paragraph (1) through the use of a detachable label on the packaging that identifies the manufacturer and is intended to be affixed to the medical record of a patient.''.

(2) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance to identify circumstances in which the name of the manufacturer of the original device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, is not ''prominent and conspicuous'', as used in section 502(u) of Federal Food, Drug, and Cosmetic Act (as amended by paragraph (1)).

(d) EFFECTIVE DATE.—Section 301(b) of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250 (116 Stat. 1616)), as amended by section 2(c) of Public Law 108–214 (118 Stat. 575), is amended to read as follows:

''(b) EFFECTIVE DATE.—Section 502(u) of the Federal Food, Drug, and Cosmetic Act (as amended by section 2(c) of the Medical Device User Fee Stabilization Act of 2005)—

''(1) shall be effective—

''(A) with respect to devices described under paragraph (1) of such section, 12 months after the date of enactment of the Medical Device User Fee Stabilization Act of 2005, or the date on which the original device first bears the name of the manufacturer of the original device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, whichever is later; and

''(B) with respect to devices described under paragraph (2) of such section 502(u), 12 months after such date of enactment; and

''(2) shall apply only to devices reprocessed and introduced or delivered for introduction in interstate commerce after such applicable effective date.''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3423, the bill just passed.

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

There was no objection.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 22.

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

There was no objection.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 380 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 22.

□ 1850

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 22) to reform the postal laws of the United States, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the former chairman of the Government Reform and Oversight Committee, who has played a lead role in moving this bill to where it is today, and spent 6 long years in the vineyards laboring on this when he was chairman of the committee.

Mr. BURTON of Indiana. Mr. Chairman, first of all, I want to congratulate the gentleman from New York (Mr. MCHUGH), who has done yeoman's service to the committee and to this government in fighting for a postal reform measure. He has just done a great job. I want to congratulate him on all of the hard work in bringing this thing to the floor.

I want to congratulate our chairman, the gentleman from Virginia (Mr. TOM DAVIS). We fought for, I think, 6 years when I was chairman to bring this bill to the floor and pass it, and, Mr. Chairman, I want to congratulate you on being able to get this thing to the floor.

I hope that we are successful in getting it not only through here, but through the Senate as well.

I want to congratulate the gentleman from Illinois (Mr. DAVIS), my good buddy, who has one of the best voices in the Congress. If I could talk like

him, I would be President. He has got that deep, resonant voice.

I want to thank you and the gentleman from California (Mr. WAXMAN) for all of the hard work that you have put in on this bill. I want to congratulate you as well.

Let me just say that we have been working on this now for, gosh, I guess at least 10 years, but 6 years when I was chairman and now 4 years that you have been chairman. We have finally brought a bill to the floor. I do not think it is perfect, but it sure is a giant step in the right direction.

If we do not do something about postal reform, what is going to happen is the costs are going to go through the roof, and instead of this being an agency that deals with the expenses themselves, we are going to be seeing taxpayers footing the bill for additional costs for postal service.

With the advent of faxes and e-mails, you have seen the Postal Service have a lot more problems with revenues than they have had in the past. And it is absolutely essential, if we are going to have a viable Postal Service in this country, that we pass this legislation.

So I think this is a very good bill. I believe it will pass tonight, and I hope that all of my colleagues will vote for it. Once again, I want to thank all of those responsible, especially the gentleman from New York (Mr. MCHUGH), the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) for working so hard on this.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent that I control the time of the gentleman from California (Mr. WAXMAN).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, Members of the House have worked over a decade to reform this important part of our national culture and economy. I am truly pleased to serve in this Congress which is moving this historic reform forward.

I also want to commend the gentleman from New York (Mr. MCHUGH), the gentleman from Virginia (Chairman DAVIS), and the gentleman from California (Mr. WAXMAN) and their dedicated staffs for their commitment to postal reform and for the bipartisan cooperation to work for its passage.

The gentleman from New York (Mr. MCHUGH) deserves particular recognition for his leadership and perseverance with regard to postal reform.

Postal reform is a significant issue for my congressional district as it is for much of America. I represent one of the primary postal hubs in the Midwest, the great city of Chicago. In addition to the 12,000 postal employees who deliver mail daily to 1.2 million homes and businesses in the Chicago area, we have many respected companies like R.R. Donnelley, the largest printing company in North America, that are clients of the Postal Service.

The Postal Accountability and Enhancement Act of 2005 modernizes the postal system, helping it remain healthy and affordable well into the 21st century. This bill is a delicate compromise that has gone through a series of processes of hearings, meetings and negotiations. We have worked extensively and effectively with administration representatives to address their concerns.

There is something in this bill for everyone. It may not be everything that interest groups desire; however, as the gentleman from Virginia (Chairman TOM DAVIS) has said, it is our best chance at solving the structural, legal and financial constraints that put the Postal Service at risk of catastrophe.

As the Comptroller General recognized this past January, comprehensive postal reform is urgently needed. The Postal Service historically has accumulated billions of dollars in debt and currently has massive unfunded liabilities.

Declining first class mail volumes, high infrastructure-related costs and rigid statutes necessitate reform. It has been 35 years since comprehensive postal reform occurred. It is our responsibility to protect our treasured national asset before it is in crisis. The time for reform is now.

H.R. 22 has many highlights for the Postal Service. It provides the ratemaking flexibility and incentives needed to operate as an efficient business. For businesses it provides rate stability, fair competition rules, financial transparency, and procurement protections needed to predict costs and operate on a level playing field. For consumers it preserves universal service, maintains high-quality standards, and eliminates unfair mailing costs so that they have an affordable and reliable means of communication. For workers it protects collective bargaining and offers whistleblower protections that are needed to ensure safe employment. For taxpayers it ensures the viability of a national asset and removes the threat of a taxpayer bail-out of the Postal Service due to financial insolvency.

These are just some of the provisions that will go a long way to helping the Postal Service better serve its customers, compete fairly with the mailing industry and contribute to our Nation.

In addition, I am pleased that the bill requires a study of the number of contracts with women, minorities and small businesses, and that it protects our domestic airlines from outsourcing of jobs to foreign carriers. I represent many members from each of these groups, and it is important that our reforms treat them all fairly. I reiterate that this bill is the best option to protect our treasured national asset before it is in crisis.

I know that the issue of classifying single-piece parcels as competitive or market-dominant has caused a good deal of anxiety for many parties affected by postal reform. I look forward to addressing this issue in conference.

And at this time, Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the Government Reform Committee, the gentleman from Virginia (Mr. TOM DAVIS).

Mr. Chairman, section 404 of the Postal Accountability and Enhancement Act alters paragraph 2 of section 401 of title 39 of the U.S. Code. This section pertains to the rulemaking authority of the United States Postal Service. Obviously the issue of fairness in rulemaking by the Postal Service affects a number of businesses in my district.

I would like to ask the distinguished chairman to clarify how rulemaking by the Postal Service should consider the circumstances within the postal sector.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. I thank the gentleman for yielding.

Mr. Chairman, the committee intends that the Postal Service will exercise the more clearly delineated rulemaking powers provided under this section in a way that is rationally related to the policy objectives set out in the revised statute, and it is predicated upon an understanding of the effect the regulations will have on the conditions in the postal sector.

□ 1900

Mr. DAVIS of Illinois. Reclaiming my time, I would like to ask the distinguished chairman of the Committee on Government Reform to further clarify the meaning of the language related to the role of the Postal Regulatory Commission in entering complaints related to rule-making.

I yield to the chairman to find out his understanding.

Mr. TOM DAVIS of Virginia. I thank the gentleman for yielding. Mr. Chairman, the committee further expects that the Postal Regulatory Commission will distinguish carefully between abuses of the Regulatory Authority set out in section 404 and the legitimate exercise of managerial discretion by the Postal Service in its implementation of the complaint provisions contained in section 205 of the bill.

Mr. DAVIS of Illinois. Reclaiming my time, I would like to thank the distinguished chairman for his answers and for his cooperation.

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

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

Mr. Chairman, most of us are familiar with the engraved saying outside the James A. Farley Post Office in New York City: ''Neither rain, nor snow, nor heat, nor gloom of night might stay these couriers from the swift completion of their appointed rounds.''

This is the unofficial motto depicting some of the circumstances our Nation's letter carriers face in fulfillment of the universal service obligation of the United States Postal Service.

Mr. Chairman, I rise today in support of H.R. 22, the Postal Accountability and Enhancement Act, which addresses a problem plaguing our Postal Service today that is far greater than the snow or rain or heat or gloom of night. That problem is the outdated and unsustainable structural framework of the Postal Service which threatens to bring it to the brink of catastrophe unless Congress acts immediately.

This legislation is about more than reforming the Postal Service itself. It is about reforming and sustaining a vital sector of our overall economy. After all, the Postal Service currently has about 707,000 career and 98,000 noncareer employees. In addition, more than 9 million American jobs, $900 billion in commerce, 9 percent of the Nation's gross domestic product, let me repeat, 9 percent of GDP depend on mail and package delivery. Thus, the Postal Service is not only vital to our national communication network but also to our national economy.

Each year the Postal Service processes and delivers 208 billion pieces of mail to more than 130 million addressees in the United States. That is 208 billion magazines, catalogs, thank-you notes, birthday cards, wedding invitations, Social Security checks, IRS refunds, letters to Congressmen, movie rentals, all delivered in fulfillment of the Postal Service's promise of universal service.

The last time Congress successfully passed legislation to overhaul the post office was 1970 when President Nixon signed the Postal Reorganization Act, before e-mails, before fax machines. It is time to bring the service into the 21st century.

The legislation we are considering today, the Postal Accountability and Enhancement Act, is the culmination of a decade of hard work and study, not to mention a great deal of bipartisan negotiation and cooperation amongst various groups. Consequently, H.R. 22 now represents our best chance at solving the structural, legal, and financial constraints that have brought the Postal Service to the brink of utter breakdown.

This past April, the Postal Service filed paperwork with the Postal Rate Commission to request a 5.4 percent rate increase for most categories of mail. These rate hikes, which are scheduled to take effect early next year unless Congress acts to prevent them, will impose a significant cost burden, let us call it what it is, a tax on the postal consumer.

For direct marketers, financial service companies and businesses relying heavily on shipping and mailing, these rate hikes are devastating. To make matters worse, increasing postal rates could send the postal office into what many observers call a death spiral, where declining business leads to higher rates which in turn leads to decline in business until it is too late to change course.

Unfortunately, under current law, the Postal Service's only recourse to remain competitive in today's market is to raise rates. That is no way to run an operation. In addition, the Postal Service's most recent request for a rate increase was spurred in part by an existing requirement that the Postal Service contribute $3.1 billion to a Federal pension escrow account which now houses more than $73 billion in civil service retirement savings that rightfully belongs to the United States Postal Service.

This is just one of many instances in which the USPS is hampered by the current legal framework. And it is one of many outdated requirements that H.R. 22 seeks to reform.

Quite simply, the laws that the Postal Service has today are outdated and unsuited for today's competitive environment. Let me take just a minute to highlight a few of the reform components included in this comprehensive bill that will enable the service to move into the 21st century.

Universal service. First and foremost, the bill preserves the Postal Service's commitment to universal service, the guaranteed delivery 6 days a week to each and every address in the United States.

Pension responsibility. It returns responsibility for funding the military cost of postal retirees' pension to the Treasury Department where it belongs. It is recommended by the President's commission. This liability was shifted to the Postal Service in the last Congress. That shift was little more than an accounting gimmick, but it is one that must be reversed if we are to be serious about fixing the Postal Service's long-term balance sheet.

The escrow account. As I have already mentioned, the bill frees up the $73 billion in civil service retirement savings that has been held in escrow, allowing the Postal Service to use this money to defray rate increases, among other options.

Modern rate regulation. This legislation shifts the basis of the Postal Rate Commission from a costly, complex scheme of rates to a modern system designed to ensure that rate increases generally do not exceed the annual change in the consumer price index. This applies only to market-dominated products, such as letters, periodicals, and advertising mail, because the Postal Service has provided different pricing freedom for its competitive products, like express mail and priority mail.

Strengthening the commission. This act will rename the Postal Rate Commission the Postal Regulatory Commission and give it teeth by granting it subpoena power and a broader scope for regulation and oversight.

Finally, the act sets the stage for future reforms by mandating several studies including a comprehensive assessment of the scope of standards for universal service.

Today, the White House released its statement of administration policy, its SAP, regarding this legislation. While we share the ultimate goal of effectively reforming the Postal Service, some issues still lack consensus between the Congress and the White House. The administration has established some general, overarching principles to guide the framing of the comprehensive reform of the U.S. Postal Service. These include best practices of corporate governance, transparency, flexibility, accountability, and self-financing.

Our bill shares these goals, but recognizes these principles are often times at odds with one another and may require some give and take. For example, the administration has proposed segment reporting for each and every class of mail, a practice which would unfortunately place the Postal Service at a competitive disadvantage with some of its toughest competitors. Thus, this requirement would be contrary to the administration's first stated proposal of best practices of corporate governance. It is just one example of an instance in which compromise is needed if we are to enact meaningful, comprehensive reform.

This bill, the refined product of nearly 10 years of careful negotiation and compromise, strikes an ideal balance among the guiding principles on which both the House and administration are in agreement. I just want to assure the administration we will continue to work closely will them as H.R. 22 heads toward a conference.

Before I conclude, I want to take this opportunity to thank the gentleman from New York (Mr. MCHUGH), who chaired our special panel on postal reform and was the original bill's chief sponsor. He was, without doubt, the right leader to undertake this daunting task.

I also want to thank the former chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), who played an integral role in moving the ball forward on postal reform that allowed us to be where we are today.

Finally, I want to thank the Committee on Government Reform's ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS), the ranking member on the special panel, for their dedication to this subject and their willingness to operate in a bipartisan manner and work through this, through the difficult issues that have been presented.

Bipartisan cooperation is the primary reason why this bill has finally reached the House floor and why we have been able to keep such diverse stakeholders around the table in productive discussions.

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

Mr. DAVIS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY), a member of the Committee on Government Reform whose father preceded him, and his father preceded him not only in office but in having a great interest in postal matters.

Mr. CLAY. Mr. Chairman, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

I too want to join my colleagues in congratulating and thanking the gentleman from New York (Mr. MCHUGH), the gentleman from Virginia (Chairman TOM DAVIS), and the ranking members, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS), for the hard work they put into advancing this bill to this point.

I rise in support of the Postal Accountability and Enhancement Act. I am committed to protecting the interests of the U.S. Postal Service. I have the honor of representing over 3,000 Postal Service employees. Together they earn over $167 million in annual payroll and pay almost $20 million dollars in income taxes.

Postal employees represent an important part of my community economic base. Several months ago, I hosted a postal roundtable with groups representing postal-reliant businesses that depend on the postal system to deliver their products and collect their revenues. In addition, postmasters, letter carriers, direct mailers, and representatives of trucking companies participated in this roundtable.

While overwhelming support was expressed for this legislation, many concerns were raised about single-piece parcels, single-piece parcel post, or single letters, whether they should continue to be classifieds as market dominant so that the Postal Service can continue to offer fair rates for items mailed anywhere, including rural and more remote areas. The U.S. Postal Service would have to dramatically raise prices on such packages and possibly be forced to stop offering the universally affordable rate for single-piece parcels to individuals and small businesses.

This would result in the loss of many jobs within the Postal Service and create an inconvenience to customers. The U.S. Postal Service provides a vital public service to all of our constituents and is an essential part of our Nation's economic infrastructure.

I urge my colleagues to put single-piece parcels back in the market dominance category and support the Postal Accountability and Enhancement Act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH), the chief author of this, someone who has championed this cause since I came to Congress.

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today, obviously, represents a critical step in what has to this point been a journey of more than 10 years, a decade and a half of hearings and meeting, of negotiations followed by more hearings, more meetings, more negotiations, to rewrite and rewrite again and again a piece of legislation that will serve as the first true serious reform of the sector known as the United States Postal Service, that since 1970.

In that length of effort, Mr. Chairman, that incredible commitment to the issue speaks directly to the critical importance of the Postal Service of this Nation and the complexity of this system that each and every day and each and every year delivers some 206 billion pieces of mail going through 38,000 postal facilities to 143 million addresses in virtually every community in every State in this Nation, 6 days a week, day in, day out, week in and week out.

So since 1775 this is the service that American people and American businesses alike have come and grown to expect. Universal service at a uniform price, no questions asked. No one in this country, Mr. Chairman, goes to his or her mailbox or his or her local post office wondering if the mail will be there. It is always there. It has always been there. But the true question, the question that this bill seeks to answer with a resounding yes, I might add, is will the mail always be there?

I am concerned that truly without this legislation the answer might well be far different than that resounding yes. Postal service of today is far removed from that of 30 years ago when reform was last enacted. Unlike then, the mail stream of today has diminished by such things as e-mails and faxes and cell phones and text messages, largely electronic means of communication that replace mail. They replace stamps. And thus they replace the revenues necessary to operate our key mail delivery system.

Some ask, if people are choosing to communicate in different ways, why do we need to change things at all? Some even go so far as to suggest that the time of the Postal Service has passed, that we ought to let the private sector take over.

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But the fact is, Mr. Chairman, for all the challenges the Postal Service of the 21st century faces, it still retains its traditional place as a key cog in how American businesses conduct their affairs and how Americans all across this land communicate.

The postal business sector of this Nation, as we have heard the distinguished chairman of the full committee clearly state, represents a $900-billion-a-year industry, with 9 million jobs, and more than 8 percent, nearly 9 percent, of our entire Nation's economy.

The fact is, Mr. Chairman, if the Postal Service did not exist here in 2005, we would have to invent it. That is why more than 200 major companies in this country have strongly endorsed this measure, 200 companies representing the lifeblood of the economy of this Nation. That is why virtually every major labor organization within the Postal Service has endorsed it, why even those companies that compete against the Postal Service have endorsed H.R. 22, including United Parcel Service, including FedEx, and others.

Now, I have no doubt there are going to be those who believe they have a better idea, those who will say they can improve this bill by adding or diminishing its provisions. And, Mr. Chairman, speaking honestly, as someone who has been involved from day one for more than 10 years, probably some, if not all, of these critics may be right. But what I would urge my colleagues to resist this day is the understandable temptation to make the perfect the enemy of the good.

This bill's formation has taken more than a decade for some very good reasons. It is, frankly, based upon the complexity of the system itself. We have considered those interests of the people who manage it, those who man it, the businesses that rely upon it, those who compete against it, those who depend upon it, so many interests whose input and whose needs are all carefully balanced in this bill. Perfection? No, perhaps not, but a solution nevertheless, a solution to the challenges that provide the United States Postal Service with the necessary tools to operate in a manner that most of us expect, like a modern, flexible, nimble business competing on a fair playing field, operating in an efficient and professional manner.

Mr. Chairman, at the risk of sounding immodest, I am very, very proud of this legislation. I am proud of its vision, I am proud of its construct and its provisions, but I am truly prouder still of those organizations and those special people, those individuals involved in those organizations and in this reform effort that have been there from the start.

They say a year in government and politics is a lifetime, and if that is true, 10 years has to approach infinity. But through it all, we have had special people devoted to extraordinary efforts in a singularly vital cause. And our thanks, and clearly my thanks, are owed to so many to even begin to list at this moment. Many of them are cited on the page that I just held up, all those more than 200 interests who strongly support this.

Many, if it were appropriate under the House rules, I would note are in the gallery today. But seeing as how it is not appropriate to say that under the House rules, I will resist the temptation. But without naming them specifically, I owe them thanks.

At perhaps the risk of offending many, I have to acknowledge a particularly special few: The gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. FATTAH), the two ranking members who first began

to help us move this issue forward. Mr. Chairman, the gentleman from Illinois (Mr. DAVIS) has been a stalwart, a ranking member who lost focus at no time and never lost faith.

The gentleman from California (Mr. WAXMAN), the full committee ranking member, who put aside partisanship, not an easy thing to do in Washington these days, for the simple reason he understood and deeply cared about the conclusion of this challenge.

Bill Clinger, followed by the gentleman from Indiana (Mr. BURTON), the first and second chairman of the Committee on Government Reform, who continued to bring our attention to it and keep us focused.

And our current chairman, the gentleman from Virginia (Mr. TOM DAVIS), who might have, who might have, but thankfully did not, let this effort die; who urged us forward; whose political skills, intellectual depth, and administrative acumen have really advanced us to this threshold of success.

These are all important folks, but I want to say, as much as I deeply indebted for those efforts, in my opinion the success of today's consideration is predicated largely upon the efforts of one very special, very dedicated man: Robert Taub. Through it all, Robert has been the intellectual and spiritual glue that has held this effort together. He was always willing, even anxious, to my amazement, to do one more meeting, one more effort to advance reform. And when others saw failure, Robert saw a challenge. When others lost hope, Robert remained focused. When others remained angry, including myself, Robert remained calm. He has been the eye of the storm in a torrent of conflict, of divergent and seemingly irreconcilable differences. I am very, very proud that the payroll lists this very extraordinary man as my chief of staff. I am prouder still that in my heart I consider him a friend, and I am deeply in his debt particularly.

So I will, with again a thanks to Chairman DAVIS for all that he has done, look forward to the passage of this bill.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume to say that there is a big difference between vanity and pride, and the gentleman from New York (Mr. MCHUGH) has every reason to be proud of this product, and we do not think it is vanity at all.

Mr. Chairman, it is my pleasure to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time and for his extraordinary leadership on the Task Force for Postal Reform, on which I have served, and I rise in strong support of it.

It has been a long and difficult journey which has brought us here today, well over 10 years, and I thank everyone who has been involved in this bipartisan effort to reform the way the Postal Service currently operates: the gentleman from Virginia (Mr. TOM DAVIS), our chairman; the ranking member, the gentleman from California (Mr. WAXMAN); the gentleman from New York (Mr. MCHUGH); the gentleman from Illinois (Mr. DAVIS); and their hard and dedicated working staffs.

This is very strongly supported legislation. It is a balance that we have achieved. We urge everyone to vote for it and to vote against the amendments that will be coming forward. It is supported by many of the unions, APWU, the Letter Carriers, the Postmasters, and the postal-reliant businesses, some of whom are located in my district, the Magazine Publishers of America, the direct marketers, the financial services. In fact, there is a coalition of many, literally hundreds, of businesses, and the 21st Century Postal Service Committee has issued a statement of support along with the over seven union statements in support of this bipartisan legislation.

As we know, this is incredibly important to our economy, with more than 9 million workers worldwide. They generate over $900 billion annually of our GDP, and represent nearly 9 percent of our overall budget. If we fail to act on this very pressing issue, the public and the postal-reliant businesses surely will face higher postal rates in the near future.

With the Postal Service facing billions of dollars in debt over the next few years, this Congress, 2 years ago, passed bipartisan legislation that reduced the Postal Service's contribution to the Civil Service Retirement and Disability Fund after it was determined that it had been making overpayments. This reform was expected to help the Service reduce its debt to the Treasury by approximately $3 billion each year and to keep rates stable until 2006. It also created an escrow account designed to ensure that the Postal Service uses these savings wisely. The bill before us today releases that escrow account and will help us to keep our rates stable.

Earlier this year, the Postal Service filed a request with the Rate Commission for yet another increase of 5.4 percent. It would be the fourth increase since 2001, and it is critical that we release these monies in the escrow to delay this rate increase.

Mr. Chairman, this legislation relieves the Postal Service and postal customers of the $27 billion burden in military service payments by returning that responsibility to the Treasury. After all, every other agency has this responsibility in the Treasury, and Postal should also.

This legislation also creates a Postal Regulatory Commission with authority to create a modern system for postal rate regulation. Mr. Chairman, a number of magazines have gone out of business because of rate increases, and so this legislation is vital to our economy.

Mr. Chairman, I submit for the RECORD the material I referred to above regarding the unions in favor of this legislation, and also a listing of numerous companies and organizations in favor of the legislation:

[From the Coalition for a 21st Century Postal Service]

9 MILLION WORKERS . . . $900 BILLION ECONOMY . . . 9 PERCENT OF U.S. GDP HELP KEEP THE MAILING INDUSTRY STRONG AND THE USPS VIABLE—VOTE YES ON H.R. 22

DEAR REPRESENTATIVE: The companies and organizations below urge you to support H.R. 22, the ''Postal Accountability and Enhancement Act of 2005.'' This legislation will bring urgently needed modernization and meaningful reform to the United States Postal Service (USPS), the lynchpin of the mailing industry—a key economic sector that employs 9 million workers adding $900 billion annually to the U.S. Gross Domestic Product. In fact, 9 percent of the nation's GDP can be directly attributed to the mailing industry.

H.R. 22 will bring increased efficiencies to the USPS, and would allow for more predictability and affordability in future postal rate increases. Without postal reform, American jobs will be placed at risk as companies are forced to compensate for capricious and expensive rate hikes in the future.

The companies and organizations listed below consider passing postal reform legislation this year an urgent priority, and urge you to cast a ''YES'' vote on H.R. 22 when it is considered on the House floor. Thank you for your consideration.

ADVERTISING/MARKETING/RETAIL INDUSTRIES

Arandell, CC3, Direct Marketing Association, Domtar, Hayzlett Companies, Inc., J.C. Penney, National Retail Federation, Vertis Direct Marketing Services.

FINANCIAL SERVICES/INSURANCE INDUSTRIES

Aegon, American Express, Bank of America, CapitalOne, Chase, JP Morgan Chase, Citigroup, CUNA Mutual, The Financial Services Roundtable, LaSalle Bank, MBNA, Property Casualty Insurers Association of America, USAA, Wachovia.

FORESTRY/PAPER/PRINTING INDUSTRIES

American Forest & Paper Association, Banta, International Paper, MeadWestvaco, National Association for Printing Leadership, Paramount Cards, Quad Graphics, Quebecor World, R.R. Donnelly, Richardson Printing, Inc., Solar Communications, Stora Enso, Weyerhaeuser Company, Wisconsin Paper Council.

NEWSPAPER/PUBLISHING INDUSTRIES

Harcourt, Inc., Holt Reinhart & Winston, Inc., IDEAlliance, LexisNexis, Magazine Publishers of America, McGraw-Hill, National Newspaper Association, Printing Industries of America/GATF, Publishers Press, Reed Business Information, Reed Elsevier, Inc., Time, Inc.

MAILING/FULFILLMENT/SHIPPING INDUSTRIES

Alliance of Non-Profit Mailers, Association for Postal Commerce, Association of Priority Mail Users, Mailers Council, Mailing and Fulfillment Service Association, National Postal Policy Council, Parcel Shippers Association, Pitney Bowes, PSI Group, Total Systems Services, Inc.

MANUFACTURING/TECHNOLOGY INDUSTRIES

Document Management Industries Association, Envelope Manufacturers Association, Keyspan, Kodak, Multi-Plastics, Inc., National Association of Manufacturers, NPES The Association for Suppliers of Printing, Publishing and Converting Technologies.

SMALL BUSINESS/GENERAL COMMERCE

National Federation of Independent Business, Small Business Legislative Council.

USPS MANAGEMENT/LABOR ORGANIZATIONS

National Association of Postal Supervisors, National Rural Letter Carriers Association.

STATE AND LOCAL ORGANIZATIONS

Printing Industry Association of the South, Inc., Pacific Printing and Imaging Association, PIA, Inc. of Arizona, PIA of Southern California, PIA of San Diego, Printing Industries of Northern California, Printing & Imaging Association Mountain States, The Association of Graphic Communications, Graphic Arts Association, Printing and Graphics Association MidAtlantic, Printing Association of Florida, Inc., PIA of Georgia, Inc., Printing Industries of Illinois/Indiana Association, Printing Industries of the Midlands, Inc., Printing and Imaging Association of Mid America, Printing Industries of New England, Printing Industries of Michigan, Printing Industry of Minnesota, Inc., Printing Industries of St. Louis, Printing & Imaging Association of New York State, Inc., PI of the Carolinas, Inc., Printing Industries of Utah, Printing Industries of Virginia, Inc., Printing Industries of Wisconsin.

JULY 25, 2005.

DEAR REPRESENTATIVE: On Tuesday, July 26, the House is scheduled to consider H.R. 22, the Postal Enhancement and Accountability Act. We understand that a series of amendments may be offered that will have a catastrophic impact upon more than 740,000 postal employees and the American public. Therefore, we urge you to vote NO on amendments that jeopardize affordable and universal mail service to your constituents, and undermine a carefully drafted bill that balances the needs of the mailing public and postal employees.

H.R. 22 is the product of years of give and take and delicate negotiations with all sides making major concessions along the way. Many of these amendments ignore the results of those negotiations. Specifically, we oppose amendments being offered by Congressmen Flake, Hensarling, McHenry, and Pence because they individually or collectively undermine the ten-year effort by the authors of H.R. 22.

Sincerely,

American Postal Workers Union.
National Association of Postmasters of the U.S.
National Association of Letter Carriers.
National League of Postmasters of the U.S.
National Rural Letter Carriers Association.
National Association of Postal Supervisors.
National Postal Mail Handlers Union.

Mr. TOM DAVIS of Virginia. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 11 minutes remaining, and the gentleman from Illinois (Mr. DAVIS) has 17½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON), who has been very helpful in putting this bill together.

Mr. CANNON. Mr. Chairman, first of all, I would like to thank the chairman of the full committee, the gentleman from Virginia (Mr. TOM DAVIS), my friend, for entering into this colloquy, and also my friend, the gentleman from New York (Mr. MCHUGH), for the work they have done on this bill. This has been extraordinary. Since I have gotten here, I have had hundreds of inquiries about this issue, as has every other Member of Congress, and the gentleman from New York (Mr. MCHUGH) has handled them remarkably well. I strongly support H.R. 22. It is long overdue.

Mr. Chairman, I want to bring to the attention of the gentleman from Virginia (Mr. TOM DAVIS) an important problem in my district. The city of Taylorsville, Utah, has been assigned four different ZIP codes, and its citizens must access services at five different post offices, all outside the city.

Mr. Chairman, if we were talking about New York City or Los Angeles, more ZIP codes would be common, but in a city of only 60,000, we should not have four different ZIP codes and be serviced by five different post offices. So it is my sincere hope that the chairman and I can work together to reduce the number of ZIP codes for Taylorsville from four to one, and work towards a fully functioning post office located within the city proper.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, we have tried on this legislation to not get into some of the specific shortcomings of Postal Service delivery on ZIP codes and the like, but I want to tell the gentleman that I have looked at this Taylorsville issue. I want to pledge to work with the gentleman from Utah and with the Postmaster General to make sure these needs are resolved and to support a thoughtful solution for the city of Taylorsville, and just assure the gentleman that that is a priority.

Mr. CANNON. Reclaiming my time, Mr. Chairman, I thank the gentleman from Virginia for his commitment to helping me solve this problem, and I want to thank Taylorsville Mayor Janice Auger for her tireless effort on this issue.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 22, the Postal Accountability and Enhancement Act. I am extremely happy that after years of work, we are finally bringing this important bill to the floor for a vote.

In my congressional district alone, there are 66 postal facilities accounting for over 1,600 postal workers and $79 million in wages. The men and women of the United States Postal Service bind our Nation together, offering prompt and reliable services at uniform prices.

Many people do not realize the economic power this industry has. The postal industry accounts for over 8 percent of the gross national product, and it is the backbone of a $900 billion mailing industry that drives the U.S. economy. To maintain the current level of high-quality service, we must reform our postal system for the new information age.

The United States Postal Service is the world's most efficient postal system. While America is adding almost 2 million addresses per year, the number of postal employees have held steady, meaning that the same number of letter carriers are walking further, while delivering more mail.

This bill must be passed because it addresses many pressing issues, such as rate changes, the Postal Service Retirement System, escrow accounts, and military pension issues. This is the only Federal agency where funds in the civil retirement system have to be used to fulfill military obligations within the Department.

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The bill also addresses the issue of the United States Postal Service overpayment of over $78 billion in civil service retirement benefits. The Congressional Budget Office estimates that the escrow requirements will cost the United States Postal Service nearly $3 billion in 2006 and over $36 billion over the next 8 years. If the postal system is not fixed, our constituents will bear the cost.

This Nation is very fortunate to have a Postal Service system that handles such a large volume of mail while operating at affordable costs to our citizens.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, although we may be living in the age of technology and more than a few of us cannot live without our e-mail, the United States Postal Service continues to serve a key role for both personal and business communications. With 9 million jobs and $900 billion in annual commerce dependent on services provided by USPS, consideration of this reform package could not come soon enough.

In recent years, the U.S. Postal Service has struggled to perform its core mission of providing affordable mail service 6 days a week to every American. Today, the Postal Service operates under the same set of rules established in 1970; yet the service now delivers nearly 2½ times more mail to almost twice as many homes.

Rising costs and financial losses, coupled with rate increases meant to remedy a declining fiscal situation, have left the Postal Service in a position that threatens the long-term viability of mail as an affordable, effective business communications channel.

I am pleased H.R. 22 protects universal service while taking steps to alleviate the seemingly constant threat of rate increases by modernizing rate regulation and by freeing up $73 billion in civil service retirement savings that have been held in escrow.

Accountability and transparency are of particular interest to me as there continues to be unresolved questions surrounding the unfair and inconsistent application of a postal regulation more than 5 years ago.

This particular issue is one I have championed for some time, and while I am disappointed that we were unable to reach a resolution before the bill reached the House floor, I look forward to working with the committee and the Pennsylvania Senators on the issue of postal reform legislation moves into conference.

Comprehensive legislation is 10 years in the making; and without the passage of this bill, we are putting in jeopardy millions of American jobs and the future availability of affordable mail service, the repercussions of which will be felt well beyond the mailing industry.

In the last session of Congress when I was a member of the Subcommittee on Postal Reform and the Committee on Government Reform, we worked on this bill. I am pleased it has come before us, and I urge my colleagues to support H.R. 22.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I came to Congress to help the Federal Government be a better partner and make communities more livable. One of the simplest ways to achieve that objective does not require new rules or regulations. It simply requires that the Federal Government follow the same rules as others.

Well, H.R. 22 contains language from the Community Postal Partnership Act which I first introduced in the 105th Congress. It requires the Postal Service to abide by the same zoning and land use laws as everybody else and requires that the Postal Service garner input from communities on proposed changes for facilities.

We have had tremendous support for this concept, from homebuilders, the National Association of Postmasters, the Trust for Historic Preservation, Realtors, landscape architects, planners, and from within the postal community itself.

Good government organizations across the country have joined with mayors and local officials who understand that the over-37,000 postal facilities are not just remote outposts of Federal activity. They can, often are, and always should be centers of community activity.

This legislation has had bipartisan support from the majority of the House of Representatives and has passed the Senate, only to become victim of the politics of postal reform which I am pleased the committee has been able to sort out.

It is time, however, to make this relationship something that every community can count on. It should not be the exception, nor should it require extraordinary political action. There should be no variation in the commitment to provide the finest facilities that are part of each and every community. I am happy that the committee has chosen to include this language in the comprehensive postal reform bill.

In turn, I think it is essential that we recognize the valuable service provided by the Postal Service. It delivers more items in one day than Fed Ex does in a year; it manages half the world's mail with one-fourth of the revenue and a fifth of the workforce. It is important that we not just applaud these accomplishments, but give the Postal Service the tools it needs to continue to deliver its valuable service.

This bill accomplishes that goal. It is a delicately balanced compromise which I hope the House will support, rejecting amendments that would upset that balance, and build on this for a better Postal Service in the future.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time and rise in support of H.R. 22. It is a good bill that should be enacted this year.

I applaud the gentleman from Illinois (Mr. DAVIS) and the ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from New York (Mr. MCHUGH). The gentleman from New York (Mr. MCHUGH) has made a career of this bill, and we are thankful for that. He is not on the floor, but I want to congratulate him on his efforts.

Just a few months ago, the Committee on Government Reform marked up and passed this bill 39–0. Given the current political environment, that is amazing. An extraordinary achievement. Such bipartisanship on Capitol Hill is all too rare these days. When it happens, we should take note. The fact that every Democrat and Republican on the committee embraced H.R. 22 testifies to the need for postal reform that puts politics aside and focuses on pressing issues.

It is also a tribute to the hard work and energy that postal employees, business groups, and postal customers brought to bear educating lawmakers about the merits of reform.

Let me say something as an aside. The United States Postal Service is the most efficient and productive postal service in the world. It may surprise some to learn that some years ago when I took testimony in the Treasury Postal Subcommittee as chairman, the United States Postal Service was 40 percent more efficient than the number two postal service in the world which was Japan. I observed if we had that kind of productivity efficiency with respect to VCRs, we would not be buying JVCs, we would be buying RCAs made in America or Emerson or some other manufacturer.

Why has H.R. 22 earned my support and the support of a bipartisan group? Simply put, because it satisfies four areas. First, it protects universal service. That is absolutely essential. Secondly, it protects collective bargaining. Since the Postal Reorganization Act of 1970 established collective bargaining as a fundamental right, there has not been a single work stoppage or significant disruption in service as a result of labor-management discord. It is appropriate to protect it and continue it.

I noticed the gentleman from New York (Mr. MCHUGH) is back on the floor. I congratulate the gentleman. I said how steadfast you have been in the face of coming right up to the brink of passage and then having to withdraw. We all owe you a debt of gratitude and appreciation for the work you have done on this particular piece of legislation.

H.R. 22 ensures the Postal Service is treated exactly the same way every other Federal agency is in the area of military pensions. Our postal workers who served in the military served America, not the Postal Service, America. It is the U.S. Government that ought to compensate those military veterans. H.R. 22 mandates that the proportion of their retirement that comes from military service will be paid for by the Treasury, as it should be.

Lastly, H.R. 22 provides the Postal Service the flexibility it needs to set postal rates in a competitive manner. This is a difficult area. I know the committee has grappled with it, but I think the committee has come out with a solution that ought to be supported. There is no legislative reason why postal reform should not be enacted before the end of the year.

Unfortunately, however, I understand the administration has signaled its opposition to key provisions of H.R. 22 and its Senate counterpart S. 662. It is my hope and, yes, my expectation, that the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from New York (Mr. MCHUGH), and the gentleman from Illinois (Mr. DAVIS) will be successful in resisting efforts by the administration to weaken or repeal provisions that are the product of years of hard bipartisan work.

I urge support of this product. I again congratulate the gentleman from New York (Mr. MCHUGH) on the work he has so ably led for so long.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I rise in support of H.R. 22. This will be the first major postal reform bill to receive our consideration in 35 years. I would like to, obviously, credit the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from New York (Mr. MCHUGH), the subcommittee chairman, for their great work as well as the ranking member, the gentleman from

California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS) for all of the great work they have done.

But I would be remiss if I did not mention the number of other people who have worked so hard on this, namely, the postal employees themselves who have been very active in this whole process, including the leadership of the American Postal Workers Union, the National Letter Carriers Union, and the National Mail Handlers Union who have been active and committed to this whole process.

All of us will remember in the days and weeks following September 11, we had a series of anthrax attacks conducted through the U.S. mail system. Tragically, among the victims of these attacks were included the lives of two of our postal workers, Joseph Curseen, Jr., and Thomas Morris, Jr., at the Brentwood facility in the D.C. area.

At that time, all of our postal workers, every clerk, every mail handler, was faced with a difficult choice, and that choice was to continue to come to work every day in a very difficult environment caused by anthrax exposure, and perhaps even endangering their families; or staying away from work and thereby risking the stability of our own economy and upsetting the flow of commerce and shaking the confidence of the American people.

The American postal workers, every clerk, every carrier, every mail handler chose to come to work under those conditions. They came here because they felt it was their particular patriotic duty to do so. H.R. 22 takes note of their service and regards postal employees as partners and a great asset toward affecting postal reform.

Notably, this bill does not seek to curtail essential worker rights, it does not reduce worker protections with respect to collective bargaining, and it deserves our support. I ask only that we resist any amendments that would weaken this bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. SCHIFF) for a colloquy.

Mr. SCHIFF. Mr. Chairman, I rise today to express my support for H.R. 22 and for the purpose of engaging the chairman and the gentleman in a brief colloquy.

H.R. 22 is long overdue and goes a long way towards ensuring the future competitiveness and viability of the U.S. Post Office. I am proud to cosponsor this important piece of legislation, and I encourage my colleagues to support its passage.

One issue of concern to me, however, has to do with the consolidation and realignment of postal facilities. I believe it is critical that Congress and the U.S. Postal Service understand that the closing of a postal facility has a great impact on its local community. I remain concerned that the U.S. Postal Service's realignment and consolidation plan may not fully take into account all of the costs associated with each individual facility impacted by such a plan.

Clearly, there are benefits to the consolidation and realignment of postal operations, but I rise today to ask the chairman and the ranking member and the gentleman from Illinois (Mr. DAVIS) for their support in working with the Postal Service to make sure that all impacts are taken into account, not just those that are fiscal in nature. It is critical that Congress understands the closing of a postal facility has a very great impact on its local community.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the gentleman's desire to see that the Postal Service takes into account the impact on local communities. I share his desire for a comprehensive evaluation of all issues regarding the realignment and consolidation of postal facilities, including individual impact on our local communities.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Virginia.

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Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman from California for his support of this legislation and his efforts. I think it is important, as he points out, that all of these different impacts are taken into account when the Postal Service undertakes the realignment and consolidation of postal facilities. I look forward to working with him and the Postal Service as these unfold.

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

We have heard a great deal of discussion, all good, and again I think it is important that we realize that it took the coming together not only of dedicated Members of the House, but also tremendous staff work. I know that the gentleman from California (Mr. WAXMAN) is not here at the moment, but I want to take the time to commend not only him, but his staff, Phil Schiliro, Phil Barnett, Naomi Seiler, Althea Gregory, as well as the members of my staff, Richard Boykin, Jill Hunter-Williams, and, of course, Denise Wilson, who have worked tirelessly and tirelessly for months and some of them even into years of trying to make sure that we shaped a comprehensive bill, one that all of the stakeholders and shareholders could, in fact, agree with and be proud of, one that did, in fact, continue to protect universal service, everyday delivery, knowing that people can get their mail no matter where they live, whether it is on a remote countryside, up the mountain, across the way, across the river, knowing that the mail is going to come.

Again, I want to commend, as we have done so often, and not without reason, the hard work and continuous dedication of the gentleman from New York (Mr. MCHUGH), who almost singlemindedly and sometimes people would say single-handedly has kept this train rolling, has kept this ship going, and has prevented it from veering off course. I am very pleased to have been a part of the process. I again commend all of those for making it happen.

Mr. Chairman, I urge strong support for the passage of this important piece of legislation.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to acknowledge the gentleman from New York (Mr. MCHUGH) and the authors of this very, very strong legislation that has taken us more than a decade. To the gentleman from Virginia (Mr. TOM DAVIS), to the gentleman from California (Mr. WAXMAN), to the gentleman from Illinois (Mr. DAVIS), who have worked extremely hard on this issue, might I add my applause and congratulations.

Might I, Mr. Chairman, to the distinguished chairman of the full committee just say one thing. Might I thank the many, many postal workers around America who have been there when you needed them and who have managed to do a major industry with less than a third of the personnel. They are to be congratulated. I thank you very much, and I thank you for your interest in discussing the issue of whistleblower protection for Federal employees in the context of considering H.R. 22 today. I do want to recognize that you have in the bill itself provisions dealing with the inspector general.

Let me, first of all, say that I would have offered an amendment today, but I want the supporters of that amendment, those who have advocated for the No Fear Act that was passed by this body, legislation authored by myself and the gentleman from Wisconsin (Mr. SENSENBRENNER) and signed by the President, that my amendment would have tracked the No Fear Act, which would have established a Civil Rights and Civil Liberties Board pilot program within the Postal Service to monitor and enforce claims of abuse that would call for congressional review after 3 years. There is a grave need for such a body not only within the Postal Service, but in every Federal agency given the poor implementation of the No Fear Act. This public law is known as Public Law 107–174. I understand that the legislation as currently drafted contains, as I said, several new provisions that would protect

Federal employees and minorities such as the antikickback provisions, increase oversight functions for the inspector general, and a study of the Board of Governors of the number of contracts awarded to women and minority contractors. I applaud the gentleman for this.

My real point is that the No Fear Act has been slowly implemented. There are people in the government, workers in the government that we respect for their service wanting us to give oversight on the No Fear Legislation. I would like to work with the gentlemen as they go through conference, and as we go forward to ensure that this particular legislation is implemented, and enhanced civil rights are given to federal employees and our fine postal workers have the whistleblower protection and as well their civil liberties and civil rights are also protected.

Mr. Chairman, I rise in support of the H.R. 22. It is important that it was brought through Committee and to the Floor for expeditious consideration. I have an amendment that was made in order that would seek to address the very critical issue of slow implementation of Public Law No. 107–174, the No FEAR Act (5 U.S.C. 2301) and provide avenues of relief for the many federal employees who continue to complain of workplace civil rights abuse.

My amendment would establish a Civil Rights and Civil Liberties Board Pilot Program within the Postal Service to monitor and enforce claims of abuse that will call for congressional review after three years. There is a grave need for such a body—not only within the Postal Service but in every federal agency, given the poor implementation of the No FEAR Act.

I joined Chairman SENSENBRENNER and Ranking Member JOHN CONYERS in authorizing the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002, or No Fear Act, that was signed into law by President Bush on May 15, 2002. This legislation was passed in order to bring immediate relief to federal government employees who have suffered from civil rights or other abuse in the workplace.

The product that we have before us today has many highlights. For the Postal Service, it provides the ratemaking flexibility and incentives needed to operate as an efficient business. For businesses, it provides the rate stability, fair competition rules, financial transparency, and procurement protections needed to predict costs and operate on a level playing field. For consumers, it preserves universal service, maintains high quality standards, and eliminates unfair mailing costs so that they have an affordable and reliable means of communication. For workers, it protects collective bargaining and offers whistle-blower protections that are needed to ensure safe employment. For taxpayers, it ensures the viability of a national asset and removes the threat of a tax-payer bailout of the Postal Service due to financial insolvency. These provisions, I am sure, will go a long way toward helping the Postal Service to better serve its customers, compete fairly with the mailing industry, and contribute to our nation.

In addition, I am pleased that the bill requires a study of the number of contracts with women, minorities, and small businesses and that it protects our domestic airlines from outsourcing of jobs to foreign air carriers.

Nevertheless, the issue of slow implementation of No FEAR remains a tremendous problem that I hope the Chairman, Ranking Member, and the members of the Committee on Government Reform will pursue both as this bill goes to Conference and in hearing forum.

Mr. Chairman, I support H.R. 22 and hope that the Chairman, Ranking Member, and the Conferees on this bill will address the issues that I presented with my amendment, and I hope that both the Committee on Government Reform as well as that of the Judiciary will hold oversight hearings on the implementation of the No Fear Act, and I yield back. It is critical that we use opportunities such as is afforded today to address the slow implementation of the No Fear Act. I yield back.

Mr. DAVIS of Illinois. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. WAXMAN), the ranking member.

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) is recognized for 2 minutes.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I want to thank my friend and colleague for yielding to me and also, more importantly, for the enormous contribution he has made to this legislation along with the gentleman from New York (Mr. MCHUGH) and the gentleman from Virginia (Mr. TOM DAVIS). The four of us have been working very, very closely and produced legislation that was unanimously voted out of our committee.

The legislation is to modernize the structure of the Postal Service. It is a $69 billion entity with 700,000 employees. It supports industries that produce goods and services worth $900 billion annually. For generations Americans have relied on the system for universal service for letters and packages.

Reaching unanimity was not easy. A primary goal of postal reform was to give the Postal Service the flexibility it needs to survive in a changing and increasingly competitive environment. At the same time, we took into account the varied and complex needs of the mailing community and the American people. The result is a strong bill with the primary goal of allowing the Postal Service to continue to fulfill its universal service mission at a reasonable cost.

The legislation makes a number of key changes, but all of the changes in this bill are calibrated to balance out conflicting forces so that we could bring everybody on board. That is why this bill, I would urge my colleagues to understand, is one that we need to support in its entirety and to resist changes, however attractive they may be.

The bill, in closing, will make sure that the Postal Service can go into this 21st century as a viable institution; where it competes, to make sure that it will not compete unfairly; and where it is doing its job as a unique establishment, it will be handled in a way so that it will be run efficiently and effectively for the public good.

I ask support for the legislation before us.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS), the vice chairman of the Committee on Government Reform.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding time. I just want to congratulate him, the ranking member of the committee and particularly the gentleman from New York (Mr. MCHUGH) for what he has done for over 10 years in this battle. His effort is awesome. This legislation is needed. We believe in universal coverage for mail, but know cost savings need to be made. Congratulations to all of you for doing such a great job in bringing this legislation before us.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

It has been said that victory has 1,000 fathers, and defeat is an orphan. As we approach a victory on this bill tonight, at least on the House side, let me thank some of the fathers. We have talked about some of the Members being involved, but thanks also go out to the National Association of Manufacturers, the National Federation of Independent Business, the Small Business Legislative Council; a group of financial service companies like American Express, Bank of America, Capital One, Chase, Citigroup, Financial Services Roundtable, J.P. Morgan; groups in the newspaper and publisher business like Magazine Publishers of America, National Newspaper Association, Printing Industries of America, Time, Inc.; labor unions like the American Postal Workers Union, National Association of Letter Carriers, National Rural Letter Carriers and the National Postal Mail Handlers Association; postal management organizations like the National Association of Postmasters, National League of Postmasters, National Association of Postal Supervisors; postal competitors like United Parcel Express, UPS and FedEx; and other organizations like the Alliance of Nonprofit Mailers, the Mailers Council, the Parcel Shippers Association, Pitney-Bowes and others.

And on the staff side, Melissa Wojciak, my staff director; Jack Callender, who has made his career on the committee the Postal Service; Robert Taub, who the gentleman from New York (Mr. MCHUGH) rightly, I think, gives the credit for being the father of this behind the scenes; Ellen Brown, Mason Alinger of our staff, Rob Borden, Kristina Sherry, Michael Layman, Phil Barnett, Michelle Ash, Denise Wilson, Naomi Seiler, Jill Hunter-Williams and Richard Boykin from the committee as well. All of these made major contributions.

What does this tell us if we pass this legislation? The cost of stamps is going up, but if we pass this legislation, it

will be nowhere near the increases that we will get without this important legislation.

The need for postal reform is obvious in this case. Failure to act is a job-killer. Inaction will jeopardize at least 1.5 million jobs. This is a top priority for industry, the mailing industry, a $900-billion-a-year industry, nearly 9 percent of GDP, its economic value, 9 million jobs. Failure to act would be the same as a tax increase on American consumers. If we do not seize this moment, we effectively impose a significant new tax and a new tax burden on every American who uses stamps. If we do not take action, the Postal Service will be forced to begin increasing postal rates, starting with 2 cents at the beginning of next year. A small business that spends $5,000 annually on postage will lose almost $300 a year. An industry like financial services would get slammed with over $600 million in increases annually with no increase in productivity. And the American public will waste over $20 billion in unnecessary postage over the next decade. That is why this legislation needs to be passed.

What is wrong with the current Postal Service? We have got some of the best and most dedicated workers in the world, as the gentleman from Maryland (Mr. HOYER) and the gentleman from California (Mr. WAXMAN) and others have pointed out, but they are operating under a 30-year-old system that completely missed the information technology revolution. It is a service that is saddled with $7 billion in workers' comp claims, $5 billion in retirement payments and $57 billion in health care costs. The statutes governing USPS are some of the most rigid and restrictive in the U.S. Code.

Finally, this means jobs. We can talk about trade and everything else, but failure to enact this will cost jobs in every State.

Let me conclude by saying and echoing what the gentleman from California (Mr. WAXMAN) noted, and that is, this bill is not a perfect bill. It is not a perfect bill today. It will not be perfect probably when it comes out of conference. But as we look at this, this is a finely balanced piece of legislation that today has almost unanimous agreement in the industries that are affected, among the workers that are affected and among the consumers that are affected.

We want to keep this balance as this comes to the floor. There are some very attractive amendments, well-meaning amendments that are going to be offered, but they upset this balance and jeopardize this bill. We have in front of us jobs, we have productivity, and we have almost 9 percent of the gross domestic product of this country at stake if we fail to pass this bill. I urge my colleagues to support it.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 22, the Postal Accountability and Enhancement Act. This bill will allow for the Postal Service to better serve the American People by significantly modernizing its outdated policies.

The last postal reform bill was signed by President Nixon in 1971 and at that time no one could have anticipated all of the technological advances our society would create. At that time we all sent letters to keep in contact with each other and email was something that we never could have imagined. Unfortunately, while we have advanced with the times, the Postal Service has been slow to keep up with our advancing technology. H.R. 22 will allow the Postal Service to continue providing comprehensive universal service, but at a much lower cost.

This bill is the product of hard work between the labor unions, the Postal Service, and the Government Reform Committee. It is a good piece of legislation that will give the Postal Service the rate modernization it needs and it will create a level playing field for the Postal Service to compete with other companies.

I strongly support this bill not only because my late father in-law was a letter carrier, but because the Postal Service has provided a vital service to the public for many years. It's time that we allow them to modernize so that we may continue to enjoy all of the benefits that they have afforded us.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to speak in support of The Postal Accountability and Enhancement Act of 2005

As we move into a new phase of technological advancements, now is the time for significant reform of our postal system. With over 600-thousand postal workers, the U.S Postal Service is an essential part of today's national economic infrastructure.

In my home town of Dallas, TX, the roles of postal workers are vividly seen in homes, businesses, and even churches. We must have a firm commitment to ensuring that these vital public servants have guaranteed healthcare and retirement benefits, collective bargaining rights, and a decent pay.

H.R. 22 will bring increased efficiencies to the United States Postal Service, and strengthen the long-term viability of universal postal services. We must act now to ensure that 6-day a week delivery is maintained for all Americans.

I hope my colleagues will join me in supporting this key piece of legislation.

Mr. BACA. Mr. Chairman, since the days of the pony express, the USPS has become a part of the American family.

Consider the special place of the Postal Service in our society and its importance to Americans: to the teenagers waiting by the mailbox for the college acceptance letters, to families waiting for letters from loved ones serving abroad, to businesses reaching out to new customers and to so many others.

The Postal Service delivers mail six days a week to nearly 140 million addresses. Every year this number increases by 2 million.

The Postal Service's unmatched ability to reach every household and business in America six days a week is a vital part of the nation's infrastructure.

The Postal Service needs tools to modernize and compete. That is why today I am a cosponsor of H.R. 22, the Postal Accountability and Enhancement Act.

This legislation will not only ensure survival of the Postal Service but also help preserve universal service at affordable rates for American mailing consumers.

We need to ensure the long-term viability of this $900 billion industry and its nine million employees.

I only wish that we could also pass H.R. 147, the Social Security Fairness Act.

We need to correct the Windfall Elimination Provision, which lowers Social Security benefits for retirees who receive a Civil Service Retirement System annuity and Social Security benefits from other jobs.

Too many Postal Service employees have seen their Social Security benefits reduced by as much as 55 percent because of the Windfall Elimination Provision.

We also need to fix the Government Pension Offset, so that spouses and survivors do not have their benefits reduced.

Mr. Chairman, H.R. 22 is a good first step and I encourage my colleagues to support the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, please include the attached exchange of letters between Chairman DON YOUNG of the Committee on Transportation and Infrastructure, Chairman F. JAMES SENSENBRENNER, Jr. of the Committee on the Judiciary, Chairman BILL THOMAS of the Committee on Ways and Means and myself.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 25, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 22, the Postal Accountability and Enhancement Act.

Our Committee recognizes the importance of H.R. 22 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Committee report and in the Congressional Record'' when the bill considered on the House Floor.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 26, 2005.

Hon. DON YOUNG,
Chairman Committee on Transportation Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in H.R. 22, the Postal Accountability and Enhancement Act, and your willingness to forego consideration of H.R. 22 by the Committee on Transportation and Infrastructure.

I agree that the Committee on Transportation and Infrastructure has a valid jurisdictional interest in H.R. 22 and that the committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 22. In addition, I will support your request for the appointment of outside conferees from the Committee on Transportation and Infrastructure to a House-Senate conference committee on this or similar legislation should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Government Reform Committee's report on H.R. 22 and in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 22.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 12, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: In recognition of the desire to expedite floor consideration of H.R. 22, the ''Postal Accountability and Enhancement Act,'' the Committee on the Judiciary hereby waives consideration of the bill. In so doing, I wish to express my appreciation for your willingness to address an incorporate concerns raised by the Committee on the Judiciary during its markup of similar legislation last Congress.

There are several provisions contained in H.R. 22 within the Committee on the Judiciary's subject matter jurisdiction. Specifically, section 205 of the legislation revises the complaint and appellate review of the Postal Regulatory Commission. Section 301 establishes an off-budget fund within the Treasury Department for revenues and expenditures associated with services offered by the Postal Service on a competitive basis. Section 303 prohibits the Postal Service from issuing regulations that preclude competition or compel the disclosure of protected intellectual property Section 304 ensures that laws regulating the conduct of private commercial activities also apply to competitive activities undertaken by the Postal Service, including the antitrust laws. Section 502 provides authority for the Postal Regulatory Commission to issue subpoenas to compel disclosure of evidence in its proceedings, and to refer failures to adhere to Commission directives to Federal district court. Section 703 requires the Federal Trade Commission to prepare a report detailing how Federal and State laws apply differently to competitive activities of the Postal Service and private companies. Section 801 provides permanent authority for the Postal Service to employ postal police to protect property and persons on Postal Service property, and gives the Attorney General authority to collect penalties and clean up costs associated with the unlawful mailing of hazardous materials.

The Committee agrees to waive additional consideration of H.R. 22 with the understanding that the Committee's jurisdiction over these provisions is in no way altered or diminished. I also ask that you support my request to be appointed conferee on any provisions over which the Committee on the Judiciary has jurisdiction during any House-Senate conference on this legislation. Finally, I would appreciate your including this letter in Congressional Record during consideration of H.R. 22 on the House floor.

Thank you for your attention to this request.

Sincerely,

F. JAMES SENSENBRENNER Jr.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 12, 2005.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your May 12th letter regarding the Judiciary Committee's jurisdictional interest in H.R. 22, the Postal Accountability and Enhancement Act, and your willingness to forego consideration of H.R. 22 by your committee. As you noted, the Committee on the Judiciary considered a similar bill last Congress, H.R. 4341; and the amendments agreed to by your committee last Congress were significant improvements that were gladly incorporated in H.R. 22 this Congress by Congressman McHugh and myself.

I agree that the Committee on the Judiciary has a valid jurisdictional interest in H.R. 22 and that the committee's jurisdiction will not be adversely affected by your decision to not call a business meeting to consider H.R. 22. In addition, I will support your request for the appointment of outside conferees from the Committee on the Judiciary to a House-Senate conference committee on this or similar legislation should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 22 on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 22.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 25, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing concerning H.R. 22, the ''Postal Accountability and Enhancement Act,'' which was reported by the Committee on Government Reform on May 27, 2005,

As you know, the Committee on Ways and Means has jurisdiction over matters concerning customs revenue functions. A provision in Section 305 of H.R. 22 directs the Bureau of Customs and Border Protection to apply United States customs laws to certain mail, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 22, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, July 25, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Committee on Ways and Means' jurisdictional interest in H.R. 22, the Postal Accountability and Enhancement Act, and your willingness to forego action on H.R. 22.

I agree that the Committee on Ways and Means has a valid jurisdictional interest in H.R. 22 and that the committee's jurisdiction will not be adversely affected by your decision to take no action at this time. In addition, I will support your request for the appointment of outside conferees from the Committee on Ways and Means to a House-Senate conference committee on this or similar legislation should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 22.

Sincerely,

TOM DAVIS,
Chairman.

Mr. REYES. Mr. Chairman, I rise today in strong support of H.R. 22, the Postal Accountability and Enhancement Act.

Employing nine million workers nationwide, many of whom reside in my Congressional District of El Paso, Texas, the United States Postal Service (USPS) has been delivering hundreds of millions of pieces of mail each day keeping an important link of communication open to millions of people.

Many of my constituents from El Paso, Texas who have expressed their strong support for postal reform. I share their support and have co-sponsored the bill before us today.

Mr. Chairman, this legislation would ensure that the USPS is provided with the tools to remain competitive and viable in the 21st century. As a co-sponsor of H.R. 22, I would urge all my colleagues to support the passage of this important legislation.

Ms. DELAURO. Mr. Chairman, I rise in strong support of H.R. 22, the Postal Accountability and Enhancement Act. This legislation, which is long overdue, will improve commerce in this country, better the lives of the nation's postal workers, and guarantee that the mail will be delivered each day to the 140 million American households that look forward to a daily visit from their letter carrier.

In a time of declining revenues and increased costs, it is no secret that the Postal Service faces financial challenges. Competition in the package-delivery business and from Internet-based communication has intensified. And, as a result, each year, the dedicated letter carriers of the Postal Service are asked to carry less mail to more households and businesses nationwide. In part, that is because the Postal Service is operating under laws written 35 years ago—long before anyone had ever heard of the Internet.

This legislation will modernize the Postal Service, giving it the resources and flexibility it needs to manage its operations and set fair prices. The bill will help the Postal Service cut through the bureaucratic red tape and allow it to act more like the businesses it must compete against.

In addition to providing a more streamlined rate-setting process that will allow the Postal Service to make business decisions quickly, the bill also will allow the Postal Service to enter into partnerships with second- and third-class mailers, while preserving the jobs of those at postal sorting and processing centers. I welcome these improvements, although I anticipate more will need to be done to balance

the mailing industry's need for price certainty with unanticipated or extraordinary fiscal needs of the Postal Service.

The bill will alleviate a $27 billion burden by limiting the Postal Service's responsibility to pay the benefits of veterans who also worked in the Postal Service. To be clear, this provision does not limit the benefits of our brave veterans who, after military service, went to work for the Postal Service. This bill simply says that the U.S. Treasury must pay veterans benefits, and the Postal Service must pay postal benefits.

Mr. Chairman, this legislation is also good for one of the Postal Service's best assets—its human capital. I am particularly pleased that this bill preserves the right of more than 500,000 postal workers and letter carriers to bargain collectively. These dedicated men and women work in processing centers, they work in local post offices, and they work in our neighborhoods delivering the mail to our doorsteps each day. They are the reason that the postal service has a 96 percent on-time delivery record for first-class mail.

Mr. Chairman, this is a good bill. It will make the Postal Service leaner and more efficient, while preserving the collective bargaining rights of its workers. And it will continue the legacy of universal service. Since the birth of this nation, the United States Postal Service has been committed to delivering the mail to every single household in the country—142 million in all today. The daily mail delivery is something that many Americans look forward to, and this bill will ensure that the Postal Service has the resources it needs to maintain that commitment well into the future. I urge my colleagues to support this important legislation.

Mr. BACA. Mr. Chairman, since the days of the pony express, the USPS has become a part of the American family.

Consider the special place of the Postal Service in our society and its importance to Americans: to the teenagers waiting by the mailbox for the college acceptance letters, to families waiting for letters from loved ones serving abroad, to businesses reaching out to new customers and to so many others.

The Postal Service delivers mail six days a week to nearly 140 million addresses. Every year this number increases by 2 million. The Postal Service's unmatched ability to reach every household and business in America six days a week is a vital part of the nation's infrastructure.

The Postal Service needs tools to modernize and compete. That is why today I am a cosponsor of H.R. 22, the Postal Accountability and Enhancement Act. This legislation will not only ensure survival of the Postal Service but also help preserve universal service at affordable rates for American mailing consumers. We need to ensure the long-term viability of this $900 billion industry and its nine million employees. I only wish that we could also pass H.R. 147, the Social Security Fairness Act.

We need to correct the Windfall Elimination Provision, which lowers Social Security benefits for retirees who receive a Civil Service Retirement System annuity and Social Security benefits from other jobs. Too many Postal Service employees have seen their Social Security benefits reduced by as much as 55% because of the Windfall Elimination Provision. We also need to fix the Government Pension Offset, so that spouses and survivors do not have their benefits reduced.

Mr. Chairman, H.R. 22 is a good first step and I encourage my colleagues to support the bill.

Mr. LEACH. Mr. Chairman, I rise in support of the legislation before us: the most important postal reform of our generation.

The specific reforms contained in the bill have been well described in the preceding comments of various members, but I would simply like to underscore the importance of the United States Postal Service to the country, particularly rural America, and emphasize the immense respect that citizens have for their mail carriers.

The United States Postal Service began with the founding of the Republic; it grew as the nation grew; it has continuously transformed itself with entrepreneurial enterprise and technological innovation.

Before Henry Ford developed mass assembly techniques in the automobile industry, mail carriers on horseback—the pony express—used analogous methods of passing along packages to next-step destinations. And just as rail cars added speed, labor- and horse-saving capabilities to mail delivery in the latter half of the 19th century, the airplane has provided the means to bring greater speed and service efficiency in the last century. Likewise, at the various decentralized post offices and more centralized postal hubs, innovative machinery to help sort and distribute the mail has been developed.

But the unique aspect of mail delivery is that it remains a people-centric service. Good people make a difference and the Postal Service has a heritage of decency and quality of enlployee—from the clerk at the counter to the rural mail carrier to postmasters in small towns and urban centers. This country takes great pride in their dedication and professionalism.

Now is not the time to either ideologically tamper with the private express statutes or saddle the Postal Service with liabilities developed by other parts of the government.

The bottom line is that the United States Postal Service has served the country well for more than two centuries. We in the Congress respect this record and are obligated to ensure that the viability of this universal system is maintained.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 22

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Postal Accountability and Enhancement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—DEFINITIONS; POSTAL SERVICES

SEC. 101. DEFINITIONS.

Section 102 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semicolon, and by adding at the end the following:

''(5) 'postal service' means the carriage of letters, printed matter, or mailable packages, including acceptance, collection, processing, delivery, or other functions supportive or ancillary thereto;

''(6) 'product' means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied;

''(7) 'rates', as used with respect to products, includes fees for postal services;

''(8) 'market-dominant product' or 'product in the market-dominant category of mail' means a product subject to subchapter I of chapter 36;

''(9) 'competitive product' or 'product in the competitive category of mail' means a product subject to subchapter II of chapter 36;

''(10) 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor; and

''(11) 'year', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.''.

SEC. 102. POSTAL SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(2) by adding at the end the following:

''(c) Nothing in this title shall be considered to permit or require that the Postal Service provide any special nonpostal or similar services, except that nothing in this subsection shall prevent the Postal Service from providing any special nonpostal or similar services provided by the Postal Service as of January 4, 2005.''.

(b) CONFORMING AMENDMENT.—Section 1402(b)(1)(B)(ii) of the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. 10601(b)(1)(B)(ii)) is amended by striking ''404(a)(8)'' and inserting ''404(a)(7)''.

SEC. 103. FINANCIAL TRANSPARENCY.

(a) IN GENERAL.—Section 101 of title 39, United States Code, is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following:

''(d) As an establishment that provides both market-dominant and competitive products, the Postal Service shall be subject to a high degree of transparency, including in its finances and operations, to ensure fair treatment of customers of the Postal Service's market-dominant products and companies competing with the Postal Service's competitive products.''.

(b) CONFORMING AMENDMENT.—Section 5001 of title 39, United States Code, is amended by striking ''101(e) and (f)'' and inserting ''101(f) and (g)''.

TITLE II—MODERN RATE REGULATION

SEC. 201. PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by striking sections 3621 and 3622 and inserting the following:

''§ 3621. Applicability; definitions

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1)(A) single piece first-class letters (both domestic and international);

''(B) single piece first-class cards (both domestic and international); and

''(C) special services;

''(2) all first-class mail not included under paragraph (1);

''(3) periodicals;

''(4) standard mail;

''(5) media mail;

''(6) library mail; and

''(7) bound printed matter,

subject to any changes the Postal Regulatory Commission may make under section 3642.

''(b) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''§ 3622. Modern rate regulation

''(a) AUTHORITY GENERALLY.—The Postal Regulatory Commission shall, within 24 months after the date of the enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

''(b) OBJECTIVES.—Such system shall be designed to achieve the following objectives:

''(1) To establish and maintain a fair and equitable schedule for rates and classification.

''(2) To maximize incentives to reduce costs and increase efficiency.

''(3) To create predictability and stability in rates.

''(4) To maintain high quality service standards.

''(5) To allow the Postal Service pricing flexibility.

''(6) To assure adequate revenues, including retained earnings, to maintain financial stability.

''(7) To reduce the administrative burden of the ratemaking process.

''(c) FACTORS.—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

''(1) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

''(2) the direct and indirect postal costs attributable to each class or type of mail service plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

''(3) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

''(4) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

''(5) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

''(6) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

''(7) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

''(8) the importance of providing classifications with extremely high degrees of reliability and speed of delivery and of providing those that do not require high degrees of reliability and speed of delivery;

''(9) the desirability of special classifications from the point of view of both the user and of the Postal Service;

''(10) the educational, cultural, scientific, and informational value to the recipient of mail matter; and

''(11) the policies of this title as well as such other factors as the Commission deems appropriate.

''(d) ALLOWABLE PROVISIONS.—The system for regulating rates and classes for market-dominant products may include one or more of the following:

''(1) Price caps, revenue targets, or other form of incentive regulation.

''(2) Cost-of-service regulation.

''(3) Such other form of regulation as the Commission considers appropriate to achieve, consistent with subsection (c), the objectives of subsection (b).

''(e) LIMITATION.—In the administration of this section, the Commission shall not permit the average rate in any subclass of mail to increase at an annual rate greater than the comparable increase in the Consumer Price Index, unless it has, after notice and opportunity for a public hearing and comment, determined that such increase is reasonable and equitable and necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

''(f) TRANSITION RULE.—Until regulations under this section first take effect, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of the enactment of this section.''.

(b) REPEALED SECTIONS.—Sections 3623, 3624, 3625, and 3628 of title 39, United States Code, are repealed.

(c) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect after the amendment made by section 501(a)(2), but before the amendment made by section 202) is amended by striking the heading for subchapter II and inserting the following:

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS''.

SEC. 202. PROVISIONS RELATING TO COMPETITIVE PRODUCTS.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3629 the following:

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''§ 3631. Applicability; definitions and updates

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1) priority mail;

''(2) expedited mail;

''(3) mailgrams;

''(4) international mail; and

''(5) parcel post,

subject to any changes the Postal Regulatory Commission may make under section 3642.

''(b) DEFINITION.—For purposes of this subchapter, the term 'costs attributable', as used with respect to a product, means the direct and indirect postal costs attributable to such product.

''(c) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''§ 3632. Action of the Governors

''(a) AUTHORITY TO ESTABLISH RATES AND CLASSES.—The Governors shall establish rates

and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

''(b) PROCEDURES.—

''(1) IN GENERAL.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

''(2) RATES OR CLASSES OF GENERAL APPLICABILITY.—In the case of rates or classes of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the Governors' proceedings in connection with such decision to be published in the Federal Register at least 30 days before the effective date of any new rates or classes.

''(3) RATES OR CLASSES NOT OF GENERAL APPLICABILITY.—In the case of rates or classes not of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the proceedings in connection with such decision to be filed with the Postal Regulatory Commission by such date before the effective date of any new rates or classes as the Governors consider appropriate, but in no case less than 15 days.

''(4) CRITERIA.—As part of the regulations required under section 3633, the Postal Regulatory Commission shall establish criteria for determining when a rate or class established under this subchapter is or is not of general applicability in the Nation as a whole or in any substantial region of the Nation.

''(c) TRANSITION RULE.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of the enactment of this section.

''§ 3633. Provisions applicable to rates for competitive products

''The Postal Regulatory Commission shall, within 18 months after the date of the enactment of this section, promulgate (and may from time to time thereafter revise) regulations—

''(1) to prohibit the subsidization of competitive products by market-dominant products;

''(2) to ensure that each competitive product covers its costs attributable; and

''(3) to ensure that all competitive products collectively make a reasonable contribution to the institutional costs of the Postal Service.''.

SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS.

Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''§ 3641. Market tests of experimental products

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Postal Service may conduct market tests of experimental products in accordance with this section.

''(2) PROVISIONS WAIVED.—A product shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

''(b) CONDITIONS.—A product may not be tested under this section unless it satisfies each of the following:

''(1) SIGNIFICANTLY DIFFERENT PRODUCT.—The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.

''(2) MARKET DISRUPTION.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (h)).

''(3) CORRECT CATEGORIZATION.—The Postal Service identifies the product, for the purpose of a test under this section, as either market dominant or competitive, consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3) (relating to provisions applicable to competitive products collectively).

''(c) NOTICE.—

''(1) IN GENERAL.—At least 30 days before initiating a market test under this section, the Postal Service shall file with the Postal Regulatory Commission and publish in the Federal Register a notice—

''(A) setting out the basis for the Postal Service's determination that the market test is covered by this section; and

''(B) describing the nature and scope of the market test.

''(2) SAFEGUARDS.—For a competitive experimental product, the provisions of section 504(g) shall be available with respect to any information required to be filed under paragraph (1) to the same extent and in the same manner as in the case of any matter described in section 504(g)(1). Nothing in paragraph (1) shall be considered to permit or require the publication of any information as to which confidential treatment is accorded under the preceding sentence (subject to the same exception as set forth in section 504(g)(3)).

''(d) DURATION.—

''(1) IN GENERAL.—A market test of a product under this section may be conducted over a period of not to exceed 24 months.

''(2) EXTENSION AUTHORITY.—If necessary in order to determine the feasibility or desirability of a product being tested under this section, the Postal Regulatory Commission may, upon written application of the Postal Service (filed not later than 60 days before the date as of which the testing of such product would otherwise be scheduled to terminate under paragraph (1)), extend the testing of such product for not to exceed an additional 12 months.

''(e) DOLLAR-AMOUNT LIMITATION.—

''(1) IN GENERAL.—A product may be tested under this section only if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $10,000,000 nationwide in any year, subject to paragraph (2) and subsection (g). In carrying out the preceding sentence, the Postal Regulatory Commission may limit the amount of revenues the Postal Service may obtain from any particular geographic market as necessary to prevent market disruption (as defined in subsection (b)(2)).

''(2) EXEMPTION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exempt the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such application if it determines that—

''(A) the product is likely to benefit the public and meet an expected demand;

''(B) the product is likely to contribute to the financial stability of the Postal Service; and

''(C) the product is not likely to result in unfair or otherwise inappropriate competition.

''(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails, with respect to any particular product, to meet one or more of the requirements of this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

''(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined under regulations of the Commission).

''(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

''(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a).

''§ 3642. New products and transfers of products between the market-dominant and competitive categories of mail

''(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

''(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

''(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing business to other firms offering similar products. The competitive category of products shall consist of all other products.

''(2) EXCLUSION OF PRODUCTS COVERED BY POSTAL MONOPOLY.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term 'product covered by the postal monopoly' means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception as set forth in the last sentence of section 409(e)(1).

''(3) ADDITIONAL CONSIDERATIONS.—In making any decision under this section, due regard shall be given to—

''(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

''(B) the views of those who use the product involved on the appropriateness of the proposed action; and

''(C) the likely impact of the proposed action on small business concerns (within the meaning of section 3641(h)).

''(c) TRANSFERS OF SUBCLASSES AND OTHER SUBORDINATE UNITS ALLOWABLE.—Nothing in this title shall be considered to prevent transfers under this section from being made by reason of the fact that they would involve only some (but not all) of the subclasses or other subordinate units of the class of mail or type of postal service involved (without regard to satisfaction of minimum quantity requirements standing alone).

''(d) NOTIFICATION AND PUBLICATION REQUIREMENTS.—

''(1) NOTIFICATION REQUIREMENT.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice

setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission pursuant to section 3633. The provisions of section 504(g) shall be available with respect to any information required to be filed.

''(2) PUBLICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall indicate how and when any previous lists (including the lists under sections 3621 and 3631) are superseded, and shall be published in the Federal Register.

''(e) NOTIFICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it reaches a conclusion that a product or products should be transferred between the list of market-dominant products under section 3621 and the list of competitive products under section 3631, immediately notify the appropriate committees of the Congress. No such transfer may take effect less than 12 months after such conclusion.

''(f) PROHIBITION.—Except as provided in section 3641, no product that involves the carriage of letters, printed matter, or mailable packages may be offered by the Postal Service unless it has been assigned to the market-dominant or competitive category of mail (as appropriate) either—

''(1) under this subchapter; or

''(2) by or under any other provision of law.''.

SEC. 204. REPORTING REQUIREMENTS AND RELATED PROVISIONS.

(a) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect before the amendment made by subsection (b)) is amended by striking the heading for subchapter IV and inserting the following:

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW''.

(b) REPORTS AND COMPLIANCE.—Chapter 36 of title 39, United States Code, is amended by inserting after subchapter III the following:

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''§ 3651. Annual reports by the Commission

''(a) IN GENERAL.—The Postal Regulatory Commission shall submit an annual report to the President and the Congress concerning the operations of the Commission under this title, including the extent to which regulations are achieving the objectives under sections 3622 and 3633, respectively.

''(b) ADDITIONAL INFORMATION.—In addition to the information required under subsection (a), each report under this section shall also include, with respect to the period covered by such report, an estimate of the costs incurred by the Postal Service in providing—

''(1) postal services to areas of the Nation where, in the judgment of the Postal Regulatory Commission, the Postal Service either would not provide services at all or would not provide such services in accordance with the requirements of this title if the Postal Service were not required to provide prompt, reliable, and efficient services to patrons in all areas and all communities, including as required under the first sentence of section 101(b);

''(2) free or reduced rates for postal services as required by this title; and

''(3) other public services or activities which, in the judgment of the Postal Regulatory Commission, would not otherwise have been provided by the Postal Service but for the requirements of law.

The Commission shall detail the bases for its estimates and the statutory requirements giving rise to the costs identified in each report under this section.

''(c) INFORMATION FROM POSTAL SERVICE.—The Postal Service shall provide the Postal Regulatory Commission with such information as may, in the judgment of the Commission, be necessary in order for the Commission to prepare its reports under this section.

''§ 3652. Annual reports to the Commission

''(a) COSTS, REVENUES, AND RATES.—Except as provided in subsection (c), the Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex thereto as the Commission may require under subsection (e))—

''(1) which shall analyze costs, revenues, and rates, using such methodologies as the Commission shall by regulation prescribe, and in sufficient detail to demonstrate that the rates in effect for all products during such year complied with all applicable requirements of this title; and

''(2) which shall, for each market-dominant product provided in such year, provide—

''(A) market information, including mail volumes; and

''(B) measures of the quality of service afforded by the Postal Service in connection with such product, including—

''(i) the service standard applicable to such product;

''(ii) the level of service (described in terms of speed of delivery and reliability) provided; and

''(iii) the degree of customer satisfaction with the service provided.

The Inspector General shall regularly audit the data collection systems and procedures utilized in collecting information and preparing such report (including any annex thereto and the information required under subsection (b)). The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

''(b) INFORMATION RELATING TO WORKSHARE DISCOUNTS.—

''(1) IN GENERAL.—The Postal Service shall include, in each report under subsection (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

''(A) The per-item cost avoided by the Postal Service by virtue of such discount.

''(B) The percentage of such per-item cost avoided that the per-item workshare discount represents.

''(C) The per-item contribution made to institutional costs.

''(2) WORKSHARE DISCOUNT DEFINED.—For purposes of this subsection, the term 'workshare discount' has the meaning given such term under section 3687.

''(c) MARKET TESTS.—In carrying out subsections (a) and (b) with respect to experimental products offered through market tests under section 3641 in a year, the Postal Service—

''(1) may report summary data on the costs, revenues, and quality of service by market test; and

''(2) shall report such data as the Postal Regulatory Commission requires.

''(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

''(e) CONTENT AND FORM OF REPORTS.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating thereto) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

''(A) providing the public with adequate information to assess the lawfulness of rates charged;

''(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

''(C) protecting the confidentiality of commercially sensitive information.

''(2) REVISED REQUIREMENTS.—The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

''(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

''(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

''(C) those revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(f) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or pursuant to subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

''(g) OTHER REPORTS.—The Postal Service shall submit to the Postal Regulatory Commission, together with any other submission that it is required to make under this section in a year, copies of its then most recent—

''(1) comprehensive statement under section 2401(e);

''(2) performance plan under section 2803; and

''(3) program performance reports under section 2804.

''§ 3653. Annual determination of compliance

''(a) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under section 3652 for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by users of the mails, affected parties, and an officer of the Commission who shall be required to represent the interests of the general public.

''(b) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under section 3652 with respect to a year, the Postal Regulatory Commission shall make a written determination as to—

''(1) whether any rates or fees in effect during such year (for products individually or collectively) were not in compliance with applicable provisions of this chapter (or regulations promulgated thereunder);

''(2) whether any performance goals established under section 2803 or 2804 for such year were not met; and

''(3) whether any market-dominant product failed to meet any service standard during such year.

If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall be to that effect.

''(c) IF ANY NONCOMPLIANCE IS FOUND.—If, for a year, a timely written determination of

noncompliance is made under subsection (b), the Postal Regulatory Commission shall take appropriate action in accordance with subsections (c)–(e) of section 3662 (as if a complaint averring such noncompliance had been duly filed and found under such section to be justified).

''(d) REBUTTABLE PRESUMPTION.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described in paragraphs (1) through (3) of subsection (b)) during the year to which such determination relates.

''§ 3654. Additional financial reporting

''(a) ADDITIONAL FINANCIAL REPORTING.—

''(1) IN GENERAL.—The Postal Service shall file with the Postal Regulatory Commission beginning with the first full fiscal year following the effective date of this section—

''(A) within 35 days after the end of each fiscal quarter, a quarterly report containing the information required by the Securities and Exchange Commission to be included in quarterly reports under sections 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)) on Form 10-Q, as such Form (or any successor form) may be revised from time to time;

''(B) within 60 days after the end of each fiscal year, an annual report containing the information required by the Securities and Exchange Commission to be included in annual reports under such sections on Form 10-K, as such Form (or any successor form) may be revised from time to time; and

''(C) periodic reports within the time frame and containing the information prescribed in Form 8-K of the Securities and Exchange Commission, as such Form (or any successor form) may be revised from time to time.

''(2) REGISTRANT DEFINED.—For purposes of defining the reports required by paragraph (1), the Postal Service shall be deemed to be the 'registrant' described in the Securities and Exchange Commission Forms, and references contained in such Forms to Securities and Exchange Commission regulations are incorporated herein by reference, as amended.

''(3) INTERNAL CONTROL REPORT.—For purposes of defining the reports required by paragraph (1)(B), the Postal Service shall comply with the rules prescribed by the Securities and Exchange Commission implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262), beginning with the annual report for fiscal year 2007.

''(b) FINANCIAL REPORTING.—

''(1) The reports required by subsection (a)(1)(B) shall include, with respect to the Postal Service's pension and post-retirement health obligations—

''(A) the funded status of the Postal Service's pension and —postretirement health obligations;

''(B) components of the net change in the fund balances and obligations and the nature and cause of any significant changes;

''(C) components of net periodic costs;

''(D) cost methods and assumptions underlying the relevant actuarial valuations;

''(E) the effect of a one-percentage point increase in the assumed health care cost trend rate for each future year on the service and interest costs components of net periodic postretirement health cost and the accumulated obligation;

''(F) actual contributions to and payments from the funds for the years presented and the estimated future contributions and payments for each of the following 5 years;

''(G) the composition of plan assets reflected in the fund balances; and

''(H) the assumed rate of return on fund balances and the actual rates of return for the years presented.

''(2)(A) Beginning with reports for the fiscal year 2007, for purposes of the reports required under subparagraphs (A) and (B) of subsection (a)(1), the Postal Service shall include segment reporting.

''(B) The Postal Service shall determine the appropriate segment reporting under subparagraph (A) after consultation with the Postal Regulatory Commission.

''(c) TREATMENT.—For purposes of the reports required by subsection (a)(1)(B), the Postal Service shall obtain an opinion from an independent auditor on whether the information listed in subsection (b) is fairly stated in all material respects, either in relation to the basic financial statements as a whole or on a standalone basis.

''(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access to the audit documentation and any other supporting matter of the Postal Service and its independent auditor in connection with any information submitted under this section.

''(e) REVISED REQUIREMENTS.—The Postal Regulatory Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required under this section whenever it shall appear that—

''(1) the data have become significantly inaccurate or can be significantly improved; or

''(2) those revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(f) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or pursuant to subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).''.

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

''§ 3662. Rate and service complaints

''(a) IN GENERAL.—Interested persons (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believe the Postal Service is not operating in conformance with the requirements of chapter 1, 4, or 6, or this chapter (or regulations promulgated under any of those chapters) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

''(b) PROMPT RESPONSE REQUIRED.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a), either—

''(A) begin proceedings on such complaint; or

''(B) issue an order dismissing the complaint (together with a statement of the reasons therefor).

''(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed pursuant to an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

''(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance (such as ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, or requiring the Postal Service to make up for revenue shortfalls in competitive products).

''(d) SUSPENSION AUTHORITY.—The Postal Regulatory Commission may suspend implementation of rates or classifications under section 3632(b)(3) for a limited period of time pending expedited proceedings under this section. In evaluating whether circumstances warrant suspension, the Commission shall consider factors such as (1) whether there is a substantial likelihood that such rate or classification will violate the requirements of chapter 1, 4, or 6, or this chapter (or regulations promulgated under any of those chapters), (2) whether any persons would suffer substantial injury, loss, or damage absent a suspension, (3) whether the Postal Service or any other persons would suffer substantial injury, loss, or damage under a suspension, and (4) the public interest.

''(e) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid out of the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

''§ 3663. Appellate review

''A person adversely affected or aggrieved by a final order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission. For purposes of this section, the term 'person' includes the Postal Service.

''§ 3664. Enforcement of orders

''The several district courts have jurisdiction specifically to enforce, and to enjoin and restrain the Postal Service from violating, any order issued by the Postal Regulatory Commission.''.

SEC. 206. WORKSHARE DISCOUNTS.

(a) IN GENERAL.—Title 39, United States Code, is amended by adding after section 3686 (as added by section 406) the following:

''§ 3687. Workshare discounts

''(a) IN GENERAL.—As part of the regulations established under section 3622(a), the Postal Regulatory Commission shall establish rules for workshare discounts that ensure that such discounts do not exceed the cost that the Postal Service avoids as the result of workshare activity, unless—

''(1) the discount is—

''(A) associated with a new postal service, a change to an existing postal service, or a new workshare initiative related to an existing postal service; and

''(B) necessary to induce mailer behavior that furthers the economically efficient operation of

the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the workshare activity will be phased out over a limited period of time;

''(2) a reduction in the discount would—

''(A) lead to a loss of volume in the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass subject to the discount below what it otherwise would have been if the discount had not been reduced to costs avoided;

''(B) result in a further increase in the rates paid by mailers not able to take advantage of the discount; or

''(C) impede the efficient operation of the Postal Service;

''(3) the amount of the discount above costs avoided—

''(A) is necessary to mitigate rate shock; and

''(B) will be phased out over time; or

''(4) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, scientific, or informational value.

''(b) REPORT.—Whenever the Postal Service establishes or maintains a workshare discount, the Postal Service shall, at the time it publishes the workshare discount rate, submit to the Postal Regulatory Commission a detailed report that—

''(1) explains the Postal Service's reasons for establishing or maintaining the rate;

''(2) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

''(3) certifies that the discount will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

''(c) DEFINITION.—For purposes of this section, the term 'workshare discount' refers to rate discounts provided to mailers for the presorting, prebarcoding, handling, or transportation of mail, as further defined by the Postal Regulatory Commission under section 3622(a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 36 of title 39, United States Code (as amended by section 207) is amended by adding after the item relating to section 3686 the following:

''3687. Workshare discounts.''.

SEC. 207. CLERICAL AMENDMENT.

Chapter 36 of title 39, United States Code, is amended by striking the heading and analysis for such chapter and inserting the following:

''CHAPTER 36—POSTAL RATES, CLASSES AND SERVICES

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

''Sec.
''3621. Applicability; definitions.
''3622. Modern rate regulation.
''3626. Reduced rates.
''3627. Adjusting free rates.
''3629. Reduced rates for voter registration purposes.

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''3631. Applicability; definitions and updates.
''3632. Action of the Governors.
''3633. Provisions applicable to rates for competitive products.
''3634. Assumed Federal income tax on competitive products.

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''3641. Market tests of experimental products.
''3642. New products and transfers of products between the market-dominant and competitive categories of mail.

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''3651. Annual reports by the Commission.
''3652. Annual reports to the Commission.
''3653. Annual determination of compliance.
''3654. Additional financial reporting.

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW

''3661. Postal services.
''3662. Rate and service complaints.
''3663. Appellate review.
''3664. Enforcement of orders.

''SUBCHAPTER VI—GENERAL

''3681. Reimbursement.
''3682. Size and weight limits.
''3683. Uniform rates for books; films, other materials.
''3684. Limitations.
''3685. Filing of information relating to periodical publications.
''3686. Bonus authority.''.

TITLE III—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 301. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) PROVISIONS RELATING TO POSTAL SERVICE COMPETITIVE PRODUCTS FUND AND RELATED MATTERS.—

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

''§2011. Provisions relating to competitive products

''(a) There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

''(1) costs attributable to competitive products; and

''(2) all other costs incurred by the Postal Service, to the extent allocable to competitive products.

For purposes of this subsection, the term 'costs attributable' has the meaning given such term by section 3631.

''(b) There shall be deposited in the Competitive Products Fund, subject to withdrawal by the Postal Service—

''(1) revenues from competitive products;

''(2) amounts received from obligations issued by the Postal Service under subsection (e);

''(3) interest and dividends earned on investments of the Competitive Products Fund; and

''(4) any other receipts of the Postal Service (including from the sale of assets), to the extent allocable to competitive products.

''(c) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

''(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

''(e)(1) Subject to the limitations specified in section 2005(a), the Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund. Any such borrowings by the Postal Service shall be supported and serviced by the revenues and receipts from competitive products and the assets related to the provision of competitive products (as determined under subsection (h) or, for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e), but in either case subject to paragraph (5)).

''(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to—

''(A) the establishment of reserve, sinking, and other funds;

''(B) application and use of revenues and receipts of the Competitive Products Fund;

''(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service; and

''(D) such other matters as the Postal Service considers necessary or desirable to enhance the marketability of such obligations.

''(3) The obligations issued by the Postal Service under this section—

''(A) shall be in such forms and denominations;

''(B) shall be sold at such times and in such amounts;

''(C) shall mature at such time or times;

''(D) shall be sold at such prices;

''(E) shall bear such rates of interest;

''(F) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

''(G) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

''(H) shall be subject to such other terms and conditions;

as the Postal Service determines.

''(4) Obligations issued by the Postal Service under this subsection—

''(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

''(B) shall contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

''(C) shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

''(D) shall not be exempt either as to principal or interest from any taxation now or hereafter imposed by any State or local taxing authority; and

''(E) except as provided in section 2006(c) of this title, shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, and the obligations shall so plainly state.

''(5) The Postal Service shall make payments of principal, or interest, or both on obligations issued under this section out of revenues and receipts from competitive products and assets related to the provision of competitive products (as determined under subsection (h) or, for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e)). For purposes of this subsection, the total assets of the Competitive Products Fund shall be the greater of—

''(A) the assets related to the provision of competitive products; or

''(B) the percentage of total Postal Service revenues and receipts from competitive products times the total assets of the Postal Service.

''(f) The receipts and disbursements of the Competitive Products Fund shall be accorded the same budgetary treatment as is accorded to receipts and disbursements of the Postal Service Fund under section 2009a.

''(g) A judgment against the Postal Service or the Government of the United States (or settlement of a claim) shall, to the extent that it arises out of activities of the Postal Service in the provision of competitive products, be paid out of the Competitive Products Fund.

''(h)(1) The Secretary of the Treasury, in consultation with the Postal Service and an independent, certified public accounting firm and such other advisors as the Secretary considers appropriate, shall develop recommendations regarding—

''(A) the accounting practices and principles that should be followed by the Postal Service with the objectives of (i) identifying and valuing the assets and liabilities of the Postal Service associated with providing, and the capital and operating costs incurred by the Postal Service in providing, competitive products, and (ii) subject to subsection (e)(5), preventing the subsidization of such products by market-dominant products; and

''(B) the substantive and procedural rules that should be followed in determining the Postal Service's assumed Federal income tax on competitive products income for any year (within the meaning of section 3634).

Such recommendations shall be submitted to the Postal Regulatory Commission no earlier than 6 months, and no later than 12 months, after the effective date of this section.

''(2)(A) Upon receiving the recommendations of the Secretary of the Treasury under paragraph (1), the Commission shall give interested parties, including the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public, an opportunity to present their views on those recommendations through submission of written data, views, or arguments, with or without opportunity for oral presentation, or in such other manner as the Commission considers appropriate.

''(B) After due consideration of the views and other information received under subparagraph (A), the Commission shall by rule—

''(i) provide for the establishment and application of the accounting practices and principles which shall be followed by the Postal Service;

''(ii) provide for the establishment and application of the substantive and procedural rules described in paragraph (1)(B); and

''(iii) provide for the submission by the Postal Service to the Postal Regulatory Commission of annual and other periodic reports setting forth such information as the Commission may require.

Final rules under this subparagraph shall be issued not later than 12 months after the date on which the Secretary of the Treasury makes his submission to the Commission under paragraph (1) (or by such later date as the Commission and the Postal Service may agree to). The Commission is authorized to promulgate regulations revising such rules.

''(C) Reports described in subparagraph (B)(iii) shall be submitted at such time and in such form, and shall include such information, as the Commission by rule requires. The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with such rules as the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data under such subparagraph whenever it shall appear that—

''(i) the quality of the information furnished in those reports has become significantly inaccurate or can be significantly improved; or

''(ii) those revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(D) A copy of each report described in subparagraph (B)(iii) shall also be transmitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

''(i) The Postal Service shall render an annual report to the Secretary of the Treasury concerning the operation of the Competitive Products Fund, in which it shall address such matters as risk limitations, reserve balances, allocation or distribution of moneys, liquidity requirements, and measures to safeguard against losses. A copy of its then most recent report under this subsection shall be included with any other submission that it is required to make to the Postal Regulatory Commission under section 3652(g).''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 20 of title 39, United States Code, is amended by adding after the item relating to section 2010 the following:

''2011. Provisions relating to competitive products.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) 'Competitive Products Fund' means the Postal Service Competitive Products Fund established by section 2011; and''.

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking ''Fund,'' and inserting ''Fund and the balance in the Competitive Products Fund,''.

(3) POSTAL SERVICE FUND.—

(A) PURPOSES FOR WHICH AVAILABLE.—Section 2003(a) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).''.

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking ''There'' and inserting ''Except as otherwise provided in section 2011, there''.

(4) RELATIONSHIP BETWEEN THE TREASURY AND THE POSTAL SERVICE.—Section 2006 of title 39, United States Code, is amended—

(A) in subsection (a), by inserting ''or section 2011'' before ''of this title,'';

(B) in subsection (b), by inserting ''under section 2005'' before ''in such amounts'' in the first sentence and before ''in excess of such amount.'' in the second sentence; and

(C) in subsection (c), by inserting ''or section 2011(e)(4)(E)'' before ''of this title,''.

SEC. 302. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

''§ 3634. Assumed Federal income tax on competitive products income

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'assumed Federal income tax on competitive products income' means the net income tax that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service's assumed taxable income from competitive products for the year; and

''(2) the term 'assumed taxable income from competitive products', with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year, if—

''(A) the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

''(B) the only assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities.

''(b) COMPUTATION AND TRANSFER REQUIREMENTS.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a)—

''(1) compute its assumed Federal income tax on competitive products income for such year; and

''(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount of that assumed tax.

''(c) DEADLINE FOR TRANSFERS.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.''.

SEC. 303. UNFAIR COMPETITION PROHIBITED.

(a) SPECIFIC LIMITATIONS.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

''§ 404a. Specific Limitations

''(a) Except as specifically authorized by law, the Postal Service may not—

''(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

''(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

''(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any product or service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

''(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

''(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.''.

(b) CONFORMING AMENDMENTS.—

(1) GENERAL POWERS.—Section 401 of title 39, United States Code, is amended by striking ''The'' and inserting ''Subject to the provisions of section 404a, the''.

(2) SPECIFIC POWERS.—Section 404(a) of title 39, United States Code, is amended by striking ''Without'' and inserting ''Subject to the provisions of section 404a, but otherwise without''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

''404a. Specific limitations.''.

SEC. 304. SUITS BY AND AGAINST THE POSTAL SERVICE.

(a) IN GENERAL.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

''(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

''(A) shall be considered to be a 'person', as used in the provisions of law involved; and

''(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

''(2) This subsection applies with respect to—

''(A) the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' (15 U.S.C. 1051 and following)); and

''(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

''(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any competitive product, the Postal Service or other Federal agency (as the case may be)—

''(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

''(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

''(i) the antitrust laws (as defined in such subsection); and

''(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

''(3) This subsection shall not apply with respect to conduct occurring before the date of the enactment of this subsection.

''(f)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes.

''(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

''(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

''(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

''(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

''(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

''(i) a copy of such schedule before construction of the building is begun; and

''(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

''(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

''(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

''(6) For purposes of this subsection, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

''(g)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

''(A) Subsection (d) or (e) of this section.

''(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

''(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

''(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

''(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

''(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

''(h) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).''.

(b) TECHNICAL AMENDMENT.—Section 409(a) of title 39, United States Code, is amended by striking ''Except as provided in section 3628 of this title,'' and inserting ''Except as otherwise provided in this title,''.

SEC. 305. INTERNATIONAL POSTAL ARRANGEMENTS.

(a) IN GENERAL.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International postal arrangements

''(a) It is the policy of the United States—

''(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

''(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

''(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services and other international delivery services by the Government of the United States and by intergovernmental organizations of which the United States is a member; and

''(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

''(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and other international delivery services, and shall have the power to conclude treaties, conventions and amendments related to international postal services and other international delivery services, except that the Secretary may not conclude any treaty, convention, or other international agreement (including those regulating international postal services) if such treaty, convention, or agreement would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal or delivery services, or any other person.

''(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services and international delivery services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

''(A) shall coordinate with other agencies as appropriate, and in particular, shall give full consideration to the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

''(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

''(C) shall maintain continuing liaison with the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate;

''(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

''(E) shall assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

''(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

''(c)(1) Before concluding any treaty, convention, or amendment that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of State shall request the Postal Regulatory Commission to submit a decision on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

''(2) The Secretary shall ensure that each treaty, convention, or amendment concluded under subsection (b) is consistent with a decision of the Commission adopted under paragraph (1), except if, or to the extent, the Secretary determines, by written order, that considerations of foreign policy or national security require modification of the Commission's decision.

''(d) Nothing in this section shall be considered to prevent the Postal Service from entering

into such commercial or operational contracts related to providing international postal services and other international delivery services as it deems appropriate, except that—

''(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be international law; and

''(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

''(e)(1) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Bureau of Customs and Border Protection of the Department of Homeland Security and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

''(2) For purposes of this subsection, the term 'private company' means a private company substantially owned or controlled by persons who are citizens of the United States.

''(3) In exercising the authority pursuant to subsection (b) to conclude new treaties, conventions and amendments related to international postal services and to renegotiate such treaties, conventions and amendments, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs, Department of Homeland Security in carrying out this paragraph.

''(4) The provisions of this subsection shall take effect 6 months after the date of the enactment of this subsection or such earlier date as the Bureau of Customs and Border Protection of the Department of Homeland Security may determine in writing.''.

(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by subsection (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 306. REDESIGNATION.

Chapter 36 of title 39, United States Code (as in effect before the amendment made by section 204(a)) is amended by striking the heading for subchapter V and inserting the following:

''SUBCHAPTER VI—GENERAL''.

TITLE IV—GENERAL PROVISIONS

SEC. 401. QUALIFICATION REQUIREMENTS FOR GOVERNORS.

(a) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking ''(a)'' and inserting ''(a)(1)'' and by striking the fourth sentence and inserting the following: ''The Governors shall represent the public interest generally, and at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; for purposes of this sentence, an organization or corporation shall be considered to be of substantial size if it employs at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.''.

(b) CONSULTATION REQUIREMENT.—Section 202(a) of title 39, United States Code, is amended by adding at the end the following:

''(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.''.

(c) RESTRICTION.—Section 202(b) of title 39, United States Code, is amended by striking ''(b)'' and inserting ''(b)(1)'', and by adding at the end the following:

''(2)(A) Notwithstanding any other provision of this section, in the case of the office of the Governor the term of which is the first one scheduled to expire at least 4 months after the date of the enactment of this paragraph—

''(i) such office may not, in the case of any person commencing service after that expiration date, be filled by any person other than an individual chosen from among persons nominated for such office with the unanimous concurrence of all labor organizations described in section 206(a)(1); and

''(ii) instead of the term that would otherwise apply under the first sentence of paragraph (1), the term of any person so appointed to such office shall be 3 years.

''(B) Except as provided in subparagraph (A), an appointment under this paragraph shall be made in conformance with all provisions of this section that would otherwise apply.''.

(d) APPLICABILITY.—The amendment made by subsection (a) shall not affect the appointment or tenure of any person serving as a Governor of the Board of Governors of the United States Postal Service pursuant to an appointment made before the date of the enactment of this Act, or, except as provided in the amendment made by subsection (c), any nomination made before that date; however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of the enactment of this Act.

SEC. 402. OBLIGATIONS.

(a) PURPOSES FOR WHICH OBLIGATIONS MAY BE ISSUED.—The first sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011.''.

(b) LIMITATION ON NET ANNUAL INCREASE IN OBLIGATIONS ISSUED FOR CERTAIN PURPOSES.—The third sentence of section 2005(a)(1) of title 39, United States Code, is amended to read as follows: ''In any one fiscal year, the net increase in the amount of obligations outstanding issued for the purpose of capital improvements and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed a combined total of $3,000,000,000.'' .

(c) LIMITATIONS ON OBLIGATIONS OUTSTANDING.—

(1) IN GENERAL.—Subsection (a) of section 2005 of title 39, United States Code, is amended by adding at the end the following:

''(3) For purposes of applying the respective limitations under this subsection, the aggregate amount of obligations issued by the Postal Service which are outstanding as of any one time, and the net increase in the amount of obligations outstanding issued by the Postal Service for the purpose of capital improvements or for the purpose of defraying operating expenses of the Postal Service in any fiscal year, shall be determined by aggregating the relevant obligations issued by the Postal Service under this section with the relevant obligations issued by the Postal Service under section 2011.''.

(2) CONFORMING AMENDMENT.—The second sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking ''any such obligations'' and inserting ''obligations issued by the Postal Service which may be''.

(d) AMOUNTS WHICH MAY BE PLEDGED, ETC.—

(1) OBLIGATIONS TO WHICH PROVISIONS APPLY.—The first sentence of section 2005(b) of title 39, United States Code, is amended by striking ''such obligations,'' and inserting ''obligations issued by the Postal Service under this section,''.

(2) ASSETS, REVENUES, AND RECEIPTS TO WHICH PROVISIONS APPLY.—Subsection (b) of section 2005 of title 39, United States Code, is amended by striking ''(b)'' and inserting ''(b)(1)'', and by adding at the end the following:

''(2) Notwithstanding any other provision of this section—

''(A) the authority to pledge assets of the Postal Service under this subsection shall be available only to the extent that such assets are not related to the provision of competitive products (as determined under section 2011(h) or, for purposes of any period before accounting practices and principles under section 2011(h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e)); and

''(B) any authority under this subsection relating to the pledging or other use of revenues or receipts of the Postal Service shall be available only to the extent that they are not revenues or receipts of the Competitive Products Fund.''.

SEC. 403. PRIVATE CARRIAGE OF LETTERS.

(a) IN GENERAL.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) A letter may also be carried out of the mails when—

''(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

''(2) the letter weighs at least 12½ ounces; or

''(3) such carriage is within the scope of services described by regulations of the Postal Service (including, in particular, sections 310.1 and 320.2–320.8 of title 39 of the Code of Federal Regulations, as in effect on July 1, 2004) that purport to permit private carriage by suspension of the operation of this section (as then in effect).

''(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.''.

(b) EFFECTIVE DATE.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 404. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

''(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;''.

SEC. 405. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS, ETC.

(a) NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.—Except as provided in section 407, nothing in this Act or any amendment made by this Act shall restrict, expand, or otherwise affect any of the rights, privileges, or

benefits of either employees of or labor organizations representing employees of the United States Postal Service under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(b) FREE MAILING PRIVILEGES CONTINUE UNCHANGED.—Nothing in this Act or any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 406. BONUS AND COMPENSATION AUTHORITY.

Subchapter VI of chapter 36 of title 39, United States Code (as so redesignated by section 306) is amended by adding at the end the following:

''§ 3686. Bonus authority

''(a) IN GENERAL.—The Postal Service may establish one or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

''(b) LIMITATION ON TOTAL COMPENSATION.—

''(1) IN GENERAL.—Under any such program, the Postal Service may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a), if such program has been approved under paragraph (2). Any such award or bonus may not cause the total compensation of such officer or employee to exceed the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which the bonus or award is paid.

''(2) APPROVAL PROCESS.—If the Postal Service wishes to have the authority, under any program described in subsection (a), to award bonuses or other rewards in excess of the limitation set forth in the last sentence of section 1003(a)—

''(A) the Postal Service shall make an appropriate request to the Board of Governors in such form and manner as the Board requires; and

''(B) the Board of Governors shall approve any such request if it certifies, for the annual appraisal period involved, that the performance appraisal system for affected officers and employees of the Postal Service (as designed and applied) makes meaningful distinctions based on relative performance.

''(3) REVOCATION AUTHORITY.—If the Board of Governors finds that a performance appraisal system previously approved under paragraph (2)(B) does not (as designed and applied) make meaningful distinctions based on relative performance, the Board may revoke or suspend the authority of the Postal Service to continue a program approved under paragraph (2) until such time as appropriate corrective measures have, in the judgment of the Board, been taken.

''(c) EXCEPTIONS FOR CRITICAL POSITIONS.—Notwithstanding any other provision of law, the Board of Governors may allow up to 12 officers or employees of the Postal Service in critical senior executive or equivalent positions to receive total compensation in an amount not to exceed 120 percent of the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which such payment is received. For each exception made under this subsection, the Board shall provide written notification to the Director of the Office of Personnel Management and the Congress within 30 days after the payment is made setting forth the name of the officer or employee involved, the critical nature of his or her duties and responsibilities, and the basis for determining that such payment is warranted.

''(d) INFORMATION FOR INCLUSION IN COMPREHENSIVE STATEMENT.—Included in its comprehensive statement under section 2401(e) for any period shall be—

''(1) the name of each person receiving a bonus or other payment during such period which would not have been allowable but for the provisions of subsection (b) or (c);

''(2) the amount of the bonus or other payment; and

''(3) the amount by which the limitation set forth in the last sentence of section 1003(a) was exceeded as a result of such bonus or other payment.

''(e) REGULATIONS.—The Board of Governors may prescribe regulations for the administration of this section.''.

SEC. 407. MEDIATION IN COLLECTIVE-BARGAINING DISPUTES.

(a) IN GENERAL.—Section 1207(b) of title 39, United States Code, is amended by striking all that follows ''the Director of the Federal Mediation and Conciliation Service shall'' and inserting '', within 10 days appoint a mediator of nationwide reputation and professional stature, and who is also a member of the National Academy of Arbitrators. The parties shall cooperate with the mediator in an effort to reach an agreement and shall meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, shall direct.''.

(b) PROVISIONS RELATING TO ARBITRATION BOARDS.—Section 1207(c) of title 39, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''90'' and inserting ''60'';

(B) by striking ''not members of the factfinding panel,''; and

(C) by striking all that follows ''shall be made'' and inserting ''from a list of names provided by the Director. This list shall consist of not less than 9 names of arbitrators of nationwide reputation and professional stature, who are also members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.''; and

(2) in paragraph (3), by striking ''factfinding panel'' and inserting ''mediation''.

(c) CONFORMING AMENDMENT.—Section 1207(d) of title 39, United States Code, is amended by striking ''factfinding panel will be established'' and inserting ''mediator shall be appointed''.

TITLE V—ENHANCED REGULATORY COMMISSION

SEC. 501. REORGANIZATION AND MODIFICATION OF CERTAIN PROVISIONS RELATING TO THE POSTAL REGULATORY COMMISSION.

(a) TRANSFER AND REDESIGNATION.—Title 39, United States Code, is amended—

(1) by inserting after chapter 4 the following:

''CHAPTER 5—POSTAL REGULATORY COMMISSION

''§ 501. Establishment

''The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

''§ 502. Commissioners

''(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

''(b) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (e).

''(c) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

''(d) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

''(e) The Commissioners shall serve for terms of 6 years.'';

(2) in subchapter I of chapter 36 (as in effect before the amendment made by section 201(c)), by striking the heading for such subchapter I and all that follows through section 3602; and

(3) by redesignating sections 3603 and 3604 as sections 503 and 504, respectively, and transferring such sections to the end of chapter 5 (as inserted by paragraph (1)).

(b) DETERMINATIONS.—Section 503 of title 39, United States Code, as so redesignated by subsection (a)(3), is amended by adding at the end the following: ''Such rules shall include procedures which balance, inter alia, the need for protecting due process rights and ensuring expeditious decision-making.''.

(c) APPLICABILITY.—The amendment made by subsection (a)(1) shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 504) pursuant to an appointment made before the date of the enactment of this Act or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.

(d) CLERICAL AMENDMENT.—The analysis for part I of title 39, United States Code, is amended by inserting after the item relating to chapter 4 the following:

''5. Postal Regulatory Commission ..... 501''.

SEC. 502. AUTHORITY FOR POSTAL REGULATORY COMMISSION TO ISSUE SUBPOENAS.

Section 504 of title 39, United States Code (as so redesignated by section 501) is amended by adding at the end the following:

''(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

''(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title—

''(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

''(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

''(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

''(4) For purposes of this subsection, the term 'covered person' means an officer, employee, agent, or contractor of the Postal Service.

''(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission pursuant to a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

''(2) Except as provided in paragraph (3), no officer or employee of the Commission may, with respect to any information as to which the Commission has been notified under paragraph (1)—

''(A) use such information for purposes other than the purposes for which it is supplied; or

''(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

''(3)(A) Paragraph (2) shall not prevent the Commission from publicly disclosing relevant information in furtherance of its duties under this title if the Commission has adopted regulations under section 553 of title 5 that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest, as required by section 101(d) of this title for financial transparency of a government establishment.

''(B) Paragraph (2) shall not prevent information from being furnished under any process of discovery established under this title in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for any information furnished under the preceding sentence.''.

SEC. 503. APPROPRIATIONS FOR THE POSTAL REGULATORY COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of section 504 of title 39, United States Code (as so redesignated by section 501) is amended to read as follows:

''(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.''.

(b) BUDGET PROGRAM.—

(1) IN GENERAL.—The next to last sentence of section 2009 of title 39, United States Code, is amended to read as follows: ''The budget program shall also include separate statements of the amounts which (1) the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401, (2) the Office of Inspector General of the United States Postal Service requests to be appropriated, out of the Postal Service Fund, under section 8L(e) of the Inspector General Act of 1978, and (3) the Postal Regulatory Commission requests to be appropriated, out of the Postal Service Fund, under section 504(d) of this title.''.

(2) CONFORMING AMENDMENT.—Section 2003(e)(1) of title 39, United States Code, is amended by striking the first sentence and inserting the following: ''The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated pursuant to section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated pursuant to section 8L(e) of the Inspector General Act of 1978.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2005.

(2) SAVINGS PROVISION.—The provisions of title 39, United States Code, that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.

SEC. 504. REDESIGNATION OF THE POSTAL RATE COMMISSION.

(a) AMENDMENTS TO TITLE 39, UNITED STATES CODE.—Title 39, United States Code, is amended in sections 404, 503–504 (as so redesignated by section 501), 1001, and 1002 by striking ''Postal Rate Commission'' each place it appears and inserting ''Postal Regulatory Commission''.

(b) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended in sections 104(1), 306(f), 2104(b), 3371(3), 5314 (in the item relating to Chairman, Postal Rate Commission), 5315 (in the item relating to Members, Postal Rate Commission), 5514(a)(5)(B), 7342(a)(1)(A), 7511(a)(1)(B)(ii), 8402(c)(1), 8423(b)(1)(B), and 8474(c)(4) by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(c) AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.—Section 101(f)(6) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(d) AMENDMENT TO THE REHABILITATION ACT OF 1973.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by striking ''Postal Rate Office'' and inserting ''Postal Regulatory Commission''.

(e) AMENDMENT TO TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(f) OTHER REFERENCES.—Whenever a reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.

SEC. 505. OFFICER OF THE POSTAL REGULATORY COMMISSION REPRESENTING THE GENERAL PUBLIC.

(a) IN GENERAL.—Chapter 5 of title 39, United States Code (as added by this Act) is amended by adding after section 504 the following:

''§ 505. Officer of the Postal Regulatory Commission representing the general public

''The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Commission in all public proceedings (such as developing rules, regulations, and procedures) who shall represent the interests of the general public.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 39, United States Code (as amended by section 501(a)(1)) is amended by adding after the item relating to section 504 the following:

''505. Officer of the Postal Regulatory Commission representing the general public.''.

TITLE VI—INSPECTORS GENERAL

SEC. 601. INSPECTOR GENERAL OF THE POSTAL REGULATORY COMMISSION.

(a) IN GENERAL.—Paragraph (2) of section 8G(a) of the Inspector General Act of 1978 is amended by inserting ''the Postal Regulatory Commission,'' after ''the United States International Trade Commission,''.

(b) ADMINISTRATION.—Section 504 of title 39, United States Code (as so redesignated by section 501) is amended by adding after subsection (g) (as added by section 502) the following:

''(h)(1) Notwithstanding any other provision of this title or of the Inspector General Act of 1978, the authority to select, appoint, and employ officers and employees of the Office of Inspector General of the Postal Regulatory Commission, and to obtain any temporary or intermittent services of experts or consultants (or an organization of experts or consultants) for such Office, shall reside with the Inspector General of the Postal Regulatory Commission.

''(2) Except as provided in paragraph (1), any exercise of authority under this subsection shall, to the extent practicable, be in conformance with the applicable laws and regulations that govern selections, appointments and employment, and the obtaining of any such temporary or intermittent services, within the Postal Regulatory Commission.''.

(c) DEADLINE.—No later than 180 days after the date of the enactment of this Act—

(1) the first Inspector General of the Postal Regulatory Commission shall be appointed; and

(2) the Office of Inspector General of the Postal Regulatory Commission shall be established.

SEC. 602. INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE TO BE APPOINTED BY THE PRESIDENT.

(a) DEFINITIONAL AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1)—

(A) by striking ''or'' before ''the President of the Export-Import Bank;'' and

(B) by inserting ''or the Governors of the United States Postal Service (within the meaning of section 102(3) of title 39, United States Code);'' after ''the President of the Export-Import Bank;''; and

(2) in paragraph (2)—

(A) by striking ''or'' before ''the Export-Import Bank,''; and

(B) by inserting ''or the United States Postal Service,'' after ''the Export-Import Bank,''.

(b) SPECIAL PROVISIONS CONCERNING THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—The Inspector General Act of 1978 is amended by inserting after section 8K the following:

''SPECIAL PROVISIONS CONCERNING THE UNITED STATES POSTAL SERVICE

''SEC. 8L. (a) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the United States Postal Service shall have oversight responsibility for all activities of the Postal Inspection Service, including any internal investigation performed by the Postal Inspection Service. The Chief Postal Inspector shall promptly report any significant activities being carried out by the Postal Inspection Service to such Inspector General. The Postmaster General shall promptly report to such Inspector General all allegations of theft, fraud, or misconduct by Postal Service officers or employees, and entities or individuals doing business with the Postal Service.

''(b) In the case of any report that the Governors of the United States Postal Service (within the meaning of section 102(3) of title 39, United States Code) are required to transmit under the second sentence of section 5(d), such sentence shall be applied by deeming the term 'appropriate committees of Congress' to mean the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and such other committees or subcommittees of Congress as may be appropriate.

''(c) Notwithstanding any provision of paragraph (7) or (8) of section 6(a), the Inspector General of the United States Postal Service may

select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the United States Postal Service.

''(d) Nothing in this Act shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

''(e) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of Inspector General of the United States Postal Service.''.

(2) RELATED PROVISIONS.—For certain related provisions, see section 503(b).

(c) EXERCISE OF CERTAIN POWERS.—Section 6(e)(3) of the Inspector General Act of 1978 is amended—

(1) by striking ''and the'' before ''Tennessee Valley Authority''; and

(2) by inserting '', and United States Postal Service'' after ''Tennessee Valley Authority''.

(d) PUBLIC CONTRACTS.—

(1) ADDITIONAL PROVISIONS APPLICABLE.—Section 410(b)(5) of title 39, United States Code, is amended—

(A) in subparagraph (A), by striking ''and'' after the semicolon; and

(B) by adding after subparagraph (B) the following:

''(C) the Anti-Kickback Act of 1986 (41 U.S.C. 51 and following), other than subsections (a) and (b) of 7 and section 8 of that Act; and

''(D) section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265) (relating to protecting contractor employees from reprisal for disclosure of certain information);''.

(2) REGULATIONS ON ALLOWABLE COSTS.—Section 410 of title 39, United States Code, is amended by adding at the end the following:

''(e) The Postal Service shall develop and issue purchasing regulations that prohibit contract costs not allowable under section 5.2.5 of the United States Postal Service Procurement Manual (Publication 41), as in effect on July 12, 1995.''.

(e) REPORTS.—Section 3013 of title 39, United States Code, is amended by striking ''Postmaster General'' each place it appears and inserting ''Chief Postal Inspector''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) RELATING TO THE INSPECTOR GENERAL ACT OF 1978.—(A) Subsection (a) of section 8G of the Inspector General Act of 1978 (as amended by section 601(a)) is further amended—

(i) in paragraph (2), by striking ''the Postal Regulatory Commission, and the United States Postal Service;'' and inserting ''and the Postal Regulatory Commission;'' and

(ii) in paragraph (4), by striking ''except that'' and all that follows through ''Code);'' and inserting ''except that, with respect to the National Science Foundation, such term means the National Science Board;''.

(B)(i) Subsection (f) of section 8G of such Act is repealed.

(ii) Subsection (c) of section 8G of such Act is amended by striking ''Except as provided under subsection (f) of this section, the'' and inserting ''The''.

(C) Section 8J of such Act is amended by striking the matter after ''8D,'' and before ''of this Act'' and inserting ''8E, 8F, 8H, or 8L''.

(2) RELATING TO TITLE 39, UNITED STATES CODE.—(A) Subsection (e) of section 202 of title 39, United States Code, is repealed.

(B) Paragraph (4) of section 102 of such title 39 (as amended by section 101) is amended to read as follows:

''(4) 'Inspector General' means the Inspector General of the United States Postal Service, appointed under section 3(a) of the Inspector General Act of 1978;''.

(C) The first sentence of section 1003(a) of such title 39 is amended by striking ''chapters 2 and 12 of this title, section 8G of the Inspector General Act of 1978, or other provision of law,'' and inserting ''chapter 2 or 12 of this title, subsection (b) or (c) of this section, or any other provision of law,''.

(D) Section 1003(b) of such title 39 is amended by striking ''respective'' and inserting ''other''.

(E) Section 1003(c) of such title 39 is amended by striking ''included'' and inserting ''includes''.

(3) RELATING TO THE ENERGY POLICY ACT OF 1992.—Section 160(a) of the Energy Policy Act of 1992 (42 U.S.C. 8262f(a)) is amended (in the matter before paragraph (1)) by striking all that follows ''(5 U.S.C. App.)'' and before ''shall—''.

(g) EFFECTIVE DATE; TRANSITION PROVISIONS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2) or subsection (c), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION PROVISIONS.—

(A) PRESIDENTIAL APPOINTMENT AUTHORITY AVAILABLE IMMEDIATELY.—The authority to appoint an Inspector General of the United States Postal Service in accordance with the amendments made by this section shall be available as of the effective date of this section.

(B) CONTINUATION IN OFFICE.—Pending the appointment of an Inspector General of the United States Postal Service in accordance with the amendments made by this section, the individual serving as the Inspector General of the United States Postal Service on the day before the effective date of this section may continue to serve—

(i) in accordance with applicable provisions of the Inspector General Act of 1978 and (except as provided in clause (ii)) of title 39, United States Code, as last in effect before the effective date of this Act; but

(ii) subject to the provisions of such title 39 as amended by subsection (e) of this section (deeming any reference to the ''Inspector General'' in such provisions, as so amended, to refer to the individual continuing to serve under authority of this subparagraph) and subparagraph (C).

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—Notwithstanding any other provision of this subsection, section 8L(e) of the Inspector General Act of 1978 (as amended by this section) shall be effective for purposes of fiscal years beginning on or after October 1, 2005.

(ii) SAVINGS PROVISION.—For purposes of the fiscal year ending on September 30, 2005, funding for the Office of Inspector General of the United States Postal Service shall be made available in the same manner as if this Act had never been enacted.

(D) ELIGIBILITY OF PRIOR INSPECTOR GENERAL.—Nothing in this Act shall prevent any individual who has served as Inspector General of the United States Postal Service at any time before the date of the enactment of this Act from being appointed to that position pursuant to the amendments made by this section.

TITLE VII—EVALUATIONS

SEC. 701. UNIVERSAL POSTAL SERVICE STUDY.

(a) REPORT BY THE POSTAL SERVICE.—The United States Postal Service shall, within 12 months after the date of the enactment of this Act, submit to the President, the Congress, and the Postal Regulatory Commission, a written report on universal postal service in the United States (hereinafter in this section referred to as ''universal service''). Such report shall include at least the following:

(1) A comprehensive review of the history and development of universal service, including how the scope and standards of universal service have evolved over time.

(2) The scope and standards of universal service provided under current law (including sections 101 and 403 of title 39, United States Code) and current rules, regulations, policy statements, and practices of the Postal Service.

(3) A description of any geographic areas, populations, communities, organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both.

(4) The scope and standards of universal service likely to be required in the future in order to meet the needs and expectations of the American public, including all types of mail users, based on such assumptions or alternative sets of assumptions as the Postal Service considers plausible.

(5) Such recommendations as the Postal Service considers appropriate.

(b) REPORT BY THE POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall, within 12 months after receiving the report of the Postal Service under subsection (a), submit to the President and the Congress a written report evaluating the report of the Postal Service. The report of the Commission shall include at least the following:

(1) Such comments and observations relating to the matters addressed in the Postal Service's report as the Commission considers appropriate.

(2) An estimate of the cost attributable to the obligation to provide universal service under prior and current law, respectively.

(3) An estimate of the likely cost of fulfilling the obligation to provide universal service under—

(A) the assumptions or respective sets of assumptions of the Postal Service described in subsection (a)(4); and

(B) such other assumptions or sets of assumptions as the Commission considers plausible.

(4) Such additional topics and recommendations as the Commission considers appropriate.

(c) CONSULTATION.—In preparing the reports required by this section, the Postal Service and the Postal Regulatory Commission—

(1) shall consult with each other, other Federal agencies, users of the mails, enterprises in the private sector engaged in the delivery of mail, and the general public; and

(2) shall address in their respective reports any written comments received under this section.

(d) CLARIFYING PROVISION.—Nothing in this section shall be considered to relate to any services that are not postal services (within the meaning of section 102 of title 39, United States Code, as amended by section 101).

SEC. 702. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 5 years, submit a report to the President and the Congress concerning—

(1) the operation of the amendments made by the Postal Accountability and Enhancement Act; and

(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review such report and to submit written comments thereon. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).

(c) SPECIFIC INFORMATION REQUIRED.—The Postal Regulatory Commission shall include, as part of at least its first report under subsection (a), the following:

(1) COST-COVERAGE REQUIREMENT RELATING TO COMPETITIVE PRODUCTS COLLECTIVELY.—With respect to section 3633 of title 39, United States Code (as amended by this Act)—

(A) a description of how such section has operated; and

(B) recommendations as to whether or not such section should remain in effect and, if so, any suggestions as to how it might be improved.

(2) COMPETITIVE PRODUCTS FUND.—With respect to the Postal Service Competitive Products Fund (under section 2011 of title 39, United States Code, as amended by section 301), in consultation with the Secretary of the Treasury—

(A) a description of how such Fund has operated;

(B) any suggestions as to how the operation of such Fund might be improved; and

(C) a description and assessment of alternative accounting or financing mechanisms that might be used to achieve the objectives of such Fund.

(3) ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS FUND.—With respect to section 3634 of title 39, United States Code (as amended by this Act), in consultation with the Secretary of the Treasury—

(A) a description of how such section has operated; and

(B) recommendations as to whether or not such section should remain in effect and, if so, any suggestions as to how it might be improved.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) IN GENERAL.—The Federal Trade Commission shall prepare and submit to the President, the Congress, and the Postal Regulatory Commission, within 1 year after the date of the enactment of this Act, a comprehensive report identifying Federal and State laws that apply differently to the United States Postal Service with respect to the competitive category of mail (within the meaning of section 102 of title 39, United States Code, as amended by section 101) and private companies providing similar products.

(b) RECOMMENDATIONS; ADJUSTMENTS.—The Federal Trade Commission shall include such recommendations as it considers appropriate for bringing such legal differences to an end and, in the interim, to account under section 3633, for the net economic effects provided by those laws.

(c) CONSULTATION.—In preparing its report, the Federal Trade Commission shall consult with the United States Postal Service, the Postal Regulatory Commission, other Federal agencies, mailers, private companies that provide delivery services, and the general public, and shall append to such report any written comments received under this subsection.

(d) COMPETITIVE PRODUCT RATE REGULATION.—The Postal Regulatory Commission shall take into account the recommendations of the Federal Trade Commission, and subsequent events that affect the continuing validity of the estimate of the net economic effect, in promulgating or revising the regulations required by section 3633 of title 39, United States Code.

SEC. 704. GREATER DIVERSITY IN POSTAL SERVICE EXECUTIVE AND ADMINISTRATIVE SCHEDULE MANAGEMENT POSITIONS.

(a) STUDY.—The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and Congress a report concerning the extent to which women and minorities are represented in supervisory and management positions within the United States Postal Service. Any data included in the report shall be presented in the aggregate and by pay level.

(b) PERFORMANCE EVALUATIONS.—The United States Postal Service shall, as soon as practicable, take such measures as may be necessary to ensure that, for purposes of conducting performance appraisals of supervisory or managerial employees, appropriate consideration shall be given to meeting affirmative action goals, achieving equal employment opportunity requirements, and implementation of plans designed to achieve greater diversity in the workforce.

SEC. 705. PLAN FOR ASSISTING DISPLACED WORKERS.

(a) PLAN.—The United States Postal Service shall, before the deadline specified in subsection (b), develop and be prepared to implement, whenever necessary, a comprehensive plan under which reemployment assistance shall be afforded to employees displaced as a result of the automation or privatization of any of its functions.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the United States Postal Service shall submit to the Board of Governors and to Congress a written report describing its plan under this section.

SEC. 706. CONTRACTS WITH WOMEN, MINORITIES, AND SMALL BUSINESSES.

The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and the Congress a report concerning the number and value of contracts and subcontracts the Postal Service has entered into with women, minorities, and small businesses.

SEC. 707. RATES FOR PERIODICALS.

(a) IN GENERAL.—The United States Postal Service, acting jointly with the Postal Regulatory Commission, shall study and submit to the President and Congress a report concerning—

(1) the quality, accuracy, and completeness of the information used by the Postal Service in determining the direct and indirect postal costs attributable to periodicals; and

(2) any opportunities that might exist for improving efficiencies in the collection, handling, transportation, or delivery of periodicals by the Postal Service, including any pricing incentives for mailers that might be appropriate.

(b) RECOMMENDATIONS.—The report shall include recommendations for any administrative action or legislation that might be appropriate.

SEC. 708. ASSESSMENT OF CERTAIN RATE DEFICIENCIES.

(a) IN GENERAL.—Within 12 months after the date of the enactment of this Act, the Office of Inspector General of the United States Postal Service shall study and submit to the President, the Congress, and the United States Postal Service, a report concerning the administration of section 3626(k) of title 39, United States Code.

(b) SPECIFIC REQUIREMENTS.—The study and report shall specifically address the adequacy and fairness of the process by which assessments under section 3626(k) of title 39, United States Code, are determined and appealable, including—

(1) whether the Postal Regulatory Commission or any other body outside the Postal Service should be assigned a role; and

(2) whether a statute of limitations should be established for the commencement of proceedings by the Postal Service thereunder.

SEC. 709. NETWORK OPTIMIZATION.

(a) IN GENERAL.—The Postal Service shall, within 90 days after the end of each fiscal year, prepare and submit to the Postal Regulatory Commission, the Congress, and the Board of Governors a written report on the postal processing, transportation, and distribution networks. Such report shall include at least the following:

(1) An account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of the processing, transportation, and distribution networks, while preserving the timely delivery of postal services.

(2) An account of—

(A) actions taken to identify any excess capacity within the processing, transportation, and distribution networks; and

(B) actions taken to implement savings through realignment or consolidation of facilities.

(3) Identification of statutory or regulatory obstacles that prevented or will prevent the Postal Service from taking action to realign or consolidate facilities.

(4) Such additional topics and recommendations as the Postal Service considers appropriate.

(b) TREATMENT AS PERFORMANCE GOALS.—The Postal Service shall establish and report the matters set forth in subsection (a) as performance goals in the reports required by sections 2803 and 2804.

(c) ACTIONS TO BE TAKEN.—The Postal Service shall take such actions it considers, in its sole discretion, necessary and appropriate to provide the Nation with a modern and efficient network for the processing, transportation, and distribution of mail. Nothing in this section shall prevent the Postal Service from making such improvements in the efficiency and effectiveness of the network as it deems appropriate.

SEC. 710. ASSESSMENT OF FUTURE BUSINESS MODEL OF THE POSTAL SERVICE.

(a) APPOINTMENT OF RESEARCH ORGANIZATION.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall appoint, in such manner and under such terms as he in his sole discretion determines appropriate, an independent, impartial, and expert research organization (hereinafter in this section referred to as the ''research organization'') to prepare and submit to the President and to Congress a comprehensive report that evaluates what business model would best promote an efficient, reliable, innovative, and viable Postal Service that can meet the needs of the Nation and its citizens in the 21st century. The final report required by this section shall be submitted within 27 months of the date of the enactment of this Act. The final report shall identify costs, benefits, and feasible options, if any, associated with one or more strategies for—

(1) maintaining the Postal Service in its current form as an independent establishment in the executive branch of the Government; and

(2) transforming the Postal Service into an ordinary corporation, owned wholly by the Government, wholly by private shareholders, or partly by the Government and partly by private shareholders.

(b) PROTECTION OF UNIVERSAL SERVICE.—The research organization may include such recommendations as it considers appropriate with respect to how the Postal Service's business model can be maintained or transformed in an orderly manner that will minimize adverse effects on all interested parties and assure continued availability of affordable, universal postal service throughout the United States (based on the reports required by section 701). The research organization shall not consider any strategy or other course of action that would pose a significant risk to the continued availability of affordable, universal postal service throughout the United States.

(c) ELEMENTS OF REPORT.—

(1) TOPICS TO ADDRESS.—The report shall address at least the following:

(A) Specification of nature and bases of one or more sets of reasonable assumptions about the development of the postal services market, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the research organization.

(B) Specification of the nature and bases of one or more sets of reasonable assumptions about the development of the regulatory framework for postal services, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the research organization.

(C) Qualitative and, to the extent possible, quantitative effects that each strategy identified by the research organization may have on universal service generally, the Postal Service,

mailers, postal employees, private companies that provide delivery services, and the general public.

(D) Financial effects that each strategy identified by the research organization may have on the Postal Service, postal employees, the Treasury of the United States, and other affected parties, including the American mailing consumer.

(E) Feasible and appropriate procedural steps and timetables for implementing each strategy identified by the research organization.

(F) Such additional topics as the Comptroller General or the research organization shall consider necessary and appropriate.

(2) MATTERS TO CONSIDER.—For each strategy identified, the research organization shall assess how each business model might—

(A) address the human-capital challenges facing the Postal Service, including how employee-management relations within the Postal Service may be improved;

(B) optimize the postal infrastructure, including the best methods for providing retail services that ensure convenience and access to customers;

(C) ensure the safety and security of the mail and of postal employees;

(D) minimize areas of inefficiency or waste and improve operations involved in the collection, processing, or delivery of mail; and

(E) impact other matters that the Comptroller General or the research organization determines are relevant to evaluating a viable long-term business model for the Postal Service.

(3) EXPERIENCES OF OTHER COUNTRIES.—In preparing the report required by subsection (a), the research organization shall comprehensively and quantitatively investigate the experiences of other industrialized countries that have transformed the national post office. The research organization shall undertake such original research as it deems necessary. In each case, the research organization shall describe as fully as possible the costs and benefits of transformation of the national post office on all affected parties and shall identify any lessons that foreign experience may imply for each strategy identified by the research organization.

(d) OUTSIDE EXPERTS.—In preparing its study, the research organization may retain the services of additional experts and consultants.

(e) CONSULTATION.—In preparing its report, the research organization shall consult fully with the Postal Service, the Postal Regulatory Commission, other Federal agencies, postal employee unions and management associations, mailers, private companies that provide delivery services, and the general public. The research organization shall include with its final report a copy of all formal written comments received under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Postal Service Fund such sums as may be necessary to carry out this section.

SEC. 711. STUDY ON CERTAIN PROPOSED AMENDMENTS.

The Government Accountability Office shall study and, within 12 months after the date of the enactment of this Act, submit to the Congress a report on sections 805 and 807 of H.R. 22 (109th Congress), as introduced. Such report shall include the following:

(1) A description of the efficiencies of the current system under section 5402 of title 39, United States Code.

(2) The potential for cost savings to the United States Postal Service if the Postal Service, rather than the Department of Transportation, were to administer international mail carriage.

(3) The potential for harm to domestic air carriers and American workers currently employed by domestic air carriers.

(4) The potential loss of revenue to domestic air carriers and American workers currently employed by domestic air carriers.

(5) The process by which the United States Postal Service would administer any changes in current law.

(6) The process by which the Department of Transportation administers current law.

(7) The potential for change in protection of national security by carriage by foreign carriers of international mail to and from the United States.

SEC. 712. DEFINITION.

For purposes of this title, the term ''Board of Governors'' has the meaning given such term by section 102 of title 39, United States Code.

TITLE VIII—MISCELLANEOUS; TECHNICAL AND CONFORMING AMENDMENTS

SEC. 801. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 3061 of title 18, United States Code, is amended by adding at the end the following:

''(c)(1) The Postal Service may employ police officers for duty in connection with the protection of property owned or occupied by the Postal Service or under the charge and control of the Postal Service, and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

''(2) With respect to such property, such officers shall have the power to—

''(A) enforce Federal laws and regulations for the protection of persons and property;

''(B) carry firearms; and

''(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

''(3) With respect to such property, such officers may have, to such extent as the Postal Service may by regulations prescribe, the power to—

''(A) serve warrants and subpoenas issued under the authority of the United States; and

''(B) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Postal Service or persons on the property.

''(4)(A) As to such property, the Postmaster General may prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

''(B) A person violating a regulation prescribed under this subsection shall be fined under this title, imprisoned for not more than 30 days, or both.''.

SEC. 802. DATE OF POSTMARK TO BE TREATED AS DATE OF APPEAL IN CONNECTION WITH THE CLOSING OR CONSOLIDATION OF POST OFFICES.

(a) IN GENERAL.—Section 404(b) of title 39, United States Code, is amended by adding at the end the following:

''(6) For purposes of paragraph (5), any appeal received by the Commission shall—

''(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act.

SEC. 803. PROVISIONS RELATING TO BENEFITS UNDER CHAPTER 81 OF TITLE 5, UNITED STATES CODE, FOR OFFICERS AND EMPLOYEES OF THE FORMER POST OFFICE DEPARTMENT.

(a) IN GENERAL.—Section 8 of the Postal Reorganization Act (39 U.S.C. 1001 note) is amended by inserting ''(a)'' after ''8.'' and by adding at the end the following:

''(b) For purposes of chapter 81 of title 5, United States Code, the Postal Service shall, with respect to any individual receiving benefits under such chapter as an officer or employee of the former Post Office Department, have the same authorities and responsibilities as it has with respect to an officer or employee of the Postal Service receiving such benefits.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective as of the first day of the fiscal year in which this Act is enacted.

SEC. 804. OBSOLETE PROVISIONS.

(a) REPEAL.—

(1) IN GENERAL.—Chapter 52 of title 39, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 5005(a) of title 39, United States Code, is amended—

(i) by striking paragraph (1), and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(ii) in paragraph (3) (as so designated by clause (i)), by striking ''(as defined in section 5201(6) of this title)''.

(B) Section 5005(b) of such title 39 is amended by striking ''(a)(4)'' each place it appears and inserting ''(a)(3)''.

(C) Section 5005(c) of such title 39 is amended by striking ''by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or'' and inserting ''by contract under subsection (a)(3) of this section or''.

(b) ELIMINATING RESTRICTION ON LENGTH OF CONTRACTS.—(1) Section 5005(b)(1) of title 39, United States Code, is amended by striking ''(or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years)'' and inserting ''(or such longer period of time as may be determined by the Postal Service to be advisable or appropriate)''.

(2) Section 5402(d) of such title 39 is amended by striking ''for a period of not more than 4 years''.

(3) Section 5605 of such title 39 is amended by striking ''for periods of not in excess of 4 years''.

(c) CLERICAL AMENDMENT.—The analysis for part V of title 39, United States Code, is amended by repealing the item relating to chapter 52.

SEC. 805. INVESTMENTS.

Subsection (c) of section 2003 of title 39, United States Code, is amended—

(1) by striking ''(c) If'' and inserting ''(c)(1) Except as provided in paragraph (2), if''; and

(2) by adding at the end the following:

''(2)(A) Nothing in this section shall be considered to authorize any investment in any obligations or securities of a commercial entity.

''(B) For purposes of this paragraph, the term 'commercial entity' means any corporation, company, association, partnership, joint stock company, firm, society, or other similar entity, as further defined under regulations prescribed by the Postal Regulatory Commission.''.

SEC. 806. REDUCED RATES.

Section 3626 of title 39, United States Code, is amended—

(1) in subsection (a), by striking all before paragraph (4) and inserting the following:

''(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or

kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in accordance with section 3622.

''(2) For the purpose of this subsection, the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in section 2401(c).

''(3) Rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title shall be established so that postage on each mailing of such mail reflects its preferred status as compared to the postage for the most closely corresponding regular-rate category mailing.'';

(2) in subsection (g), by adding at the end the following:

''(3) For purposes of this section and former section 4358(a) through (c) of this title, those copies of an issue of a publication entered within the county in which it is published, but distributed outside such county on postal carrier routes originating in the county of publication, shall be treated as if they were distributed within the county of publication.

''(4)(A) In the case of an issue of a publication, any number of copies of which are mailed at the rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title, any copies of such issue which are distributed outside the county of publication (excluding any copies subject to paragraph (3)) shall be subject to rates of postage provided for under this paragraph.

''(B) The rates of postage applicable to mail under this paragraph shall be established in accordance with section 3622.

''(C) This paragraph shall not apply with respect to an issue of a publication unless the total paid circulation of such issue outside the county of publication (not counting recipients of copies subject to paragraph (3)) is less than 5,000.''; and

(3) by adding at the end the following:

''(n) In the administration of this section, matter that satisfies the circulation standards for requester publications shall not be excluded from being mailed at the rates for mail under former section 4358 solely because such matter is designed primarily for free circulation or for circulation at nominal rates, or fails to meet the requirements of former section 4354(a)(5).''.

SEC. 807. HAZARDOUS MATTER.

(a) NONMAILABILITY GENERALLY.—Section 3001 of title 39, United States Code, is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following:

''(n)(1) Except as otherwise authorized by law or regulations of the Postal Service, hazardous material is nonmailable.

''(2) In this subsection, the term 'hazardous material' means a substance or material designated by the Secretary of Transportation under section 5103(a) of title 49.''.

(b) MAILABILITY.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''§ 3018. Hazardous material

''(a) IN GENERAL.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

''(b) PROHIBITIONS.—No person may—

''(1) mail or cause to be mailed hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

''(2) mail or cause to be mailed hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which hazardous material may be mailed; or

''(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

''(A) is represented, marked, certified, or sold by such person for use in the mailing of hazardous material; and

''(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of hazardous material.

''(c) CIVIL PENALTY; CLEAN-UP COSTS AND DAMAGES.—

''(1) IN GENERAL.—A person who knowingly violates this section or a regulation prescribed under this section shall be liable for—

''(A) a civil penalty of at least $250, but not more than $100,000, for each violation;

''(B) the costs of any clean-up associated with each violation; and

''(C) damages.

''(2) KNOWING ACTION.—A person acts knowingly for purposes of paragraph (1) when—

''(A) the person has actual knowledge of the facts giving rise to the violation; or

''(B) a reasonable person acting in the circumstances and exercising reasonable care would have had that knowledge.

''(3) SEPARATE VIOLATIONS.—

''(A) VIOLATIONS OVER TIME.—A separate violation under this subsection occurs for each day hazardous material, mailed or caused to be mailed in noncompliance with this section, is in the mail.

''(B) SEPARATE ITEMS.—A separate violation under this subsection occurs for each item containing hazardous material that is mailed or caused to be mailed in noncompliance with this section.

''(d) HEARINGS.—The Postal Service may determine that a person has violated this section or a regulation prescribed under this section only after notice and an opportunity for a hearing. Proceedings under this section shall be conducted in accordance with section 3001(m).

''(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a violation of this section, the Postal Service shall consider—

''(1) the nature, circumstances, extent, and gravity of the violation;

''(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

''(3) the impact on Postal Service operations; and

''(4) any other matters that justice requires.

''(f) CIVIL ACTIONS TO COLLECT.—

''(1) IN GENERAL.—In accordance with section 409(d), a civil action may be commenced in an appropriate district court of the United States to collect a civil penalty, clean-up costs, and damages assessed under subsection (c).

''(2) COMPROMISE.—The Postal Service may compromise the amount of a civil penalty, clean-up costs, and damages assessed under subsection (c) before commencing a civil action with respect to such civil penalty, clean-up costs, and damages under paragraph (1).

''(g) CIVIL JUDICIAL PENALTIES.—

''(1) IN GENERAL.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or a regulation prescribed under this section.

''(2) RELIEF.—The court in a civil action under paragraph (1) may award appropriate relief, including a temporary or permanent injunction, civil penalties as determined in accordance with this section, or punitive damages.

''(3) CONSTRUCTION.—A civil action under this subsection shall be in lieu of civil penalties for the same violation under subsection (c)(1)(A).

''(h) DEPOSIT OF AMOUNTS COLLECTED.—

''(1) POSTAL SERVICE FUND.—Except as provided under paragraph (2), amounts collected under subsection (c)(1)(B) and (C) shall be deposited into the Postal Service Fund under section 2003.

''(2) TREASURY.—Amounts collected under subsection (c)(1)(A) and any punitive damages collected under subsection (c)(1)(C) shall be deposited into the Treasury of the United States.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2003(b) of title 39, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking ''purposes.'' and inserting ''purposes; and''; and

(C) by adding at the end the following:

''(9) any amounts collected under section 3018.''.

(2) The analysis for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''3018. Hazardous material.''.

(d) INJURIOUS ARTICLES AS NONMAILABLE.—Section 1716(a) of title 18, United States Code, is amended by inserting after ''explosives,'' the following: ''hazardous materials,''.

SEC. 808. PROVISIONS RELATING TO COOPERATIVE MAILINGS.

(a) DETERMINATION.—The Postal Regulatory Commission shall examine section E670.5.3 of the Domestic Mail Manual to determine whether it contains adequate safeguards to protect against (1) abuses of rates for nonprofit mail and (2) deception of consumers.

(b) REGULATIONS.—If the Postal Regulatory Commission determines that section E670.5.3 of the Domestic Mail Manual does not contain adequate safeguards as described in the preceding subsection, the Commission shall promulgate such regulations as may be necessary to ensure such safeguards.

(c) TIMING.—The Postal Regulatory Commission shall complete the examination required by subsection (a) and the promulgation of any necessary regulations required by subsection (b) within one year after the date of the enactment of this section.

SEC. 809. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REIMBURSEMENT.—Section 3681 of title 39, United States Code, is amended by striking ''section 3628'' and inserting ''sections 3662 through 3664''.

(b) SIZE AND WEIGHT LIMITS.—Section 3682 of title 39, United States Code, is amended to read as follows:

''§ 3682. Size and weight limits

''The Postal Service may establish size and weight limitations for mail matter in the market-dominant category of mail consistent with regulations the Postal Regulatory Commission may prescribe under section 3622. The Postal Service may establish size and weight limitations for mail matter in the competitive category of mail consistent with its authority under section 3632.''.

(c) REVENUE FOREGONE, ETC.—Title 39, United States Code, is amended—

(1) in section 503 (as so redesignated by section 501), by striking ''this chapter.'' and inserting ''this title.''; and

(2) in section 2401(d), by inserting ''(as last in effect before enactment of the Postal Accountability and Enhancement Act)'' after ''3626(a)'' and after ''3626(a)(3)(B)(ii)''.

(d) APPROPRIATIONS AND REPORTING REQUIREMENTS.—

(1) APPROPRIATIONS.—Subsection (e) of section 2401 of title 39, United States Code, is amended—

(A) by striking ''Committee on Post Office and Civil Service'' each place it appears and inserting ''Committee on Government Reform''; and

(B) by striking ''Not later than March 15 of each year,'' and inserting ''Each year,''.

(2) REPORTING REQUIREMENTS.—Sections 2803(a) and 2804(a) of title 39, United States Code, are amended by striking ''2401(g)'' and inserting ''2401(e)''.

(e) AUTHORITY TO FIX RATES AND CLASSES GENERALLY; REQUIREMENT RELATING TO LETTERS SEALED AGAINST INSPECTION.—Section 404 of title 39, United States Code (as amended by section 102) is further amended by redesignating subsections (b) and (c) as subsections (d) and (e), respectively, and by inserting after subsection (a) the following:

''(b) Except as otherwise provided, the Governors are authorized to establish reasonable

and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of chapter 36. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

''(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.''.

(f) LIMITATIONS.—Section 3684 of title 39, United States Code, is amended by striking all that follows ''any provision'' and inserting ''of this title.''.

(g) MISCELLANEOUS.—Title 39, United States Code, is amended—

(1) in section 1005(d)(2)—

(A) by striking ''subsection (g) of section 5532,''; and

(B) by striking ''8344,'' and inserting ''8344'';

(2) in the analysis for part III, by striking the item relating to chapter 28 and inserting the following:

''28. Strategic Planning and Performance Management ..... 2801'';

(3) in section 3005(a)—

(A) in the matter before paragraph (1), by striking all that follows ''nonmailable'' and precedes ''(h),'' and inserting ''under section 3001(d),''; and

(B) in the sentence following paragraph (3), by striking all that follows ''nonmailable'' and precedes ''(h),'' and inserting ''under such section 3001(d),'';

(4) in section 3210(a)(6)(C), by striking the matter after ''if such mass mailing'' and before ''than 60 days'' and inserting ''is postmarked fewer''; and

(5) by striking the heading for section 3627 and inserting the following:

''§ 3627. Adjusting free rates''.

TITLE IX—POSTAL PENSION FUNDING REFORM AMENDMENTS

SEC. 901. CIVIL SERVICE RETIREMENT SYSTEM.

(a) TERMINATION OF OBLIGATION TO PAY GOVERNMENT CONTRIBUTIONS.—Section 8334(a)(1)(B)(ii) of title 5, United States Code, is amended by striking all that follows ''be equal to'' and inserting ''zero.''.

(b) DETERMINATION AND DISPOSITION OF POSTAL SURPLUS OR SUPPLEMENTAL LIABILITY.—Section 8348(h) of title 5, United States Code, is amended to read as follows:

''(h)(1) For purposes of this subsection, a Postal surplus (or supplemental liability) is the amount, as estimated by the Office, by which—

''(A) the actuarial present value of all future benefits which are payable from the Fund under this subchapter to current or former employees of the United States Postal Service, or their survivors, and attributable to civilian employment with the Postal Service, is less than (or greater than)

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the Postal Service currently subject to this subchapter pursuant to section 8334;

''(ii) that portion of the Fund balance, as of the date such surplus or supplemental liability is determined, attributable to payments to the Fund by the Postal Service and its employees, plus the earnings on such amounts while in the Fund; and

''(iii) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(2)(A)(i) Not later than June 15, 2006, the Office shall determine the Postal surplus or supplemental liability as of September 30, 2005.

''(ii) If a supplemental liability is determined under this subparagraph for fiscal year 2005, the Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2006, which provides for the liquidation of such liability by September 30, 2043.

''(iii) If a surplus is determined under this subparagraph for fiscal year 2005, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund by June 30, 2006.

''(B)(i) For each of fiscal years 2006 through 2038, the Office shall determine the Postal surplus or supplemental liability as of the close of such fiscal year, with each such determination to be made by June 15th of the following fiscal year.

''(ii) If a supplemental liability is determined under this subparagraph for a fiscal year, the Office shall establish an amortization schedule, including a series of equal annual installments commencing on September 30 of the following fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(iii)(I) If a surplus of $500,000,000 or more is determined under this subparagraph for a fiscal year, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund by June 30th of the following fiscal year.

''(II) If a surplus of less than $500,000,000 is determined under this subparagraph for a fiscal year, the surplus shall remain in the Fund, subject to transfer in a subsequent fiscal year under subclause (I) or subparagraph (C)(iii).

''(C)(i) Not later than June 15, 2040, the Office shall determine the Postal surplus or supplemental liability as of September 30, 2039.

''(ii) If a supplemental liability is determined under this subparagraph for fiscal year 2039, the Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2040, which provides for the liquidation of such liability by September 30, 2043.

''(iii) If a surplus is determined under this subparagraph for fiscal year 2039, the amount of the surplus—

''(I) shall be applied first toward reducing the amount of any supplemental liability described in section 8423(b)(1)(B); and

''(II) to the extent that any portion of such surplus remains after the application of subclause (I), shall, not later than June 30, 2040, be transferred to the Postal Service Retiree Health Benefits Fund.

''(D) An amortization schedule under this paragraph—

''(i) shall be established in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System;

''(ii) shall supersede any amortization schedule previously established under this paragraph; and

''(iii) shall not be taken into account, for purposes of any determination of Postal surplus or supplemental liability, except to the extent of any amounts under such schedule actually paid.

''(E)(i) The Postal Service shall pay to the Office the amounts due under any amortization schedule established under this paragraph, to the extent not superseded or canceled.

''(ii) A determination under subparagraph (B)(i) or (C)(i) that no supplemental liability exists shall cancel any amortization schedule previously established under this paragraph, to the extent of any amounts first coming due after the close of the fiscal year to which such determination relates.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based on the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

''(4) As used in this subsection, 'Postal Service Retiree Health Benefits Fund' refers to the Postal Service Retiree Health Benefits Fund, as established by section 8909a.''.

(c) PROVISIONS RELATING TO AMOUNTS FOR MILITARY SERVICE.—In the application of paragraph (2) of section 8348(g) of title 5, United States Code, for fiscal year 2006, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for fiscal years 2003 through 2005 with respect to credit for military service of former employees of the United States Postal Service if Public Law 108-18 had not been enacted (including earnings thereon) and the Secretary of the Treasury shall make the required transfer to the Civil Service Retirement and Disability Fund based on that amount.

(d) REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, any determination or redetermination made by the Office of Personnel Management under this section shall, upon request of the United States Postal Service, be subject to review by the Postal Regulatory Commission. The Commission shall submit a report containing the results of any such review to the Postal Service, the Office of Personnel Management, and the Congress.

(2) RESPONSE.—Upon receiving the report of the Postal Regulatory Commission, the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and the Congress.

SEC. 902. HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8906(g)(2)(A), by striking ''by the United States Postal Service.'' and inserting ''first from the Postal Service Retiree Health Benefits Fund up to the amount contained therein, with any remaining amount paid by the United States Postal Service.'';

(2) by inserting after section 8909 the following:

''§ 8909a. Postal Service Retiree Health Benefits Fund

''(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund (hereinafter in this section referred to as the 'Fund') which is administered by the Office of Personnel Management. Any amounts transferred to the Fund under section 8348(h)(2) shall yield interest at a rate equal to the weighted average yield of all the investments in the Civil Service Retirement and Disability Fund as of the date of transfer. All other investments of amounts in the Fund shall be made in accordance with subsections (c)–(e) of section 8348.

''(b) The Fund is available without fiscal year limitation for payments required by section 8906(g)(2).

''(c)(1) Not later than June 30, 2006, and by June 30 of each succeeding year, the Office of Personnel Management shall compute the net present value of the excess of future payments required by section 8906(g)(2)(A) for current and future United States Postal Service annuitants over the value of the assets of the Fund as of

the end of the fiscal year ending on September 30 of that year. The actuarial costing method to be used by the Office and all actuarial assumptions shall be established by the Office after consultation with the United States Postal Service and must be in accordance with generally accepted actuarial practices and principles.

''(2) Not later than September 30, 2006, and by September 30 of each succeeding year, the Office shall compute and the United States Postal Service shall pay into such Fund—

''(A) the portion of the net present value described in paragraph (1) attributable to the current year's service of Postal Service employees; and

''(B) interest on the net present value described in paragraph (1) for that fiscal year, at the interest rate used in computing that net present value;

except that the amount otherwise payable by the Postal Service under the preceding provisions of this paragraph by not later than September 30, 2006, shall be reduced by the total contributions made by the Postal Service under section 8906(g)(2) and attributable to fiscal year 2006 (as determined by the Office).

''(3)(A) Any computation or other determination of the Office under this subsection shall, upon request of the Postal Service, be subject to review by the Postal Regulatory Commission. The Commission shall submit a report containing the results of any such review to the Postal Service, the Office of Personnel Management, and the Congress.

''(B) Upon receiving the report of the Postal Regulatory Commission, the Office of Personnel Management shall reconsider its computation or other determination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and the Congress.

''(4) The Office shall promulgate, after consultation with the United States Postal Service, any regulations it deems necessary under this subsection.''; and

(3) in the analysis by inserting after the item relating to section 8909 the following:

''8909a. Postal Service Retiree Health Benefits Fund.''.

(b) REVIEW.—

(1) IN GENERAL.—Any regulation established under section 8909a(c)(4) of title 5, United States Code (as amended by subsection (a)) shall, upon request of the Postal Service, be subject to review by the Postal Regulatory Commission. The Commission shall submit a report containing the results of any such review to the Postal Service, the Office of Personnel Management, and the Congress.

(2) RESPONSE.—Upon receiving the report of the Postal Regulatory Commission, the Office of Personnel Management shall reconsider its regulation in light of such report, and shall take such action as it considers appropriate. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and the Congress.

SEC. 903. REPEALER.

Section 3 of Public Law 108–18 is repealed.

SEC. 904. ENSURING APPROPRIATE USE OF ESCROW AND MILITARY SAVINGS.

(a) DEFINITION.—For purposes of this section, the term ''total savings'' means, for any fiscal year, the amount equal to—

(1) the amount of contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund under subchapter III of chapter 83 of title 5, United States Code, for such fiscal year if Public Law 108-18 and this Act had not been enacted, minus

(2) the amount of amortization payments (if any) required under section 8348(h)(2) of title 5, United States Code, for such fiscal year.

(b) CALCULATIONS.—The following calculations shall be made for each of fiscal years 2006 through 2015:

(1) Not later than January 31 of the fiscal year following the fiscal year involved, the Office of Personnel Management (in consultation with the Postal Service) shall determine the total savings for the fiscal year.

(2) On the date of making its determination under paragraph (1), the Office shall also determine (in consultation with the Postal Service) the amount by which—

(A) the amount the Postal Service paid for that fiscal year into the Postal Service Retiree Health Benefits Fund in accordance with 8909a(c)(2) of title 5, United States Code, exceeds (if at all)

(B) the amount of payments made by the Postal Service for that fiscal year from such Fund in order to satisfy the requirements of section 8906(g)(2) of such title 5.

(c) REQUIREMENTS.—

(1) IF THRESHOLD IS MET.—If the amount calculated under subsection (b)(2) for a fiscal year is greater than or equal to two-thirds of the total savings in such fiscal year, no further action under this section is necessary with respect to such fiscal year.

(2) IF THRESHOLD IS NOT MET.—

(A) IN GENERAL.—If the amount calculated under subsection (b)(2) for a fiscal year is less than two-thirds of the total savings in such fiscal year, the Postal Service shall pay into the Postal Service Retiree Health Benefits Fund, by June 30 of the following fiscal year, an amount equal to the difference.

(B) ALLOWABLE ALTERNATIVE.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), and subject to clause (ii), the Postal Service may instead use the amount that it would otherwise be required to pay into the Postal Service Retiree Health Benefits Fund for a year (or any portion thereof) to reduce the postal debt.

(ii) LIMITATION.—Amounts used to reduce the postal debt under this subparagraph may not exceed a total of $3,000,000,000.

(3) AGGREGATION ALLOWED.—Notwithstanding paragraph (2), if the amount calculated under subsection (b)(2) for a fiscal year is less than two-thirds of the total savings in such fiscal year, but the sum of the amounts calculated under subsection (b)(2) for all fiscal years from 2006 to the fiscal year involved is greater than or equal to two-thirds of the sum of the total savings for such years, no further action under this section is necessary with respect to such fiscal year.

(d) REPORTING REQUIREMENT.—The Office of Personnel Management shall submit a report containing the results of its calculations under subsection (b) to the Postal Service, the Postal Regulatory Commission, and the Congress.

(e) WAIVER AUTHORITY.—The requirements of subsection (c)(2)(A) may, upon application of the Postal Service, be waived by the Postal Regulatory Commission, to the extent that the Commission determines that such waiver is reasonable and equitable and necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

SEC. 905. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided, this title shall take effect on October 1, 2005.

(b) GOVERNMENT CONTRIBUTIONS.—Section 901(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2005.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 109–184. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–184.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

Page 73, strike line 7 and all that follows through page 74, line 2.

Page 74, line 3, strike ''(d)'' and insert ''(c)''.

Page 74, strike all after ''Act'' on line 7 and before ''any'' on line 9, and insert ''or''.

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The CHAIRMAN. Pursuant to House Resolution 380, the gentleman from Indiana (Mr. PENCE) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer the Pence amendment to the Postal Accountability and Enhancement Act, and, along with several of my colleagues, will endeavor to bring real reform and real enhancement to a bill however well conceived and well intentioned by my colleagues. In fact, I rise today to begin by thanking the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from New York (Mr. MCHUGH), the author of this legislation, for their leadership on this measure and their sincerity in attempting to ensure the ongoing vitality of the U.S. Postal Service and the tradition that it has enjoyed in this Nation, an invaluable part of our economy since before our Nation was formed.

But before I get to the substance of the Pence amendment, Mr. Chairman, I want to begin to address the reasons why the Bush administration did today issue a Statement of Administration Policy opposing significant portions of this legislation and, in fact, suggesting that if this legislation did not achieve the objective of budget restraint and fiscal reform, that the President's advisers would encourage him to veto this legislation that will come before the House today.

A few observations from the report on the President's Commission of the United States Postal Service are in order. The Commission found that the number one problem facing the United States Postal Service is its complete inability to control costs, and ratepayers have been paying the freight as

a result of that along with taxpayers, who recently financed nearly $7 billion in a Postal Service bailout just a few short years ago. Of that uncontrollable cost, 80 percent of the United States Postal Service costs are constituted in labor, this in a competitive marketplace where its competitors like UPS and FedEx spend only 56 percent and 42 percent of their cost on labor. Clearly the United States Postal Service is, as the President's Commission found, desperately in need of flexibility to achieve labor and workforce reforms.

The USPS is currently providing its workers roughly $870 million more in benefits than Federal workers receive as a result of lucrative health and life insurance benefits, and that is just the beginning.

H.R. 22 that we will consider today contains none of the main collective bargaining proposals offered by the President's Commission. It contains none of the reforms offered by the Commission to establish a BRAC-style process to consolidate and shut down facilities that use money. And while H.R. 22 does laudably contain a cap on postal rate increases, many are highly skeptical about how that will work. The Congressional Budget Office states that the USPS will ''increase rates . . . more frequently than under current law, but by smaller increments.'' In addition, the cap could be blown if such an increase were ''reasonable and equitable and necessary'' for the continuation of services. Such a cap hardly equips the U.S. Postal Service with the tools to control costs and renegotiate its labor costs.

So we come today, a series of us, with the kind of reforms that we believe will give the Postal Service the opportunity and the flexibility to achieve reforms necessary to live within its means. That is why I submitted an amendment to enact the Commission's recommendation to ensure that health care and pension benefits ought to be a part of normal collective bargaining. It was rejected and will not be considered today. That is why the gentleman from North Carolina (Mr. MCHENRY) had offered an amendment to enact the Commission's recommendation to reform the workmen's compensation reforms to align more closely with the private sector. Unfortunately, these amendments were made not in order.

In fact, today the Pence amendment will deal with a provision of this legislation that, believe it or not, would set aside a seat on the Board of Governors specifically for an individual unanimously approved by all labor unions. More on that in a moment.

I say this with deep respect, Mr. Chairman. I understand why the Democratic minority whip just said on this floor that this was ''a good bill that should be passed this year.'' I just do not understand why a Republican majority in Congress, with the firm and clear opposition of a Republican President, would do likewise.

Let me get to the substance of the Pence amendment, if I may. The Pence amendment essentially removes a provision of H.R. 22 that requires that the first vacant slot on the Board of Governors literally be filled by an individual with the unanimous backing of ''all labor organizations.'' The headlines today would attest that it might be difficult, depending on the definition of ''all labor organizations,'' to get all labor organizations to agree on anything these days.

Currently the Board of Governors consists of nine members with no more than five from the same party. This bill would ensure that one of these seats would be set aside to represent the interests of one special interest group to the exclusion of other interests like mailers or, dare I say it, taxpayers. It is this type of provision that we must confront in this legislation, and the Pence amendment humbly seeks to strike that.

And workforce is the issue. Mr. Chairman, the U.S. Postal Service is the second largest employer in the United States, second only to Wal-Mart. And according to the President's Commission report, 3 out of every $4 earned by the Postal Service went to pay wages and benefits of its employees in fiscal year 2002. The unions have been extraordinarily effective over the last 25 years, as has been said over and over again, preventing layoffs and recently announcing having inked the second largest pay increase in the unions' history. I believe that is why the Statement of Administration Policy that was issued today simply read, and I quote, ''Should the final bill have such an adverse impact on the federal budget, the President's senior advisers would recommend that he veto the bill.''

The Pence amendment is all about bringing the kind of reforms in this bill that will allow the U.S. Postal Service to maintain its vitality and its fiscal integrity for years to come. The Pence amendment in its effort to strike section 401 is a modest effort to achieve that goal.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the gentleman from Indiana described the President's Commission on Postal Reform. Many of the broad outlines of that Commission's recommendations are in the legislation before us today.

The legislation before us today is supported by not Democrats, not just Republicans, but by labor unions and management, the National Association of Manufacturers, the National Federation of Independent Businesses, Small Business Legislative Council, and the postal unions. And I will not go through all of them, but all the newspapers, the publishers, the mailers, all the people that look to the Postal Service for their service.

This amendment, when we get right to what the amendment is all about, is to take the one out of nine seats on the Board of Governors away from a union representative. The Postal Service has 700,000 career employees. They are the ones who make the system work. Are they not entitled to have one representative on this board? This idea of giving them representation is backed by labor, management, business. We have all worked cooperatively together on postal reform legislation. They have built trust and made compromises. That is why this legislation is so broadly supported.

This amendment would undermine the consensus behind the legislation. It singles out one group and says they lose, they lose their seat on the Board. That may be good politics for people who want to say they are antiunions, but it is not good for this legislation or for the Postal Service.

So I would urge my colleagues to oppose the Pence amendment and to support the bill, not to adopt this or any other amendment that would undermine the consensus behind the legislation. And then let us move forward. We will have to be talking to the other body. We will have to be talking to the President and people in his administration in order to get a law, but we have a consensus for a bill that we hope will become law.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment that is proposed would remove a provision from a very carefully crafted piece of legislation that would require the first vacant slot on the Postal Service Board of Governors to be filled by an individual with unanimous backing by labor unions. Currently there are 11 members. This bill would provide that one of those seats become a labor seat, certainly not documented by labor. One seat would be a labor seat.

The provision requiring the seat to become a labor seat has been in the Postal Accountability and Enhancement Act for 11 years. No group on either side of the issue has ever expressed any opposition to the change in statute, and I am unclear why this issue has actually risen today. Simply requiring one of a nine-member Board speak on behalf of thousands of employees in everyone's district here hardly seems to be unreasonable or undoable.

H.R. 22 is a bill that we have heard many people on the floor say how many years it has been worked on, well over decades. I urge my colleagues to vote against this and other amendments under consideration today that do not provide for any real improvements in the underlying text of the bill that we have before us tonight.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to be very quick here, and I certainly appreciate our distinguished colleague's comments and deeply appreciate his concern.

Just a couple of points. As the gentleman from California (Mr. WAXMAN) said, I have to disagree with the gentleman's comments that somehow the President's Commission is at odds with what this bill entails. In fact, I think it is fair to say the President's Commission adopted at least, at least, 80 percent of H.R. 22 as it was originally crafted and continues to be contained therein.

He also spoke about the Statement of Administration Policy, the SAP, and talked about labor representation as though the President has opposed this. That is not true. The President's SAP does not address this issue, and, in fact, the United States Postal Service has not taken a position on this particular provision as well, which is the context of the gentleman's amendment. So with all due respect, I think that clarification is vital.

It also talked about Republican-Democrat. I do not think this is a novel concept. Many major corporations from DaimlerChrysler, TWA, and on and on have labor union representation on their boards. I would also note that many organizations that are generally not considered liberal, perhaps Democrat, not just support H.R. 22, but oppose the gentleman's amendment. I will name just a few: American Express, Bank of America, Capital One, JP Morgan Chase, the Citigroup, Financial Services Roundtable. As I said, pretty conservative organizations that oppose this amendment.

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The fact of the matter is, this is well accepted in the industry sector. There will be one out of nine members of the Board of Governors, and I do not think it is unreasonable to have such a labor-intensive organization have a labor vote on that. While I do respect the gentleman's intent, I think, as has been suggested, these are issues that are much better dealt with in the context of the committee.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise in support of the Pence amendment.

It is important to remove this language in H.R. 22 that reserves one seat on the Postal Board of Governors for a representative of labor unions.

The U.S. Postal Service is a government-owned corporation and, as such, is technically owned by the U.S. taxpayers. Reserving one space exclusively for labor representatives confers preferential status and, in my view, undue influence to one interest group at the expense of all other stakeholders in postal operations, particularly first-class mail users.

I think it is a good amendment. I think it is something that I believe this kind of set-aside may not be in the Senate version of the bill. It is certainly a topic that needs to be debated and taken up in conference, and I would encourage my colleagues to accept it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, one of the great accomplishments of this legislation is the fact that it was able to bring labor and management together, to bring both sides to the table and have them agree. The gentleman from Indiana's amendment did not mention the fact that four of the slots were designated for management. So certainly, if management would have at least four slots pretty much designated, then certainly labor ought to have one.

The other point is that throughout the deliberations, very seldom did we hear much conversation about Democrats and Republicans. We really talked about moving a postal system and a postal service forward. So I would oppose the gentleman's amendment.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment.

As I understand it, if there are nine members of this board, no more than five can be from the party of the President. Inasmuch as the President is presently a Republican, that would mean that at least four seats would be allocated to those who are members of the Democrat party. The last time I looked, although perhaps some labor unions are having a falling out amongst themselves, there has not been a falling out between the labor union movement and the Democrat Party, so I would think they would be well represented.

I think perhaps somebody that might be terribly underrepresented tonight would be the poor beleaguered taxpayer. Given that there are over 140 million of them, perhaps we should consider reserving at least one seat for them, to make sure that their interests are represented since, too often, so many of the aspects of this legislation that we are discussing tonight ultimately could fall upon them. If there is anybody who deserves special recognition, and not that all stakeholders should not be considered, I would suggest that we reserve a seat for the taxpayer.

Mr. PENCE. Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

First of all, I cannot thank the ranking member and the chairman of the full committee, and the ranking member of the subcommittee and chairman of the subcommittee enough for such a thoughtful piece of legislation. But with respect to this amendment, might I say the composition of this board and the representation of one union member is what you call consensus and what you call cooperation.

Just listening to the leadership of my local union, the letter carriers, with the President, President Prissy Grace, and the American Postal Workers Union, as well as the Postmaster General in my congressional district, Ms. Green, they have had a working relationship that can be exhibited by the structure in which this particular legislation allows: representation of the workers, the workers who are committed to delivering the mail, rain or shine. I think that to eliminate this particular position really eliminates the voice of the workers.

We are already saying that we are committed to the work ethic of the postal workers in the postal system. This is a reform and reformation of the postal system for the better, to make them efficient, to make them productive, and to serve the American people. Having their work represented on this board serves the American people, and I ask my colleagues to support the amendment.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

I thank the members of the committee, especially the author of this bill, for their sincerity of purpose and civility in this debate. I also thank my colleagues who have risen in support of the Pence amendment, which, again, simply removes the provision of H.R. 22 that requires that the first vacant slot on the Board of Governors be filled by an individual with unanimous backing by all labor organizations.

The Pence amendment is supported by National Right to Work, by Americans For Tax Reform. We already have fairness on the board, Mr. Chairman: five members of one political party, the party in power in the White House, and four members appointed by the other political party. We do not need a tie-breaker member that is selected by the unanimous consent of all the labor unions.

If we are going to achieve the labor and workforce reforms necessary to restore efficiency to the Postal Service and ensure its vitality in the 21st century, we must ensure that those reforms are not stymied by a reserved seat for labor unions on the postal board.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as

I may consume. I thank my friend for offering his amendment. I am unable to support it, but I understand the spirit in which he is giving it to try to make this a better bill.

This is a carefully crafted bill in which Republicans and Democrats have come together to try to work through a lot of issues, and moving one part out really jeopardizes the total package.

The gentleman quoted the minority leader, or the minority whip, as saying, This is a good bill and it should be passed this year; and he understood that, but why would a Republican Congress do it.

A Republican Congress would pass this bill because we do not want a 2-cent rate increase next January. The only way we can forestall that rate increase is by passing this legislation; and to pass this legislation, we need to work together with Republicans and Democrats. That means we give on some issues and we take on others.

The question was raised, well, we ought to have a taxpayer on the board. I think everybody who is on the board is a taxpayer. The fact of the matter is, there are four members of the board who are management, but they are not postal management. There are two postal management members of the board, and this would reserve one for the unions to pick; and by the way, there are diversity among the postal unions. That is a tough job to pick somebody because of competing interests over mail handlers versus letter carriers and the like.

But this is good legislation, and I am afraid that this amendment, in my judgment, despite I think the best intentions of its author, will upset that delicate balance that we have created to this point. It is not something that is new to corporate America to have a member of labor sitting on corporate boards. It is actually done quite frequently, particularly in the airline industry and a number of other industries where this is fairly common at this point. And since the postal workers have a lot to gain or lose by this as well, we think their voice can be very constructive at the end of the day.

So for those reasons and the fact that this particular provision has been in the bill since its introduction 11 years ago, and until this amendment was filed, I do not think any objections have been raised. I understand where the gentleman is coming from; but for those reasons, I would ask my colleagues to reject the Pence amendment and to support the final passage.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. PENCE) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 109–184.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FLAKE:

Page 120, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 712. PILOT PROGRAM TO TEST ALTERNATIVE METHODS FOR THE DELIVERY OF POSTAL SERVICES.

(a) PILOT PROGRAM.—The United States Postal Service may conduct a pilot program to test the feasibility and desirability of alternative methods for the delivery of postal services. Subject to the provisions of this section, the pilot program shall not be limited by any lack of specific authority under title 39, United States Code, to take any action contemplated or, to the extent specified in a waiver granted by the Postal Service in accordance with regulations under subsection (f), by any provision of law, rule, or regulation inconsistent with any action contemplated (any such waiver to be granted or denied in consultation with the Attorney General, to the extent any provision of title 18, United States Code, is involved).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Under the pilot program, alternative methods for the delivery of postal services may be tested only in those communities that submit an appropriate application (together with a written plan) in such time, form, and manner as the Postal Service by regulation requires, and whose application has been duly approved. Any such application shall include—

(A) a description of the postal services that would be affected;

(B) the alternative providers selected and the postal services each would furnish (or the manner in which those decisions would be made);

(C) the anticipated costs and benefits to the Postal Service and users of the mail;

(D) the anticipated duration of the community's participation;

(E) a specific description of any actions contemplated for which there is a lack of specific authority or for which a waiver (as described in subsection (a)) would be necessary; and

(F) such other information as the Postal Service may require.

(2) REVIEW BOARDS.—Under the pilot program, the postmaster or postmasters within a community may, in accordance with regulations prescribed by the Postal Service, establish a postal performance review board (hereinafter in this section referred to as a ''review board''). It shall be the function of a review board to submit any application under paragraph (1) on behalf of the community that it represents and to carry out the plan on the basis of which any such application with respect to such community is approved. A review board shall consist of the postmaster for the community (or, if there is more than one, the postmaster designated in accordance with regulations under subsection (f)), at least 1 individual who shall represent the interests of business concerns, and at least 1 individual who shall represent the interests of users of the class of mail for which the most expeditious handling and transportation is afforded by the Postal Service. The postmaster (or postmaster so designated) shall serve as chairman of the review board.

(3) ALTERNATIVE PROVIDERS.—To be eligible to be selected as an alternative provider of postal services, a provider must be a commercial enterprise, nonprofit organization, labor organization, or other person that—

(A) possesses the personnel, equipment, and other capabilities necessary to furnish the postal services concerned;

(B) satisfies such security and other requirements as may be necessary to safeguard the mail, users of the mail, and the general public;

(C) submits a bid to the appropriate review board in such time, form, and manner (together with such accompanying information) as the review board may require; and

(D) meets such other requirements as the review board may require, consistent with any regulations under subsection (f) that may apply.

(4) USE OF POSTAL FACILITIES AND EQUIPMENT.—Postmasters shall at their discretion be permitted to allow alternative providers the use of facilities and equipment of the Postal Service, and any such proposed use shall, for purposes of the competitive bidding process, be taken into account using fair market value.

(c) LIMITATIONS.—The pilot program—

(1) may involve not more than a total of 20 communities; and

(2) shall terminate not later than 5 years after the date on which the program commences.

(d) TERMINATION AUTHORITY.—Subject to such conditions as the Postal Service may by regulation prescribe and the terms of any written agreement or contract entered into in conformance with such regulations, the participation of a community in the pilot program may be terminated by the Postal Service or by the review board for such community if either determines that the continued participation of the community is not in the best interests of the public or the Government of the United States.

(e) EVALUATIONS.—The Postal Service shall provide for an evaluation of the operation of the pilot program within each community that participates. Any such evaluation shall examine, at least and if applicable, reliability of mail delivery (including the rate of misdeliveries), timeliness of mail delivery (including the time of day that mail is delivered and the time elapsing from the postmarking to delivery of mail), volume of mail delivered, and any cost savings or additional costs to the Postal Service attributable to the use of alternative providers. Data included in any such evaluation shall be analyzed—

(1) by community characteristics, time of year, and type of postal service;

(2) by residential, business, and any other type of mail user; and

(3) on such other bases as the Postal Service may determine.

Each such evaluation and an overall evaluation of the pilot program shall be transmitted by the Postal Service to the President and each House of Congress by not later than 90 days after the date on which the program terminates.

(f) REGULATIONS.—The Postal Service may prescribe any regulations necessary to carry out this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect the obligation of the Postal Service to continue providing universal service, in accordance with otherwise applicable provisions of law, in all aspects not otherwise provided for pursuant to this section.

The CHAIRMAN. Pursuant to House Resolution 380, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

My amendment is quite simple. It establishes a pilot program in at least 20 test communities, which would sunset in 5 years, to allow the U.S. Postal Service and the Congress to simply gather information. This pilot program would test the feasibility and desirability of alternative methods for the delivery of postal services.

The pilot program would test the current following assumptions about the Postal Service: Are consumers better off if the Postal Service remains a monopoly? Does the current postal infrastructure allow for as many delivery offerings as possible? Is the total value of the universal service model for postal delivery worth the expense?

Now, universal service by the Postal Service would continue to be provided, but participating postmasters would not be limited by the current monopoly statutes on first-class delivery and the use of postal mailboxes. If the postmaster so chooses, alternative providers, such as commercial enterprise, nonprofit organization, or a labor organization that satisfies a strict set of criteria could serve as an alternative provider for postal services. They would also be able to use the equipment and facilities of the USPS at the discretion of the postmaster for fair market value.

Mr. Chairman, with the dramatic reduction in first-class mail volume, coupled with the inability of the Postal Service to control costs, the Postal Service and Congress must have many well-tested alternatives for the future of mail delivery in the U.S.

Many European countries are well ahead of the U.S. on some new innovative ideas for structuring their respective postal delivery services. The pilot program is simply a test program to provide the Postal Service and Congress with useful information to make future changes to postal services, if needed.

I might add, Mr. Chairman, we know that some changes are needed. We are running into deficits; and every 4 years, we are bailing out the USPS. I do not want to be here 4 years from now doing the same thing. So let us test some alternatives. Let us see what else works. Let us see what other countries are doing that we might adopt to control costs and improve quality.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition, and I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I understand this amendment is to do something on a pilot project basis with the idea that we are going to promote innovation in the delivery of the mail. Well, I support that goal.

H.R. 22 has many provisions to promote flexibility and innovation; but this amendment, maybe it was not intended this way, but it is drafted in a way that is an open invitation to abuse. It allows a local postmaster to contract out the delivery of the mail to private companies; and in the course of that amendment, it provides that any provision of Federal law that might otherwise apply to these contracts and the delivery of mail can be waived.

Well, that is incredibly far-reaching. It would mean a local postal official could set up his own company. He can ask his brother-in-law to set up another company and then contract with that company to do the job of delivering the mail. It is certainly a blatant conflict of interest.

But even criminal laws could be waived under this amendment. There would be no prohibition against under-the-table kickbacks. The provision could allow the waiver of the privacy of first-class mail. This could lead to a lot of unforeseen problems.

That is why the postmasters of this country, the National League of Postmasters, which represents the local postmasters, has said that the postmasters very strongly oppose the amendment: ''The Congressman's approach would be harmful to universal service.''

So it is not just that this amendment goes against the compromise that has brought this whole bill together, but I do not think it has been thought through, and I do not think we ought to adopt something that has so many possible ramifications to it that we would certainly regret.

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute.

I should point out to the gentleman that postmasters would have full authority under this legislation, under this amendment to actually contract out or not. They can disband the alternative at any time.

Now, under the law, only the government can do it right, and we ought to take over the entire economy. If we do not trust the private sector to deliver services more effectively and more efficiently than the government can, shoot, why do we not get in every business.

We know that that is not the case. We know the private sector typically can do it better, faster, cheaper, smarter than government.

Every 4 years, we are back in again to bail out the USPS. This simply says, why do we not try something, try some alternatives that are working in other countries; try some things that might work, that might lower the cost, that might be more taxpayer-friendly than this. That is what this amendment is all about.

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

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

We are not bailing out the post office every 4 years; it is like every 35 years, since the last act. We did come out with some additional money because of anthrax and because of the added burdens that we put on the post office at that point, but the post office has to operate under its own budget; and right now, the only thing they can rely on is rate increases, and rate increases drive mail away into other areas, which is why we are working this bill tonight.

I appreciate the gentleman's amendment, but I think it is unnecessary. The Postal Service already has considerable authority to test and implement different methods of providing services to the public. Nothing in the current law, I repeat, nothing in the current law or in H.R. 22 prevents the Postal Service from employing contractors in providing mail service.

The post office has a long history of doing so, starting with the Pony Express. For most of its history, the Postal Service has relied on dedicated contractors to manage small post offices, often in rural communities. Almost 8 percent of all of the post offices are operated under contract, not by postal employees; 8 percent.

Also, for 160 years, the Postal Service has relied on private contractors for the transportation and delivery of mail. Star route carriers today continue to operate, transporting mail efficiently and effectively nationwide, even delivering the mail to over 2 million homes 6 days a week. In many rural communities, those served by both contract postal units and star route carriers, the Postal Service's entire relationship with their customers is already handled by contractors, not employees.

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For these longstanding and successful postal contract arrangements, this amendment is at best unnecessary. At worst it adds a new layer of procedures that will place burdens on expanding these programs into newer areas. One puzzling aspect is its provision allowing the Postal Service to waive laws, rules and regulations, including sections of the criminal code, which I am not sure I understand. Maybe the gentleman on his time will explain.

But the Service does not need this waiver to contract the provisions. In fact, it only serves to remove needed protections safeguarding the sanctity, privacy and security of the mail. Do customers really want their mail delivered by contractors to whom no laws apply?

In short, the Postal Service has been conducting pilot tests of these ideas since the 19th century. I would say the evaluation phase is over, the results are in, they work. Let us not mess them up with a new, unnecessary, convoluted regulation. Both postmaster organizations oppose this.

And so I would urge that we defeat this amendment.

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

Mr. FLAKE. Mr. Chairman, before yielding 2 minutes to the gentleman from Indiana, let me just say that asking the Postal Service to give up what might lead to giving up their monopoly or a portion of their monopoly is unreasonable. We need to prime the pump a little. No private business would in their self-interest do that either. That is why this amendment is important.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Flake amendment. There are 38,000 post offices, stations and branches in the U.S. Postal Service. The Flake amendment contemplates a pilot program that would affect 20 communities.

By my bad math, that is about 1/20 of 1 percent of the communities that are served by 38,000 post offices, stations and branches. But that is an unacceptable reform.

I rise with great respect to the gentleman from California (Mr. WAXMAN), who has been a champion of postal reform for much longer than I have been in Congress. I do respect the gentleman and have great respect for the chairman. It is lost on me why we cannot say, in the name of reform, in the greatest free-market economy in the history of the world, that we will allow for competition in 20 pilot programs to run out inefficiencies and to bring innovation and new ideas to the delivery of postal services.

The Flake amendment is just simply that; 38,000 post offices, stations and branches. The Flake amendment asks humbly that we identify 20 communities to test the feasibility and desirability of alternative methods of delivery of postal services, and this reform bill and its reformers oppose that pilot program.

Let us bring real reform to reform. If we cannot, let us introduce a pilot program where reform and the ideas of reform might be able to take hold to create a truly diverse 21st century postal delivery system for America.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, a couple of comments. The gentleman from Arizona (Mr. FLAKE) said you cannot expect the Postal Service to give back any of its monopoly powers. With all due respect, the Postal Service has agreed to this bill. In this bill there is a substantial reduction in the monopoly scope on first class mail.

Right now first class mail and monopoly is whatever the Postal Service says it is. Under this bill there is a bright line determination; it is six times the rate of the first class stamp, which is a substantial give-back.

I also have to underscore the distinguished chairman's concerns about the suspension of title 18. You can argue about the needs for reform in pilot tests and such, but maybe it was an inadvertent step, but the fact still remains the amendment before the committee today will be a suspension of the criminal code, which would empower, rightly or wrongly, those who would be entrusted with the mail of the United States Postal Service to be totally absolved under criminal responsibility.

Now, I can leave it to the imagination of the Members what that could potentially mean for identity theft and on and on and on. I doubt that the gentleman from Arizona (Mr. FLAKE) meant it, but regardless, that is what this reform calls for.

The last thing I would say is I think that a concern is about a new model for the Postal Service, and I would agree, and this bill understands that as well. We specifically negotiated with the administration a study to be conducted under the auspices of GAO. They will hire a contract specialty firm that will look at establishing a future business model that, in part, and I will quote from the bill, ''seeks to study the maintenance of the Postal Service in its current form as an independent establishment in the executive branch; and, two, transforming the Postal Service into an ordinary corporation, wholly owned by the government or wholly owned by private shareholders or partly by the government and partially by private shareholders.''

This bill admits we have to take a careful look at the future of the business model of the Postal Service. That is why this amendment should be rejected.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. I do want to add my voice to those congratulating the gentleman from Virginia (Chairman TOM DAVIS) for his good work, and I know that the job has been very tough to try to reconcile all of the differing interests and opinions that are brought to bear. But I find it very difficult to believe that we have something to fear from a pilot program in 20 communities out of 38,000. It appears that something is not working, or we would not be here this evening.

Many, many years ago when I was in high school, I played both football and tennis, and I was equally poor at both, but I remember something a tennis coach once told me: There are many ways to lose at tennis. Try them all.

Well, we are losing here tonight if we are contemplating rate increases and imposing $6 billion on the taxpayers. Maybe we should try something new. Maybe we should try some pilot programs. Maybe we should get some more experimentation, some more innovation, some more competition into the system, and maybe we can find ways to start winning at this.

And because of that, I do rise in strong support of the gentleman's amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just say this: On the $6 billion figure floating around, it is important to understand that the reason the Congressional Budget Office scores this as an increase is because they have contemplated and put into their figuring that there will be rate increases. Our legislation takes away those rate increases, so that is not coming into the Treasury. So if you do not have a rate increase, it scores.

When you sit here and say it is going to cost the taxpayers, that means they do not have to go with a rate increase. We are being penalized because we are not doing rate increases, and it scores against us. We need to understand that. And that is why this legislation is being passed.

Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time.

The Postal Service delivers to 140 million sites, and there is about a million new sites every year. It provides universal service.

When I hear my colleagues talk about fine-tuning this bill, that is what we have been doing for the last 10 years. This is a bill that has been fine-tuned, and it has been fine-tuned in a way that has gotten support from disparate parts.

The employees who work at the postal system know that more than 200,000 jobs are going to be lost. That is why we opposed the first amendment by the gentleman from Indiana (Mr. PENCE) because we need employee buy-in.

The reason why we opposed this amendment, it seems to fail to understand that there is competition with FedEx, with UPS, with DHL and many more things. They are also competing with the newspapers.

We are trying to provide flexibility to the postal system. So I understand the concept of fine-tuning, but I would dispute significantly the failure to recognize that the bill has been fine-tuned. And when I am hearing my colleagues offer their amendments, I feel like they have not read the bill, because the bill allows for competition, it allows for flexibility, and it has buy-in in all of these disparate parts.

This amendment needs to be defeated if we are going to pass this bill.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I will reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of the time. I will go ahead and wrap up.

Labor costs consume 80 percent of the Postal Service revenue, whereas UPS and FedEx spend only 56 and 42 percent of their revenues on labor. I

know there are differences. It is a little different animal when we are talking about first class mail delivery, and what FedEx and UPS do, but 80 percent versus 56 and 42 percent respectively.

I think we ought to be questioning ourselves, what are they doing that we are not? What can we do so we will not have either more money out of the general fund or a rate increase? Whether it is paid by the consumer with monopoly service or the taxpayer is the same. It is both money coming out of the taxpayers' or consumers' pockets.

And I do not want to be here, like I said, 4 years from now talking about another rate increase or talking about more money from the general fund because we simply have not done anything about making sure that competition drives improvement in service and it controls cost. We know that from everything we know about the economy. We know that from education reform. We know that in other areas as well. Competition and choice controls costs and improve quality. This is what we are trying to jump-start here. That is the purpose of this amendment.

As the gentleman from Indiana (Mr. PENCE) mentioned, this is hardly revolutionary. A fraction of 1 percent would be allowed to actually test this proposition, that maybe competition would help control cost and improve quality, a fraction of 1 percent of all of the sites out there, of all of the systems running.

So this is a very modest amendment. I think it is important.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would just note that the universal service obligation of the post office gives it a burden in requirements that some of the other facts and figures alluded to do not have to meet.

Mr. Chairman, I would yield the remaining time to my colleague, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, where I come from, there is an old saying: If it looks like a duck, acts like a duck, quacks like a duck, talks like a duck, then it is a duck. And it seems to me that the bottom line is this is an attempt to privatize the Postal Service, which would decimate the concept of universal service. There could be no universal service if this amendment is passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–184

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING of texas

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 138, line 13, strike ''(h)(1)'' and insert ''(h)(1)(A)''.

Page 138, line 16, strike ''(A)'' and insert ''(i)''.

Page 138, line 22, strike ''(B)'' and insert ''(ii)''.

Page 138, line 23, strike ''(i)'' and insert ''(I)''.

Page 139, line 1, strike ''(ii)'' and insert ''(II)''.

Page 139, line 7, strike ''(iii)'' and insert ''(III)''.

Page 139, after line 10, insert the following:

''(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

''(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

Page 142, strike line 21 and all that follows through page 143, line 7.

Page 143, line 8, strike ''(d)'' and insert ''(c)''.

Page 147, lines 12 through 13, strike ''**ESCROW AND MILITARY**'' (and make such technical and conforming changes as may be appropriate).

Page 148, line 2, strike ''for each of fiscal years 2006 through 2015'' and insert ''for fiscal year 2006 and each fiscal year thereafter''.

Page 148, line 24, strike ''two-thirds of''.

Page 149, line 6, strike ''two-thirds of''.

Page 149, line 25 through page 150, line 1, strike ''two-thirds of''.

Page 150, line 4, strike ''two-thirds of''.

Page 150, strike lines 13 through 21.

The CHAIRMAN. Pursuant to House Resolution 380, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this evening some Members rose in support of postal workers. Other rose in support of large postal customers. This is good, and this is well, and I respect that.

But tonight I wish to rise in support of the taxpayer. Today our Nation is riding a wave, an impending fiscal tsunami, that threatens to drown our children and grandchildren in a sea of red ink.

Since 2000, the amount that government spends annually per household has risen from $18,000 to over $20,000 in 2004. This is only the fourth time in our Nation's history that spending exceeded $20,000 per household. It also represents the largest expansion of the Federal Government since the Vietnam era.

The Federal debt now stands at a staggering $7.8 trillion, or roughly $26,600 for every man, woman and child in America. And the Nation's financial challenges are about to get markedly worse over the next decade.

Without reforms we know that Medicare will grow at a rate of 9 percent, Medicaid 7.8 percent and Social Security at 5.5 percent a year, far outstripping our country's economic growth or our ability to pay for them. Where will it all end?

□ 2045

According to the GAO, if we ignore the runaway growth of government spending, we will have to double taxes, double taxes on our children and grandchildren just to balance the budget by the year 2040. If this occurs, we stand to become the first generation of Americans to leave our children with a lower standard of living, not to mention a legacy of limited freedom and unlimited government.

Now, day after day Member after Member comes to this floor to decry the Federal deficit and the legacy of debt that we are leaving our children. Rarely have so many of us spoken so passionately against the Federal deficit and yet done so little about it.

Today, I wish to provide us with an opportunity to change that. In 1970, the fundamental principle of postal reform was established, that the Postal Service would become a self-financed entity. According to title 39 of the U.S. Code: ''Postal rates shall be established to apportion the costs of all postal operations to all users of the mail.''

Simply put, the U.S. Postal Service is supposed to pay its own freight; but according to the Congressional Budget Office, and I understand that the chairman of the full committee respectfully disagrees with their score, the CBO says H.R. 22 will actually place us further in debt by almost $6 billion over 10 years. And who should pay for that $6 billion?

It either must be paid by those who use the Postal Service or the taxpayers. I vote for those who actually use the service. Now, some of my colleagues have argued that the Postal Service faces unique responsibilities and thus taxpayers must subsidize them. It is true. The Postal Service does have some unique responsibilities, but they also enjoy a host of unique benefits that private businesses do not. The Postal Service pays no Federal, States, or local taxes. They are immune from most regulations such as zoning, motor vehicle registration, and even parking tickets.

The Postal Service can borrow from the Treasury at below-market rates and is immune from anti-trust laws despite the fact that it can compete against private companies.

The number one problem facing the United States Postal Service is not the lack of a taxpayer subsidy. It is their seeming inability to control costs. Labor costs consume 80 percent of the

Postal Service's revenue, whereas UPS and Fed Ex spend only 56 percent and 42 percent of their revenues on labor.

The Postal Service has been unable to close existing facilities or consolidate new operations. In fact, Mr. Chairman, over half of its 38,000 facilities do not generate enough revenue to cover their costs.

Mr. Chairman, again, I want to state that I respect the hard work that the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from New York (Mr. MCHUGH) have done on this bill. And I do understand that many different opinions had to be reconciled to get a postal reform bill to the floor. But I believe that we need to stand with President Bush, we need to stand with the American taxpayer and make this a budget-neutral bill. Instead, if we want to make the Postal Service more cost competitive, what we really need to do is enact all of the Presidential commission's workforce reforms.

In 2003, Congress decided that the Postal Service was on a course to possibly overpay its civil service retirement system costs. Rather than let the Postal Service spend the money, it retained it and an escrow account was created within the U.S. Treasury.

H.R. 22 releases that escrow account to pre-fund Postal Service health care liabilities. I agree this is a sound use of funds, but it is unfortunately incomplete. Under H.R. 22, only two-thirds of the funds would be used to fund the health care liabilities letting 2 to $3 billion a year slip back to the Postal Service for other expenditures.

With the Postal Service currently facing an unfunded health care liability of roughly $75 billion, I believe every dollar in the escrow account should be used to offset this growing concern. If not, taxpayers will surely be called upon to make up this tremendous shortfall.

Mr. Chairman, my amendment would reduce the cost of H.R. 22 substantially by ensuring that 100 percent of the civil service retirement system savings will be directed to the Postal Service's unfunded health care liability. In addition, this amendment would maintain the Postal Service's financial responsibility for paying the civil service retirement system costs associated with military service credits, instead of passing the cost on to the Treasury and the American taxpayer.

Again, the question is not whether but who will pay, the customers that use the Postal Service or the American taxpayers.

Mr. Chairman, I want the Postal Service to become more efficient, and I believe we can do so by enacting more of the President's initiatives. Let us not pass the buck to American taxpayers yet again. Let us not pile further debt upon our grandchildren. Let us ensure the United States Postal Service continues to pay its own freight. I do appreciate the good work of the gentleman from Virginia (Mr. TOM DAVIS), but let us make H.R. 22 budget neutral. I urge all of my colleagues to vote for this amendment.

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

Mr. TOM DAVIS of California. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate where the gentleman is trying to go with this, but even the White House does not want to have this scored neutrally under CBO numbers. They have asked for the Office of Management and Budget numbers because the Congressional Budget Office ends up counting rate increases that have not taken effect as already being part of revenue. And to the extent that we can stave off stamp tax rate increases, what the gentleman's amendment would do, not stave it off but it includes it, to the extent we do that, then it counts against the budget.

The other problem in terms of budget neutrality comes from the President's own commission on the Postal Service which recommended that the military years of service for postal employees under the CSRS retirement program, that those years be paid for by the military like they are for every other agency of government instead of having postal patrons for that. This was the President's commission which recommended that.

What I have talked about, we save money, not take money away. But the question is why should rate payers have to pay for military service in an agency where you have veterans hiring preference? It is not fair to rate payers. It is driving up rates.

Finally, let me say, it is not two-thirds of the escrow funds that is funding health care. Ninety percent of the escrow funds over the next 5 years are to fund health care. That is more than any other agency in government. Not enough for some Members, I am sure; but this is the appropriate way in my opinion for the post office to operate.

We have committed to the White House. We are going to work to try to get this as budget neutral as we can as we move forward to the conference working with OMB, but the Congressional Budget Office's arcane scoring rules make it virtually impossible to get here in this particular case.

Once again, let me remind everyone, what is the alternative? The alternative to this legislation is rate increases, postal rate increases, a stamp act, on every man, woman and child that mails a letter in this country. That is what we are trying to stave off, because as rate increases go up, people quit using the post office; and it gets this downward spiral that will lead to the demise of the post office as we know it. That is why this legislation has such broad support from such diverse groups in the private sector and in the public sector.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I join my chairman in opposing this amendment. It sounds like the gentleman from Texas (Mr. HENSARLING) has some vision of postal reform. Well, I just think that is great, except we cannot pass it.

The alternative to this, as the chairman has pointed out, is going to be the existing system and undesirable increases on rates.

So what is the amendment before us? It is not a different version of reform of the Postal Service. It would micromanage the Postal Service's use of money that is now in an escrow and will tell them they have to use most of that money to prefund health benefits.

Well, we say they must use some of that money for that, but if they shift the money for that purpose, then to run the Postal Service they are going to have to ask for an increase in rates. That is why in amendment would certainly be opposed by all the people who use the Postal Service, the mailers, the enterprises, the businesses in this country that rely on the Postal Service for their success.

Now, the amendment does something else, and I just have to underscore it. As the chairman of the Committee on Government Reform mentioned, it would require the Postal Service to pay for the pensions for those who served in the military before they went to work for the Postal Service. If you were in the military and went to work for any other agency of government, that agency would not be required to pay for your military pension. They might be required to pay for the pension accrued from service in that agency.

Why should the Postal Service have to pay for the military pensions? It does not make sense. And the consequence of it would be that the Postal Service would have to ask for an increase in rates because they have this extra financial burden to pay for military pensions. That is why this amendment is one that I think it to be a poison pill for the legislation.

You could imagine the groups that oppose this legislation like the National Association of Manufacturers and NFIB and others opposing this because they do not want higher rates. I urge opposition to the amendment.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. HENSARLING) has 3½ minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I want to thank the gentleman from Texas (Mr. HENSARLING) for his work on this amendment and, of course, our chairman of the Committee on Government Reform, who has worked so diligently on this bill and for years has worked to be able to move it to the body.

Mr. Chairman, you know, we are hearing a lot about the military benefits. From my service on the Committee on Government Reform, I think I remember that there was in 2003 $103 billion overpayment in pension benefits that was refunded to the Postal Service, and as a part of that agreement they were made responsible for the military pension costs of the employees. And this bill would reverse those provisions.

I think it is also worthy to notice that the gentleman from Texas (Mr. HENSARLING) has pointed out in 1971 the reform efforts put in place at the Postal Service, it would be a self-financing agency, and with that mandate they were given certain exemptions and advantages such as tax and anti-trust. And they are obliged and obligated to manage their finances in a manner that covers its full costs.

We must continue to encourage the Postal Service to be self-sufficient and not be subsidized by the taxpayer. I urge my colleagues to vote in favor of the amendment.

Mr. TOM DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Let me just note for the record that we did agree at that point as a condition of releasing overpayment by the Post Office Department into pension funds that they, for a temporary period of time, fund the military for CSRS retirees. But we awaited studies; and the President's own commission, which has been quoted here, came back and recommended that in point of fact the post office should not be making these payments, that it should to go to the general fund side of the ledger.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, a couple points with respect to the gentlewoman's comments about the 1971 legislation. She is right, but she is also a little behind because that is why we are making changes.

H.R. 22, in fact, applies anti-trust provisions against the Postal Service, overturning the 1971 bill. We require taxes paid on the business computations for the competitive products portion of the Postal Service, again overchanging the 1971 bill. So that is what this is all about. I am glad I had the opportunity to update the gentlewoman's perspective on that.

The other thing I would note is that, again, this would be the only Federal agency treated in this manner, the only Federal agency. And there is really no justification for it. I have heard a great deal about budget scoring, and I cannot speak as to the author of this amendment, but I suspect he along with others including myself, stood in the well of this House many, many times and spoke about the moronic perspective of scoring when it came to tax cuts. We did not want that kind of scoring, the same kind of scoring that is applied here. We wanted dynamic scoring, and if we were dynamically scoring, I think we would be referring to the statistics provided by others including the Envelope Manufacturing Association that says if this amendment were to pass, it would result in the loss of $64 billion in tax revenues from those firms that use the Postal Service for mailing and such that pay sales taxes and others; 245,000 jobs would be impacted just in the first year; and 3.5 million jobs would be impacted over 10 years, all of whom are taxpayers.

So if we are dynamically scoring, as all of us who were so strongly in support of it when it came to the tax cuts, this would not be even an issue.

Let me just state, here is what the Postal Service says about this particular amendment: ''If the Hensarling amendment is adopted, the Postal Service will be in worse financial situation then it occupied before the CSRS overfunding was identified and corrected. If the Hensarling amendment is adopted, the total of these four payments would be $97 billion over the next 10 years.'' That is a tax on the American mailing public, and I think we ought to resist this amendment.

□ 2100

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today to speak in favor of the amendment introduced by my friend, the gentleman from Texas (Mr. HENSARLING), that would encourage fiscal responsibility by the U.S. Postal Service. I, along with others, support the Postal Service that is staffed by thousands of resourceful and hard-working individuals who I believe have the ability, by themselves, to adapt and create a smoothly functioning postal system that can really be a world leader for us all.

I support the Postal Service and the valuable contribution that it provides to our economy, and the common-sense bill before us will move the U.S. Postal Service in the right direction so it will no longer be a drain on the U.S. taxpayer. This amendment will encourage the Postal Service to move forward, to take responsibility for its own liabilities, just as other large corporations have to do.

Recently Fortune Magazine ranked the Postal Service as the 44th largest corporation in the world and looked at the many assets that they have. Unfortunately, the Postal Service has not taken advantage of those assets and its potential. Instead, it has not moved in the direction of other industrialized nations in providing us with a mail system of innovation, financial soundness, and quality of services.

That study also looked at nine different postal services, two private and seven from industrial nations, and in seven out of those nine categories found the U.S. Postal Service ranked last.

I believe that the Hensarling amendment will change that. It will move the Postal Service of this country in the right direction, make it more efficient, and, most importantly, take the burden off the U.S. taxpayer.

For that reason, Mr. Chairman, I encourage my colleagues to support the gentleman from Texas in his amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time, and I certainly appreciate the intentions of my good friend from Texas in his amendment tonight, but this amendment would do absolutely nothing to stop a stamp rate increase for next year. In fact, it seems very clear this amendment would have the opposite impact. In fact, it would trigger large increases in the postal rates.

These rate increases would be caused by denying the Postal Service access to billions of dollars which are set aside in their escrow accounts, because the Postal Service will be forced actually to completely finance the escrow requirement as well as the annual health benefit premium for all of their retirees. This will not stop what we are all trying to stop, and that is a postal rate increase, which is really a tax. I guess you can call it a stamp tax, if you want, on the American people.

This amendment is not fiscally conservative. In fact, if you are an individual who just mails a couple of letters a year, I suppose it does not matter if you have a tax increase, a stamp tax increase, of 1 or 2 cents a letter. However, think if you are a catalogue mailing company or a large user of the Postal Service.

This amendment would also require the Postal Service to spend all of their savings released under H.R. 22 on paying the Postal Service's unfunded health care liability rather than giving the Postal Service some much-needed flexibility to use on other pressing issues.

This underlying bill is based on the premise of making the Postal Service more cost-effective, more cost-efficient, making it run in a more businesslike, user-friendly type of way, and this amendment, I believe, is a step backward. So I urge my colleagues to vote ''no'' on this amendment and also to support the underlying bill, which is a great bipartisan effort and a great bipartisan piece of legislation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, the argument for budget-neutral reform reminds me of the teaching of Frederick Douglass when he said that he understood one thing, if he did not understand anything else; and that is that in this world we may not get everything that we pay for, but we most

certainly will pay for everything that we get.

As the Comptroller General has pointed out, respected accounting principles indicate that the burden for payment for service belongs to the beneficiary. The U.S. Government benefited from military service, and it should cover the cost.

To ensure predictable rate increases, H.R. 22 employs strict rate caps at the subclass level, prohibiting rate increases at a rate greater than CPI. These restrictions, however, make it important that the Service have access to the one-third of its own money to help cover operational costs if need be. Otherwise there is no alternative but to accumulate debt.

Mr. Chairman, the Hensarling amendment would have us embedded in debt. I oppose it.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, 2 years ago the Postal Service was here asking for $7 billion from the taxpayer. They come here tonight asking for $6 billion from the taxpayers. Again, I ask the question: Where will it all end?

If we do not change the way we do business in Washington, we will have to double taxes on future generations just to balance the budget. Somehow, somewhere, some way, someday we must stop the madness of the spending.

I agree with many of my colleagues that there are only two choices: Either ratepayers or taxpayers are going to pick up this tab. I vote for ratepayers.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I urge opposition to this. First of all, the Postal Service is self-operating. What it raises, it spends. The increased money that was added was because of the anthrax issue. It was a national security issue.

This amendment is bad for the economy. We are talking about 8 percent of GDP now having at least a 2 percent increase. In fact, under this amendment, it would not just be a rate increase, this would be basically a rate shock to Americans. It would be far in excess of that.

This hurts Americans' competitiveness, it is bad for the economy, and I urge my colleagues to vote against this amendment.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the Hensarling amendment.

This amendment would strip critical provisions contained in the underlying bill.

The gentleman's amendment would require the Postal Service to continue to be responsible for the military retirement costs of its employees.

No agency other than the Postal Service is responsible for the military retirement costs that Treasury pays for all other Federal employees.

It is absolutely essential to the long-term survival of the Postal Service to relieve it and postal customers of this $27 billion burden by returning that responsibility to the Treasury.

Additionally, his amendment would mandate that 100 percent, rather than ⅔, of the Civil Service Retirement System savings that resulted from the fix Congress enacted 2 years ago and are currently in an escrow account, must go to the Retiree Health Benefits Fund.

This provision would have the effect of increasing postal rates by preventing the USPS from using these savings to help keep postal rates stable.

If Congress had not fixed this formula, the Postal Service's required share of this Federal government retirement fund would have resulted in a long-term overpayment of more than $70 billion.

These savings were intended to provide the Postal Service with much-needed fiscal relief and a promise of stable postal rates until 2006.

A vote for this amendment would undermine the very reason why this bill is on the Floor today . . . to enact long overdue reforms of the Postal Service.

I urge my colleagues to vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report number 109–184.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 1 offered by the gentleman from Indiana (Mr. PENCE) and amendment No. 2 offered by the gentleman from Arizona (Mr. FLAKE).

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 345, not voting 6, as follows:

[Roll No. 428]

AYES—82

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Blackburn
Blunt
Bonilla
Boustany
Brady (TX)
Burgess
Buyer
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Cox
Culberson
Deal (GA)
DeLay
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kirk
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McMorris
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Pitts
Poe
Price (GA)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Weldon (FL)
Westmoreland
Whitfield
Wilson (SC)

NOES—345

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cooper
Gibbons
Hinojosa
Miller, George
Obey
Oxley

□ 2128

Messrs. PETERSON of Pennsylvania, UDALL of Colorado, STUPAK, RAMSTAD, Ms. HARMAN, Ms. CARSON, Mrs. NORTHUP, and Ms. HART changed their vote from ''aye'' to ''no.''

Mr. MACK and Mr. KIRK changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 428, had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 51, noes 379, not voting 3, as follows:

[Roll No. 429]

AYES—51

Akin
Barrett (SC)
Bartlett (MD)
Blackburn
Brady (TX)
Buyer
Carter
Chocola
Conaway
Cox
Culberson
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Harris
Hayworth
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
King (IA)
Kingston
Kolbe
Linder
Lungren, Daniel E.
Mack
McCaul (TX)
McHenry
McMorris
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Otter
Paul
Pence
Poe
Rohrabacher
Royce
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Weldon (FL)
Wilson (SC)

NOES—379

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Gibbons
Miller, George
Oxley

□ 2136

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 22) to reform the postal laws of the United States, pursuant to House Resolution 380, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 3339.

The vote was taken by electronic device, and there were—ayes 410, noes 20, not voting 3, as follows:

[Roll No. 430]

AYES—410

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—20

Akin
Barrett (SC)
Chocola
Culberson
Davis, Jo Ann
Feeney
Flake
Franks (AZ)
Gohmert
Hensarling
Istook
Johnson, Sam
Musgrave
Nussle
Otter
Paul
Pence
Royce
Shadegg
Weldon (FL)

NOT VOTING—3

Gibbons
Miller, George
Oxley

□ 2154

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WISHING THE HON. DAN BOREN AND HIS BRIDE WELL ON THE OCCASION OF THEIR MARRIAGE

(Mr. HOYER asked and was given permission to speak out of order for 1 minute.)

Mr. HOYER. Mr. Speaker, we talk a lot about families on this floor, and properly so. We talk a lot about caring on this floor, and properly so. We talk a lot about relationships on this floor, and properly so.

And I am proud to rise today to say how pleased I am, and I know all Members of the House will be, the youngest Member on our side of the aisle is the gentleman from Oklahoma (Mr. BOREN), and the gentleman from Oklahoma (Mr. BOREN) this weekend took to himself a beautiful bride from South Dakota, Andrea.

Let us wish them well as they embark upon this new family.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Without objection, the next vote will be a 5-minute vote.

There was no objection.

JAMES T. MOLLOY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3339.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 3339, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 431]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht

Hall	McCollum (MN)	Rush
Harman	McCotter	Ryan (OH)
Harris	McCrery	Ryan (WI)
Hart	McDermott	Ryun (KS)
Hastings (FL)	McGovern	Sabo
Hastings (WA)	McHenry	Salazar
Hayes	McHugh	Sánchez, Linda T.
Hayworth	McIntyre	Sanchez, Loretta
Hensarling	McKeon	Sanders
Herger	McKinney	Saxton
Herseth	McMorris	Schakowsky
Higgins	McNulty	Schiff
Hinchey	Meehan	Schwartz (PA)
Hinojosa	Meek (FL)	Schwarz (MI)
Hobson	Meeks (NY)	Scott (GA)
Hoekstra	Melancon	Scott (VA)
Holden	Menendez	Sensenbrenner
Holt	Mica	Serrano
Honda	Michaud	Sessions
Hooley	Millender-McDonald	Shadegg
Hostettler	Miller (FL)	Shaw
Hoyer	Miller (MI)	Shays
Hulshof	Miller (NC)	Sherman
Hunter	Miller, Gary	Sherwood
Hyde	Mollohan	Shimkus
Inglis (SC)	Moore (KS)	Shuster
Inslee	Moore (WI)	Simmons
Israel	Moran (KS)	Simpson
Issa	Moran (VA)	Skelton
Istook	Murphy	Slaughter
Jackson (IL)	Musgrave	Smith (NJ)
Jackson-Lee (TX)	Myrick	Smith (TX)
Jefferson	Nadler	Smith (WA)
Jenkins	Napolitano	Snyder
Jindal	Neal (MA)	Sodrel
Johnson (CT)	Neugebauer	Solis
Johnson (IL)	Ney	Souder
Johnson, E. B.	Northup	Spratt
Johnson, Sam	Norwood	Stark
Jones (NC)	Nunes	Stearns
Jones (OH)	Nussle	Strickland
Kanjorski	Oberstar	Stupak
Kaptur	Obey	Sullivan
Keller	Olver	Sweeney
Kelly	Ortiz	Tancredo
Kennedy (MN)	Osborne	Tanner
Kennedy (RI)	Otter	Tauscher
Kildee	Owens	Taylor (MS)
Kilpatrick (MI)	Pallone	Taylor (NC)
Kind	Pascrell	Terry
King (IA)	Pastor	Thomas
King (NY)	Paul	Thompson (CA)
Kingston	Payne	Thompson (MS)
Kirk	Pearce	Thornberry
Kline	Pelosi	Tiahrt
Knollenberg	Pence	Tiberi
Kolbe	Peterson (MN)	Tierney
Kucinich	Peterson (PA)	Towns
Kuhl (NY)	Petri	Turner
LaHood	Pickering	Udall (CO)
Langevin	Pitts	Udall (NM)
Lantos	Platts	Upton
Larsen (WA)	Poe	Van Hollen
Larson (CT)	Pombo	Velázquez
Latham	Pomeroy	Visclosky
LaTourette	Porter	Walden (OR)
Leach	Price (GA)	Walsh
Lee	Price (NC)	Wamp
Levin	Pryce (OH)	Wasserman Schultz
Lewis (GA)	Putnam	Waters
Lewis (KY)	Rahall	Watson
Linder	Ramstad	Watt
Lipinski	Rangel	Waxman
LoBiondo	Regula	Weiner
Lofgren, Zoe	Rehberg	Weldon (FL)
Lowey	Reichert	Weldon (PA)
Lucas	Renzi	Weller
Lungren, Daniel E.	Reyes	Westmoreland
Lynch	Reynolds	Whitfield
Mack	Rogers (AL)	Wicker
Maloney	Rogers (KY)	Wilson (NM)
Manzullo	Rogers (MI)	Wilson (SC)
Marchant	Rohrabacher	Wolf
Markey	Ros-Lehtinen	Woolsey
Matheson	Ross	Wu
Matsui	Rothman	Wynn
McCarthy	Roybal-Allard	Young (AK)
McCaul (TX)	Royce	Young (FL)
	Ruppersberger	

NOT VOTING—10

Davis (FL)	Marshall	Radanovich
Gibbons	Miller, George	Wexler
Hefley	Murtha	
Lewis (CA)	Oxley	

□ 2204

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–185) on the resolution (H. Res. 385) providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3045, DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–186) on the resolution (H. Res. 386) providing for consideration of the bill (H.R. 3045) to implement the Dominican Republic-Central America-United States Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3283, UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–187) on the resolution (H. Res. 387) providing for consideration of the bill (H.R. 3283) to enhance resources to enforce United States trade rights, which was referred to the House Calendar and ordered to be printed.

STRONGLY SUPPORTING CAFTA

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the CAFTA agreement. Goods come from CAFTA countries into America absolutely duty free. Whether they are industrial, whether they are agricultural, no matter what goods they are, they come in duty free.

Our goods, when they go to their markets, suffer from the weight of heavy duties. So all this agreement does is drop the duties on our goods, drop the tariffs on American goods flowing into these markets.

It is a win for America on every single front. It is the status quo for the Central American nations. Why would they agree to it? Because it makes it permanent and because there are some two-way partnerships in this bill that are an advantage to these Central American nations, and to us.

We will be defeated by China in textiles if we do not modernize the partnership between the American yarn makers and the Central American textile companies.

As to the labor agreements, the labor portions of this agreement, I have gone into those in great detail over and over again. We have the best labor agreements we have ever had in any Free Trade Agreement, and the Democrats in this House have voted for those agreements overwhelmingly. It is a double standard, it is artificial, and it is unfair to vote against this agreement.

GOOD, BIG REASONS TO DEFEAT CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the Congressional Budget Office, the nonpartisan arm of Congress that provides economic projections, just released a report on the Central American Free Trade Agreement. The report shows the cost of its sugar provisions would be over $500 million over the next 10 years. They also found the loss in revenue to the U.S. Treasury would be $4.4 billion over the next 10 years, more than $400 million every year.

So not only does CAFTA jump up a trade deficit that has gone from $38 billion 12 years ago to $618 billion last year, but CAFTA continues this erosion, the hemorrhaging of manufacturing jobs: 3 million lost manufacturing jobs in the last 5 years. And it is also going to blow an even bigger hole in the Federal budget: one more good, big reason to defeat the Central American Free Trade Agreement.

CAFTA IS GOOD FOR AMERICAN BUSINESS

(Ms. HART asked and was given permission to address the House for 1 minute.)

Ms. HART. Mr. Speaker, I rise in support of the Dominican Republic-CAFTA agreement.

Our colleagues have discussed a lot of issues regarding CAFTA: whether it is important to our national security and whether it will help those countries to grow and become more secure and prevent some illegal immigration into the United States. But one of the most important things about this agreement is that it is good for American business.

I do not know about my colleagues, but I am for agreements that help our manufacturers, and what I have discovered is that the manufacturers in my

district will benefit from this agreement. In fact, a significant portion of them either currently export or want to export to those countries. But currently, there are heavy tariffs placed on their products when they arrive in Central America, making those products more expensive to the purchasers there. This agreement will remove those tariffs and make American products more available to those who wish to purchase them in Central America.

Now, my question is, how can that be bad for American business? It is not. It is good for American business, and anybody who is thinking about growth in our economy should support the CAFTA agreement.

ON THE ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Mr. Speaker, there can be no worse public act than a government that refuses to acknowledge the humanity of its citizens.

Throughout history, the United States has struggled to rise above the divisions among its people and, instead, fuse its people into a single, unified citizenry.

Whether it was the struggle over civil rights for persons of color, the fight for women's rights or, most recently, the battle for access by persons with disabilities, the United States has risen above our differences and embraced them as worthy of a society that sees itself as open, free, and inclusive.

The fight by persons with disabilities for nondiscrimination in matters of employment, transportation and building access, and accommodation, was landmark.

Through the enactment of the ADA, our country removed the cloak of secrecy wrapped around our disabled citizens and announced to the world that persons with disabilities were valued members of our society.

So, today, as we celebrate the 15th anniversary of the Americans With Disabilities Act, I rise to honor ever person, disabled or not, who worked so hard to see this law enacted. These persons and their effort are a testament to the spirit of fairness, the spirit of perseverance, and the spirit of hope that inspires us all.

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The fight by persons with disabilities for non-discrimination in matters of employment, transportation and building access and accommodation was landmark.

Through the enactment of the ADA our country proclaimed that 43 million Americans were real people, deserving of amenities everyone else took for granted.

Through the enactment of the ADA our country removed the cloak of secrecy wrapped around our disabled citizens and announced to the world that persons with disabilities were valued members of our society.

The successes of ADA continue to astonish us, even 15 years later: the disabled child who now can play Little League ball; disabled veterans who can now use special equipment to play golf at military golf courses; disabled patrons who can now go to movie theaters, restaurants, and museums who before found the trip daunting, or were blocked entirely. Now we have buses that kneel for our disabled riders, earphones for opera lovers who just don't hear well enough, and talking elevators that tell blind passengers their floor stop.

All of this may have been mandated by the ADA but just as consequential is that it was American ingenuity that developed it. We figured it out. We set a goal to integrate persons with disabilities into mainstream America, and by gosh, we did.

Unfortunately, even with the ADA in place, the road to full accommodation has been pitted with potholes and rough spots. As it was with civil rights, or women's rights, the full recognition of disability rights falls short in many regards. As a Nation we need to recommit ourselves to these lofty laws; it is the right thing to do. There are still too many instances of persons with disabilities being excluded from public venue because they are different. That is just wrong and it is un-American. In the land of freedom, established so every man and woman could pursue their dreams, these incidents are blots against our national value of equality.

So today while we celebrate the 15th anniversary of the Americans with Disabilities Act, I rise to honor every person—disabled and not—who worked so hard to see this law enacted. These persons and their effort are testament to the spirit of fairness, the spirit of perseverance and the spirit of hope that inspires us all.

EXPRESSING SYMPATHY TO THE BOY SCOUTS OF AMERICA FAMILY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, a day or two ago, I rose on the floor of the House to welcome the Boy Scouts of America to their jamboree that they hold every 4 years.

As a member of the Board of Directors of the Sam Houston Area Boy Scouts in my hometown of Houston, Texas, Houston-Galveston Council, I rise today to offer my deepest sympathy to the Boy Scouts of America family due to the loss of four scout leaders who died in an electrical accident in Virginia during the course of putting up some of the equipment for the young men who were about to participate in the jamboree right after their noontime service.

I know that the Boy Scouts are, in fact, a family. This is an enormous tragedy. Just as their scout oath reminds them of their commitment to their country and their God and the honor that they have, I know that they will draw together as a family and be united in their empathy and sympathy with the family members of their lost scout leaders.

I wish for them the very best as they continue their jamboree, and my greatest sympathy to those who lost their lives. As well, I know that the Boy Scouts will continue to serve in their communities around the Nation and continue to serve America, for they are young outstanding leaders that have come here to the United States Capital to begin to learn and recommit themselves to their values and to service.

□ 2215

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE RETIREMENT OF GEORGE CRAWFORD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise this evening to pay tribute to really a great person, a great leader, a truly decent man, and a dear friend on his retirement after nearly a quarter century of service to the House of Representatives, Mr. George Crawford.

George is a master of policy, politics and procedures of this institution, and he must be one of the kindest people working on Capitol Hill. George has been invaluable to my office as the chief of staff of the leader's office and of this Congress.

George began his distinguished career on the staff of the then Senator Howell Heflin of Alabama. He soon moved to the staff of the great Claude Pepper of Florida, who was chair of the Rules Committee, but, Mr. Speaker, in those days we still called him Senator Pepper.

And George worked with him and quickly revealed his remarkable talents. Again he went with Senator Pepper to the Rules Committee while Senator Pepper was chairman and worked his way up to staff director under the magnificent chairman, Joe Moakley of Massachusetts, who was a colleague to many of us who serve here today.

Today, having traveled a long and impressive arc, he retires as the chief of staff of the Democratic leader's office. I was privileged that George came to work for me nearly 4 years ago,

shortly before I was elected House Democratic whip. George helped to take our staff to the next level, shaping and leading our office.

George loves sports analogies, so let me say that first in the whip's office and then in the leader's office, George recruited the best talent, ran creative plays and always knew how to put points on the board.

In the Democratic leader's office, George has been an innovative leader. He established a structure for reaching out beyond the Beltway; he built the strongest, most innovative Internet operation on the Hill; he has rolled up his sleeves with the policy staff; and he has helped shape our message to the American people. He is a gifted leader who gives staff guidance, but also room to grow. Young people in particular enjoyed working with him. He is both father figure and friend.

Throughout his career, George has largely worked behind the scenes. He is interested in accomplishments, not credit. He is strictly a shirt-and-tie kind of man, except when he is caught escaping to the golf course. And George has a comprehensive understanding of the rules of the House, and a keen sense of the Members. He has tutored so many Members, including me, on the intricacies of parliamentary procedure. He has earned the respect of Members and staff on both sides of the aisle.

For someone who seems to know everything about the House of Representatives, George is a remarkably well-rounded person. He has a wonderful family. He is a loyal Dodgers fan. He loves golf, and he is a maestro with orchids. He is a connoisseur of wines and an expert on vineyards.

Before his career on Capitol Hill, George held an assortment of jobs that reflect his unique spirit, including working as a baker, a short-order cook and a railroad brakeman.

Above all, though, George was and is a Californian at heart. That is why this goodbye is bittersweet for me; bitter because I will miss his unparalleled knowledge as well as his warmth and good humor, sweet because I know he will relish his return to the great Golden State of California. As a Californian for more than 36 years, I completely understand and share his desire to live in this country's most beautiful and most invigorating State.

George and his family, his wife Mel and his two sons, will be moving to the area of Santa Barbara not far from where the movie Sideways, a love letter to wine, was filmed, where he can enjoy the reds and the whites and get back to his golf game that I understand has suffered in recent years due to lack of attention.

He will always spend well-deserved time with his family. Again, I want to take the opportunity to thank George's wonderful wife Mel and his fine two sons, Curt and Casey, for sharing their father with us. It is hard to balance family life with work on Capitol Hill. We all appreciate the sacrifices that the Crawford family has made.

I know that so many colleagues on both sides of the aisle join me in wishing George luck in the next phase of his career, and many happy years with his beloved family in California.

With deep gratitude, respect, and affection, thank you, George, George Crawford, for your 24 years of service to the House of Representatives.

CAFTA IS NOT GOOD FOR THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor tonight to speak in opposition to CAFTA.

First I want to talk about my State of North Carolina. Of course I was not here in the Congress when the Congress passed NAFTA about 1992, and it was in effect in 1993. But let me tell you briefly what happened to North Carolina. First of all, we lost approximately 200,000 jobs in about a 10- to 12-year period of time. We also as a Nation lost about 2.5 million jobs.

CAFTA is the ugly cousin of NAFTA. That is all you can say about it. NAFTA and CAFTA are cousins, and actually CAFTA is about 85 percent of what NAFTA is. So therefore, I hate to say it, but CAFTA is the ugly cousin.

Let me also say that during that period of time, that prior to NAFTA, we had a surplus with Mexico, and now we have a deficit with Mexico. So now let me also share with you, Mr. Speaker, that prior to NAFTA, and then since NAFTA, we have had a 350 percent increase of illegal aliens coming to America since NAFTA became the law of the land. It did nothing to keep the Mexican workers down in Mexico.

Mr. Speaker, tonight I want to take just a few minutes of my time, I know it is very limited, to tell you that last night on the floor of the House, I submitted completely for the RECORD, from the countries of Nicaragua, El Salvador, Honduras and Guatemala, elected officials of those countries asked me last week at the interfaith conference of Protestants, Catholics, and a Jewish rabbi who are opposed to CAFTA to submit this, and I was glad to do it, so I submitted this for the RECORD in its entirety, but tonight for the last 2 or 3 minutes of my time, I want to read just certain points of what those people in the Central American countries are saying.

We know what it is doing to American workers, which is not good for the American workers, but let me share this with you very quickly. First of all, these are some points they made in this letter. These are elected officials from these Central Americans countries that said no to CAFTA.

First of all, let me read this: CAFTA will only lead to more social instability in the region as more medium and small farmers will lose their livelihoods and become part of the poor population numbers. CAFTA will only lead to more migration to the United States as more people are unable to make a living working in the rural areas and the job perspectives in the cities do not improve.

The 20 million people who are currently poor and those that will be further displaced will turn to immigration to the United States as the only solution to their economic problems.

Again, this is from the elected leaders of these countries that have asked me to submit this, and they have written every Member of Congress; not just me, but everyone else.

Two or three other points very quickly. These seven elected officials as legislative representatives of the region, who represent a diverse perspective of political views, we respectfully ask you to vote no on CAFTA. In addition, they say that the opposition keeps growing all throughout the region, because this treaty threatens to weaken the already vulnerable democratic institutions that were created during the long conflicts of the 1980s.

In addition, Mr. Speaker, and then I will close, CAFTA is a bad trade deal because it puts the interests of international corporations ahead of the welfare of the working poor and the poor in Central America. If CAFTA is approved, this social instability that CAFTA supporters like to use as a reason for approving this agreement will come not from the outside forces, but from the pressures created by the millions of displaced workers who will fall further into poverty.

Mr. Speaker, I must say tonight in closing that we in this Congress should do what is right for the American people, and that is to defeat CAFTA and go back to the negotiating table and do what is right for the American workers and do what is right for the people in Central America, and then we will do what the Bible says, and that is to help each and every one that needs to be helped.

God bless America. Thank you.

CAFTA IS BAD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, if one was to look at this chart, and the black bars represent the extraordinary growth in the United States trade deficit over the last 14 years, and you see you are digging yourself a hole for the American people, for the future of the American economy, of over $600 billion in 1 year. This year we are going to eclipse that. We are headed toward $2 billion a day of foreign borrowing.

Now, most people say, well, Alan Greenspan says that is great. They are willing to lend us money. Shows how strong our economy is. But what Alan Greenspan and the other pointy-headed

hack economists around here forget is that those are real dollars which can come back to bite us, and they are coming back to bite us when you have a Chinese Communist-controlled oil company trying to buy a major American oil company with substantial reserves around the world. For a country that is importing 20 million barrels a day of energy, we want to be selling off our oil assets, our reserves around the world to the Chinese Communist Government? I do not think so. But they think this is just working great.

The point is we have a failed and failing trade policy here in the United States of America. We lost 3 million manufacturing jobs, good high-wage, high-benefit jobs, through NAFTA, and the WTO and permanent most favored nation status for China. Those have cost the American people dearly. Millions of Americans have lost good jobs.

And the trend is accelerating. We are losing our manufacturing base. And the question becomes with CAFTA before the United States House of Representatives, do we think that these big black lines, these huge deficits, this borrowing, this putting America up for sale and in hock is a good trend? Yeah, it is a good trend for a few people, a lot of friends of the President. They are making a bunch of money. They own the stock. They run the multinational corporations. They are getting tens of millions of dollars, hundreds of millions of dollars sometimes, in stock options because of selling off our country.

Yeah, it is good for a few people, but it is bad for the majority of the American people. It is bad for the workers. It is bad for our future. It is bad for our economic security, our military security, if you look at some of the recent trends dealing with China.

So the question becomes should the United States House of Representatives, should those who are undecided now, particularly on the other side of the aisle, get pressured by the President to do something that they know is wrong and is against the interests of the people they represent?

This is not a partisan issue. You know, Bill Clinton was a disaster on trade policy. The problem is you cannot find much difference between Ronald Reagan, Bush the first, Bill Clinton and Bush the second on trade policy. They are a bipartisan disaster, selling out the American people, selling out our industrial infrastructure.

And people say, well, CAFTA is really not that big, so why are you so concerned about it? Well, you are right. It is not very big. If you combine the buying power of all of the people of the CAFTA nations and say somehow this is going to create jobs in America, well, whew, you need to have your head examined, because if all of those people living in those countries applied every cent they earned, whatever currency it is, to purchasing American goods, it would not be a tiny blip on the radar screen of the American economy.

This is the same people who sold us NAFTA, and they said it was going to produce 400,000 jobs. Instead it lost 800,000 jobs. They were only off by 1.2 million jobs in their estimates.

Now the President goes on television this week and says, oh, this will be good for the American people. This is going to create exports. What he forgot to tell them was his own experts say it will create more imports from Central America than exports. It is going to be yet another loser for the American people. They will see their jobs go south.

American workers should not be asked to compete with people earning 80 cents an hour, and guess what, people who earn 80 cents an hour are not going to be buying a lot of manufactured American goods.

□ 2230

So now CAFTA is the same disaster that was NAFTA, that is the WTO, and MFN for China. It is just saying, we have dug ourselves a deep hole. Here is a shovel; keep digging. Pretty soon you may come out in the other end in China, but by then they will own us.

So it is time for this Congress to stand up to this President, the same way they should have stood up to Bill Clinton or to Bush the First or to Reagan. We want a trade policy that benefits the American people, our national security, our economic security and brings and keeps jobs that pay decent wages and benefits home here.

Vote ''no'' on CAFTA.

CAFTA—PROPERTY RIGHTS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

Mr. OTTER. Mr. Speaker, I rise today to discuss perhaps the most fundamental of the reasons for my opposition to the Central American Free Trade Agreement or CAFTA—the serious conflicts it raises with private property rights guaranteed by the Constitution of the United States.

I'd like to draw your attention to the fact that CAFTA contains 1,000 pages of international law establishing, among other things, property rights for foreign investors that may impose restrictions on U.S. land-use policy. Chapter 10 of CAFTA outlines a system under which foreign investors operating in the United States are granted greater property rights than U.S. law provides for our own citizens!

Mr. Speaker, that's not encouraging free trade. That's giving away our natural resources and our national sovereignty. CAFTA would empower foreign investors to go to UN and World Bank tribunals to challenge state and federal policies here in the United States regarding property rights that violate their assumed ''investor rights.'' Those foreign investors then could demand compensation in the form of U.S. taxpayer dollars for the losses caused by complying with the same domestic policies and regulations that apply to all U.S. citizens and businesses.

The standards for property rights protection that are used by the UN and World Bank to award U.S. taxpayer dollars to foreign investors would NOT be those of the U.S. Constitution, but rather international property rights standards set forth in CAFTA, as interpreted by an international tribunal. And I'm not the only one upset about this. No less than the Conference of State Supreme Court Chief Justices is among those concluding that CAFTA provides greater property rights to foreign investors than U.S. law provides you and me as U.S. citizens!

Furthermore, current rules under Trade Promotion Authority granted by Congress require that trade pacts grant to foreign investors ''no greater substantive rights with respect to investment protections than U.S. investors in the United States.'' Yet even a cursory review reveals that CAFTA fails the test on both counts. Although some words included in NAFTA's investor protection system were changed in CAFTA, the changes were simply procedural and not substantive.

Instead of basing foreign investors' property rights on U.S. law, as Congress requires, CAFTA provides foreign investors in the United States with a ''minimum standard of treatment'' set forth by ''customary international law'' and established in ''principle legal systems of the world.'' The effect is to throw U.S. sovereignty and property rights out the window in the name of ''free trade.'' CAFTA exceeds U.S. law by empowering foreign investors to go to international tribunals in an effort to be compensated in U.S. taxpayer dollars for regulatory takings.

Furthermore, new language in CAFTA almost unbelievably extends the outrageous benefits of this foreign investor-state dispute resolution system to corporations that have a ''written agreement'' with the federal government regarding ''natural resources or other assets that a national authority controls.'' For example, foreign investors could circumvent the U.S. court system entirely by bringing arbitrary challenges over oil and gas, mining, and water contracts to an international tribunal. If a foreign investor is granted a land concession for logging and, as a condition of the contract, is told that the trees must be replanted, the foreign investor can challenge the requirement to replant as an infringement on their ''foreign investor rights'' and ''minimum standard of treatment'' through UN and World Bank tribunals. The U.S. logging company down the street can only go through U.S. courts and has no such special rights.

The very notion that international tribunals should get a say in how we manage U.S. property rights and grant concessions on U.S. land is simply unacceptable. Opening new markets between Central America and the United States is one thing. Asking me to cede decisions over U.S. natural resources and property rights to international tribunals while giving foreigners greater rights to our land than our own citizens have is something else entirely. I won't accept it, and neither should you.

EXCHANGE OF SPECIAL ORDER TIME

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Idaho (Mr. OTTER).

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

There was no objection.

SANCTUARY HIDEOUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in the early morning hours of May 14, 2005, two Denver police officers were working security at a restaurant when Raul Garcia Gomez cowardly shot them both in the back and fled into the darkness of the night. Detective Donald Young was killed. Detective John Bishop was also shot in the back, but he survived. Gomez snuck out of Denver and the United States and sought safety in his country of Mexico to prevent being prosecuted for first degree murder and attempted murder.

Without dealing with the issue of Mexico's reluctance to extradite their citizens who have committed murder in the United States, Gomez had already been given a get-out-of-jail-free card in Denver because of absurd policies called ''sanctuary laws.'' In Denver, Gomez had been stopped previously three times by local police for traffic offenses. Each time he presented a Mexican driver's license. Each time he had no proof of insurance, and each time he was released even though he was here illegally.

Had he been an American citizen, the fact that he had no insurance for the third time would have resulted in him being arrested and hauled off to jail. We seem to discriminate against American citizens for the benefit of illegal aliens. Anyway, the reason Gomez was released instead of deported: sanctuary laws.

They are laws that stop police from arresting and detaining illegals that are here in the United States. Therefore, law enforcement officials cannot do anything to a person they discover is illegally here in the country other than let them loose back in society.

In fact, some cities prohibit police from even inquiring into a person's legal status in the United States. So-called sanctuary laws prohibit officers from ''initiating police action where the objective is to discover the alien status of the person.''

It would seem to me, and common sense would dictate, that police should know who is in the United States illegally. Have these cities not heard of the war on terror?

This order was created in Los Angeles and has been adopted in the major cities in the United States. In these cities, if an illegal immigrant is caught for a minor violation, police cannot detain this individual for immigration violations despite the fact these people are committing a Federal offense by their presence in our country. This hands-off policy is absurd and these cities protect people who are illegally in the United States.

Unfortunately, because of lack of enforcement of immigration laws, these sanctuaries and safe havens in the United States are growing. Some U.S. cities have actually implemented policies that provide and require these safe havens for illegal people.

Mr. Speaker, in these selected hideouts, immigration laws are not enforced. These cities do not require and even some prohibit employers from reporting the illegal status to Federal officials. Creating these secret hideouts encourages illegal immigration, and Americans pay the price. Americans always pay.

Officials in Houston, Texas, recently have implemented policies restricting coordination with local police and Federal authorities regarding immigration laws. And even recently the Governor of Maine has announced an executive order forbids the State from enforcing Federal immigration laws.

Mr. Speaker, this is a serious problem and the cities that have adopted these sanctuary hideouts undermine the security of this Nation, encourage illegal immigration and promote lawlessness. All of this at the expense of Americans.

However, some cities faced with the cost of free social services to illegals have a different approach. The latest is Police Chief Garrett Chamberlain of New Ipswich, New Hampshire. He is charging illegals with criminal trespassing and arresting them. After all, they are trespassing on American soil. Part of the problem is there are too few Immigration and Custom Enforcement agents within the interior of the United States. There are less than 2,000 people enforcing the immigration laws of people who are illegally in the United States and in the interior.

Mr. Speaker, there are more than 800,000 law enforcement officials in the United States. They take a pledge to protect and serve every day, and they are tasked with the important job of keeping our communities safe from those outlaws who terrorize the streets. They watch out for our country, our kids, our families, and our great land. Novel idea, let these 800,000 officers help capture illegals that come across each day while they are on the police beat. They should be allies with the Federal Government and assist the Federal Government in efforts to protect our country from illegal immigrants that violate our law and disrespect the borders.

Police help is essential to homeland security. Local law enforcement, those first responders are the ones that encounter illegal aliens once they have snuck into our country. These sanctuary hideouts are not the answer. There should be no sanctuary for those who violate the law.

By the way, Detective Donald Young when he was murdered was shot three times in the back and in the head. He was married with two young daughters. He was 44 years of age. Detective John Bishop, shot in the back as well, only survived because of his bullet-proof vest. If the defendant had been deported upon his arrest and not given sanctuary, these officers would not have been shot. Mr. Speaker, this ought not to be.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland (Mr. WYNN).

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

There was no objection.

RENEGOTIATE CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, House leadership promised to bring the Central American Free Trade Agreement to the floor this week for a vote. They have said, Congress will stay here over the weekend until it is done.

The President has said that defeat on CAFTA ''is not an option.'' ''The cookie jar is open.'' One senior CAFTA supporter, a Member of the House, went so far as to say that CAFTA will pass Congress because they will ''twist arms until they break into a thousand pieces.''

CAFTA supporters have resorted to toothless ideals and strong-arm tactics because they know this agreement simply cannot pass on its merits. CAFTA has languished in Congress for more than a year. Four other trade agreements in the last couple of years passed Congress within 60 days. This CAFTA, this trade agreement has languished in Congress for almost 14 months.

The reason is this trade agreement, this CAFTA, it was crafted by and negotiated by a select few, mostly the oil industry, the insurance industry, and the pharmaceutical industry, was crafted by a select few for a selected few, and that is why this agreement offends so many.

Today on the lawn of the Capitol, I joined 22 House Republicans and Democrats and more than 350 people representing family farmers and ranchers, environmentalists and workers, food safety advocates and small manufacturers, all kinds of human rights organizations, religious leaders, faith-based groups, and others, all of us in concert speaking out against the Central American Free Trade Agreement.

On the one hand, those supporting CAFTA, we have a very thorough group of special interests, again, the drug industry, the insurance industry, some of America's largest corporations. On the other hand, you have this wide array of people today representing dozens and dozens of organizations of both political parties across the political spectrum.

Since April 21, more than 1,000 people have attended Capitol Hill news conferences asking the President to renegotiate this failed agreement. Democrats and Republicans, legislators from Central America, along with grassroots organizations representing workers and farmers and religious organizations in all seven countries, in the United States and in the Dominican Republic and in five countries in Central America. Those same voices delivered a common unified message: renegotiate the Central American Free Trade Agreement.

Why do they oppose this? The gentleman from Oregon (Mr. DEFAZIO) showed this chart earlier. One of the reasons we oppose this agreement is our trade policy is not working. A dozen years ago I first ran in Congress in 1992, 13 years ago. We had a trade deficit in this country of $38 billion. Last year, just a dozen years later, that $38 billion had exploded into $618 billion. Clearly our trade policy is not working.

But make no mistake. Those of us opposed to this CAFTA do want trade with Central America, but we want an agreement that represents us all, not a select few. We want an agreement that deserves to pass Congress based on its merits, not based on arm twisting, not based on middle-of-the-night votes, not based on sleazy deals, not based on, as some cases we have seen on this floor, out and out bribery.

We want an agreement that promotes small business, family farmers, that promotes ranchers and workers, that promotes food safety and the environment and people of faith in all six CAFTA countries and in our country.

We want an agreement that stands in line with our faith and our values and promotes the principles of social and economic justice. This CAFTA will not do that.

The people supporting CAFTA, they love to make promises that with CAFTA jobs in the U.S. will increase. We will export more to the developing world and the standard of living in these poor countries will go up. They promised that every time there is a trade agreement. They never come true.

Here, really, is fundamentally the reason that we know, that American manufacturers know, that American small business knows, that American farmers know that we will not be exporting products to Central American countries. The average wage in the United States is $38,000. The average wage in El Salvador annually is $4,800; $2,600, Honduras; $2,300, Nicaragua.

The combined economic output of these Central American countries is about the same as that of Columbus, Ohio. They simply cannot afford to buy our products. This agreement will not allow workers in Central America to buy cars made in Dayton or Cincinnati or Toledo or Cleveland, Ohio. This agreement will not allow workers in Honduras to buy prime beef from Nebraska. It will not allow workers from Guatemala to buy software made in Seattle.

Mr. Speaker, this agreement is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador, and exploiting cheap labor. Renegotiate this CAFTA and produce a better Central American Free Trade Agreement.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Florida (Ms. ROS-LEHTINEN.)

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

There was no objection.

OUT-OF-TOUCH DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to bring attention to a topic that I have discussed in this Chamber several times in recent months. As we enter the dog days of summer here in Washington, D.C. and the temperature continues to rise, so too does the rhetoric we hear from the other side of the aisle.

Democrats continue to say Republicans are out of the mainstream. However, from where I stand, I see nothing but hollow allegations and a complete lack of any legislative agenda for the American people from the other party. Meanwhile, Republicans continue to pursue a commonsense solutionist agenda that addresses important issues like securing our homeland, supporting our troops, growing the economy, and looking out for families and small businesses.

Mr. Speaker, I want to take a minute to read a quote from the minority leader, the gentlewoman from California (Ms. PELOSI), from a recent press conference she held: ''It is important for us to take down their numbers, to take down their numbers on Social Security, to take down their numbers on credibility. That was very important. If you are the challenger, you are not going to go up against the leader in full strength. You have to take them down first and then you move out in a positive way.''

This quote has troubled me greatly over the past week. I strongly disagree with this type of leadership.

While Republicans remain committed to moving forward with a positive, commonsense agenda, Democrats continue to rely on obstruction and partisan rhetoric. Republicans are concentrating on progress, and our results are hard to argue with. New jobs figures show that 146,000 new jobs were created in June. The economy has created over 3.7 million jobs since May 2003, and we have seen steady job gains for each of the last 25 months.

There are more Americans working than ever before. The unemployment rate fell to 5 percent in June, the lowest it has been since September 2001. The energy bill passed by Congress will create nearly half a million new jobs in the manufacturing, construction, agriculture and technology sectors by reducing our dependence on foreign oil while exploring different sources of renewable fuels and nuclear energy.

This legislation will also help eventually lower the cost of gasoline, a drag on profits that is hitting small businesses hard. Republicans have been working diligently on behalf of small businesses. According to a small business survey, over 80 percent of small businesses spend an average of $25,000 annually on attorney consultant fees and life insurance premiums in an attempt to avoid the crushing blow of the death tax. We are working to repeal the death tax because we feel this money could do more if it remains in the hands of business owners and not in the hands of the government.

In addition, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 that President Bush signed into law will reduce the number of abusive and frivolous bankruptcy filings that have hurt the economy and small businesses by raising the cost of credit.

Republicans are improving our Nation's transportation and infrastructure. House Republicans passed the highway bill which will fund our Federal highways and help increase the quality of our transportation and infrastructure. This will allow small businesses to move products more efficiently and economists estimate that for every $1 billion spent to improve our highways, 40,000 new jobs will be created.

House Republicans are working to facilitate job training for American workers. Hundreds of thousands of new jobs are being created under our watch, and we are dedicated to providing adequate job training for all Americans who seek it. The Job Training Improvement Act will break down barriers for millions of job seekers by streamlining bureaucracy and making sure more time is spent training for the jobs of the 21st century.

□ 2245

In addition, the Vocational and Technical Education for the Future Act will strengthen and improve the framework of current vocational and technical education programs, add new accountability measures, focus on academic achievement, and streamline Federal

funding to help States and local communities make the most of Federal resources.

Republicans are also dedicated to national security and the war on terror. We are promoting responsible government spending and are committed to upholding vital American programs like Social Security. Democrats are committed to rhetoric that does nothing to keep America safe or grow our economy.

It has even come so far that the minority leadership is willing to contradict themselves in order to block growth. On March 6, the House minority leader stated on Fox News Sunday that ''we must stop robbing the Social Security Trust Fund of its money to pay for other things.'' Yet in the June 24 edition of Congress Daily she stated, ''There is nothing wrong with Social Security lending money with the prospect of returning it.''

This week, I sat down in my office to do some reading and came across a series of editorials from leading Republican and Democrat Members. It was the sharp contrast in our ideologies that I saw when reading these articles that made me want to come to the floor tonight.

One of the Democrat's editorials claimed that the first 6 months of the 109th Congress will be remembered as legislatively unproductive. This is not only untrue, but it demonstrates the complete unwillingness of the House minority to acknowledge and join in the effort for progress in America.

Republicans are proud of our vast accomplishments in the first half of the 109th Congress and we hope we can work with our friends on the other side of the aisle to bring forth ideas for the betterment of the Nation. I am proud of our accomplishments not just because they represent good policy but also because so many of them attracted bipartisan support. More than 40 rank-and-file Democrats voted with us to enact some of the most important measures of this Congress—despite opposition from their leadership. I want to thank those on the other side of the aisle who acted in this Nation's best interest and put politics aside.

We are working towards solutions that will create a stronger America that we can hand down to future generations with pride. We want to preserve vital programs like Social Security, continue to create jobs, lower taxes for hardworking Americans, and address the security issues facing our country. I look forward to the day that the minority joins us in a bipartisan effort to strengthen our Nation and stops attempting to block progress for the sake of partisan politics.

In the meantime, I hope the American people will examine the record so that they can see which party truly is out of the mainstream. When they do, they will come to one and only one conclusion—that the Republican principles of progress and solutions are benefiting the entire Nation, while the Democrat tactics of obstruction and stonewalling contribute nothing. It is the Washington Democrats, Mr. Speaker, that are truly out of the mainstream—not the Republicans.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to register my continued sadness and frustration with the Nation's Iraq policy. As much of Washington now focuses on a Supreme Court nomination, and as many Americans prepare for August vacations, I hope none of us forget the sacrifice of our men and women in uniform and the disastrous decisions that put them in harm's way in the very first place.

We are fast approaching 1,800 deaths in Iraq, Mr. Speaker, and for what? Are we any safer from terrorism? The recent attacks in London would seem to indicate that we are not. If the Iraq war has done so much to enhance American Security, why did we have to expand the PATRIOT Act last week and clamp down even further on our civil liberties?

The truth is our military presence in Iraq is contributing to the chaos there, not alleviating it. The occupation has sparked more intense feelings of anti-Americanism and breathed new life into the insurgency. A recent government report even voices concerns that terrorists and insurgents are succeeding at infiltrating the Iraqi police force.

Like all of my friends in Congress, I believe nothing is more important than supporting our troops, but I believe the best way to support them is to bring them home to their families as soon as possible. Ending the war should be the first step in a complete overhaul in our approach to a national security policy. We must redirect our priorities and our resources so that peace and diplomacy, not aggression and chest-beating, become the guiding lights of our foreign policy.

I have come up with a plan that I have labeled SMART Security, with SMART standing for Sensible, Multilateral American Response to Terrorism. There are five components to SMART.

First, stop future acts of terrorism, not by arbitrarily invading sovereign nations, but by collaborating with NATO and the U.N., by strengthening our intelligence capabilities, and by enhancing efforts to cut off financing of terrorist organizations.

Second, stop the spread of weapons of mass destruction, not by deposing regimes that do not have them, but with diplomacy, enhanced inspection regimes, and regional security arrangements. The United States should also work more closely with the states of the Soviet Union to secure loose nuclear material, and we should set an example for the world by living up to our own international nonproliferation commitments.

Third, address root causes of terrorism, like instability, despair and hopelessness. So SMART includes an ambitious international development program, debt relief, democracy building, sustainable development education, especially for women and for girls, and more for poor nations.

Fourth, shift U.S. budget priorities. Does it make any sense at all, Mr. Speaker, that we continue to invest billions of dollars in a missile defense shield? The Cold War is over, and our defense priorities should reflect the new threats of a new era. Among other things, we ought to be investing in renewable energy sources that will help wean the Nation from Middle Eastern oil. It is unbelievable to me that the Congress may soon pass an energy bill that costs us billions of dollars, but barely addresses the problem of dependence on oil imports.

Fifth, pursue alternatives to war. At its core, SMART is about choosing peace over war and resorting to force only in the most extreme circumstances. So it includes an emphasis on effective conflict assessment, early warning systems, multilateral response mechanisms, and other tools that will help avoid military action.

Mr. Speaker, our current national security posture is not only morally questionable, it is functionally flawed. My objection is not just a philosophical one, but a practical one. What we are doing now is not making America safer.

It is time to get smart about national security. It is time for a new strategy that protects America by relying on the very best of American values, our love of peace, our capacity for global leadership, our belief in freedom and opportunity, and our compassionate fellowship with the people of the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise tonight in strong support of the Central American Free Trade Agreement, known as CAFTA. This trade agreement will help boost American exports, create more American jobs, help fuel economic growth, and, perhaps more importantly, help preserve

the economic liberties of the common American citizen.

Now, those favoring protectionism tonight have cited several fallacious arguments for rejecting CAFTA and other free trade efforts. Some argue CAFTA will hurt business and jobs. The opposite is true. Even more than previous free trade agreements, U.S. producers have so much to gain under CAFTA. You see, our U.S. markets are already open to Central America. Eighty percent of imports from the six CAFTA countries already enter duty free. Since our markets are already open to goods from these countries, CAFTA will level the playing field like never before for American exports.

CAFTA could expand U.S. farm exports by $1.5 billion a year as prices of U.S. wheat and other crops are free from tariffs. Manufacturing and information technology could see exports increase by $1 billion annually when duties are removed. And the list goes on and on. A vote against CAFTA is a vote against new American jobs.

Another argument used by those who oppose trade is concern for the trade deficit, but as I just pointed out, our markets are already 80 percent open to the CAFTA countries. It is their markets that are mostly closed to us. Therefore, CAFTA can only help ease the trade deficit.

Now, other people argue that CAFTA will somehow increase illegal immigration. The opposite is, of course, true. Most illegal aliens do not come to America because they love hot dogs, baseball, and apple pie. They come quite simply because they are poor, and they need to feed their families. Trade with these Central American countries will help make the Central American countries more prosperous. Greater Central American prosperity will lead to fewer desperate workers, which in turn will lead to fewer illegal immigrants than would otherwise come over.

The CAFTA understanding on immigration measures explicitly states that it does not impose on the parties any obligations with respect to foreigners seeking employment or residency. Simply put: A vote against CAFTA is actually a vote for more illegal immigration.

Another argument which just simply does not stand up to scrutiny, Mr. Speaker, is that somehow, some way, somewhere the U.S. loses sovereignty. CAFTA is a voluntary agreement with our neighbors to lower tariffs according to a mutually agreed-upon schedule. If any country violates their commitments, other countries, of course, are free to retaliate as they wish. But no international body can make or change U.S. law. Again, no international body can change or make U.S. law. All we do is agree to a nonbinding dispute resolution that we are free to ignore at our will.

Mr. Speaker, we must pass CAFTA and the free trade it represents. Free trade delivers greater choice of goods and services to our consumers at lower prices. That means American families can buy better products using less of their paychecks. It is all about competition, and competition has always helped the consumer. We have over 200 years of history to prove it. And it does not matter if that competition comes from Nashville, Nicaragua, El Paso, or El Salvador.

Over the past few years, prices have dropped for a wide array of goods and services that are produced around the world, such as video equipment and toys, yet we pay a whole lot more for products that do not compete with foreign countries; for example, prescription drugs and cable TV. Competition works. Trade works. No one should come to this floor claiming to speak for low-income Americans and oppose CAFTA.

Mr. Speaker, beyond all the obvious economic benefits of free trade, we must recognize that this is fundamentally an issue of personal freedom. Nations do not trade with nations. People trade with people. With the exception of national security considerations, every American citizen should have the right to determine the origin of the goods and services that they want to purchase. Is this not the land of the free? Have not generations fought and sacrificed to secure the blessings of liberty?

Now, maybe we in Congress have the power, but do we have the right, do we have the moral authority to tell a waitress in Topeka, Kansas, she cannot buy a can of beans to help feed her family because it comes from El Salvador? Do we have the right, do we have the moral authority to tell a construction worker in New York that he cannot buy a pretty blue dress for his 3-year-old daughter because it comes from Honduras? Shame on us if we claim we do have that right.

Mr. Speaker, for over 200 years America has benefited from more trade and greater competition. I urge my colleagues to once again reject raw protectionism, reject bitter partisanship, and stand for freedom, stand for prosperity, stand for free trade and vote for the Central American Free Trade Agreement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

(Mr. LEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

(Mr. GENE GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

(Mr. CASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

(Mr. SAXTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

(Mr. BRADY of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SHAW) is recognized for 5 minutes.

(Mr. SHAW addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATE OF U.S. ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from New York (Mrs. MALONEY) is recognized for 30 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, there has been a great deal of happy talk lately from the Bush administration and its supporters about the state of the American economy. To hear them tell it, you would think that some kind of supply-side miracle has taken place in the past few months and that the economy is now performing so well that jobs are plentiful, workers are well paid, that the budget deficit is being slashed in half, and that the trade deficit, which happens to be the largest in history, is nothing to worry about.

□ 2300

Of course nothing could be further from the truth, and all we have to do is go out and talk to our constituents to know that. Tonight my colleagues and I want to set the record straight on the economic policies of the Bush administration.

We want to look at the real record of job creation, the continued presence of unemployment, the failure of wages to keep up with inflation, and the widening disparity between the haves and the have-nots which is tremendously troubling. We will document how ordinary workers have been shortchanged in this economy, which has gone through the most protracted job slump since the Great Depression.

This chart summarizes the point well. The Bush administration has the worst job creation record of any administration back to Herbert Hoover. This chart shows the average rate of job creation by this administration. For most of his term, President Bush was the only President since President Hoover to actually lose jobs. Now he is at least in positive territory, but with a very anemic job growth of just 0.2 percent per year. Compare that with the 2.4 percent annual job growth under President Clinton, which is more than 10 times greater. Compare this from the Clinton administration back to the Hoover administration.

The Bush administration and its supporters will not take responsibility for the failure of their policies. Instead they keep saying the same thing over and over again: tax cuts. But the Bush administration's economic program has not created an economy that works for America's ordinary citizens, and they have mortgaged our future.

Responsible analysts have shown that the Bush tax cuts were poorly designed for generating jobs and putting people back to work in the wake of the 2001 recession. They had very low ''bang for the buck'' in terms of job stimulus in the short run, but they were so massive, they created a legacy of large budget deficits and mounting debt that will be a drag on the economy in the long run.

President Bush has squandered the hard-won fiscal discipline achieved in the 1990s. He inherited a 10-year budget surplus of $5.6 trillion and turned it into a stream of deficits. This chart shows what has happened so far. This chart shows that when President Bush took office, the Congressional Budget Office was projecting that the budget surplus of $236 billion in 2000 would grow to over $433 billion in 2005. In fact, the latest projection from the administration is that the budget will have a deficit of $333 billion this year.

In their mid-session review, the administration proclaimed this a major improvement because they had projected an even larger deficit in their January budget. But $333 billion is still the third largest deficit in the history of our country and a far cry from the $435 billion surplus that was being projected at the start of the Bush administration.

The administration is portraying a future of declining deficits over the next few years, but that is not what responsible analysts say. They observe instead that special factors were probably the reason for the jump in revenue this year, and they point out how much is left out of the budget projections, including the ongoing cost of the war in Iraq and Afghanistan and a fix for the alternative minimum tax.

We have become a Nation of debtors, relying on the rest of the world to finance our budget deficits and the rest of our excessive spending.

Last year we had to finance a record current account deficit of $668 billion, and that deficit was even larger at an annual rate in the first quarter reaching 6.4 percent of our gross national product.

Foreign governments are holding large quantities of our public debt, putting us at risk of a major international financial crisis if they should decide that the benefits of holding dollars are no longer worth the risk.

Mr. Speaker, our future prosperity depends on increasing our national savings and making wise investments. It depends on being ready for the retirement of the baby boom generation and the pressure we know that will be put on the budget. But how is the Bush administration preparing us for this future? With more deficits and more debt. They want to make the tax cuts that have gotten us into part of this mess permanent, and they have a plan for privatizing Social Security that would cut benefits substantially and add even more to our debt. We need a better plan.

Mr. Speaker, in the remainder of our time, we will look more closely at the realities of this economy and the failures of the current economic policies, including the weak labor market that continues to be a major characteristic of the Bush administration economy.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LORETTA SANCHEZ), an economist by training.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for putting together this Special Order.

I think the chart that was just up is a very important chart to talk about. A lot of people ask me what is the most important thing you are worried about when you go to sleep at night. They know that I sit on the Committee on Armed Services and the Committee on Homeland Security. I tell them the problem is the debt and the deficits that we are creating in Washington, D.C. because they will come back to haunt each and every family in this United States.

The chart there shows that when President Bush took office we were running a surplus, a surplus in the annual budget that we had, in other words, our annual spending plan. President Clinton had structured our taxes in such a way that he brought down the deficit from earlier years, and we were in a surplus. We were collecting more taxes than we were spending in a year, which allowed us to take those additional taxes and bring down the debt, the actual debt that this country carried.

But what happened when President Bush came into office? He began to change that around because spending went up and we collected fewer taxes. We have given three large packages of tax cuts in the time that President Bush has been in office. His own controller has said that the reason we are running deficits, 70 percent of that is due to the fact that we just do not collect taxes. We do not collect enough taxes to pay for the programs that we are spending on an annual basis. So 70 percent is due to the fact of those tax cuts. And those tax cuts, quite frankly, were not even very good; they are haphazard. They were used to buy votes and to make everybody think they had gotten a tax cut, but when you look at the tax packages and what has happened to us as a Nation in order to invest in our future, they were very poorly written and really do not do very much for our overall economy.

But this deficit problem that we see on this chart, every year we are spending more than the moneys we are taking in in Washington, D.C. That is a problem because it adds to our debt. It is a problem because this just keeps growing and growing. Our debt is now over $7 trillion, and no one seems to mind here in Washington, D.C.

We can give you tax cuts, we can spend $1.5 billion a week on a war in Iraq, and everything will be fine. When will that happen? Who will pay this debt? Well, sooner rather than later we will, my generation. And then when we cannot get to it, our children. After our children, our grandchildren. This is

a major problem for us. The reason it is a problem is because unless you invest in your country for the future, you are going to become disadvantaged economically compared to the rest of the world. What do I mean by that?

□ 2310

Every week that we spend $1.5 billion in Iraq, we get nothing back in return, not one little dime on that investment. Meanwhile, we do not invest in education, we do not invest in a health care system, we do not invest in telecommunications, we cannot even pass a transportation bill in this town, we do not invest in new technology. When you do not invest in those things that make you more productive, sooner or later the Chinese and people from India and other places will be smarter, will be better equipped, and will be better able to take over the global economy.

We are not investing in our children. We are not investing in ourselves. We are not retraining those people who have lost jobs. We are not helping them. We are not building the next new thing. We are not putting enough money into research because we are not taking in the money at the Federal level because of those tax cuts and because we are spending it on a war that is bringing nothing, no rate of return back to us.

Mrs. MALONEY. I thank the gentlewoman for her comments.

The great American jobs machine, which created over 20 million net new jobs under President Clinton, has been sputtering under President Bush. We are only just emerging from the most protracted job slump since the 1930s. Job creation is still sluggish. There continues to be substantial hidden unemployment. Wages are not keeping up with inflation, and there is a widening gulf between the haves and the have-nots. The benefits of the economic recovery are showing up in the bottom line of companies, but not in the paychecks of American workers.

Let us look at job creation. Last month there were 1.1 million more jobs on nonfarm payrolls than there were when President Bush took office in January of 2001. That is a paltry pace of job creation of just 20,000 jobs per month, 2/10 of 1 percent per year. That is the slowest pace of job creation under any President in over 70 years.

Leaving aside job creation in the government sector, there were just 161,000 more private sector jobs on U.S. payrolls last month than there were when President Bush took office. Within the private sector, manufacturing was particularly hard hit, with payrolls declining by 2.8 million manufacturing jobs between 2001 and 2005. That is 2.8 million manufacturing jobs lost. The job slump associated with the recession that began in March 2001 has been the most protracted job slump since at least the end of World War II. We only have consistent data back that far. But, in fact, one would have to go back to the 1930s to find a worse job slump.

As you can see in this chart, which focuses on the period after the end of World War II and shows the percentage change in employment after the start of a recession, job losses typically stop about a year after the onset of a recession, and employment begins to increase after about 15 months. Within 2 years, employment surpasses its prerecession level and is expanding at a healthy pace.

The most recent job slump has been dramatically different from that pattern and even more protracted than the so-called ''jobless recovery'' following the 1990–1991 recession. In the latest recession, which began in March 2001, job losses continued until May 2003, more than 2 years after the start of the recession. It was not until January 2005, nearly 4 years later, that payroll employment finally climbed out of the hole created by the recession.

The administration seems to think that it is evidence of a strong economic recovery that payroll employment has increased in every month since May 2003, but the pace of job creation over that period has been just 148,000 jobs per month. This is not the kind of job creation that you would expect in a strong economic recovery. In fact, it is only a little bit faster than the amount of job creation that is needed just to keep pace with normal growth in the labor force. We have to have between 125,000 to 150,000 new jobs created to just keep pace with the number of workers going into the labor force.

Compare this experience with the 1990s the long economic expansion of the 1990s under President Clinton, it was common to see job gains of 200,000 to 300,000 and, in some cases, 400,000 jobs per month. But months with job gains of 200,000 or more have been few and far between in this business cycle recovery. In May, 104,000 jobs were added and in June, 146,000 were added. These are not strong numbers because, as I said, we have to create between 125,000 and 150,000 new jobs just to keep pace with the new young workers moving into the job market.

The expansion of the 1990s started slowly, but the jobless recovery following the 1990–1991 recession pales in comparison with the prolonged job slump we experienced after the 2001 recession. At this point in the recovery from the 1990–1991 recession, the economy had created over 4 million more jobs than we have seen in this recovery.

Contrary to administration claims about the success of their policies in stimulating the economy and producing jobs, the facts tell a very different story about the Bush economic record on job creation. President Bush has the worst job creation record of any President since Herbert Hoover, and the economy under President Bush has struggled to escape from what has been by far the most prolonged job slump in the postwar period.

I yield to the distinguished gentlewoman from California for further comments on this issue.

Ms. LORETTA SANCHEZ of California. In fact, the Bush administration does try to paint things rosy, but we have to admit, you can feel it out there. You can feel it in towns. You know it. You can feel it within your family. During the Clinton years, everybody was making money. People had jobs. They had good jobs. We could see the economy expanding.

As an economist, I will tell you that in business school we learned that there are ups and there are downs in the economy. They are called cycles. A typical business cycle lasts 12 to 14 months. With Clinton in office, it lasted 8 years. There was a reason. He took the hard steps to bring in the money to pay down the debt of the United States. People realized that financially our house was in order, and it was sound, and it was getting sounder. But with Bush, it is completely the opposite. That is one of the reasons why we have an anemic job creation going on.

And other figures that they throw out, oh, unemployment is down. Let me tell you why unemployment would be down. After a while when you cannot find a job and you stop looking for a job because there is just not a job to be had in town, you come off the unemployment rolls, you are not considered unemployed anymore. You are just left. You are not in the figures. If you used to have a job that paid $25 an hour and had vacation time and had a pension, had health care paid, and you look and you look and you look for that job, but there is not a job to be had like that, and you are losing your home because you cannot pay your mortgage, and your kids need to be fed, and the only job you can get is to go down to McDonald's or something and get a minimum wage job, that happens, guess what, you are no longer unemployed. You are no longer unemployed.

That is why when they say unemployment is going down, what they mean is people are underemployed. They are taking whatever job they can find, without pensions, without medical health care for their families. These are not the same jobs that they used to have, that we used to have. That is why we feel it. We feel it in America. We know. Our gut tells us things are not as good today as they were back then under the Democrats.

□ 2320

Mrs. MALONEY. Mr. Speaker, reclaiming my time, I thank my colleague for her comments. And one of the things that we have talked about that is very troubling to her and me besides the sluggish job growth and the hidden unemployment which she talked about, the third most disturbing development in the labor market is the widening disparity in earnings between the haves and the have-nots. It is fundamentally unfair, and democracy works better when there are not huge differences between our people. And as Chairman Greenspan has testified before Congress many times his concern

about this widening distance, he has argued that it tears at the very social fabric of our Nation.

And let me illustrate this with a few facts. The Bureau of Labor Statistics publishes data on the usual weekly earnings of full-time workers at different points on the wage ladder, and the chart shows that after adjusting for inflation, the usual weekly earnings at the exact middle of the distribution, real median usual weekly earnings, grew a paltry .2 percent per year from the fourth quarter of 2000 to the fourth quarter of 2004. That contrasts with the healthy 1.7 percent per year in the previous 4 years under President Clinton. In other words, the typical worker, whose earnings grew substantially faster than inflation in the late 1990s, has seen the earnings growth grind to a halt during the first 4 years of the Bush administration. The typical worker's earnings barely kept up with inflation.

Worse than the overall stagnation in earnings is the widening disparity of earnings between high earners and low earners. If we look at those same data on usual weekly earnings of full-time workers, but instead of just looking at the middle, we look at the top and bottom as well, we see a disturbing pattern. In this chart, the blue bars show growth in the Clinton years. Yes. There was very good growth at the very top of the distribution, but there was likewise substantial growth in the middle and at the bottom as well.

Compare that with the red bars showing the changes during the first 4 years of the Bush administration. Real earnings at the bottom of the distribution, the 10th percentile, actually fell at an average annual rate of .3 percent per year in President Bush's first term, while those at the top, the 90th percentile, rose the most, almost 1 percent per year. In other words, the earnings that lagged farthest behind for inflation under President Bush were those people with the lowest earnings to begin with, while the earnings that grew the fastest, faster even than inflation, were those for people at the highest earnings to begin with.

Finally, we come to the most disturbing trend of all. Things have been getting worse, not better, recently. During the period when the economy has finally started creating jobs, earnings have not been keeping up with inflation. In the past year, the only earnings that grew faster than inflation were those of people at the very top. Everyone else saw their cost of living grow faster than their earnings. And when we look at the facts of what is happening to most workers, it is hard to accept the President's argument that his tax cuts have worked to create better jobs and higher wages. That is not what we see when we look at this data.

It is very troubling to the people, and it is very troubling, I would say, to the future of this country. It is not good for anyone, whether they are at the top or bottom, to have this wage gap growing and this disparity growing in our Nation. It is an extremely troubling trend.

I yield to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I believe that this chart really tells a great picture. We look at these blue bars. We start on one side and we see people who make the least amount of money, and we go across the way to people who are very rich and making lots of money. And the blue bars are during Clinton's time, and what they say about ''a high tide raises all boats,'' we can see that. See the blue. They all grow up.

The red represents the Bush years. The one under, the negative growth, are the poor people, the people who make the least amount of money. And the big red bar on the other end, those are the people who make the most money on an annual basis. Look at that. So that is what Bush has done. He has rewarded those who make the most money by increasing what they are making, and those households that make less money actually are losing ground.

But we do not have to look at a chart like that. We can see it every day. What is the biggest disparity that we have between those who have great jobs and those who have minimum-wage jobs? One of the major things is education, for example. Those who have a better education, they are probably, probably, going to make more money.

So what has Bush done during these years? If we look at this budget that he proposed this year, cutting moneys to community colleges, a place where people who have lost their jobs can go and get new skills, get retrained, the money is not there anymore. Places for immigrants who want to learn English at night, for example, cannot get into those classes anymore. The Republicans are trying to cut the student loan program, a way in which people, people who do not have money, are able to go and finance an education. I know because I had student loans, Pell grants. Those are the out, and scholarships that we give to people who want to go get a higher education, he managed to raise it by only $100. Think about that. Tuition going crazy at colleges and universities. Anybody who has got teenage kids and is looking at this can see the trend: $100, that is the increase that the President says is going to fix everything.

But the biggest disparity that has happened from this President is the fact that he put in a signature package called No Child Left Behind where he was going to look and measure how our kids were doing in our kindergarten through 12th-grade system, and if they were not doing well, if they were below the level where they should be, we were going to tutor them, get more people in to help them, take extra care of these kids so we can bring them up to the average where they were supposed to be. Guess what? Nine billion dollars short. In other words, he passed the program, but he forgot to fund it. And then people wonder what is wrong with education?

We are not investing in one of the most important things we have to do, and that is to get our people up, to make them scientists and mathematicians. Go to the universities. Go to the universities and look and see who is teaching our math and science classes. They are foreigners. And then take a look at who is in the class. They, too, are foreigners. And it used to be that these foreigners stayed in the United States, and they became Americans, and they helped us to make the new, new things and the new industries and the new technology, but now our very own companies are getting them and sending them back to India or China or wherever they come from, and they are competing against us.

Mrs. MALONEY. Mr. Speaker, reclaiming my time, the gentlewoman has pointed out a good fact there.

But let us talk a little bit now about the American jobs machine, which brought the unemployment rate down under President Clinton.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy, the gentlewoman is recognized for an additional 30 minutes.

Mrs. MALONEY. Mr. Speaker, the great American jobs machine, which brought the unemployment rate down under President Clinton from 7.5 percent in 1992 to 4 percent in 2000, has been sputtering under President Bush. We are only just emerging from really the worst job slump since the 1903s, and job creation is still sluggish. There continues to be substantial hidden unemployment. Wages are not keeping up with inflation, and there is a widening disparity, as we talked about, in wages and incomes.

□ 2330

The benefits of the economic recovery are showing up in the bottom line of companies, but it is not showing up in the pocketbooks of American workers.

Let us look at hidden unemployment. The good news is that the official unemployment rate has come down from its high of 6.3 percent in June of 2003 to 5 percent this last month. The very bad news is that a 5 percent unemployment rate is still nearly a percentage point higher than it was when President Bush took office.

But, it is worse than that, because there is an additional hidden unemployment. People have not come back into the labor force the way they usually do in an economic recovery. Last month, 7.5 million people were officially counted as unemployed, 1.5 million more people than were unemployed when President Bush took office in January of 2001.

To be counted as unemployed, a person must be actively looking for work,

but in a weak labor market, there can be considerable hidden unemployment and underemployment if people who want to work have been discouraged from looking for work, and if people who want to work full-time can only find a part-time job. In a typical business cycle recovery, people come back into the labor force as the prospects of finding a job improve but, this time, the labor force participation rate has remained depressed, compared with what it was in the start of the recession.

Last month, 5.2 million people who were not in the labor force said they wanted a job. About 1.6 million of these are considered ''marginally attached'' to the labor force because they have searched for work in the past year and are available for work, but they are not counted in the official unemployment rate, because they did not search for work recently enough. In addition to people who are not in the labor force but say they want a job, 4.5 million people were working part-time in June because of the weak economy. They wanted full-time work, but they were not able to find it.

The official unemployment rate was 5 percent in June. The Bureau of Labor Statistics estimates that if marginally attached workers were included, the unemployment rate would have been 6 percent, and if those working part-time for economic reasons were also included, it would have been 9 percent. A new study by Katherine Bradbury of the Federal Reserve of Boston reaches similar conclusions: labor force participation has not rebounded in this recovery the way it usually does, and the unemployment rate would be 1 to 3 percentage points higher if those missing participants were in the labor force.

Mr. Speaker, the President and his supporters seem to think that a 5 percent unemployment rate shows the success of their economic policies in creating jobs, but the facts tell a very different story. Employers are not hiring as though they believe the economy is strong, and potential workers are staying out of the labor force. The unemployment rate is still almost a percentage point higher than it was when President Bush took office, and there is considerable hidden unemployment. Employers are not hiring as though they believe the economy is strong, and potential workers are staying out of the labor force.

So these numbers are not strong, and I ask my colleague if she would like to elaborate.

Ms. LORETTA SANCHEZ of California. Well, almost everywhere you look in the economy, if you really understand what is going on, the numbers are not strong; the numbers just are not strong. Again, one of the things we need to do as a country is to invest in our people and invest in our country, make ourselves economically strong, because other countries are doing it. China is investing. They are not spending $1.5 billion a week in Iraq. They are investing in their people, they are building their water systems, their sewer systems, their transportation systems, their telecommunications systems; they are making themselves stronger. That is what countries do in order to bring up their standard of living.

Now, I have already told my colleagues that we are really not putting the money into education. Even the chairman of the Federal Reserve Board, Chairman Greenspan, said the other day in front of our economic committee, after everything he said and we had all kinds of questions, all kinds of things to say, and he kept coming back to the same thing: there is a problem in education in the United States, and if we do not fix education, nothing else matters. That is what he said to us, pretty much over and over: nothing else matters. It is productivity.

So we are not investing in education, we have not been able to pass a transportation bill to put people to work in their own communities, building their transportation systems so they can be more productive, so they do not spend as much time in traffic, for example, and those are good-paying jobs. Those are good-paying jobs that spin off other jobs, but we are not doing it from here. Why? Because we are sending the money out. Meanwhile, we are talking about building schools in Iraq and building transportation systems in Iraq, and building water systems in Iraq, but we are really not doing it here in the United States. We are not putting the money where we need to have it put. And, let me also add that we have another major problem, and that is called the trade deficit. The trade deficit.

Just earlier this year, when the tariffs came off of textiles with respect to China, our trade deficit went crazy against that country. And it will continue so until we figure out how to invest in ourselves, how to invest in our country, how to collect the taxes and pay down our debt, bring down the deficit every year, so that people will begin to believe us again, that we understand how to run a financially sound household here.

I am sure that the gentleman from New York is probably going to talk a little bit about the statistics with respect to trade and what that is doing to us.

Mrs. MALONEY. Mr. Speaker, I really want to point out that the President and his supporters are trying to make the case that the economy is thriving and that their policies are responsible. But when we look at the facts that we have pointed out tonight, we see instead that American workers are still waiting to see the benefits of the economic recovery in their paychecks, and that we have large and unsustainable budgets and trade deficits.

In fact, this administration has set a number of records, only the problem is, they are the wrong records. They have raised the debt ceiling 3 times so that now, we have a staggering debt of over $7.6 trillion. This is the largest debt in the history of our country, and that breaks down to each American's share being over $26,000. That is what we are giving to our children and our grandchildren.

And, as was said earlier, the trade deficit is again another record, only the wrong kind of record; another record of over $619 billion, the largest in the history of this country, and growing. And, we have a staggering deficit of over $333 billion.

I remember when I ran for office back in 1992, the country had a deficit of $250 billion, and everybody said it was the worst they have ever seen. If I had told them, ''vote for me, I am going to go to Congress, I am going to work with the democratic Congress to pay off that deficit, and in a number of years you are going to see a huge surplus,'' they would have said, well, she is a nice little girl, but she does not know what she is talking about.

But that is exactly what we did. We came to Congress with President Clinton, we paid down that deficit, and he left office with a surplus, a huge surplus. That is what the Bush administration inherited. And what have they given us? They have given us a staggering deficit, a staggering trade deficit, and the largest debt in the history of our Nation. What kind of legacy is that?

Mr. Speaker, I say to my colleagues that on top of this burden that they are putting on our children and our grandchildren, they now plan to privatize part of Social Security that would also add to the debt without increasing our national savings. And, according to Chairman Greenspan, this privatization that they proposed for Social Security would not do one inch of help to help the solvency of the Social Security plan. It does not help the solvency; it just adds to the staggering debt.

□ 2340

And on top of this, they proposed cuts to traditional Social Security benefits that would undermine the economic security of future retirees. And I say to my colleagues, this is not the legacy that I want to leave to my children or to my grandchildren. It is a burden that will have a huge impact on their quality of life.

That concludes my remarks.

Ms. LORETTA SANCHEZ of California. I will just say that the whole issue of Social Security, by the way, pension plans that many of our retirees are on or believe that they are going to be on in a few years, are really due to be lost under the Bush administration.

Some of the policies that they have and some of the ideas that they have of really the security, the financial security, of people is really up for grabs with this administration with some of the ideas that they have, but that is another night. We can talk about what they plan to do to the American people on another night.

I want to finish off by saying, you know, again, we feel it. You feel it. We feel the difference between what we experienced under President Clinton and what we are experiencing under President Bush.

President Bush would have you believe it is because 9/11 happened, and because the terrorists are after us, and because we are now having to spend money in the war. And he is trying to tell you that that is why we have this malaise going on in our economy.

I have got news for you. That has very little to do with it. It has to do with the priorities of where you put your money. The priorities should be in investing in America. The priorities should be in trade because we are in a global economy, but in fair trade, not free trade, in fair trade with countries who will not have slave labor competing against us, the American workers.

It is about people who hold to promises, if we have trademarks, if we have copyrights, if we have intellectual property. If we spend the money to make a software system, it should not be pirated and copied the next day over in China and then back in our markets to compete against us. But other countries do that, and we sit here as an administration and they do nothing. They do nothing.

So they have forgotten to fund education; they are cutting it back, in fact. We have not even begun to get into the whole idea of health care. If you are not a healthy country, you are not going to be a productive country. We have not talked about investing in technology and transportation and in telecommunication. Those are all issues that are important for us. But these issues of not understanding and not standing up to other countries who are mistreating us when we trade is another reason why this trade deficit is against us, and that in return hurts us economically and builds this debt and this deficit.

But one of the biggest reasons why we have deficits and why we are adding to the debt is because again this President has told us that we can go to war, that we can do everything, that we should continue to spend, that we do not need to save as a country, and that somehow or another everything is going to work out, oh, and by the way, we do not have to pay taxes. That is his message. Well, we are smart people. Americans, we are smart people. We understand what is going on.

The answer is we need to begin to change this, and we need to get our financial house in order. And I thank the gentlewoman for having taken the time tonight to discuss some of these issues.

Mrs. MALONEY. Well, I thank the gentlewoman for her comments. And I would just like to conclude by noting that this Monday was President Clinton's birthday. And I authored a resolution congratulating him on his birthday, which emphasized his strong economic program for this country.

Although many of my colleagues or some of my colleagues may not agree with all of his policies, the facts speak for themselves. He inherited a deficit; he left office with a surplus. And while he was putting our economic house in order, we balanced our budget, and we invested also in child care, in health care, in education and helped the people in our country.

During the Clinton years there was a very important economic factor, that the distance between the haves and the have-nots came closer together. In other words, everyone prospered, which is good for the Nation. It is not good for only one segment to prosper and others to fall behind. That really could destroy the social fabric of this country. It is very disturbing to me.

So I wish that we would return to really the financial policies that we had under President Clinton where we balanced our budget, we invested in our people, in education, and health care, and we had a surplus. Yet under this administration the surplus is gone, and we have a staggering debt, the largest in our history. This is not the legacy that I want to leave to my children.

CONFERENCE REPORT ON H.R. 2361

Mr. TAYLOR of North Carolina submitted the following conference report and statement on the bill:

(H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–188)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2361) ''making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $860,791,000, to remain available until expended, of which $1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $860,791,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $766,564,000, to remain available until expended, of which not to exceed $7,849,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole

source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,926,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $8,750,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,070,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,008,880,000, to remain available until September 30, 2007, except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $45,891,000, to remain available until expended: Provided, That funds made available under the 2005 Consolidated Appropriations Act (Public Law 108–447) for the Chase Lake and Arrowwood National Wildlife Refuges, North Dakota, shall be transferred to North Dakota State University to complete planning and design for a Joint Interpretive Center.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $28,408,000 to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $24,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,386,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the

amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $82,200,000, of which $20,161,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $62,039,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $40,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $6,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $68,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of passenger motor vehicles; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,744,074,000, of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $97,600,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,411,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $54,965,000: Provided, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $73,250,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That not to exceed $5,000,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided further, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $301,291,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from

unobligated balances in the ''Land Acquisition and State Assistance'' account for Everglades National Park land acquisitions, and of which $400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108:

Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose:

Provided further, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2006 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $74,824,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program including $1,587,000 for program administration: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $976,035,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $8,000,000 shall remain available until expended for satellite operations; of which $21,720,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $177,485,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $153,651,000, of which $78,529,000 shall be available for royalty management activities; and an amount not to exceed $122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $122,730,000 shall be credited to

this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2007: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That in fiscal year 2006 and thereafter, the MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,006,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $110,435,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2006: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts allocated under section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(3)): Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,991,490,000, to remain available until September 30, 2007 except as otherwise provided herein, of which not to exceed $86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $464,585,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed $61,667,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2008.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $275,637,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $34,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements, of which $10,000,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,348,000, of which $701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $118,884,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,883,000, of which: (1) $69,502,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $7,381,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $127,183,000; of which $7,441,000 is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $236,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $55,440,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,116,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $191,593,000, to remain available until expended, of which not to exceed $58,000,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor,

''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 108. Notwithstanding any other provision of law, in fiscal years 2006 through 2010, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 110. (a) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated

in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(b) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

SEC. 111. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 112. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail, and funds provided in division E of Public Law 108–447 (118 Stat. 3050) for land acquisition at the Niobrara National Scenic River, may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 114. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 116. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 117. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 118. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 119. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed $12,000,000.

SEC. 122. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the ''To Be'' Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 123. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 124. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 125. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

SEC. 127. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

''(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.''.

SEC. 128. Section 108(e) of the Act entitled ''An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes'' (16 U.S.C. 410jj–7) is amended by striking ''twenty-five years from'' and inserting ''on the date that is 45 years after''.

Sec. 129. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''September 30, 2005,'' and inserting ''June 30, 2006,''.

SEC. 130. None of the funds in this or any other Act may be used to set up Centers of Excellence and Partnership Skills Bank training without prior approval of the House and Senate Committees on Appropriations.

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3 note; 117 Stat. 239; division F of Public Law 108–7), is amended—

(1) in the second sentence, by inserting '', including utility expenses of the National Park Service or lessees of the National Park Service'' after ''Fort Baker properties''; and

(2) by inserting between the first and second sentences the following: ''In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose

fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services.''.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking ''and (i)'' and inserting ''and (i) (except for paragraph (1)(C))''.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)(i)) is amended—

(1) by striking ''Notwithstanding subparagraph (A)'' and all that follows through ''or section 107'' and inserting ''Notwithstanding section 107''; and

(2) by striking ''account under subparagraph (A)'' and inserting ''account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))''.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect as of December 8, 2004.

SEC. 133. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

''(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

''(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105–312); and

''(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

''(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.''.

Sec. 134. (a) Notwithstanding section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333) there is hereby appropriated to the Secretary of the Interior $10,000,000, to remain available until expended, for necessary expenses for the Memorial to Martin Luther King, Jr. authorized in that Act.

(b) The funds appropriated in subsection (a) shall only be made available after the entire amount in matched by non-federal contributions (not including in-kind contributions) that are pledged and received after July 26, 2005, but prior to the date specified in subsection(c).

(c) Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 is amended by striking ''November 12, 2006'' and inserting ''November 12, 2008''.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $741,722,000, to remain available until September 30, 2007.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,381,752,000, to remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $37,455,000, to remain available until September 30, 2007.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $40,218,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,260,621,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,260,621,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $13,536,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2007, and $30,606,000 shall be transferred to the ''Science and Technology'' appropriation to remain available until September 30, 2007.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $73,027,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,863,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSIONS OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,261,696,000, to remain available until expended, of which $900,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, hereafter none of the funds made available under this heading in this or previous appropriations Acts shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005 the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $200,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

(CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $7,000,000 for making cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions; and $1,129,696,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, $20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $16,856,000 shall be for making competitive targeted watershed grants: Provided further, That for fiscal year 2006 and thereafter, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2006 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That, notwithstanding this or any other appropriations Act, heretofore and hereafter, after consultation with the House and Senate Committees on Appropriations and for the purpose of making technical corrections, the Administrator is authorized to award grants under this heading to entities and for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, wastewater and stormwater infrastructure and for water quality protection.

In addition, $80,000,000 is hereby rescinded from prior year funds in appropriation accounts available to the Environmental Protection Agency: Provided, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability, under the original project period for such grant or interagency agreement or contract period for such contract, has expired: Provided further, That such rescissions shall include funds that were appropriated under this heading for special project grants in fiscal year 2000 or earlier that have not been obligated on an approved grant by September 1, 2006.

ADMINISTRATIVE PROVISIONS

For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

For fiscal years 2006 through 2011, the Administrator may, after consultation with the Office of Personnel Management, make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development.

Beginning in fiscal year 2006 and thereafter, and notwithstanding section 306 of the Toxic Substances Control Act, the Federal share of the cost of radon program activities implemented with Federal assistance under section 306 shall not exceed 60 percent in the third and subsequent grant years.

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 201. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to accept, consider or rely on third-party intentional dosing human toxicity studies for pesticides, or to conduct intentional dosing human toxicity studies for pesticides until the Administrator issues a final rulemaking on this subject. The Administrator shall allow for a period of not less than 90 days for public comment on the Agency's proposed rule before issuing a final rule. Such rule shall not permit the use of pregnant women, infants or children as subjects; shall be consistent with the principles proposed in the 2004 report of the National Academy of Sciences on intentional human dosing and the principles of the Nuremberg Code with respect to human experimentation; and shall establish an independent Human Subjects Review Board. The final rule shall be issued no later than 180 days after enactment of this Act.

SEC. 202. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SEC. 203. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled ''National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions'', dated November 3, 2003 (68 Fed. Reg. 63042).

SEC. 204. None of the funds made available in this Act may be used in contravention of 15 U.S.C. 2682(c)(3) or to delay the implementation of that section.

SEC. 205. None of the funds provided in this Act or any other Act may be used by the Environmental Protection Agency to publish proposed or final regulations pursuant to the requirements of section 428(b) of division G of Public Law 108–199 until the Administrator of the Environmental Protection Agency, in coordination with other appropriate Federal agencies, has completed and published a technical study to look at safety issues, including the risk of fire and burn to consumers in use, associated with compliance with the regulations. Not later than six months after the date of enactment of this Act, the Administrator shall complete and publish the technical study.

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $283,094,000, to remain available until expended: Provided, That of the funds provided, $60,267,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $283,577,000, to remain available until expended, as authorized by law of which $57,380,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: Provided further, That of the funds provided herein, $1,000,000 shall be provided to Custer County, Idaho, for economic development in accordance with the Central Idaho Economic Development and Recreation Act, subject to authorization: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, an advance lump sum payment of $1,000,000 shall be made available to Madison County, NC, for a forest recreation center, and a similar $500,000 payment shall be made available to Folkmoot USA in Haywood County, NC, for Appalachian folk programs including forest crafts.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,424,348,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional

timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2006, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,779,395,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $286,000,000 is for hazardous fuels reduction activities, $6,281,000 is for rehabilitation and restoration, $23,219,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,500,000 is for State fire assistance, $7,889,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: Provided further, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for indirect costs on the same basis as such assessments are calculated against other agency programs.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $441,178,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That of funds provided, $3,000,000 is provided for needed rehabilitation and restoration work at Jarbidge Canyon, Nevada: Provided further, That the Secretary of Agriculture may authorize the transfer of up to $1,350,000 as necessary to the Department of the Interior, Bureau of Land Management and Fish and Wildlife Service when such transfers would facilitate and expedite needed rehabilitation work on Bureau of Land Management lands, and for the Fish and Wildlife Service to implement terms and conditions identified in the Biological Opinion.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $42,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided further, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,067,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land,

waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, except that in fiscal year 2006 the Forest Service may transfer funds to the ''National Forest System'' account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $72,646,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,500,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $500,000.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

For each fiscal year through 2009, funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

Funds available to the Forest Service, not to exceed $35,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

In support of management of the National Wildlife Refuge System, Lot 6C of United States Survey 2538–A, containing 2.39 acres and the residential triplex situated thereon, located in Kodiak, Alaska, is hereby transferred from the USDA Forest Service to the U.S. Fish and Wildlife Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,732,298,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: Provided further, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.: Provided further, That of

the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, to be distributed in accordance with the instruction provided in Senate Report 109–80: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $358,485,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That notwithstanding any other provision of law, the Indian Health Service is authorized to construct a replacement health care facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,289,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,024,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,717,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,200,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of

the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,601,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $524,281,000, of which not to exceed $10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $100,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $96,600,000, of which not to exceed $3,157,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,200,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,800,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $13,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,201,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $126,264,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,922,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account: Provided further, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–108.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $127,605,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the

Humanities Act of 1965, as amended, $15,449,000, to remain available until expended, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,893,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $7,250,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,860,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,244,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $42,780,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, and 108–447 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2005 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. The National Endowment for the Arts and the National Endowment for the Humanities are hereafter authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 411. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 412. Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''or'' following ''stand of timber,'' in (3); and

(2) by striking the period following ''wildlife habitat management'' in (4), and inserting '', or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: Provided, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements.''.

SEC. 413. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize

reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 414. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 416. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 417. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 418. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 419. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2006, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 420. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 421. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than $3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SEC. 423. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 424. (a) IN GENERAL.—An entity that enters into a contract with the United States to

operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

SEC. 425. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking ''2005'' and inserting ''2006''; and

(2) in subsection (b) by striking ''2005'' and inserting ''2006''.

SEC. 426. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

SEC. 427. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking ''$8,000,000,000'' and inserting ''$10,000,000,000''; and

(2) in subsection (c), by striking ''$600,000,000'' and inserting ''$1,200,000,000''.

SEC. 428. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

(1) in the first sentence, by striking ''2005'' and inserting ''2008'';

(2) in the first sentence by striking ''may pilot test agency-wide joint permitting and leasing programs'' and inserting after ''Congress,'' the following: ''may establish pilot programs involving the land management agencies referred to in this section to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department;'';

(3) in the third sentence, by inserting '', National Park Service, Fish and Wildlife Service,'' after ''Bureau of Land Management''; and

(4) by adding at the end the following new sentence: ''To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.''.

SEC. 429. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

SEC. 430. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2006.

SEC. 431. (a) IN GENERAL.—

(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding 31 U.S.C. secs. 6301–6308, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 432. (a) Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) LAW ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) FEDERAL AGENCY.—The Trust''; and

(3) by striking ''At the request of the Trust'' and all that follows through the end of the subsection and inserting the following:

''(2) FIRE MANAGEMENT.—

''(A) NON-REIMBURSABLE SERVICES.—

''(i) DEVELOPMENT OF PLAN.—Subject to the availability of appropriations under section 111(a), the Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

''(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

''(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

''(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System and subject to the availability of appropriations under section 111(a), the Secretary shall provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.''

(b) The amendments made by subsection (a) take effect as of January 1, 2005.

SEC. 433. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SEC. 434. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; as contained in section 101(e) of Public Law 105–277), is amended by striking ''fiscal year 1999'' and all that follows through ''2005'' and inserting ''each of fiscal years 2006 through 2011''.

SEC. 435. CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY. (a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW, Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

SEC. 436. WISCONSIN NATIONAL FOREST ACQUISITION. (a) PROSPECTIVE MANAGEMENT REQUIREMENTS.—The Secretary of Agriculture is authorized to acquire property located within Sections 1 and 2, Township 44 North, Range 4 West; Section 31, Township 45 North, Range 3 West; and Section 36, Township 45 North, Range 4 West; Fourth Principal Meridian, Ashland County, State of Wisconsin, and upon such acquisition, such lands shall be subject to the special management requirements of subsection (b).

(b) SPECIAL MANAGEMENT.—Subject to valid existing rights of record, upon acquisition by the Secretary of Agriculture of any land referenced in subsection (a), that area of the land encompassed within 300 feet of the ordinary high water mark of the Brunsweiler River or Beaverdam Lake, whether or not the waterways are impounded, shall be subject to the laws and regulations pertaining to the National Forest System with the following management emphasis:

(1) Enhancing the physical, biological, and cultural features and values for public use, interpretation, research, and monitoring;

(2) Maintenance of the natural character of Brunsweiler River, whether or not impounded; and

(3) Prohibition of structures, motorized use of trails, developed recreation facilities, and surface occupancy for mineral exploration or extraction.

(c) NATIONAL FOREST BOUNDARIES.—Without further action by the Secretary of Agriculture, the boundaries of the Chequamegon National Forest are hereby expanded to encompass the lands referenced in subsection (a).

(d) SAVINGS PROVISION.—Nothing in this section shall be construed to prohibit the maintenance or reconstruction of the existing dam on the Brunsweiler River, located within the area referenced in subsection (a).

SEC. 437. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended as follows:

(1) by striking: ''seven''; ''14910001,''; and '', 14913007, and 14913008'';

(2) by inserting ''and'' after ''14913005,''; and

(3) by striking all language after ''(2)'' and inserting in lieu thereof ''immediately transfer to the Alaska SeaLife Center for various acquisitions, waterfront improvements and facilities

that complement the new Federal facility, any remaining balance of previously appropriated funds.''

SEC. 439. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.476 percent of the budget authority provided for fiscal year 2006 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ''Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'', the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2006, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

TITLE V—FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SECTION 501. SHORT TITLE.

This title may be cited as the ''Forest Service Facility Realignment and Enhancement Act of 2005''.

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—The term ''administrative site'' means—

(A) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

(B) any Federal land associated with a facility or improvement described in subparagraph (A) that was acquired or is used specifically for purposes of administration of Forest Service activities and underlies or abuts the facility or improvement; or

(C) not more than 10 isolated, undeveloped parcels per fiscal year of not more than 40 acres each that were acquired or used for purposes of administration of Forest Service activities, but are not being so utilized, such as vacant lots outside of the proclaimed boundary of a unit of the National Forest System.

(2) FACILITY OR IMPROVEMENT.—The term ''facility or improvement'' includes—

(A) a forest headquarters;
(B) a ranger station;
(C) a research station or laboratory;
(D) a dwelling;
(E) a warehouse;
(F) a scaling station;
(G) a fire-retardant mixing station;
(H) a fire-lookout station;
(I) a guard station;
(J) a storage facility;
(K) a telecommunication facility; and
(L) other administrative installations for conducting Forest Service activities.

(3) MARKET ANALYSIS.—The term ''market analysis'' means the identification and study of the real estate market for a particular economic good or service.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE ADMINISTRATIVE SITES.

(a) CONVEYANCES AUTHORIZED.—In the manner provided by this title, the Secretary may convey an administrative site, or an interest in an administrative site, that is under the jurisdiction of the Secretary.

(b) MEANS OF CONVEYANCE.—The conveyance of an administrative site under this title may be made—

(1) by sale;
(2) by lease;
(3) by exchange;
(4) by a combination of sale and exchange; or
(5) by such other means as the Secretary considers appropriate.

(c) SIZE OF CONVEYANCE.—An administrative site or compound of administrative sites disposed of in a single conveyance under this title may not exceed 40 acres.

(d) CERTAIN LANDS EXCLUDED.—The following Federal land may not be conveyed under this title:

(1) Any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes.

(2) Any land included within the National Wilderness Preservation System, the Wild and Scenic River System, or a National Monument.

(3) Any land that the Secretary determines—

(A) is needed for resource management purposes or to provide access to other land or water;

(B) is surrounded by National Forest System land or other publicly owned land, if conveyance would not be in the public interest due to the creation of a non-Federal inholding that would preclude the efficient management of the surrounding land; or

(C) would be in the public interest to retain.

(e) CONGRESSIONAL NOTIFICATIONS.—

(1) NOTICE OF ANTICIPATED USE OF AUTHORITY.—As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include—

(A) a list of the anticipated conveyances to be made, including the anticipated revenue that may be obtained, using the authority provided by this title or other conveyance authorities available to the Secretary;

(B) a discussion of the intended purposes of any new revenue obtained using this authority or other conveyance authorities available to the Secretary, and a list of any individual projects that exceed $500,000; and

(C) a presentation of accomplishments of previous years using this authority or other conveyance authorities available to the Secretary.

(2) NOTICE OF CHANGES TO CONVEYANCE LIST.—If the Secretary proposes to convey an administrative site under this title or using other conveyance authorities available to the Secretary and the administrative site is not included on a list provided under paragraph (1)(A), the Secretary shall submit to the congressional committees specified in paragraph (3) written notice of the proposed conveyance, including the anticipated revenue that may be obtained from the conveyance.

(3) NOTICE OF USE OF AUTHORITY.—At least once a year, the Secretary shall submit to the Committee on Agriculture, the Committee on Appropriations, and the Committee on Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate a report containing a description of all conveyances of National Forest System land made by the Secretary under this title or other conveyance authorities during the period covered by the report.

(f) DURATION OF AUTHORITY.—The authority of the Secretary to initiate the conveyance of an administrative site under this title expires on September 30, 2008.

(g) REPEAL OF PILOT CONVEYANCE AUTHORITY.—Effective September 30, 2006, section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63), is repealed. Notwithstanding the repeal of such section, the Secretary may complete the conveyance under such section of any administrative site whose conveyance was initiated under such section before that date.

SEC. 504. CONVEYANCE REQUIREMENTS.

(a) CONFIGURATION OF ADMINISTRATIVE SITES.—

(1) CONFIGURATION.—To facilitate the conveyance of an administrative site under this title, the Secretary may configure the administrative site—

(A) to maximize the marketability of the administrative site; and

(B) to achieve management objectives.

(2) SEPARATE TREATMENT OF FACILITY OR IMPROVEMENT.—A facility or improvement on an administrative site to be conveyed under this title may be severed from the land and disposed of in a separate conveyance.

(3) RESERVATION OF INTERESTS.—In conveying an administrative site under this title, the Secretary may reserve such right, title, and interest in and to the administrative site as the Secretary determines to be necessary.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—A person or entity acquiring an administrative site under this title shall provide to the Secretary consideration in an amount that is at least equal to the market value of the administrative site.

(2) FORM OF CONSIDERATION.—

(A) SALE.—Consideration for an administrative site conveyed by sale under this title shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—If the administrative site is conveyed by exchange, the consideration shall be provided in the form of a conveyance to the Secretary of land or improvements that are equal in market value to the conveyed administrative site. If the market values are not equal, the market values may be equalized by—

(i) the Secretary making a cash payment to the person or entity acquiring the administrative site; or

(ii) the person or entity acquiring the administrative site making a cash equalization payment to the Secretary.

(c) DETERMINATION OF MARKET VALUE.—The Secretary shall determine the market value of an administrative site to be conveyed under this title or of non-Federal land or improvements to be provided as consideration in exchange for an administrative site—

(1) by conducting an appraisal that is performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(B) the Uniform Standards of Professional Appraisal Practice; or

(2) by competitive sale.

(d) RELATION TO OTHER LAWS.—

(1) FEDERAL PROPERTY DISPOSAL.—Subchapter I of chapter 5 of title 40, United States Code, shall not apply to the conveyance of an administrative site under this title.

(2) LAND EXCHANGES.—Section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) shall not apply to the conveyance of an administrative site under this title carried out by means of an exchange or combination of sale and exchange.

(3) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary is not required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be conveyed under this title. However, if the administrative site has lead-based paint or asbestos-containing building materials, the Secretary shall—

relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary is not required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be conveyed under this title. However, if the administrative site has lead-based paint or asbestos-containing building materials, the Secretary shall—

(A) provide notice to the person or entity acquiring the administrative site of the presence of the lead-based paint or asbestos-containing building material; and

(B) obtain written assurance from the person or entity acquiring the administrative site that the person or entity will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

(4) ENVIRONMENTAL REVIEW.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the conveyance of administrative sites under this title, except that, in any environmental review or analysis required under such Act for the conveyance of an administrative site under this title, the Secretary is only required to—

(A) analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;

(B) determine whether or not to reserve any right, title, or interest in the administrative site under subsection (a)(3); and

(C) evaluate the alternative of not conveying the administrative site, consistent with the National Environmental Policy Act of 1969.

(e) REJECTION OF OFFERS.—The Secretary shall reject any offer made for the acquisition of an administrative site under this title if the Secretary determines that the offer is—

(1) not adequate to cover the market value of the administrative site; or

(2) not otherwise in the public interest.

(f) CONSULTATION AND PUBLIC NOTICE.—As appropriate, the Secretary is encouraged to work with the Administrator of the General Services Administration with respect to the conveyance of administrative sites under this title. Before making an administrative site available for conveyance under this title, the Secretary shall consult with local governmental officials of the community in which the administrative site is located and provide public notice of the proposed conveyance.

SEC. 505. DISPOSITION OF PROCEEDS RECEIVED FROM ADMINISTRATIVE SITE CONVEYANCES.

(a) DEPOSIT.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a) all of the proceeds from the conveyance of an administrative site under this title.

(b) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary, until expended and without further appropriation, to pay any necessary and incidental costs incurred by the Secretary in connection with—

(1) the acquisition, improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System; and

(2) the conveyance of administrative sites under this title, including costs described in subsection (c).

(c) BROKERAGE SERVICES.—The Secretary may use the proceeds from the conveyance of an administrative site under this title to pay reasonable commissions or fees for brokerage services obtained in connection with the conveyance if the Secretary determines that the services are in the public interest. The Secretary shall provide public notice of any brokerage services contract entered into in connection with a conveyance under this title.

TITLE VI—VETERANS HEALTH CARE

SEC. 601. From the money in the Treasury not otherwise appropriated, there is appropriated to the Department of Veterans Affairs an additional amount for ''Medical Services'' of $1,500,000,000 to be available for obligation upon enactment of this Act and to remain available until September 30, 2006.

This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006''.

And the Senate agree to the same.

CHARLES H. TAYLOR,
JERRY LEWIS,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ERNEST J. ISTOOK, Jr.,
ROBERT ADERHOLT,
JOHN T. DOOLITTLE,
MICHAEL SIMPSON,
NORMAN D. DICKS,
JAMES P. MORAN,
MAURICE D. HINCHEY,
JOHN W. OLVER,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
LARRY CRAIG,
WAYNE ALLARD,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
HERB KOHL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2361), making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2361 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 109–80 or Senate Report 109–80 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to add an exception for certain Environmental Protection Agency grants (section 3(b)) and to delete certain instructions to the Forest Service dealing with boundary adjustments and transfer of funds.

The following are the procedures governing reprogramming actions for programs and activities funded in the Interior, Environment, and Related Agencies Appropriations Act:

1. *Definitions.*—(a) ''Reprogramming,'' as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either the House or Senate Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations even without a change in funding.

(b) ''Committees'' refer to the House and Senate Committees on Appropriations and, specifically, the Subcommittee on Interior, Environment, and Related Agencies.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require changes, proposals shall be submitted in advance to the Committees, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committees for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exceptions.*—Any proposed reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds $500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operation of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first 6 months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

(b) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants account, reprogramming requests associated with States and Tribes applying for partnership grants do not need to be submitted to the Committees for approval should such grants exceed the normal reprogramming limitations. In addition, the Agency need not submit a request to move funds between wastewater and drinking water objectives for those grants targeted to specific communities.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committees quarterly and shall include cumulative totals.

(b) Any significant shifts of funding among object classifications also should be reported to the Committees.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of administrative expenses are funded in part from ''assessments'' of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies the Committees expect a full explanation, as part of the budget justification, consistent with section 405 of this Act. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committees expect reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessments and the basis therefore are presented to the Committees and are approved by such Committees, in compliance with these procedures.

9. *Land Acquisitions and Forest Legacy.*—(a) Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees for approval in compliance with these procedures.

(b) Subsection (a) does not apply to the National Park Service for tracts with an appraised value of $500,000 or less.

10. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than $500,000, shall not be consummated until the Committees have had a 30–day period in which to examine the proposed exchange.

11. *Appropriations Structure.*—The appropriation structure for any agency shall not be altered without advance approval of the Committees.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Management of Lands and Resources

The conference agreement provides $860,791,000 for management of lands and resources instead of $845,783,000 as proposed by the House and $867,045,000 as proposed by the Senate.

Land Resources.—Changes to the House level for land resources include an increase of $1,000,000 for the National Center for Invasive Plant Management, and decreases of $100,000 for Santa Ana River land management, $156,000 for Wyoming soil surveys, which is addressed under realty and ownership management, and $250,000 for Santa Ana River conservation efforts.

The managers encourage the Bureau to work with the Bighorn Institute to conserve and recover the peninsular desert bighorn sheep.

The managers are aware of the Salt Cedar Task Force's work in northeast Montana and encourage the Bureau to explore methods of partnering with the task force on control and eradication efforts surrounding Fort Peck Reservoir.

Within the funds provided for Santa Ana River conservation efforts, $100,000 should be directed to the land management planning effort.

Recreation Management.—Changes to the House level for recreation management include an increase of $1,000,000 for the undaunted stewardship program and a decrease of $500,000 for Santa Rosa and San Jacinto National Monument management plans.

Energy and Minerals.—Changes to the House level for energy and minerals include an increase of $1,000,000 for oil and gas management.

The managers do not include funding for the Utah Oil and Gas internet pilot program due to the Bureau's inability to perform the pilot at this time but encourage the Bureau to work to develop this capability.

Realty Ownership and Management.—Changes to the House level for realty ownership and management include increases of $7,000,000 for Alaska conveyance, $300,000 for GIS mapping in Utah, $750,000 for recordable disclaimer applications in Alaska, $160,000 for Wyoming soil surveys and $950,000 for a cadastral survey in Montana.

Resource Protection and Maintenance.—Changes to the House level for resource protection and maintenance include a decrease of $250,000 for California desert conservation plans.

The managers agree that law enforcement funds provided above the requested level should be used in National Landscape Conservation System lands in Montana, Colorado, California, and other NLCS lands not included in the Administration's requested increased above the enacted level.

Transportation and Facilities Maintenance.—Changes to the House level for transportation and facilities maintenance include increases of $750,000 for capping oil wells in the National Petroleum Reserve Alaska and $750,000 for Pacific Crest, Continental Divide and Iditarod trails.

Challenge Cost Share.—Changes to the House level for challenge cost share include an increase of $2,604,000 for the traditional challenge cost share program.

The Administration's budget request included a proposal to eliminate the range improvement account and included $3,000,000 in the cooperative conservation initiative and $7,000,000 in the deferred maintenance program to fund the activities performed by the range improvement account. The managers have restored the range improvement account, but direct the Bureau to focus no less than $4,000,000 from the deferred maintenance program to the range improvement activities suggested in the budget justification. Furthermore, the Bureau is expected to focus at least $3,000,000 of challenge cost share activities on range activities including sagebrush restoration and invasive weed control.

Bill Language.—The conference agreement retains language included in the Senate bill that earmarks $1,250,000 for the Youth Conservation Corps program. The House bill recommended $1,000,000 for this purpose.

Wildland Fire Management

(including transfer of funds)

The conference agreement provides $766,564,000 for wildland fire management as proposed by the Senate instead of $761,564,000 as proposed by the House.

State and Local Fire Assistance.—The change to the House level for State and local fire assistance is an increase of $5,000,000.

The managers agree that funding for the National Center for Landscape Fire Analysis shall remain at or above the fiscal year 2005 enacted level.

Bill Language.—The conference agreement includes language contained in the House bill allowing for the transfer of up to $9,000,000 of wildland fire management funds between the Department of the Interior and the Department of Agriculture. The Senate contained similar language.

Construction

The conference agreement provides $11,926,000 for construction instead of $11,476,000 as proposed by the House and $9,976,000 as proposed by the Senate.

Changes to the House level for construction include increases of $1,500,000 for the Sand Hollow Recreation MOU with the State of Utah, which completes the project, $450,000 for the Paiute Meadows Trail project, and a decrease of $1,500,000 for general construction projects.

Land Acquisition

The conference agreement provides $8,750,000 for land acquisition instead of $3,817,000 as proposed by the House and $12,250,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Colorado River SRMA (UT)	$1,200,000
Oregon NWSR/North Fork Owyhee NWSR (OR)	650,000
Sandy River/Oregon NHT (OR)	1,600,000
Santa Rosa and San Jacinto Mountains NM (CA)	500,000
Upper Snake/South Fork Snake River ACEC/SRMA (ID)	1,500,000
Subtotal	5,450,000
Emergencies and Hardships	1,000,000
Acquisition Management	2,300,000
Total	8,750,000

Oregon and California Grant Lands

The conference agreement provides $110,070,000 for Oregon and California grant lands as proposed by both the House and Senate.

Range Improvements

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by both the House and the Senate.

Service Charges, Deposits, and Forfeitures

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $32,940,000, as proposed by both the House and the Senate.

Miscellaneous Trust Funds

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

United States Fish and Wildlife Service

Resource Management

The conference agreement provides $1,008,880,000 for resource management instead of $1,005,225,000 as proposed by the House and $993,485,000 as proposed by the Senate. Changes to the House recommended level are described below.

Ecological Services.—In Endangered Species Act recovery programs, there are decreases of $298,000 for wolf recovery and $150,000 for the Northern aplomado falcon and increases of $1,114,000 for the Yellowstone grizzly bear conservation strategy, $500,000 for Lahontan cutthroat trout, $1,000,000 for the Penobscot River restoration project, $1,000,000 for Atlantic salmon recovery activities managed through the National Fish and Wildlife Foundation, $1,200,000 for eider and sea otter recovery at the Alaska SeaLife Center, and $350,000 for White Sulphur Springs NFH, WV, mussel recovery.

In habitat conservation, increases for the partners for fish and wildlife program include $1,000,000 for Seattle, WA, shoreline restoration for salmon habitat, $700,000 for Big Hole watershed restoration in Montana, $500,000 for the Montana Water Center wild fish habitat initiative, $1,250,000 for the Nevada biodiversity research and conservation project, $100,000 for Bald eagle restoration with the Vermont Natural Heritage Partners program, $540,000 for conservation work at Don Edwards NWR, CA, $1,000,000 for the wildlife enterprises program at Mississippi State University, $150,000 for the Thunder Basin initiative in Wyoming, $100,000 for

invasive species control by the Friends of Lake Sakakawea, $550,000 for endangered bird conservation in Hawaii, $500,000 for geographic information system mapping of NWRs in Alaska, and $425,000 for the study of declining wildlife populations on Lake Umbagog NWR with the New Hampshire Audubon Society. These increases are offset by a decrease of $100,000 for a study of Colorado River flow and aquatic habitats (Blue sucker) from Longhorn Dam to Matagorda Bay and a $9,000,000 reduction to the general program increase proposed in the budget request.

In coastal programs, there is an increase of $200,000 in support of the proposed general program expansion.

Refuges and Wildlife.—In refuge operations/refuge visitor services, there is a decrease of $1,000,000 for visitor facility enhancements. The managers note that $5,000,000 is provided in the construction account for visitor contact facilities.

In migratory bird management, there are increases in conservation and monitoring of $375,000 for focal species management, $100,000 for survey and monitoring, and $100,000 for population and habitat assessment. In the joint ventures program, there is an increase of $100,000 in national administration for a program assessment of existing joint ventures and an increase of $400,000 to initiate the Central Hardwoods and the Northern Great Plains joint ventures.

In law enforcement operations, there is a decrease of $100,000 for vehicle replacement.

Fisheries.—In the fisheries program, there are increases in hatchery operations of $600,000 for hatchery operations, $1,400,000 for whirling disease and related fish health issues, and $500,000 for the wildlife health center in Montana. In hatchery maintenance, there is a decrease of $1,500,000 for whirling disease; funds for this program have been moved to hatchery operations. In fish and wildlife management, there are decreases of $750,000 for the national fish habitat initiative and $350,000 for Yukon River Salmon Treaty implementation and an increase of $102,000 for aquatic nuisance species control.

General Administration.—In general operations, increases include $250,000 for National Conservation Training Center operations and $397,000 for NCTC maintenance. In international programs, increases include $300,000 for the Caddo Lake Ramsar Center in Texas and $100,000 for the wildlife without borders Africa program.

Bill Language.—Language is included earmarking $2,500,000 for the Youth Conservation Corps as proposed by the Senate instead of $2,000,000 as proposed by the House.

The managers agree to the following:

1. The funds provided for wolf recovery include $350,000 for the Nez Perce Tribe, $730,000 for the Idaho Office of Species Conservation, $100,000 for the Service's Snake River Basin Office pursuant to a memorandum of agreement between the Nez Perce Tribe and the State of Idaho, and $320,000 for wolf monitoring and related activities by the State of Montana.

2. The $1,000,000 provided in the ESA recovery program for the Penobscot River restoration project represents the first time funding has been provided in the Service's budget. Funds were provided for the project by the National Oceanic and Atmospheric Administration last fiscal year; additional funds are anticipated through the Army Corps of Engineers and NOAA in fiscal year 2006; and the State of Maine along with private groups are also expected to provide funds for removing dams on the Penobscot River. The managers will carefully analyze any future requests for funding from the Fish and Wildlife Service budget for this project with the expectation that the aforementioned other entities will be the primary contributors to the project.

3. The Peregrine Fund is funded at $550,000 in fiscal year 2006, which includes $150,000 for Northern aplomado falcon recovery activities.

4. The funding provided in the partners for fish and wildlife program for a study of declining wildlife populations on Lake Umbagog NWR in cooperation with the New Hampshire Audubon Society, will complete this project.

5. The managers are concerned that for the past two years the white pelican population at Chase Lake NWR, ND, has experienced unexplained disturbances. In 2004, nearly 30,000 pelicans abandoned the colony and in 2005, inspections revealed only about 500 live chicks out of a potential summer hatch of 9,000.

The managers are aware that the Service is working to determine the scope of these problems and expects the Service to report to the House and Senate Committees on Appropriations no later than October 1, 2005, on what it believes is the cause of the 2004 abandonment and the 2005 deaths and what steps it believes are necessary to reverse this trend.

6. The managers are aware that the Service is currently working on the Comprehensive Conservation Plan for Vieques NWR in Puerto Rico. In an effort to keep the House and Senate Committees on Appropriations informed on the progress and scope of the CCP, the Service should report to the Committees by January 1, 2006, on plan development and on environmental cleanup efforts currently being conducted on Vieques NWR, the expected cost of the cleanup, if known, and the methods being used to dispose of ordinance.

7. The managers continue to be concerned about the Service?s share of the cost of airport operations at Midway Atoll NWR. The managers also are concerned about the unresolved issues surrounding a new contract for airport operations and funding by the Federal Aviation Administration. The managers understand that FAA will cover the costs associated with the airfield in fiscal year 2006 and beyond and that the Service will pay an appropriate share of the indirect costs in addition to paying ongoing refuge operations costs. The total cost to the Service for all operations at Midway is expected to be $4.3 million in fiscal year 2006. The managers note that the airport is not needed for refuge operations and the managers will not agree to a reprogramming for additional funds for airport-related expenses in fiscal year 2006 unless there is a compelling, unanticipated, emergency requirement. Further, to the extent the new airport contract results in savings, the Service should share in those savings. The House and Senate Committees on Appropriations should be notified when the contract is awarded.

8. No additional funding is provided for existing joint ventures in fiscal year 2006. The $100,000 provided in the migratory bird management program for national administration of joint venture activities is for a program assessment of the existing joint venture programs. To the extent that future funding increases are requested for joint ventures, the funding should be based on the results of the program assessment. Likewise, if the assessment determines that certain joint ventures are not yielding desired results, the managers believe the Service should consider decreased funding for those projects in future budget requests.

9. The $1,400,000 provided for whirling disease research includes $1,000,000 for the National Partnership on the Management of Wild and Native Coldwater Fisheries and $400,000 for the Whirling Disease Foundation.

10. Funding for whirling disease research and related fish health issues and for the wildlife health center in Montana is provided in the hatchery operations budget. The Service should reprogram any other base budget funds for these activities in fiscal year 2006 to the hatchery operations budget and should budget for these activities in hatchery operations in future budget requests.

11. An increase of $1,000,000 is provided for continued development of the National Fish Habitat Initiative. Distribution of these funds should follow the direction in House Report 109–80.

12. The fisheries program should continue to keep the House and Senate Committees on Appropriations apprised of its efforts to address base budget erosion and inequities in field station funding, including consideration of reimbursable funding.

13. The funds provided for the Caddo Lake Ramsar Center in Texas are for conservation and education programs directly related to Caddo Lake and may not be used for infrastructure, construction-related projects, legal or management fees, or any other purposes. The Center should work cooperatively with Texas A&M University on preparing a program of work for fiscal year 2006.

CONSTRUCTION

The conference agreement provides $45,891,000 for construction instead of $41,206,000 as proposed by the House and $31,811,000 as proposed by the Senate. The managers agree to the following distribution of funds:

[Dollars in thousands]

Project	Description	Amount
Allegheny NFH, PA	Water Supply Improvements [complete planning]	$250
Balcones Canyonlands NWR, TX	Martin Lake and Martin West Dams [p/d/cc]	500
Big Oaks NWR, IN	Old Timbers Lake Dam Rehabilitation—Phase II [d/cc]	150
Clark R. Bavin Forensics Laboratory, OR	Renovation/Upgrade Facility—Phase II [cc]	3,355
Crab Orchard NWR, IL	Visitor Center Dam Rehabilitation [cc]	2,625
Craig Brook NFH, ME	Wastewater Treatment Compliance—Phase III [cc]	2,480
Division of Safety, Security and Aviation	Replacement of Survey Aircraft—Phase III	1,500
Garrison Dam NFH, ND	Hatchery renovation [completes 9 of 17 pond liners]	200
Hakalau Forest NWR, HI	Ungulate Control Fencing [c]	700
Hanford Reach NM/Saddle Mountain NWR, WA	Visitor Center	2,250
Kenai NWR, AK	Visitor Center/Water and Sewer Lines [cc]	500
Klamath Basin NWR Complex, CA	Water Supply and Management—Phase V	1,000
Kodiak NWR, AK	Visitor Center [cc]	4,000
Kofa NWR, AZ	Structural Replacement of Four Buildings—Phase II [cc]	1,515
Northwest Power Planning Area	Fish Screens, etc	2,000
Ohio River Islands NWR, WV	Erosion protection for Middle & Buckley Islands	435
Servicewide	Bridge Safety Inspections	570

[Dollars in thousands]

Project	Description	Amount
Servicewide	Dam Safety Programs & Inspections	720
Servicewide	Visitor Contact Facilities	5,000
Sevilleta NWR, NM	Laboratory Construction [cc]	2,100
Tualatin NWR, OR	Visitor Center and Administration Building [cc]	3,900
White Sulphur Springs NFH, WV	Maintenance, grounds improvements, quarters rehabilitation	525
Subtotal, Line Item Construction		36,275
Nationwide Engineering Services:		
Cost Allocation Methodology		2,456
Environmental Compliance		1,000
Other, non-project specific Nationwide Engineering Services		5,900
Seismic Safety Program		130
Waste Prevention, Recycling Environmental Management		130
Subtotal, Nationwide Engineering Services		9,616
Total		$45,891

Bill Language.—The conference agreement includes language proposed by the Senate transferring funds appropriated in fiscal year 2005 for the Chase Lake and Arrowwood NWRs, ND, to North Dakota State University to complete planning and design for a joint interpretive center. The House had no similar provision.

The managers agree to the following:

1. The $700,000 in funding for Hakalau Forest NWR, HI, ungulate control fencing is provided with the understanding that an additional $400,000 will need to be provided in fiscal year 2007 to complete the project.

2. The funding provided for the Hanford Reach, WA visitor center completes the Federal commitment to this project.

3. The $4,000,000 in funding for Kodiak NWR, AK, visitor center is sufficient to complete construction. The managers agree that an additional $400,000 will need to be provided in fiscal year 2007 to complete the acquisition of furnishings and equipment for the center.

4. The Service should reprogram $350,000 from the completed Orangeburg dam project at Orangeburg NFH, SC, to complete the waterline construction project at the National Conservation Training Center.

5. The funding provided for laboratory construction at Sevilleta NWR, NM completes this project.

6. The $525,000 provided for White Sulphur Springs NFH, WV, includes $400,000 for maintenance and grounds improvements and $125,000 for quarters rehabilitation. An additional $125,000 will need to be provided in fiscal year 2007 to complete the quarters renovation.

Land Acquisition

The conference agreement provides $28,408,000 for land acquisition instead of $14,937,000 as proposed by the House and $40,827,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Alaska Peninsula NWR (AK)	$400,000
Balcones Canyonlands NWR (TX)	500,000
Cache River NWR (AR)	809,000
Cahaba NWR (AL)	421,000
Canaan Valley NWR (WV)	190,000
Clark's River NWR (KY)	200,000
Dakota Tallgrass Prairie WMA (SD/ND)	500,000
Eastern Shore NWR (VA)	2,000,000
Edwin B. Forsythe NWR (NJ)	300,000
Lake Atascosa NWR (TX)	400,000
Lake Umbagog NWR (NH)	500,000
Lower Rio Grande Valley NWR (TX)	800,000
Northern Tallgrass Prairie NWR (MN/IA)	500,000
Primehook NWR (DE)	250,000
Rachel Carson NWR (ME)	600,000
Rhode Island Refuge Complex (RI)	525,000
Rocky Mountain Front (MT)	1,000,000
San Joaquin River NWR (CA)	450,000
Silvio O. Conte NFWR (NH, VT, CT, MA)	650,000
Tensas River NWR (LA)	1,900,000
Togiak NWR (AK)	300,000
Upper Klamath Lake NWR, Barnes Tract (OR)	2,000,000
Use of carryover/anticipated slippage	−1,500,000
Subtotal	13,695,000
Inholdings	1,500,000
Emergencies and Hardships	1,500,000
Exchanges	1,500,000
Acquisition Management	8,393,000
Cost Allocation Methodology	1,820,000
Total	$28,408,000

Bill Language.—The conference agreement retains language proposed by the House providing that none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

The managers agree to the following:

1. Funds appropriated in fiscal year 2006 for Tensas River NWR (LA) completes this land acquisition project.

2. Within funds provided for the Silvio Conte NWR, not less than $500,000 is for the Pondicherry Division.

3. Within funds provided for acquisition management, $500,000 is for an environmental impact statement of the proposed Yukon Flats land exchange between Doyon Ltd. and the United States Fish and Wildlife Service.

Landowner Incentive Program

The conference agreement provides $24,000,000 for the landowner incentive program instead of $23,700,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Private Stewardship Grants

The conference agreement provides $7,386,000 for private stewardship grants as proposed by the House instead of $7,500,000 as proposed by the Senate.

Cooperative Endangered Species Conservation Fund

The conference agreement provides $82,200,000 for the cooperative endangered species conservation fund instead of $84,400,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Bill Language.—The conference agreement includes language earmarking $62,039,000 to be derived from the Land and Water Conservation Fund instead of $64,239,000 as proposed by the House and $45,653,000 as proposed by the Senate. A total of $20,161,000 is derived from the Cooperative Endangered Species Conservation Fund as proposed by the House instead of $34,347,000 as proposed by the Senate.

National Wildlife Refuge Fund

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

North American Wetlands Conservation Fund

The conference agreement provides $40,000,000 for the North American wetlands conservation fund as proposed by the House instead of $39,500,000 as proposed by the Senate.

Neotropical Migratory Bird Conservation

The conference agreement provides $4,000,000 for neotropical migratory bird conservation as proposed by both the House and the Senate.

Multinational Species Conservation Fund

The conference agreement provides $6,500,000 for the multinational species conservation fund as proposed by the Senate instead of $5,900,000 as proposed by the House. Changes to the House recommended level include increases of $200,000 for rhinoceros and tiger conservation and $400,000 for marine turtle conservation.

State and Tribal Wildlife Grants

The conference agreement provides $68,500,000 for State and Tribal wildlife grants instead of $65,000,000 as proposed by the House and $72,000,000 as proposed by the Senate.

Bill Language.—The conference agreement includes language proposed by the House restating the October 1, 2005, deadline for completion of State comprehensive wildlife conservation plans and providing direction on distributing funds for States with disapproved plans. The Senate had no similar provisions.

Administrative Provisions

The conference agreement does not specify the number of replacement passenger motor vehicles that may be purchased by the Service.

The conference agreement includes a reference to the current reprogramming guidelines, which are contained in the front of the statement of the managers in this report.

NATIONAL PARK SERVICE

Operation of the National Park System

The conference agreement provides $1,744,074,000 for the operation of the national park system instead of $1,754,199,000 as proposed by the House and $1,748,486,000 as proposed by the Senate.

The managers have provided an additional $20,000,000 for recurring park base increases. Of this amount $15,000,000 is provided for across the board increases for all park units

and $5,000,000 is available for high priority program increases to specific parks. Within the $5,000,000, $500,000 is provided for national trails. This amount is in addition to the increases provided in the budget request for pay and fixed costs.

The conference agreement provides $354,141,000 for resource stewardship, instead of $354,116,000 as proposed by the House and $354,841,000 as proposed by the Senate. Changes to the House level include a reduction of $1,000,000 for inventory and monitoring and increases of $225,000 for the International Center for Science and Learning at Mammoth Cave NP, $500,000 for air tour management and $300,000 for Vanishing Treasures.

The conference agreement provides $346,181,000 for visitor services, the same as the House and Senate.

The conference agreement provides $594,686,000 for maintenance as proposed by the House instead of $595,186,000 as proposed by the Senate.

Within the amount provided for repair and rehabilitation, $80,000 is for campground rehabilitation at Ozark NSR, $200,000 is for historic landscaping at Gettysburg NMP, $200,000 is for Alice Ferguson (Wareham Lodge), $497,000 is for Indiana Dunes NL (West Beach), $206,000 is for Indiana Dunes NL (Dunbar Beach), $300,000 is for Death Valley NP (Cow Creek), $140,000 is for San Juan NHS (sewer repairs), $243,000 is for El Morro (restrooms), $250,000 is for Timucuan NP&P (Kingsley Plantation), $250,000 is for the George Washington Memorial Parkway, $310,000 is for Saratoga NHP (Victory Woods), $375,000 is for Dayton Aviation NHP (Wright Dunbar Plaza), $400,000 is for New River Gorge NR (building stabilization), $340,000 is for New River Gorge NR (HVAC), $350,000 is for Harpers Ferry NHP (building repairs), $490,000 is for Harpers Ferry NHP (exhibits/trails), and $640,000 is for Natchez Trace Parkway (re-striping and sealing).

The conference agreement provides $298,509,000 for park support, instead of $298,659,000 as proposed by the House and $301,721,000 as proposed by the Senate. Changes to the House level include a decrease of $400,000 for Jamestown 2007 and an increase of $250,000 for wild and scenic rivers. Funding for Jamestown has been moved to the statutory or contractual aid program.

The conference agreement provides $130,557,000 for external administrative costs, the same as the House and Senate.

Bill language.—The conference agreement does not include language proposed by the House relating to across the board increases for parks. The managers agree to provide $97,600,000 in 2-year funding for maintenance, repair and rehabilitation, and an earmark of $2,000,000 for Youth Conservation Corps projects.

The conference agreement continues to earmark one-third of the challenge cost share program for the National Trails System. Foreign travel must continue to be preapproved by the Committees on Appropriations.

The conference agreement has provided $48,000 for Johnstown Area Heritage Association Museum and $785,000 for Ice Age National Scientific Reserve in the statutory or contractual aid program in the national recreation and preservation account.

The managers are aware of the recent completion of the Natchez Trace Parkway. Given the historic significance of the Parkway and its high visitation levels, the managers encourage the Secretary to consider elevating the superintendent's position to the senior executive service.

UNITED STATES PARK POLICE

The conference agreement provides $81,411,000 for the United States Park Police instead of $82,411,000 as proposed by the House and $80,411,000 as proposed by the Senate. The additional funds are for new recruit classes.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $54,965,000 for national recreation and preservation, instead of $48,997,000 as proposed by the House and $56,729,000 as proposed by the Senate.

The conference agreement provides $554,000 for recreation programs, the same as the House and the Senate. The conference agreement provides $9,845,000 for natural programs instead of $9,545,000 as proposed by the House and $10,045,000 as proposed by the Senate. The change to the House level is an increase of $300,000 for rivers, trails and conservation assistance.

The conference agreement provides $20,028,000 for cultural programs instead of $19,953,000 as proposed by the House and $20,403,000 as proposed by the Senate. Changes to the House level include an increase of $375,000 for underground railroad to freedom grants. Decreases to the House level include $300,000 for a digitization design plan. Within available funds, $300,000 is provided for Heritage Preservation Inc.

Within the funds provided for the cultural program, $200,000 is to initiate planning authorized in the American Revolution Commemoration Act. The Service is strongly encouraged to include funding for this in the fiscal year 2007 budget. The managers expect the Service to address the management and program issues detailed in the House report regarding the Chesapeake Bay Gateways and Water Trails program.

The managers have once again provided funding for the Center for Preservation Technology and Training in Louisiana. The creation of this facility was recommended to the Committee by the National Park Service, yet the budget request did not include these funds. The managers strongly urge the Service to include adequate funding for the Center in future budget requests.

The conference agreement provides $1,618,000 for international park affairs, the same as the House and Senate. The conference agreement provides $399,000 for environmental and compliance review, the same as the House and the Senate. The conference agreement provides $1,913,000 for grant administration, the same as the House and the Senate.

The conference agreement provides $13,400,000 for designated heritage areas and $100,000 for administration. Funds are to be distributed as follows:

Project	*Amount*
America's Agricultural Heritage Partnership	$700,000
Augusta Canal National Heritage Area	350,000
Automobile National Heritage Area	450,000
Blue Ridge National Heritage Area	800,000
Cane River National Heritage Area	800,000
Delaware and Lehigh National Heritage Corridor	750,000
Erie Canalway National Heritage Corridor	650,000
Essex National Heritage Area	800,000
Hudson River Valley National Heritage Area	450,000
John H. Chafee Blackstone River Valley National Heritage Corridor	800,000
Lackawanna Valley National Heritage Area	500,000
Mississippi Gulf Coast National Heritage Area	200,000
National Aviation Heritage Area	200,000
National Coal Heritage Area	100,000
Ohio & Erie Canal National Heritage Corridor	800,000
Oil Region National Heritage Area	200,000
Quinnebaug & Shetucket Rivers Valley National Heritage Corridor	800,000
Rivers of Steel National Heritage Area	800,000
Schuykill River Valley National Heritage Center	450,000
Shenandoah Valley Battlefields National Historic District	450,000
South Carolina National Heritage Corridor	800,000
Tennessee Civil War Heritage Area	400,000
Wheeling National Heritage Area	800,000
Yuma Crossing National Heritage Area	350,000
Subtotal	13,400,000
Technical Support	100,000
Total, Heritage Partnership Programs	$13,500,000

The conference agreement provides $7,108,000 for statutory or contractual aid, instead of no funding as proposed by the House and $8,225,000 as proposed by the Senate. The funds provided are to be distributed as follows:

Project	*Amount*
Brown Foundation	$250,000
Chesapeake Bay Gateways & Water Trails	1,500,000
Crossroads of the West Historic District	500,000
Delta Interpretive Center, MS	1,000,000
Ft. Mandan, Ft. Lincoln, and No. Plains Foundations	625,000
Harper's Ferry NHP (Niagara Movement)	300,000
Ice Age National Scientific Reserve	785,000
Jamestown 2007 (moved from ONPS)	400,000
Johnstown Area Heritage Association	48,000
Lamprey River	600,000
Native Hawaiian culture & arts program	600,000
Siege and Battle of Corinth Commission (Contraband Camp)	500,000
Total	$7,108,000

HISTORIC PRESERVATION FUND

The conference agreement provides $73,250,000 for the historic preservation fund instead of $72,705,000 as proposed by the House and $74,500,000 as proposed by the Senate.

Changes to the House level include increases of $250,000 for States and Territories and $795,000 for Indian tribes. Decreases to the House level include $500,000 for historically black colleges and universities.

The conference agreement includes a total of $30,000,000 for Save America's Treasures. Of this amount, $13,250,000 is for competitive grants, of which $5,000,000 is provided for Preserve America grants, and the balance of the funds are to be distributed as follows:

Project/State	*Amount*
Actors Theatre, KY	$150,000
Anaconda-Deer Lodge Courthouse, MT	150,000

Project/State	Amount
Athenaeum, VA	75,000
Beacon Island Agate Basin Site, ND	250,000
Bethel Cultural Arts Center, SC	200,000
Black Horse Tavern, PA	150,000
Brooklyn Arts Center at St. Andrews, Wilmington, NC	180,000
Brookville Historic District, PA	150,000
Bulgarian-Macedonian National Educational and Cultural Center	150,000
Bushrod Crawford/McClellan's HQ Building, WV	250,000
Calfax Depot, CA	50,000
Cambria Iron Works, PA	200,000
Campo de Cahuenga, CA	75,000
Carlyle House, VA	50,000
Carnegie Library Building, Missoula, MT	400,000
Church of the Advocate, PA	125,000
Copiah County Courthouse, MS ,	225,000
Elson Mill, OH	200,000
Fair Park, TX	100,000
Fort Mitchell NHL, AL	140,000
Freedmen's Cemetery, VA	75,000
Ft. Gratiot Lighthouse, MI	400,000
Ft. Ticonderoga Pavillion, NY	150,000
Gadsby's Tavern, VA	50,000
Graycliff Estate, NY	150,000
Greene Courthouse, MO,	100,000
Hayes Presidential Home, OH	400,000
Heroine Steamboat, OK	200,000
Hickman House, MO	250,000
High Bridge Stairway, Bronx, NY	200,000
Hinds County Courthouse, Raymond, MS	225,000
Historic Bethlehem Partnership, 1762 Waterworks, PA	150,000
Hudson Coal Company Shanty & Fan House, PA	200,000
Indiana Harbor Branch library, IN	200,000
Jasper Courthouse, MO	100,000
Jens Jensen Park, IL	175,000
John C. Campbell Folk School, NC	200,000
John List House, WV	250,000
Kam Wah Chung & Co. Museum, OR	400,000
Lac du Flambeau Boys & Girls Indian School	95,000
Landmark Theatre, NY	240,000
Las Vegas Historic Post Office, NV	540,000
Liberty Memorial Museum, MO	300,000
McKelvy House at Lafayette College, PA	250,000
Minnequa Steel Works Archives & Museum, CO	200,000
Mission San Miguel, CA	300,000
Monroe Courthouse, MS	150,000
Montrose City Hall Renovation, CO	100,000
Moravian College, PA	140,000
Morristown College, Morristown, TN	175,000
Moundville Archaeological Park, AL	500,000
Mount Royal Station & Train Shed, MD	300,000
Mt. Sterling Methodist Church, KY	250,000
Murray Schoolhouse, CA	30,000
Ocean Springs Community Center, MS	100,000
Old Capitol Museum, IA	365,000
Olympic Stadium, WA	150,000
Palace Theatre Renovations, Columbus, OH	250,000
Pantages Theater, WA	150,000
Pearl Buck House, PA	140,000
Pelham Picture House, NY	200,000
Pennsylvania House, OH	200,000
Plaza House and Vickrey-Brunswig Complex, CA	200,000
Preservation Maryland Tobacco Barns, MD	200,000
President Benjamin Harrison Home, IN	200,000
Randolph County Community Arts Center, WV	140,000
Rev. Harrison House Museum, MA	250,000
Roberson Museum and Science Center, NY	100,000
Shafter Research Center, CA	200,000
Slater Memorial Park Bandshell, RI	100,000
Soldiers and Sailors Monument, OH	100,000
St. Ann Arts & Cultural Center, RI	300,000
St. Luke AME Church, KS	100,000
St. Martin Parish Courthouse, LA	150,000
Stanley Theater, NY	250,000
Tecumseh Theatre, OH	200,000
Tioga County Council on the Arts, NY	20,000
Tule Lake Interment Camp, CA	200,000
USS *Joseph P. Kennedy*, MA	300,000
Vermont History Center Auditorium, VT	300,000
Victory Memorial Drive Historic District, MN	200,000
Waco Texas Mammoth Paleontology Site (preservation building), TX	200,000
Walker-Eisen Building, CA	150,000
Waterbury Historic Preservations, CT	200,000
Wilox Park, Westerly, RI	150,000
Woodstock Craftsmen Guild/Byrdcille Art Colony, NY	130,000
Woodward Opera House, OH	140,000
Total	16,750,000

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $301,291,000 for construction instead of $291,230,000 as proposed by the House and $299,201,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	Amount
Abraham Lincoln Presidential Library & Museum	$1,000,000
Amistad NRA (upgrade water & wastewater systems, Diablo East)	1,003,000
Big Bend NP (curatorial)	2,100,000
Blue Ridge Parkway (replace Otter Creek Bridge & campground services)	804,000
Blue Ridge Parkway (visitor center)	3,500,000
Boston Harbor Islands NRA (construct floating docks)	832,000
Boston NHP (Bldg. 5)	3,082,000
Chaco Culture NHP (replace & upgrade curation facilities w/ UNM)	4,238,000
Chesapeake & Ohio Canal NHP (rehab Great Falls visitor ctr. & facilities)	1,847,000
Cumberland Island NS (Plum Orchard home)	3,247,000
Cuyahoga Valley NP (rehab)	2,500,000
Delaware Water Gap NRA (cabins)	700,000
Delaware Water Gap NRA (replace Depew recreations site)	2,871,000
Everglades NP (modified water delivery system)	25,000,000
Fire Island NS (West Entrance Ranger Sta. and construct restrooms)	764,000
Flight 93 Memorial	1,000,000
Fort Larned NHS (North Officers' Quarters)	1,159,000
Fort Washington Park (stabilization)	2,876,000
George Washington Mem. Parkway (rehab Arlington House)	1,251,000
Glacier NP (remove hazmat and correct fire egress at Many Glacier hotel)	758,000
Grand Portage NM (establish heritage center)	4,000,000
Gulf Islands NS (rehab Ft. Pickens water system)	971,000
Harpers Ferry NHP (rehab Jackson Hs, School Hs Ridge trails/ways., Arm.)	510,000
Homestead NM (visitor center/heritage museum and education center)	3,690,000
Hopewell Culture NHP (salvage arch. resources threatened by erosion)	389,000
Hot Springs NP (rehab bathhouses)	6,059,000
Independence NHP (Mall landscaping/infrastructure)	2,000,000
John H. Chafee Blackstone River Valley NHC	500,000
Kalaupapa NHP (replace non-compliant cesspools)	3,779,000
Kenai Fjords NP (multi-agency center)	495,000
Keweenaw NHP (Calumet & Hecla Bldg rehab, Phase II)	1,650,000
Little Rock Central High School NHS (complete visitor center)	5,100,000
Mark Twain Boyhood Home NHL (restoration)	400,000
Moccasin Bend NAD (erosion)	2,000,000
Mt. Rainier NP (rehab structural components at Paradise Inn and Annex)	7,900,000
Mt. Rainier NP (replace Jackson Visitor Ctr and rehab parking areas)	14,307,000
New River Gorge NR (various)	769,000
Olympic NP (Elwha River ecosystem)	5,000,000
Pinnacles NM (relocate and replace maintenance & visitor facilities)	4,794,000
Redwood NP (protect park resources by removing failing roads)	2,169,000
San Francisco Maritime NHP (repair Sala Burton Maritime Museum bldg.)	4,350,000
Saugus Iron Works NHS (rehab resources for accessibility and safety)	1,334,000
Shenandoah NP (rehab & remodel Panorama facility as visitor/learning ctr)	4,835,000
Shiloh NMP (Corinth interpretation)	500,000
Southwest Pennsylvania Heritage Commission	2,500,000

Project	Amount
Statue of Liberty/Ellis Island NM (rehab Ellis Island seawall)	8,452,000
Tuskegee Airmen NHS (preserve and rehab Moton Airfield site)	6,767,000
Utah Public Lands Artifact Preservation Act	4,000,000
Valley Forge NHP (George Washington's headquarters)	2,326,000
Western Artic National Parklands (NW Alaska Heritage Ctr & admin. facil.)	12,733,000
White House (structural and utility rehab)	6,523,000
Wind Cave NP (replace failing wastewater treatment facility)	4,928,000
Wolf Trap NP (replace Main Gate facility, Filene Ctr; Phase 2)	3,000,000
Yellowstone NP (Old Faithful Inn)	11,118,000
Yellowstone NP (replace Madison wastewater facility)	4,114,000
Yellowstone NP (replace Old Faithful Visitor Center)	11,175,000
Yosemite NP (replace haz. gas disinfect. sys., El Portal waste. plant)	2,176,000
Subtotal, Line Item	217,845,000
Emergency/unscheduled projects	3,000,000
Housing replacement	7,000,000
Dam safety	2,662,000
Equipment replacement	26,000,000
Construction planning	19,925,000
Construction program management	28,105,000
General management planning	13,754,000
Subtotal, (before use of priors)	318,291,000
Use of prior year unobligated balances	−17,000,000
Total	301,291,000

The funds provided for general management planning should be expended consistent with project directives in both the House and Senate reports.

Funds provided for Big Bend NP (curatorial facility), Grand Portage NM (heritage center), Homestead NM (visitor center), Little Rock Central High School NHS (visitor center), Wolf Trap (main gate facility) and Yellowstone NP (Old Faithful visitor center) are intended to complete these projects.

Funds provided for the Flight 93 National Memorial may not be used for land acquisition. The Service is strongly encouraged to reduce dramatically the amount of land required for this project.

The managers expect the National Park Service and the legislated partners for the Dayton Aviation Heritage National Historical Park to collaborate in the development of a priority list of requirements needed to fulfill the authorized mission of the park. Such a list should give consideration to both the recurring and non-recurring needs of the park, and should serve as a framework for guiding decisions about the most important investments needed to further the park's purpose. The managers recognize that the National Aviation Heritage Area may have a separate set of priorities, but the priorities for the park and heritage area should complement one another.

The managers direct the National Park Service to explore viable ways to encourage the sale, by concessioners or via lease agreements (in accordance with real property leasing authority, 36 CFR Part 17), of authentic American made souvenirs, which reflect, educate, and celebrate the unique history, spirit, culture, and natural treasures of the designated region and individual park, either through existing concessioner retail operations or other appropriate agreements. The managers expect a written report detailing progress made by December 1, 2006.

The managers encourage the Secretary to give priority consideration for funding in the next round of Southern Nevada Public Lands Management Act project approvals to the water and wastewater system improvements that were proposed in the fiscal year 2006 budget request for Lake Mead National Recreation Area. The managers are aware that nearly $1 billion in revenues will be available in fiscal year 2006. Of that amount, the Secretary of the Interior controls 85 percent. Projects such as these should be funded from this source and not requested in the budget.

The managers understand that private funds already raised toward replacement visitor facilities at the U.S.S. Arizona Memorial are available for planning and design of the new facility. The National Park Service is nearing completion of its review of this partnership construction project, and is encouraged to complete the review and advance the project to the next stage as expeditiously as possible. Before final approval, the Director of the National Park Service should forward to the House and Senate Committees on Appropriations the details of the financing of this project. The managers understand that the present facility is undersized for the visitation to this park site, and that a new facility is needed to address functional and structural requirements.

Bill language.—The conference agreement provides $400,000 for the Mark Twain Boyhood Home NHL to be derived from the Historic Preservation Fund. The agreement also includes language proposed by the Senate permitting a solicitation that includes the full scope of the contract for the Jackson Visitor Center replacement and rehabilitation of the Paradise Inn and Annex at Mount Rainier NP.

The managers have included $25,000,000 for the purpose of implementing the Modified Water Deliveries to Everglades National Park project which will allow the Army Corps of Engineers to continue this important restoration project so as to restore more natural water flows to the park. The $25,000,000 is subject to the reporting requirements of P.L. 108–108 and the availability of the funds is contingent upon the appropriation and full availability of funds appropriated to the Army Corps of Engineers for the purpose of implementing the project, including the development of detailed design documents for a bridge or series of bridges for Tamiami Trail that will allow for restored water flows between the water conservation areas and Everglades National Park.

Land and Water Conservation Fund

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2006 by 16 U.S.C. 460l–10a as proposed by both the House and the Senate.

Land Acquisition and State Assistance

The conference agreement provides $64,909,000 for land acquisition and State assistance instead of $9,421,000 as proposed by the House and $86,005,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	Amount
Big Thicket National Preserve (TX)	$2,000,000
Chickamauga-Chattanooga NMP (TN)	1,800,000
Civil War Battlefield Sites (Grants)	3,000,000
Gauley River NRA (WV)	500,000
Golden Gate NRA (CA)	525,000
Haleakala NP (HI)	3,700,000
Harpers Ferry NHP (WV)	2,000,000
Ice Age NST (WI)	1,000,000
Lewis and Clark NHP (OR/WA)	1,600,000
New River Gorge NSR (WV)	2,000,000
Pinnacles NM (CA)	3,000,000
Piscataway Park (MD)	700,000
Shenandoah Valley Battlefields NHD (VA)	1,000,000
Sleeping Bear Dunes NL (MI)	5,300,000
Wilson's Creek NB (MO)	1,200,000
Wrangell-St. Elias NP & P (AK)	750,000
Subtotal	30,075,000
Emergencies and Hardships	2,500,000
Acquisition Management	9,749,000
Inholdings	2,500,000
Use of Prior Year Balances	−9,915,000
Stateside Grants	28,413,000
Stateside Administration	1,587,000
Total	$64,909,000

Bill Language.—The conference agreement includes language proposed by the Senate, providing that none of the funds provided for the State assistance program may be used to establish a contingency fund.

The conferrence agreement rescinds $9,915,000 in prior year funds from the Cat Island project at Gulf Islands National Seashore, as proposed by the House.

The managers agree that the heroic efforts by the passengers of Flight 93 should be remembered with a lasting memorial. Although no funds are provided for land acquisition, $1,000,000 is included in the construction account for planning activities.

The managers have revised the reprogramming guidelines to specify that the reprogramming requirement for acquisitions in excess of appraised values does not apply to the National Park Service for condemnations, declarations of taking, and tracts with an appraised value of $500,000 or less. The revised reprogramming guidelines are contained in the front of the statement of the managers in this report.

Administrative Provisions

The conference agreement does not include the longstanding proviso providing that none of the funds may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

UNITED STATES GEOLOGICAL SURVEY

Surveys, Investigations, and Research

The conference agreement provides $976,035,000 for surveys, investigations, and research instead of $974,586,000 as proposed by the House and $963,057,000 as proposed by the Senate.

Mapping, Remote Sensing and Geographic Investigations.—The change to the House level for mapping, remote sensing and geographic investigations is a decrease of $2,000,000 for the Landsat program.

The managers direct the Survey to offset the decrease with reductions in travel, administrative streamlining and buyout savings throughout the Bureau.

Geologic Hazards, Resources and Processes. Changes to the House level for geologic hazards, resources and processes include increases of $500,000 for Alaska gas hydrates,

and decreases of $648,000 for Florida shelf research, $412,000 for Puget Sound and $1,134,000 for Alaska mineral assessments.

The managers strongly disagree with the Administration's proposed reductions to the minerals assessment program and believe it is irresponsible for the Administration to decrease or eliminate funding for what is clearly an inherently Federal responsibility. The conference agreement restores funding for this vital program to the enacted level.

Water Resources Investigations.—Changes to the House level for water resources investigations include increases of $500,000 for the Memphis aquifer study, $230,000 for the Ozark aquifer study, $1,250,000 to continue Tar Creek remediation with the University of Oklahoma, $900,000 for coalbed methane research on the Tongue River, $450,000 for water monitoring in Hawaii, $295,000 for Lake Champlain monitoring and a decrease of $450,000 for the San Pedro partnership.

The managers are concerned by continuing reports that suggest the Survey's water resources program is providing or seeking to provide a variety of commercial services to Federal and non-Federal entities in direct competition with the private sector. The managers have previously encouraged the Survey to use the services of the private sector in the conduct of its activities wherever feasible, cost effective, and consistent with the quality standards and principles pertaining to the effective performance of governmental functions. The managers expect that the Survey should strive to implement such a policy to the best of its ability in the performance of its work.

The managers agree that if the San Francisco South Bay salt ponds project is a priority for the Survey, additional funding should be requested in future budgets.

The managers agree to continue the Lake Champlain monitoring and research assessment activities and have included increased funding of $295,000 to restore the program to the enacted level. Future budget requests should include sufficient funds for these operations.

The managers agree that the Survey's participation in the Long Term Estuary Assessment program should be continued at the current year enacted level.

Biological Research.—Changes to the House level for biological research include increases of $100,000 for the invasive species initiative, $350,000 to complete the Mark Twain National Forest mining study, $800,000 for molecular biology research at the Leetown Science Center, $200,000 for the multidisciplinary water study at Leetown Science Center, $350,000 for pallid sturgeon research, $200,000 for the diamondback terrapin study, $400,000 to complete the Northern Continental Divide Ecosystem study in Montana, $55,000 to restore the base funding for Cooperative Research Units, $400,000 for remote survey and monitoring equipment for the ivory-billed woodpecker in Arkansas, $200,000 for the University of Missouri-Columbia to establish a wetland ecology center for excellence, and decreases of $150,000 for a database of invasive species on national wildlife refuges and $185,000 for equipment for the Anadromous Fish Research Center.

The managers have included a portion of the requested funding increase for the invasive species initiative and direct the Survey to fund the leafy spurge eradication program proposed in the request.

The managers have included funding for ivory-billed woodpecker survey efforts in Arkansas. The funding should be used in collaboration with Cornell University's Laboratory of Ornithology and the U.S. Fish and Wildlife Service to conduct aerial and ground surveys using remote video and acoustic technologies.

The managers understand funding provided to the University of Missouri-Columbia for the establishment of a wetland ecology center of excellence should be used for one-time start-up costs and this funding will not be included in future appropriations.

The managers remain concerned about the National Biological Information Infrastructure program. No clearly coordinated budgetary and programmatic plan has emerged for its expansion, and the managers remain concerned about the reason an Internet-based program that hosts biological information must be geographically distributed.

The managers understand that the multidisciplinary water study at Leetown Science Center is nearing completion. The Survey should provide a brief report to the House and Senate Committees on Appropriations by December 31, 2005, evaluating the research that has been conducted to date and outlining what, if any, issues remain to be addressed in order to finish the project.

Science Support.—The change to the House level for science support is a decrease of $2,000,000 for the Landsat program.

The managers direct the Survey to offset the decrease with reductions in travel, administrative streamlining and buyout savings throughout the Bureau.

Bill Language.—The conference agreement modifies language included in both the House and Senate bills allowing the Survey to publish and disseminate data.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language proposed by the Senate that contained minor technical differences from the House.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $153,651,000 for royalty and offshore minerals management instead of $152,676,000 as proposed by the House and $152,516,000 as proposed by the Senate. The managers agree to the following changes to the House recommendations:

1. The leasing and environmental program includes an earmark of $150,000 within available funds for the Alaska Whaling Commission as proposed by the Senate and there is a decrease of $175,000 for fixed costs.

2. Resource evaluation includes an increase of $900,000 for the Center for Marine Resources, MS as proposed by the Senate and a decrease of $100,000 for fixed costs.

3. The regulatory program has a decrease of $200,000 for fixed costs.

4. The information management program has a decrease of $200,000 for fixed costs.

5. Royalty management includes an increase of $1,000,000 for the State and tribal audit program.

6. General administration includes fixed cost decreases of $250,000 for administrative operations and $150,000 for general support services.

7. The Department is undertaking a study of the impacts of the merger of the GovWorks program into the National Business Center. This study will also include an assessment of the impact that this organizational realignment will have on MMS's ability to carry out its mission. The managers understand that an initial organizational transfer will commence at the beginning of the fiscal year, but before the final commencement of the restructuring, the managers expect to receive a report on the impacts of the merger.

OIL SPILL RESEARCH

The conference agreement provides $7,006,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $110,535,000 for regulation and technology as proposed by both the House and the Senate. This total includes an indefinite appropriation estimated to be $100,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $188,014,000 for the abandoned mine reclamation fund as proposed by both the House and the Senate. The managers note that bill language within Title I, general provisions, provides an extension until June 30, 2006, of the Secretary's authority to collect fees pursuant to the Surface Mining Control and Reclamation Act. The conference agreement includes the bill language proposed by the House which provides for a one-time transfer of the balance in the fund for the rural abandoned mine program, which has not been used for 10 years, to the Federal share fund, so the funds could be used in the future for emergencies and other Federal obligations. The conference agreement also includes the bill language recommended by the Senate concerning special grant authorities for Maryland's acid mine abatement program.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,991,490,000 for the operation of Indian programs instead of $1,992,737,000 as proposed by the House and $1,971,132,000 as proposed by the Senate.

The managers agree that an alternative budget structure for the operation of Indian programs would provide greater opportunity for reviewing funding levels and assessing performance on a programmatic level. The managers are concerned that there was inadequate consultation with Tribes when preparing this new budget structure. The Bureau should follow previous guidance given in the House and Senate reports on this issue.

Tribal Priority Allocations.—The change to the House level for tribal priority allocations is a decrease of $750,000 for the Indian Child Welfare Act.

Other Recurring Programs.—Changes to the House level for other recurring programs include increases of $12,500,000 for tribally controlled community colleges, $500,000 for technical assistance for tribally controlled community colleges, $210,000 for fish hatchery maintenance, $98,000 for the Alaska Sea Otter Commission, $450,000 for the Bering Sea Fishermen's Association, $300,000 for the Chugach Regional Resources Commission, $350,000 for Lake Roosevelt management, and decreases of $12,000,000 for ISEP formula funding, $1,500,000 for student transportation, $200,000 for irrigation operations and maintenance, $1,000,000 for the Washington State Fish and Wildlife program and $1,250,000 for the Chippewa Ottawa Resource Authority.

The managers have included funding in the ISEP program and direct this increase to the Bureau's FOCUS program for assisting at-risk children, encouraging more parental participation in schools, and encouraging participation in after-school activities.

The managers are aware that the Department is examining how to strengthen management of education programs and would consider a reprogramming from education program adjustments to support education management.

The managers have retained the increases provided in both the House and Senate bills for the Intertribal Bison Cooperative.

Non-recurring Programs.—Changes to the House level for non-recurring programs include increases of $500,000 for the Rocky

Mountain Patient Advocate program, $750,000 for the rural Alaska fire program, $1,500,000 for the Salish and Kootenai College information technology program, $1,500,000 for water management planning, $400,000 for Alaska legal services, and a decrease of $970,000 for the endangered species program.

The managers expect funding provided for the Rocky Mountain Patient Advocate Program to be the last installment from this account. The program is expected to seek other methods of funding to become a self-sufficient, long term, advocacy program for Native Americans seeking health care.

The managers agree that within the water management and planning program, $200,000 is for the operation, maintenance, and repair of the Fort Peck Reservation tribal water system.

Special Programs and Pooled Overhead.—Changes to the House level for special programs and pooled overhead include increases of $49,000 for the United Tribes Technical College, $450,000 for the United Sioux Tribes Development Corporation, $1,250,000 for the Western Heritage Center tribal history and education project, $100,000 for the Rocky Mountain Tribal education symposia, $74,000 for the Crownpoint Institute and decreases of $4,500,000 for public safety and justice law enforcement and $58,000 for the National Ironworkers Training program.

The managers believe that the United Tribes Technical College and Crownpoint Institute are institutions of higher learning that provide an educational benefit to Indian country and should be included in future budget requests.

Bill Language.—The conference agreement includes language proposed by the Senate that continues to allow the use of contract support funds for indirect contract support costs. The House included language that allowed the use of contract support funds for both direct and indirect costs.

The managers believe that any change to the allocation of contract support costs must be done formally with tribal consultation and any funding for direct contract support costs should be above the current levels provided for indirect contract support costs.

CONSTRUCTION

The conference agreement provides $275,637,000 for construction instead of $284,137,000 as proposed by the House and $267,137,000 as proposed by the Senate. Changes to the House level include an increase of $7,500,000 for irrigation projects and decreases of $10,000,000 for replacement school construction, $1,000,000 for employee housing, and $5,000,000 for facilities improvement and repair.

The addition of $7,500,000 in non-reimbursable construction funds for Indian irrigation rehabilitation is separate from the Navajo Indian Irrigation Project, which retains its own construction budget of $12,773,000. Within the funds provided for Indian irrigation rehabilitation, a number of Bureau and tribal projects are in desperate need of immediate attention to continue delivering water to users. The Bureau is expected to consult with the House and Senate Committees on Appropriations, in the form of a detailed proposal, prior to obligating funds. The Bureau is expected to administer these funds from the central office program level to address projects with the greatest need of rehabilitation. Construction of new projects or expansion of existing projects is secondary to the rehabilitation, reconstruction, and necessary upgrade of current irrigation projects and systems. Specific projects to be addressed under these guidelines, and to be addressed in the Bureau's proposal for the obligation of these funds are: the Fort Yates Unit of the Standing Rock Sioux Project, the Blackfeet Irrigation Project, the Crow Irrigation Project, the Fort Belknap Irrigation Project, the Fort Peck Irrigation Project, and the Wind River Irrigation Project.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $34,754,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $24,754,000 as proposed by the Senate.

The managers have agreed to $10,000,000 for the Quinault Indian Nation settlement and retained bill language included in the House that authorized the payment. The managers understand that this is the final payment for this settlement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $6,348,000 for the Indian guaranteed loan program as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,883,000 for assistance to territories instead of $76,563,000 as proposed by the House and $76,683,000 as proposed by the Senate. Changes in funding levels from the House recommendation include the Senate recommendation for an additional $320,000 to continue judicial, court education, and court administration training.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $5,362,000 for the compact of free association as proposed by the House instead of $4,862,000 as proposed by the Senate. The conference agreement follows the funding recommendations made by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $127,183,000 for departmental management instead of $97,755,000 as proposed by the House and $104,627,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Management and Coordination.—Performance data contracting/financial management is reduced by $250,000.

Central Services.—IT certification and accreditation is reduced by $322,000.

Financial and Business Management System.—The conference agreement reduces the Financial and Business Management System by $1,000,000.

Other Items.—The conference agreement restores $21,000,000 for necessary expenses for management of the Department of the Interior.

Bill Language.—The conference agreement retains language proposed by the Senate deriving $7,441,000 from the Land and Water Conservation Fund for consolidated land acquisition appraisal services, and prohibiting the use of funds in this Act or previous appropriations Acts to establish reserves in the Working Capital Fund other than for accrued annual leave and depreciation of equipment without prior House and Senate Committee approval.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $236,000,000 for payments in lieu of taxes instead of $242,000,000 as proposed by the House and $235,000,000 as proposed by the Senate.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,855,000 for the central hazardous materials fund as proposed by the House and the Senate.

The conference agreement includes language included in the Senate bill that makes provisions for this account permanent. The House did not include permanent language.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $55,440,000 for the office of the solicitor instead of $55,340,000 as proposed by the House and $55,652,000 as proposed by the Senate. The change described below is to the House recommended funding level.

General Administration.—Funding for a FOIA appeals support position is increased by $100,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $39,116,000 for office of inspector general as proposed by the Senate, instead of $39,566,000 as proposed by the House. The changes described below are to the House recommended funding level.

Audits.—Funding for FISMA/audit capability is decreased by $300,000.

Investigations.—Funding for additional audit staff is decreased by $150,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $191,593,000 for Federal trust programs as proposed by both the House and the Senate. The managers have retained language contained in the House bill that caps the total amount of funding that can be used for historical accounting activities at $58,000,000.

The managers are closely following efforts to settle the long-standing Cobell v. Norton case and reiterate their position that any settlement to the case must be implemented in such a way that the programs in this bill are not adversely affected. The House and Senate Committees on Appropriations will not consider any settlement that decreases available funding for programs in Indian country funded in this bill. Further, the managers disagree with the continued insistence by the court that the Department of the Interior, to fulfill the intent of Congress, must perform a full historical accounting. This results in the Department of the Interior being forced to divert resources and negatively impacts programs in Indian country.

INDIAN LAND CONSOLIDATION

The conference agreement provides $34,514,000 for Indian land consolidation programs as proposed by both the House and the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $6,106,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Section 101. The conference agreement modifies a provision in section 101 of both the House and Senate bills, providing Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

Section 102. The conference agreement modifies a provision in section 102 of both the House and Senate bills, providing for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine

reclamation emergencies. The modification requires transferred funds to be replenished by a supplemental appropriation and to be reimbursed on a pro rata basis.

Section 103. The conference agreement retains an identical provision in section 103 of both the House and Senate bills, continuing a provision providing for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

Section 104–106. The conference agreement retains identical provisions in sections 104–106 of both the House and Senate bills, continuing provisions prohibiting the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas.

Section 107. The conference agreement retains an identical provision in section 108 of the House bill and section 107 of the Senate bill, continuing a provision permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Section 108. The conference agreement retains a provision in section 108 of the Senate bill, continuing through fiscal year 2010 a provision that allows the hiring of administrative law judges to address the Indian probate backlog. The House had a similar provision in section 109 of the House bill.

Section 109. The conference agreement retains an identical provision in section 110 of the House bill and section 109 of the Senate bill, continuing a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Section 110. The conference agreement retains a provision in section 110 of the Senate bill, continuing a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs. The House had a similar provision in section 111 of the House bill.

Section 111. The conference agreement retains an identical provision in section 112 of the House bill and section 111 of the Senate bill, continuing a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Section 112. The conference agreement retains an identical provision in section 113 of the House bill and section 112 of the Senate bill, continuing a provision authorizing the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

Section 113. The conference agreement modifies an identical provision in section 114 of the House bill and section 113 of the Senate bill, continuing a provision allowing certain funds provided for land acquisition at the Shenandoah Valley Battlefield NHD and Ice Age NST to be granted to a State, a local government, or any other land management entity. The modification adds Niobrara NSR.

Section 114. The conference agreement retains an identical provision in section 115 of the House bill and section 114 of the Senate bill, continuing a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM.

Sec. 115. The conference agreement retains a provision in section 116 of the House bill, continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island. The Senate had no similar provision.

Sec. 116. The conference agreement retains an identical provision in section 117 of the House bill and section 115 of the Senate bill, continuing a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in Cobell v. Norton to 200 percent of the highest Senior Executive Service rate of pay.

Sec. 117. The conference agreement retains an identical provision in section 118 of the House bill and section 116 of the Senate bill, continuing a provision allowing the Secretary to pay private attorney fees for employees and former employees incurred in connection with Cobell v. Norton.

Sec. 118. The conference agreement retains a provision in section 119 of the House bill dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks. The Senate had no similar provision.

Sec. 119. The conference agreement retains an identical provision in section 121 of the House bill and section 117 of the Senate bill, continuing a provision prohibiting certain activities on lands described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001, or land that is contiguous to that land.

Sec. 120. The conference agreement retains an identical provision in section 122 of the House bill and 118 of the Senate bill, continuing a provision prohibiting the use of funds to study or implement a plan to drain or reduce water levels in Lake Powell.

Sec. 121. The conference agreement retains an identical provision in section 123 of the House bill and section 119 of the Senate bill, continuing a provision allowing the National Indian Gaming Commission to collect $12,000,000 in fees for fiscal year 2007.

Sec. 122. The conference agreement retains a provision in section 120 of the Senate bill, continuing a provision making funds available to the tribes within the California Tribal Trust Reform Consortium and others on the same basis as funds were distributed in fiscal year 2003 and separates this demonstration project from the Department of the Interior's trust reform organization. The House had a similar provision in section 124 of the House bill.

Sec. 123. The conference agreement retains an identical provision in section 125 of the House bill and section 121 of the Senate bill, continuing a provision dealing with grazing permits in the Jarbidge field office of the Bureau of Land Management.

Sec. 124. The conference agreement retains an identical provision in section 126 of the House bill and section 122 of the Senate bill, continuing a provision authorizing the Secretary of the Interior to acquire lands for the operation and maintenance of facilities in support of transportation of visitors to Ellis, Governors, and Liberty Islands.

Sec. 125. The conference agreement retains a provision in section 127 of the House bill, continuing a provision regarding special use grazing permits on the Mojave National Preserve, CA. The Senate had no similar provision.

Sec. 126. The conference agreement retains a provision in section 123 of the Senate bill, continuing a provision implementing rules concerning winter snowmobile use in Yellowstone National Park. The House had a similar provision with a slight technical difference in section 128 of the House bill.

Sec. 127. The conference agreement retains a provision in section 124 of the Senate bill, requiring the Secretary of the Interior to obtain the approval of the governing body of an Indian tribe before closing or taking any other action relating to a school of the tribe. The House had no similar provision.

Sec. 128. The conference agreement retains a provision in section 126 of the Senate bill, extending authority of the Kalaupapa National Historic Park Advisory Commission. The House had no similar provision.

Sec. 129. The conference agreement retains a provision in section 127 of the Senate bill, extending the authority of the Secretary of the Interior to collect fees pursuant to the Surface Mining Control and Reclamation Act until June 20, 2006.

Sec. 130. The conference agreement includes a new provision prohibiting the use of funds to set up Centers of Excellence and Partnership Skills Bank training without prior approval.

Sec. 131. The conference agreement modifies a provision in section 430 of the Senate bill that authorizes the National Park Service to assess a fee on overnight lodging guests at leased Fort Baker buildings in Golden Gate National Recreation Area to pay the operating expenses associated with the utilities and shuttle system of those facilities at Fort Baker. The House had no similar provision.

Sec. 132. The conference agreement modifies a provision in section 431 of the Senate bill, authorizing the retention of campground fees at Great Smoky Mountains National Park. The House had no similar provision.

Sec. 133. The conference agreement modifies a provision in section 438 of the Senate bill, providing for a feasibility study on designation of the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. The modification requires an analysis of the impacts on privately owned land and water. The House had no similar provision.

Sec. 134. Provides $10,000,000 for the Martin Luther King, Jr. Memorial in Washington, DC, and extends for two years the authorization for the Memorial. The funds provided in this section are to be matched by the newly raised, non-Federal funds.

The conference agreement does not include a provision in section 107 of the House bill prohibiting the National Park Service from reducing recreation fees for non-local travel through any park unit.

The conference agreement does not include a provision in section 120 of the House bill dealing with paying for operational needs at the Midway Atoll National Wildlife Refuge airport using funds appropriated under the ''Departmental Management, Salaries and Expenses'' appropriation.

The conference agreement does not include a provision in section 129 of the House bill, limiting the use of funds for staffing for the Department of the Interior's Office of Law Enforcement and Security. The Department has assured the managers that staffing will be limited to 34 full time equivalent employees and eight detailed staff, except in the event of an emergency.

The conference agreement does not include a provision in section 125 of the Senate bill authorizing the Secretary of the Interior to collect and retain parking fees at the U.S.S. Arizona Memorial. The managers understand that the Department has determined that the Secretary currently has such authority pursuant to the Federal Lands Recreation Enhancement Act (FLREA).

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

The conference agreement provides $741,722,000 for science and technology instead of $765,340,000 as proposed by the House and $730,795,000 as proposed by the Senate. Changes to the House recommended level are described below.

Air Toxics and Quality.—In air toxics and quality, there is a decrease of $619,000 for the clean air allowance trading programs.

Climate Protection.—In climate protection programs, there is a decrease of $1,000,000.

Research/Congressional Priorities.—The conference agreement provides a total of $33,275,000 for high priority projects, a decrease of $6,725,000 below the House recommended level. The managers have not

agreed to a competitive solicitation this year for these programs. This issue may be revisited in future years. The managers agree to the following distribution of funds:

State	Project name	Amount
1. AL	University of South Alabama Center for Estuarine Research	$500,000
2. CA	Central California Ozone Study, San Joaquin Valleywide Air Pollution Study Agency	375,000
3. CA	Irrigation Training and Research Center—Cal Poly., San Luis Obispo Flow Rate Measurement	1,200,000
4. DE	Center for the Study of Metals in the Environment at the University of Delaware	250,000
5. FL	FL Dept. of Citrus Abscission Chemical Studies	1,000,000
6. ID	Boise State University to continue research on multi-purpose sensors to detect and analyze contaminants and time-lapse imaging of shallow subsurface fluid flow.	500,000
7. IL	Clean Air Counts program emission reduction partnership with the Illinois Environmental Protection Agency	800,000
8. KY	University of Louisville Lung Biology/Translational Lung Disease Program	1,500,000
9. LA	Louisiana Smart Growth program in the State of Louisiana	500,000
10. NC	UNC Charlotte VisualGRID	500,000
11. ND	Center for Air Toxic Metals, EERC at the University of North Dakota	2,000,000
12. NM	National Environmental Respiratory Center [NERC] at the Lovelace Respiratory Research Institute in Albuquerque, New Mexico	500,000
13. NY	Alfred University Center for Environmental and Energy Research	750,000
14. NY	Environmental Systems Center of Excellence at Syracuse Univ., NY Indoor Environment Quality	2,000,000
15. OH	Ohio University Consortium for Energy, Economics, and the Environment	500,000
16. OH	The Ohio State University Olentangy River Wetlands Park Teaching, Research, and Outreach Initiative	500,000
17. SD	Missouri River Institute at the University of South Dakota	400,000
18. TN	University of Memphis Groundwater Institute to conduct a groundwater study	500,000
19. TN	University of Tennessee at Knoxville Natural Resources Policy Center	500,000
20. TX	Comprehensive assessment of Lake Whitney at Baylor University	200,000
21. TX	Environmental program at the Water Policy Institute at Texas Tech University	450,000
22. TX	Mickey Leland National Urban Air Toxic Research Center	1,500,000
23. TX	Poultry science project at Stephen F. Austin State University	200,000
24. TX	Texas Air Quality Study 2	2,000,000
25. TX	Texas Institute for Applied Environmental Research	400,000
26. TX	Texas State University System Geography and Geology Project	800,000
27. VT	Aiken Greening at the University of Vermont	400,000
28. VT	Proctor Maple Research Station in Underhill, Vermont	200,000
29. WI	Paper industry byproduct waste reduction research in Wisconsin	250,000
30. WV	National Alternative Fuels Training Consortium at West Virginia University	2,000,000
31.	American Water Works Association Research Foundation	1,000,000
32.	Consortium for Plant Biotechnology Research	750,000
33.	Mine Waste Technology program at the National Environmental Waste Technology, Testing, and Evaluation Center	2,100,000
34.	New England Green Chemistry Consortium	750,000
35.	Southwest Center for Environmental Research and Policy	1,500,000
36.	Water Environment Research Foundation	3,000,000
37.	Water Systems Council Wellcare Program	1,000,000
Total		33,275,000

Research: Clean Air.—In research: clean air, there are decreases of $600,000 for global change and $2,000,000 for national ambient air quality standards.

Research: Clean Water.—In research: clean water, there is a decrease of $4,800,000 for water quality programs.

Research: Human Health and Ecosystems.—In research: human health and ecosystems, there is an increase of $15,000 for fellowships and decreases of $213,000 for endocrine disruptor research and $5,376,000 for other research, which includes decreases of $2,000,000 for exploratory grants, $600,000 for aggregate risks, $500,000 for condition assessments of estuaries in the Gulf of Mexico, and $2,276,000 for a general program reduction, which should be applied after consultation with the House and Senate Committees on Appropriations.

Research: Land Protection.—In research: land protection, there is a decrease of $2,300,000 for land protection and restoration.

Other.—The managers do not agree with the transfer of research funds to other offices. In addition to the offices mentioned in House Report 109–80, this direction applies to the Office of the Administrator, which was inadvertently omitted from the House report.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement provides $2,381,752,000 for environmental programs and management instead of $2,389,491,000 as proposed by the House and $2,333,416,000 as proposed by the Senate. Changes to the House recommended level are described below.

Air Toxics and Quality.—In Federal support for air quality management, there are decreases of $5,000,000 for the clean diesel initiative and $5,000,000 for other program activities. Other decreases include $400,000 for radiation protection programs, $156,000 for stratospheric ozone domestic programs, and $1,600,000 for stratospheric ozone multilateral programs.

Brownfields.—There is an increase of $362,000 for brownfields support.

Climate Protection Programs.—In climate protection, there are increases of $500,000 for the energy star program and $1,500,000 for the methane to markets program.

Compliance Monitoring.—There is a decrease of $3,184,000 for compliance monitoring.

Enforcement Programs.—In enforcement, there are increases of $1,500,000 for civil enforcement, $1,900,000 for criminal enforcement, and $500,000 for enforcement training.

Environmental Protection/Congressional Priorities.—The conference agreement provides a total of $50,543,000 for high priority projects, an increase of $10,543,000 above the House recommended level. The managers have not agreed to a competitive solicitation this year for these programs. This issue may be revisited in future years. The managers agree to the following distribution of funds:

State	Project Name	Amount
1. AL	Alabama Department of Environmental Management for a water and wastewater training program	$500,000
2. CA	Highland Learning Center	1,750,000
3. CT	Waste to Energy project in Stamford, Connecticut	250,000
4. CT	Wastewater turbine technology project for the City of New Haven, Connecticut	500,000
5. FL	University of West Florida Partnership for Environmental Research and Community Health [PERCH] program	500,000
6. HI	Hawaii Island Economic Development Board's Big Island Recycle program	500,000
7. IA	University of Northern Iowa to develop new environmental technologies for small business outreach	500,000
8. IA	Water quality project in Storm Lake, Iowa	500,000
9. IL	For an aquifer model of groundwater resources	938,000
10. LA	Grambling University in Louisiana for a water quality research program	200,000
11. LA	Lake Pontchartrain Basin Foundation lake restoration in Louisiana	500,000
12. MA	Environmental and science education program in New Bedford, Massachusetts	500,000
13. MD	Anacostia River Tidal Wetlands Project	1,000,000
14. MO	Ozarks Environmental and Water Resources Institute at Southwest Missouri State University	500,000
15. MO	Southwest Missouri Water Quality Improvement Project	1,500,000
16. MS	Environmental education initiative at Crow's Neck Environmental Education Center in Tishomingo County, Mississippi	130,000
17. MT	Air quality improvement program in Lincoln County, Montana	1,000,000
18. NC	EPA National Computer Center Research Triangle Park, NC Continuity of Operations/Disaster Recovery	2,000,000
19. NE	Lead-based paint hazard control program in Omaha, Nebraska	500,000
20. NJ	Restoration project in Greenwood Lake, New Jersey	300,000
21. NV	Walker Lake, Nevada Working Group's lake restoration program	250,000
22. NY	Central NY Watersheds in Onondaga and Cayuga Counties Water Quality Management	1,500,000
23. NY	Long Island Sound restoration	1,800,000
24. NY	Mohawk Valley, New York Water Authority's bacteria detection program	250,000
25. OK	Oklahoma Department of Environmental Quality to complete remediation work on Tar Creek	2,000,000
26. OR	Oregon Department of Environmental Quality site assessment program	250,000
27. RI	Waterfront stormwater management analysis in East Providence, Rhode Island	250,000
28. VT	Environmental clean-up and research programs in Lake Champlain, Vermont	775,000
29. VT	Storm water research program at the University of Vermont	450,000
30. WA	Northwest Straits Commission, Washington State University beach watchers marine resources program	250,000
31. WA	Rathdrum Prairie/Spokane Valley Aquifer study	300,000
32. WA	Spokane River Bi-State Non-Point Phosphorus study	250,000
33. WV	Canaan Valley Institute—On-going Operations	2,000,000
34.	America's Clean Water Foundation On-Farm Assessment and Environmental Review Program	3,000,000

State	Project Name	Amount
35.	EPA Region 10 environmental compliance	1,000,000
36.	Groundwater Protection Council	650,000
37.	National Assoc. of Development Organizations Training and Information Dissemination Related to Rural Brownfields, Air Quality Standards, and Water Infrastructure.	500,000
38.	National Biosolids Partnership	1,000,000
39.	National Rural Water Association, including source water protection programs	11,000,000
40.	Ohio River Pollutant Reduction Program	1,500,000
41.	Rural Community Assistance Program	3,500,000
42.	Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka, Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University.	4,000,000
Total		50,543,000

Geographic Programs.—In geographic programs, there are increases of $2,000,000 for the Chesapeake Bay program, $532,000 for the Gulf of Mexico program, and $1,167,000 in other activities for Lake Pontchartrain, and decreases of $45,000 for the Lake Champlain program and $1,523,000 for the Long Island Sound program.

Indoor Air Programs.—In indoor air, there is a decrease of $400,000 for radon programs.

Information Exchange/Outreach.—In information exchange/outreach, there is a decrease of $400,000 for State and local prevention and preparedness programs.

International Programs.—In international programs, there are decreases of $250,000 for international capacity building and $1,000,000 for the persistent organic pollutants program.

Legal/Science/Regulatory/Economic Review.—There is a decrease of $600,000 for the regulatory innovation program.

Pesticide Licensing.—In pesticide licensing, there is an increase of $3,041,000 for review/re-registration of existing pesticides.

Toxics Risk Review and Prevention.—In the toxics risk review and prevention program, there is an increase of $1,356,000 for the high production volume challenge and high production volume information system and a decrease of $1,582,000 for the pollution prevention program.

Water: Ecosystems.—There is an increase of $2,000,000 for Great Lakes Legacy Act programs.

Water: Human Health Protection.—There are decreases of $1,500,000 for drinking water programs and $10,000,000 for the National Rural Water Association, which is funded under the environmental protection/Congressional priorities activity detailed above.

Water Quality Protection.—There is a decrease of $2,000,000 for the water quality monitoring program.

Bill Language.—Language is included increasing the earmark for official reception and representation expenses to $19,000 for fiscal year 2006 only.

The managers agree to the following:

1. A total of $5,000,000 is provided for the clean diesel initiative as described in House Report 109–80.

2. Within stratospheric ozone domestic programs, the Sunwise program should be continued at the fiscal year 2005 funding level.

3. A total of $2,000,000 is provided for the Puget Sound geographic program under section 320 of the Federal Water Pollution Control Act, as amended. This program is to be administered by the Washington State Department of Ecology.

4. Within indoor air programs, $2,000,000 should be used to continue environmental tobacco-related programs. The managers note that, after this set-aside, there is still an increase for asthma programs above the fiscal year 2005 level.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $37,455,000 for the Office of Inspector General instead of $37,955,000 as proposed by the House and $36,955,000 as proposed by the Senate.

BUILDINGS AND FACILITIES

The conference agreement provides $40,218,000 for buildings and facilities as proposed by both the House and the Senate.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $1,260,621,000 for hazardous substance superfund instead of $1,258,333,000 as proposed by the House and $1,256,165,000 as proposed by the Senate. Changes to the House recommended level are detailed below.

Air Toxics and Quality.—In air toxics and quality, there is a decrease of $175,000 for radiation protection programs.

Enforcement.—In enforcement, there are increases of $200,000 for civil enforcement and $3,000,000 for Superfund enforcement.

Compliance.—In compliance, there are decreases of $11,000 for compliance assistance and centers, $11,000 for compliance incentives, and $200,000 for compliance monitoring.

Information Exchange and Outreach.—There is a decrease of $6,000 for congressional, intergovernmental, and external relations activities.

Information Technology/Data Management/Security.—There is a decrease of $3,000 for information security.

Operations and Administration.—In operations and administration, there is a decrease of $1,000,000 for facilities infrastructure and operations.

Superfund Cleanup.—In Superfund cleanup, there is an increase of $494,000 for emergency response and removal.

Bill Language.—Language is included earmarking $1,260,621,000 as the maximum payment from general revenues for Superfund instead of $1,258,333,000 as proposed by the House and $1,256,165,000 as proposed by the Senate.

The managers are concerned that EPA has not yet issued a Record of Decision (ROD) for Libby, Montana, despite years of cleanup efforts. The managers direct the Agency to issue its Record of Decision for Libby, Montana no later than May 1, 2006. EPA should also provide a report on the contents of the ROD to both the House and Senate Committees on Appropriations no later than June 15, 2006. The managers are disappointed that the Agency could not meet an earlier deadline, originally proposed by the Senate, and expect periodic updates on the progress of completion of the ROD for Libby, Montana.

The House proposed a study by the National Academy of Sciences of Superfund mega sites that involve dredging. Upon further reflection, the managers believe that the appropriate role for the NAS is to act as an independent peer review body that will conduct an objective evaluation of some of the ongoing dredging projects underway at Superfund mega sites. By undertaking such an evaluation, the Academy can serve as an objective voice on this issue. The manager expect that the evaluation will be initiated by December 1, 2005, and finished as soon as possible, but no later than one year after the Academy begins work. In addition, the managers insist that an such evaluation by the Academy should not delay in any way the progress of the Hudson River PCB dredging project or any other Superfund dredging project.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

The conference agreement provides $73,027,000 for the leaking underground storage tank program as proposed by both the House and the Senate.

OIL SPILL RESPONSE

The conference agreement provides $15,863,000 for oil spill response as proposed by both the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSIONS OF FUNDS)

The conference agreement provides $3,261,696,000 for State and Tribal assistance grants and a rescission of $80,000,000 from expired grants, contracts, and interagency agreements, instead of $3,227,800,000 and a rescission of $100,000 as proposed by the House and $3,453,550,000 and a rescission of $58,000,000 as proposed by the Senate, The rescission is to be taken from expired grants, contracts, and interagency agreements in the various EPA accounts and is not exclusive to this account.

Changes to the House recommended level are detailed below.

Air Toxics and Quality.—In air toxics and quality programs, there is a decrease of $3,000,000 for the clean school bus initiative.

Brownfields.—There is a decrease of $7,500,000 for brownfields projects.

Infrastructure Assistance.—There is an increase of $20,000,000 for infrastructure assistance for Alaska Native villages, a net decrease of $, ,000 for the clean water State revolving fund and a decrease of $4,000,000 for infrastructure assistance for Puerto Rico. The House proposal to direct rescinded funds to the CWSRF is not included in the conference agreement.

Infrastructure Grants/Congressional Priorities.—The conference agreement includes $200,000,000 for special project grants as proposed by both the House and the Senate. The managers agree to the following distribution of funds:

State	Project name	Amount
1. AK	Water and sewer project in the City of Craig, Alaska	$250,000
2. AK	Water and sewer project in Unalaska, Alaska	750,000
3. AL	Coosa Valley Water Supply District surface water project in Alabama	800,000
4. AL	Haleyville, AL North Industrial Area Water Storage Tank	50,000
5. AL	Heflin, AL Industrial Site Water and Sewer Project	150,000
6. AL	Huntsville, AL City of Huntsville Water System Improvements	1,000,000

State	Project name	Amount
7. AL	Sewer improvement project in the City of York, Alabama	700,000
8. AL	Twin, AL Twin Water Authority Water Systems Renovation	250,000
9. AL	Water main extension improvements project in Alexander City, Alabama	500,000
10. AR	Improvements to the Little Maumelle water treatment plant in the City of Little Rock, Arkansas	500,000
11. AR	Regional wastewater treatment improvements for the City of Fayetteville, Arkansas	500,000
12. AR	St. Charles, AR St. Charles Drainage Planning and Improvements	50,000
13. AZ	Avondale, AZ Avondale Wastewater Treatment Facility Expansion	1,500,000
14. AZ	Safford, AZ City of Safford Waste Treatment Plant Debt Repayment to Arizona Infrastructure Finance Authority	800,000
15. AZ	Tucson, AZ Tucson Water Security Demonstration Project	450,000
16. AZ	Wastewater treatment plant in Lake Havasu City, Arizona	1,500,000
17. CA	Arcadia, Sierra Madre, CA Joint Water Infrastructure	2,500,000
18. CA	Bakersfield, CA Rexland Acres Wastewater Treatment Project	1,500,000
19. CA	Bellflower, CA Drinking Water Infrastructure Improvement	378,000
20. CA	Cathedral City, CA Water and Wastewater Infrastructure Improvements	500,000
21. CA	Colfax, CA Colfax Wastewater Treatment Plant Improvement	600,000
22. CA	Georgetown, CA Greenwood Lake Water Treatment Facility	1,500,000
23. CA	Lake Arrowhead, CA Lake Arrowhead Groundwater Development	250,000
24. CA	Martin Slough interceptor project in the City of Eureka, California	375,000
25. CA	Monterey, CA Monterey County Development and Implementation of Water Management Plan	750,000
26. CA	Perchlorate treatment program in the City of Pasadena, California	375,000
27. CA	Riverside, CA Water and Wastewater Infrastructure Improvements	500,000
28. CA	San Bernardino, CA Lakes and Streams Project	1,000,000
29. CA	Santa Jose, CA Perchlorate Assistance Santa Clara Valley Water District	2,000,000
30. CA	Solana Beach, CA Solana Beach Wastewater System Improvements	1,000,000
31. CA	Southern California Water and Wastewater Infrastructure Improvements (Mission Springs Water District 1.6M, Brinton Reservoir (Banning) 1M, Big-horn-Desert View Water Agency 500K, SAWPA SARI 450K, Yucca Valley 350K, Dunlap 100K).	4,000,000
32. CA	Wastewater treatment plant expansion in Crescent City, California	375,000
33. CA	Water and wastewater infrastructure improvements project for the San Francisco Public Utility Commission in California	500,000
34. CA	Water facility project in the City of Santa Paula, California	375,000
35. CO	Drinking water project in the Town of Walden, Colorado	800,000
36. CO	Stormwater improvement program in Jefferson County, Colorado	500,000
37. CO	Wastewater facility upgrades in Yuma, Colorado	100,000
38. CO	Wastewater treatment facility improvements project in Brush, Colorado	100,000
39. CO	Wastewater treatment plant improvements in the Cities of Englewood and Littleton, Colorado	500,000
40. CO	Water treatment facility in the City of Alamosa, Colorado	650,000
41. CT	East Hampton, CT Municipal Water System Improvements	1,200,000
42. CT	Infrastructure upgrades at water pollution control plant in the Town of Plainville, Connecticut	500,000
43. CT	Stamford, CT Mill River Stormwater Management Infrastructure Improvements	1,000,000
44. DE	Combined sewer overflow program in the City of Wilmington, Delaware	1,000,000
45. FL	Citrus County, FL Homosassa Wastewater Collection System Project	750,000
46. FL	Coral Springs, FL Water and Wastewater Infrastructure Improvements	700,000
47. FL	East Central, FL East-Central Florida Integrated Water Resources	1,500,000
48. FL	Emerald Coast treatment plant replacement project for the Northwest Florida Water Management District	800,000
49. FL	Jacksonville Beach, FL North 2nd Street Drainage Collection and Treatment System	1,000,000
50. FL	Keaton Beach, FL Taylor Coastal Wastewater Project	750,000
51. FL	Lake Region water treatment plant improvements for the South Florida Water Management District	300,000
52. FL	North Port, FL Water and Wastewater Infrastructure Improvements	500,000
53. FL	Pinellas Park, FL On-site Sewerage system elimination	1,787,000
54. GA	Columbus, GA—Ox Bow Meadows Wastewater Improvements	1,000,000
55. GA	Moultrie, GA City of Moultrie Wastewater Treatment Plant Rehabilitation	350,000
56. GA	West Area Combined Sewer Overflow Tunnel in the City of Atlanta, Georgia	500,000
57. HI	Statewide cesspool replacement in the following counties, $500,000 for the County of Hawaii; $400,000 for the County of Kauai; and, $100,000 for the City and County of Hawaii.	1,000,000
58. IA	Combined sewer separation project in the City of Ottumwa, Iowa	800,000
59. IA	Construction of a wastewater treatment plant in Sioux City, Iowa	500,000
60. IA	Mason City, IA Sanitary Sewer Interceptor Project	1,000,000
61. IA	Sewer separation project in the City of Davenport, Iowa	800,000
62. ID	Construction of a wastewater collection and treatment facility in Valley County, Idaho	600,000
63. ID	Wastewater treatment project in the City of Twin Falls, Idaho	500,000
64. ID	Water system infrastructure improvements in the City of Castleford, Idaho	400,000
65. IL	Big Rock, IL Big Rock South Side Drainage System	175,000
66. IL	Calumet City, IL Water and Sewer Improvements	275,000
67. IL	Construction of a wastewater treatment facility in the Village of Pecatonica, Illinois	250,000
68. IL	Drinking water improvements in the City of Wauconda, Illinois	750,000
69. IL	Drinking water infrastructure improvements in the City of Springfield, Illinois	250,000
70. IL	Hampshire, IL Water and Wastewater System Improvements	600,000
71. IL	Hinckley, IL Water Main Replacement	418,000
72. IL	Pleasant Plains, IL New Sanitary Sewer Collection System and Wastewater Treatment Facilities	765,000
73. IL	Sewer Improvement Consortium of Lake Bluff, Highwood, Highland Park and Lake Forest, Illinois	500,000
74. IL	Water system upgrades in the Village of Port Byron, Illinois	250,000
75. IN	Construction of a wastewater treatment facility in Morgan County, Indiana for the Town of Waverly	750,000
76. IN	Sandborn, IN Water and Wastewater Infrastructure Improvements	500,000
77. IN	Valparaiso, IN Valparaiso Sewer Infrastructure Improvements	825,000
78. IN	Water infrastructure upgrades in the City of Upland, Indiana	1,700,000
79. KS	New drinking water transmission line in the City of Medicine Lodge, Kansas	500,000
80. KS	Water infrastructure improvements in Johnson County, Kansas	500,000
81. KS	Rose Hill, KS City of Rose Hill Sewer System Improvements	2,500,000
82. KY	City of Columbia, Kentucky, and the Adair County Regional Water Treatment Plant	500,000
83. KY	Louisville, KY Louisville Olmsted Parks Conservancy Watershed Restoration	1,000,000
84. KY	Somerset, KY Somerset Wastewater Treatment Plant	3,200,000
85. KY	Wastewater sewer line extension project in the City of South Campbellsville, Kentucky	1,000,000
86. KY	Wastewater treatment plant expansion project in Culver City, Kentucky	500,000
87. LA	Shreveport Municipal Water Distribution system backflow prevention project in Shreveport, Louisiana	400,000
88. LA	South Lake Charles, LA Wastewater Treatment Plant	1,000,000
89. LA	Tioga, LA Water Works District No. 3 of Rapides Parish—Drinking Water Extension	1,500,000
90. MA	Combined sewer overflow abatement project in Bristol County, Massachusetts	1,000,000
91. MA	Hartford, CT; Springfield, Chicopee, Holyoke, Ludlow, South Hadley, MA Connecticut River Clean-up	2,000,000
92. MD	Anacostia Sanitary Sewer Overflow	500,000
93. MD	Combined sewer overflow project in the City of Cumberland, Maryland	350,000
94. MD	Combined sewer overflow project in the City of Frostburg, Maryland	500,000
95. MD	Combined sewer overflow project in the City of Westernport, Maryland	500,000
96. MD	Greenmount Interceptor sewer improvement project in the City of Baltimore, Maryland	1,000,000
97. MD	Port Tobacco, MD Port Tobacco Watershed Water and Wastewater Infrastructure Improvements	200,000
98. MD	Sewer line repair project in the City of Emmitsburg, Maryland	150,000
99. MD	Wastewater lagoon repair in the City of Funkstown, Maryland	150,000
100. ME	Wastewater treatment project in the Town of Machias, Maine	500,000
101. ME	Waterline extension and water system upgrade project in the Town of Dover-Foxcroft, Maine	472,000
102. MI	Combined sewer overflow control program for the City of Port Huron, Michigan	1,000,000
103. MI	Detroit, MI Far Eastside Water and Wastewater Infrastructure Improvement Project	1,500,000
104. MI	North-East Relief Sewer [NERS] project in Genesee County, Michigan	250,000
105. MI	Oakland County, MI Evergreen-Farmington Sanitary Sewer Overflow Control Demonstration Project	2,000,000
106. MI	Public sewer system improvements in the City of Northport, Michigan	250,000
107. MI	Regional wastewater treatment system improvements in Eastern Calhoun County, Michigan	225,000
108. MI	Rouge River CSO, SSO Wet Weather demonstration project in Wayne County, Michigan	500,000
109. MI	Sewage treatment program in Traverse City, Michigan	150,000
110. MI	Sewer plant improvements in the City of Saginaw, Michigan	250,000
111. MN	Construction of a new wastewater treatment plant in the City of Willmar, Minnesota	500,000
112. MN	Minneapolis, MN Combined Sewer Overflow Program	1,500,000
113. MN	Sanitary management district of Crow Wing County, Minnesota	500,000
114. MN	Western Lake Superior Sanitary District in the City of Duluth, Minnesota	500,000
115. MO	Expansion of the Clarence Cannon Wholesale Water Commission treatment Plant in Missouri	500,000
116. MO	Springfield, MO Wastewater System improvements	1,200,000
117. MO	St. Louis, Missouri Combined Sewer Overflow Project	1,000,000
118. MO	Wastewater improvements project in the City of Seneca, Missouri	850,000

State	Project name	Amount
119. MS	Drinking water and wastewater treatment improvements project in the Chipley area in the City of Pascagoula, Mississippi	747,000
120. MS	Regional wastewater program in DeSoto County, Mississippi	500,000
121. MS	Wastewater infrastructure evaluation and repair project in the City of Ridgeland, Mississippi	500,000
122. MS	Wastewater system rehabilitation for the West Rankin Water Authority in Mississippi	2,000,000
123. MS	Wastewater treatment facilities improvements in the City of Pontotoc, Mississippi	1,200,000
124. MS	Wastewater treatment improvements in the City of Brookhaven, Mississippi	1,000,000
125. MS	Wastewater treatment improvements in the City of Flowood, Mississippi	500,000
126. MS	Wastewater treatment improvements project in Wheeler, Mississippi	750,000
127. MS	Water and sewer infrastructure project in Forrest County, Mississippi	700,000
128. MS	Water and sewer infrastructure project in the City of Biloxi, Mississippi	1,000,000
129. MS	Water and sewer infrastructure project in the Town of McLain, Mississippi	250,000
130. MT	Drinking water system upgrades in the City of Belgrade, Montana	750,000
131. MT	Havre, MT Rocky Boy's/North Central Montana Regional Water System	1,000,000
132. MT	Wastewater treatment improvements in the Pablo/Lake County Water and Sewer District, Montana	500,000
133. MT	Wastewater treatment improvements in the Seeley Lake Sewer District, Montana	1,000,000
134. MT	Wastewater treatment improvements in the Town of St. Ignatius, Montana	750,000
135. MT	Wastewater treatment improvements in the Wisdom Sewer District, Montana	500,000
136. MT	Wastewater treatment plant improvement project in the City of Bozeman, Montana	170,000
137. MT	Water system infrastructure improvements in the City of Helena, Montana	2,250,000
138. NC	Anson County, NC Raw Water Intake Project	1,000,000
139. NC	Brightwater, NC Water and Wastewater Infrastructure Improvements (water distribution system) (grantee is City of Hendersonville)	587,000
140. NC	Cedar Grove, NC Cedar Grove Waterline Project	253,000
141. NC	Charlotte, NC Providence Road Water Line project	1,000,000
142. NC	Haywood County, NC Water and Wastewater Infrastructure Improvements (Town of Clyde 500k, Canton 500k)	1,000,000
143. NC	Kannapolis, NC Groundwater Storage Tank & Fire Pump System	500,000
144. NC	Mitchell County, NC Ledger Community Water and Wastewater Infrastructure Improvements	500,000
145. NC	Moore County, NC North West Moore Water District Water and Wastewater Infrastructure Improvements	500,000
146. NC	Sylva, NC Jackson County Water and Wastewater Infrastructure Improvements	500,000
147. NC	Wake County, NC Jordan Lake Water and Wastewater Infrastructure Improvements	1,500,000
148. NC	Wilson, NC Wilson Wastewater Infrastructure Program	1,000,000
149. NC/VA	Sparta, NC & Independence, VA Virginia Carolina Water Authority Water and Wastewater Infrastructure Improvements	1,000,000
150. ND	Drinking water distribution improvements for the North Central Rural Water Consortium, North Dakota	250,000
151. ND	Regional drinking water infrastructure expansion for the Towns of Hankinson, Wyndemere, LaMoure, and Oakes, North Dakota (Southeast Area)	300,000
152. ND	Regional water treatment facility improvements in the City of Washburn, North Dakota	700,000
153. ND	Regional water treatment facility infrastructure in the City of Riverdale, North Dakota	500,000
154. ND	Rural water district infrastructure improvements in Walsh County, North Dakota	250,000
155. ND	Wastewater treatment facility upgrades in the City of Lakota, North Dakota	300,000
156. ND	Water and sewer improvement projects in the City of Crosby, North Dakota	250,000
157. ND	Water infrastructure improvements in the City of Devils Lake, North Dakota	500,000
158. ND	Water treatment plant regulatory improvements in the City of Grafton, North Dakota	725,000
159. NE	Combined sewer separation projects in the City of Omaha, Nebraska	500,000
160. NE	Water and wastewater infrastructure improvements in the City of Lincoln, Nebraska	500,000
161. NH	Combined sewer overflow separation project in the City of Manchester, New Hampshire	500,000
162. NH	Exeter, NH Water and Wastewater Infrastructure Improvements	1,000,000
163. NH	Waterworks Project in the City of Berlin, New Hampshire	500,000
164. NJ	$250,000 for the Rahway City Sanitary Sewer I&I, and $250,000 for the Rahway Valley Sewerage Authority	500,000
165. NJ	Bergen County, NJ Bergen County Wastewater Infrastructure Improvements	1,000,000
166. NJ	Passaic Valley, NJ Passaic Valley Sewerage Commission Combined Sewage Overflow Project	2,500,000
167. NJ	Stormwater infrastructure improvements at Farnham Park in the City of Camden, New Jersey	500,000
168. NM	Construction of a wastewater treatment system in Kirtland, New Mexico	1,000,000
169. NM	Village of Tijeras, NM Phase III Water System	952,000
170. NM	Wastewater and drinking water improvements project for the Albuquerque/Bernalillo Water Utility Authority in New Mexico	1,000,000
171. NM	Wastewater collection, treatment, and disposal system in the Town of Edgewood, New Mexico	1,000,000
172. NM	Wastewater project in the City of Belen, New Mexico	1,000,000
173. NM	Water project in the City of Las Cruces, New Mexico	1,000,000
174. NV	Henderson, NV Southwest Wastewater Treatment Plant	1,000,000
175. NV	Searchlight sewer system upgrades/Clark County Reclamation District improvement project in Nevada	650,000
176. NV	Water and wastewater infrastructure improvements for the Marlette/Hobart water system in Carson City, Nevada	50,000
177. NV	Water infrastructure improvements for the North Lemmon Valley Artificial Recharge Project in North Lemmon Valley, Nevada	150,000
178. NV	Water infrastructure improvements in Douglas County, Nevada	400,000
179. NY	Ballston Spa, NY Saratoga County Water Treatment and Transmission Facilities	3,000,000
180. NY	Cayuga County, NY Village of Fairhaven Wastewater Infrastructure Improvements	750,000
181. NY	Corning, NY Water and Wastewater Infrastructure Improvements	750,000
182. NY	Dunkirk, NY Chadwick Bay West End Water and Wastewater Infrastructure Improvements	400,000
183. NY	Monroe County Water Authority Eastside Water Treatment Project Water and Wastewater Infrastructure Improvements	2,000,000
184. NY	Mt. Pleasant, NY Stormwater Infrastructure Improvements	138,000
185. NY	Saugerties, NY Saugerties Water and Wastewater Infrastructure Improvements	2,100,000
186. NY	Stormwater restoration project in the Town of North Hempstead, New York	1,000,000
187. NY	Water and sewer extension project in the Town of Bethel, New York	1,000,000
188. OH	Canal Winchester, OH Village of Canal Winchester Water Treatment Plant Expansion	500,000
189. OH	Construction of a sewer collection and treatment system in the Village of Higginsport, Ohio	850,000
190. OH	Drinking water line replacement in Muskingum County, Ohio	200,000
191. OH	Galion, OH Wastewater Infrastructure Improvements	1,000,000
192. OH	Greene Community in Greene County, Ohio for wastewater and drinking water projects	150,000
193. OH	Wastewater collection and treatment system in the City of Elmira, Ohio, and the City of Burlington, Ohio	800,000
194. OH	Yellow Springs, OH Morris Bean Sanitary Sewer Connection Project	125,000
195. OK	Nicoma Park, OK Nicoma Park Water Line	200,000
196. OK	Wewoka, OK City of Wewoka Well Water Access	275,000
197. OR	Sanitary district facility upgrades in the City of Winchester Bay, Oregon	750,000
198. PA	Allegheny County Sanitary Authority for the Three Rivers Wet Weather program in Allegheny County, Pennsylvania	1,750,000
199. PA	Ambridge, PA Drinking Water Infrastructure Improvements	92,000
200. PA	Central sewer collection and treatment replacement in Tulpehocken Township, Pennsylvania	250,000
201. PA	Combined sewer overflow and flood protection project in the City of Plum Creek and Allegheny County, Pennsylvania	800,000
202. PA	Interceptor improvements project in Penn Hills, Pennsylvania	200,000
203. PA	Kingston, PA Luzerne County Combined Sewer Overflow	1,000,000
204. PA	Pen Argyl Borough, PA Wastewater Treatment Plant	100,000
205. PA	Philadelphia, PA Southeastern Pennsylvania Waterways Restoration Stormwater Infrastructure Improvements	695,000
206. PA	Pleasantville, PA Borough of Pleasantville Water System Improvements	300,000
207. PA	Public sewer service extensions in Menallen Township, Pennsylvania	250,000
208. PA	Sewer improvement project in the Borough of Archbald, Pennsylvania	750,000
209. PA	Storm sewer pipe construction in Millcreek Township, Pennsylvania	250,000
210. PA	Stormwater infrastructure improvements project in the Borough of Pottstown, Pennsylvania	250,000
211. PA	Tarentum, PA Bull Creek Flood Protection Plan	1,000,000
212. PA	Water infrastructure improvements in the City of Lancaster, Pennsylvania	500,000
213. RI	Cumberland, RI Cumberland Drinking Water Infrastructure Improvements	500,000
214. RI	New water storage tank in the Town of Westerly, Rhode Island	875,000
215. RI	Water infrastructure improvements in the City of Cumberland, Rhode Island	500,000
216. RI	Water infrastructure improvements in the City of North Smithfield, Rhode Island	200,000
217. SC	Construction of the Maple Creek Water Treatment Plant for the Greer Commission of Public Works in Greer, South Carolina	500,000
218. SC	Myrtle Beach, SC Storm Water Management System	615,000
219. SC	Olar, SC Olar and Govan Regional Water System	733,000
220. SD	Water and wastewater master plan development in Rapid City, South Dakota	800,000
221. SD	Water infrastructure improvements in the City of Springfield, South Dakota	180,000
222. TN	East Tennessee Development District Water and Wastewater Infrastructure Improvements (Jefferson City 700k, Norris 300k, Cumberland Gap 250k, Jefferson County 300k).	1,550,000
223. TN	Lake Tansi Sewer Project in Cumberland County, Tennessee	1,000,000
224. TN	Southeast Tennessee Development District Water and Wastewater Infrastructure Improvements (Cleveland 550k, Ducktown 150k, Spring City 250k)	950,000
225. TN	Watauga River Regional Water Authority in Carter County, Tennessee	1,000,000
226. TN	West End water and wastewater infrastructure project in Oak Ridge, Tennessee	1,000,000
227. TX	Fresno/Arcola, TX Fort Bend County Water and Wastewater Infrastructure Improvements	2,000,000
228. TX	Liberty Hill, TX Liberty Hill Wastewater Treatment Facilities and Collection System	365,000
229. TX	Lorena, TX City of Lorena Wastewater Treatment Plant	350,000
230. TX	Richmond/Rosenberg, TX West Fort Bend County Regional Water System	570,000
231. TX	Sewer overflow prevention project in the City of Austin, Texas	500,000

State	Project name	Amount
232. UT	Arsenic and perchlorate removal project in Magna, Utah	700,000
233. UT	Construction of a drinking water nitrate remediation plant for Centerfield, Utah, and Mayfield, Utah	1,500,000
234. UT	Drinking water and stormwater infrastructure improvements in Sandy City, Utah	1,000,000
235. UT	Wastewater treatment plant in Eagle Mountain, Utah	500,000
236. UT	Water infrastructure improvements for Judge Tunnel in Park City, Utah	300,000
237. VA	Alexandria, VA Four Mile Run Restoration	1,500,000
238. VA	Construction of wastewater treatment facilities expansion in Lee County, Virginia	500,000
239. VA	Hanover County, VA Water and Wastewater Infrastructure Improvements	682,000
240. VA	Henry County, VA Henry County Water System Connector to Pittsylvania County	110,000
241. VA	National Capital Region, VA, MD, DC Real-Time Drinking Water Distribution Security Monitoring	521,000
242. VA	Wastewater treatment infrastructure improvements project in the Town of Onancock, Virginia	500,000
243. VT	Wastewater treatment project in the Town of Pownal, Vermont	1,000,000
244. VT	Water treatment projects in the Town of Waitsfield, Vermont	1,000,000
245. WA	Carnation, WA City of Carnation Sewer Collection and Conveyance System	1,000,000
246. WA	Groundwater remediation project in North Clark County, Washington	500,000
247. WA	Hood Canal, WA Lower Hood Canal Wastewater Collection and Treatment System	5,000,000
248. WI	Metropolitan sewage district interceptor system program in the City of Milwaukee, Wisconsin	800,000
249. WI	Park Falls, WI Water and Wastewater Infrastructure Improvements (wells, pumphouse, water main)	1,000,000
250. WI	Pittsville, WI Wastewater Treatment Plant/Water and Wastewater Infrastructure Improvements	1,900,000
251. WI	Radionuclide standard drinking water project in the City of Waukesha, Wisconsin	800,000
252. WI	Rhinelander, WI Water and Wastewater Infrastructure Improvements (well, pumphouse, water main, storm sewer)	1,000,000
253. WV	Beckley, WV Piney Creek Interceptor Sewer Replacement Project	1,000,000
254. WV	Canaan Valley, WV Canaan Valley Decentralized Wastewater System	1,000,000
255. WV	Mineral County, WV Lakewood Wastewater Treatment Facility	220,000
256. WV	Spencer, WV Spencer Water and Wastewater Infrastructure Improvements	1,000,000
257. WY	Wastewater treatment plant improvements project in the City of Cheyenne, Wyoming	1,000,000
Total		200,000,000

Categorical Grants.—In categorical grants, there are increases of $1,000,000 for section 106 pollution control grants, $1,856,000 for targeted watershed grants, and $1,200,000 for wastewater operator training, and decreases of $934,000 for hazardous waste financial assistance, $1,772,000 for section 319 nonpoint source grants, $5,500,000 for section 106 water quality monitoring grants, $854,000 for public water system supervision, $600,000 for radon, $15,000,000 for water quality cooperative agreements, and $1,000,000 for wetlands program development.

Rescission.—The conference agreement modifies rescission language proposed by the House and the Senate and rescinds $80,000,000 from expired grants, contracts and interagency agreements instead of a rescission of $100,000,000 as proposed by the House and a rescission of $58,000,000 as proposed by the Senate. Although this language appears under the State and Tribal Assistance Grants heading, it applies to all EPA appropriation accounts. The conference agreement does not direct the rescinded funds to the clean water State revolving fund as proposed by the House nor does the language reference an April 2005 review by the Government Accountability Office as proposed by the House.

Other Bill Language.—Language is included making permanent the prohibition, proposed by the Senate, on the use of funds from the drinking water State revolving fund for health effects studies on drinking water contaminants. The managers note these studies are, and should continue to be, funded under the science and technology account.

Language is included, as proposed by the Senate, providing direction on the distribution of funds to address drinking water and wastewater infrastructure needs of Alaska Native villages.

Language proposed by the House referencing special project grants is included with a technical modification.

There is no earmark for the Fortuna Radar Site as proposed by the Senate.

Language is included making permanent the authority, proposed by the Senate, for States to transfer funds between the clean water and drinking water revolving funds.

Language is not included, which was proposed by the House, stipulating that special project funding from fiscal year 2000 or earlier that is not obligated on an approved grant by the end of fiscal year 2006 will be transferred to the appropriate State revolving fund. Instead, such funds that are not obligated on approved grants by September 1, 2006, are included in the rescission referenced above.

Language is not included, which was proposed by the House, providing for the transfer of excess funds after completion of special project grants to the appropriate State revolving fund. Instead such funds are included in the rescission referenced above.

Language is not included, which was proposed by the House, transferring funds from projects that are determined to be ineligible for a grant to the appropriate State revolving fund. The managers expect EPA to keep the House and Senate Committees on Appropriations apprised of grants that are determined to be ineligible.

Language is included making permanent the authority, proposed by the House, for EPA to make technical corrections to special project grants. The Senate had similar language but used the phrase ''notwithstanding any other provision of law''; whereas the House language and the language adopted in the conference agreement uses the phrase ''notwithstanding this or previous appropriations Acts''.

The conference agreement includes a minor technical correction to the school bus retrofit language.

The managers agree to the following:

1. Within the funds provided for the United States-Mexico border program, $4,000,000 is for the El Paso Utilities Board and $3,000,000 is for the City of Brownsville water supply project.

2. Within the categorical grant targeted watersheds program, $6,000,000 is for a regional pilot program for the Chesapeake Bay as described in Senate Report 109– 80.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language proposed by the House regarding an exception to CERCLA relating to the qualifying date for brownfields grants or loans. The House had a single year provision. The Senate proposed to make this provision permanent.

Language is not included, which was proposed by the Senate, providing permanent authority for the use of brownfields grant funding for administrative expenses.

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

Section 201 modifies language, proposed by the Senate in sections 201 and 202 and by the House in section 434, dealing with human dosing studies. The managers note the many concerns expressed on both the House and Senate floors with respect to intentional human toxicity dosing studies relied upon by the EPA in reviewing applications for pesticide approvals. Concern is particularly acute for pregnant women, fetuses, and children. The managers believe this is a very serious issue that needs to be addressed by EPA as soon as possible. The managers have included statutory language that prohibits the EPA from accepting, considering, or relying on third party intentional dosing human toxicity studies for pesticides until EPA issues a final rulemaking addressing such studies. The language also requires EPA to provide for at least a 90–day public comment period on its proposed rule and to issue the final rule no later than 180 days after enactment of this Act. Such rule shall not permit the use of pregnant women, infants or children as subjects; shall be consistent with the principles proposed in the 2004 report of the National Academy of Sciences on intentional human dosing and the principles of the Nuremberg Code with respect to human experimentation; and shall establish an independent Human Subjects Review Board.

Section 202 includes the text of Senate section 435 prohibiting the use of funds in contravention of Executive Order 12898 dealing with environmental justice. The House had a similar provision in section 432 of the House bill. The Senate provision that is included in the conference agreement includes a reference to the date of the Executive Order and to the Federal Register notice in which it was published.

Section 203 includes the text of House section 433 prohibiting the use of funds to finalize, issue, implement, or enforce the existing EPA wastewater blending policy.

Section 204 includes the text of Senate section 436 prohibiting the use of funds in contravention of 15 U.S.C. 2682(c)(3), dealing with lead-based paint, or to delay implementation of that provision of law.

Section 205 includes language, as proposed by the Senate under Administrative Provisions for the EPA, prohibiting the use of funds to publish proposed or final regulations relating to certain small engines required by section 428(b) of division G of Public Law 108–199 until the Administrator has completed and published a technical study of safety issues, including the risk of fire and burn to consumers.

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $283,094,000 for forest and rangeland research instead of $285,000,000 as proposed by the House and $280,892,000 as proposed by the Senate. The forest inventory and analysis program is provided $60,267,000 instead of $62,100,000 recommended by the House and $58,434,000 recommended by the Senate; this is an increase of $4,341,000 above the fiscal year 2005 level. The managers agree to the following changes to recommendations that were proposed by the House:

Project or activity	Conference recommendation: Change from House	Conference recommendation: Project total
Fixed costs	−3,000,000	$3,177,000
Forest inventory and analysis	−1,833,000	60,267,000
Advanced wood structure research	0	1,500,000
Adelgid research NE station	0	1,600,000
Emerald ash borer research in Ohio	0	400,000
Southern pine beetle initiative	0	2,400,000
Coweeta, flood and landslide research	0	200,000
Coweeta, technology transfer, NC	−150,000	296,000
Bent Creek, technology transfer, NC	150,000	150,000
Joe Skeen Inst. Montana St. Univ.	350,000	350,000
Center for bottomlands hardwoods, MS	500,000	500,000
Forest Products Laboratory salvage lumber, WI	700,000	700,000
NE States research cooperative	350,000	2,322,000
Hydrology studies at Starkville, MS	500,000	500,000
Baltimore urban watershed, MD	100,000	197,000
Flood modeling, Fernow Expt. Forest, WV	227,000	227,000
NE Station land use decision models	200,000	200,000

The managers also agree to the following:

1. The funding provided for advanced wood structure research should be used for merit-based work by the Forest Products Laboratory and cooperators, including members of the advanced housing research consortium. This replaces recommendations made by both the House and the Senate.

2. The managers do not support the proposal to close the research work unit in Morgantown, WV and direct the Service to maintain funding near the fiscal year 2005 level for work unit RWU NE–4751.

3. The managers direct the Forest Service to continue working with the USDA Cooperative State Research, Education, and Extension Service to administer the program with the Joe Skeen Institute for Rangeland Restoration at Montana State University.

4. The Forest Service should ensure that all research facility managers understand how to comply fully with Congressional allocations in a timely manner.

5. The managers support efforts by the Forest Products Laboratory in Madison, Wisconsin, to prioritize its wood products research programs and urge the Forest Service to work with industry partners and research users to develop a comprehensive, agency-wide wood products research plan to guide future investment at the Laboratory.

STATE AND PRIVATE FORESTRY

The conference agreement provides $283,577,000 for State and private forestry instead of $254,875,000 as proposed by the House and $254,615,000 as proposed by the Senate. Funding levels for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides $54,236,000 for Federal lands forest health management instead of $55,000,000 as proposed by the House and $50,023,000 as proposed by the Senate. The conference agreement includes $47,629,000 for cooperative lands forest health management instead of $48,000,000 as proposed by the House and $22,608,000 as proposed by the Senate. The change from the House recommendation is the addition of $300,000 for the Vermont forest monitoring cooperative as proposed by the Senate, and a general reduction of $671,000.

Cooperative Fire Assistance.—The conference agreement includes $33,422,000 for State fire assistance instead of $35,422,000 as proposed by the House and $26,500,000 as proposed by the Senate. This allocation includes $2,500,000 as proposed by the House for urgent work near the San Bernardino National Forest, and a general program decrease of $2,000,000 below the House level.

The conference agreement includes $6,000,000 for volunteer fire assistance as proposed by both the House and the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes $34,699,000 for forest stewardship instead of $37,399,000 as proposed by the House and $32,320,000 as proposed by the Senate. Changes from the House recommendations include a general decrease of $2,500,000 and a decrease of $200,000 for land use decision models. Funding for this last project is included within the research account.

Forest Legacy Program.—The conference agreement includes $57,380,000 for the forest legacy program instead of $25,000,000 as proposed by the House and $62,632,000 as proposed by the Senate. These funds are derived from the Land and Water Conservation Fund. The conference agreement includes the following distribution of funds for the forest legacy program:

State and Project	*Conference*
HI Wao Kele o Puna	$3,400,000
TN Walls of Jericho	1,900,000
MA Quabbin Corridor Connection	2,500,000
ME Katahdin Ironworks	4,500,000
WA Cedar Green Forest	2,000,000
PA History of Forestry	2,300,000
WA Carbon River Forest	1,630,000
CA Baxter Ranch	1,000,000
MT North Swan River Valley	2,800,000
DE Green Horizons	2,000,000
ME Machias River Project Phase II	1,500,000
CT Skiff Mountain	1,200,000
CA Six Rivers to the Sea Phase II	1,000,000
GA Altamaha River Corridor	2,000,000
NY Adirondack Working Forest Easement	1,000,000
UT Cedar Project #3	1,500,000
WV Potomac River Hills	1,300,000
VT Green Mountain Wildlife Corridor	700,000
NJ Sparta Mountain South	1,800,000
MT Nevada Creek-Blackfoot Phase II	1,400,000
ID Singleton Kilgore	650,000
MI Kamehameha School Land Conservation Easement	2,000,000
IN Land Bridge	550,000
KY Knobs State Forest and Wildlife Management Area	1,750,000
USVI Annaly Bay/Hermitage Valley	500,000
WI Wolf River	1,000,000
CO Banded Peaks Ranch Phase II	1,500,000
ID St. Joe Basin/Mica Creek	1,500,000
UT Range Creek/Rainbow Glass Ranch	750,000
NH Rossview	2,000,000
AK Agulowak River	600,000
NM Horse Springs	1,250,000
MN Brainerd Lakes Forest Legacy	800,000
VA New River Corridor	230,000
RI Bugnet Tract	600,000
MD Broad Creek	1,000,000
PR The Gutierrez Project	150,000
IA Monona	320,000
NH Willard Pond	550,000
GA Paulding County	250,000
Use of prior year funds	−3,000,000
Forest Legacy Program Administration, Acquisition Management, and Assessment of Need Planning	5,000,000
Total, Forest Legacy	57,380,000

The conference agreement retains bill language proposed by the House requiring notification of the Committees on Appropriations when the Forest Service makes funds available for specific forest legacy projects.

Urban and Community Forestry.—The conference agreement includes $28,875,000 for the urban and community forestry program instead of $28,175,000 as proposed by the House and $28,675,000 as proposed by the Senate. Changes from the House recommendation for this activity include Senate proposals of $350,000 for the Chicago, IL greenstreets program, $350,000 for the Milwaukee, WI tree planting program, a $150,000 for the urban watershed forestry research and demonstration cooperative in Baltimore, MD, and an $150,000 general program decrease.

Economic Action Programs.—The conference agreement includes $9,679,000 for the economic action programs instead of $7,979,000 as proposed by the House and $14,200,000 as proposed by the Senate. The conference agreement includes the funding recommended by the House, with the following changes: $1,500,000 for fuels in schools program in Montana; $500,000 for the Hinkle Creek watershed study in Oregon; $300,000 for the University of Idaho, Mica Creek study; $350,000 for the northern forests partnership program as recommended by the Senate; $500,000 for the Purdue University hardwood scanning center, IN; $400,000 for the wood enterprise agent in Montana; $500,000 for the private landowner database in Washington; $750,000 for the Hubbard Brook Foundation, NH; $400,000 for the Ketchikan, AK, wood technology center; $1,000,000 for Madison County, NC, forest recreation center; and $500,000 for the Folkmoot USA in Haywood County, NC for programs and outreach highlighting Appalachian forest folk crafts. The conference agreement includes bill language concerning direct payments for Madison County, NC and Folkmoot USA, NC. Funding for biomass utilization grants are not included under this activity; instead, the conference agreement follows the Senate recommendation to fund that activity within the wildland fire management appropriation.

Forest Resource Information and Analysis.—The conference agreement includes $4,657,000

for forest resource information and analysis as proposed by the Senate instead of $5,000,000 as proposed by the House.

International Program.—The conference agreement includes $7,000,000 for the International program as proposed by the Senate instead of $6,900,000 proposed by the House.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $1,424,348,000 for the national forest system instead of $1,417,920,000 as proposed by the House and $1,377,656,000 as proposed by the Senate.

Funds should be distributed as follows:

Land management planning	$59,057,000
Inventory and monitoring	170,179,000
Recreation, heritage & wilderness	265,200,000
Wildlife & fish habitat management	134,850,000
Grazing management	49,000,000
Forest products	284,297,000
Vegetation & watershed management	184,050,000
Minerals and geology management	85,865,000
Landownership management	93,000,000
Law enforcement operations	89,200,000
Vales Calderas National Preserve, NM	5,150,000
Centennial of Service challenge	4,500,000
Total	1,424,348,000

The following discussion describes funding changes from the House passed bill.

Land Management Planning.—The conference agreement provides funding as recommended by the House; funds are not provided for environmental training as recommended by the Senate.

Inventory and Monitoring.—The agreement includes the House recommendation, plus Senate recommendations of $1,000,000 for the Stennis Space Center, MS, and $170,000 for the Fernow experimental forest hydrology study, WV.

Recreation, Heritage, and Wilderness Management.—The conference agreement provides funding as recommended by the House.

Wildlife and Fish Habitat Management.—The conference agreement provides funding as recommended by the House plus an increase above the House level of $50,000 for the Batten Kill river project, VT, bringing the total for this project to $250,000. In addition, the managers direct the Forest Service to support the grizzly bear study in the Flathead NF and surrounding area with $125,000 out of base funds to be used for tracking collars.

Grazing Management.—The conference agreement provides funding as recommended by the House. The managers replace the Senate recommendations concerning grazing management to encourage the Forest Service and the BLM to modify stocking levels in a manner consistent with the local range conditions, considering that there have been improvements in moisture conditions in some western States. The Service and the BLM should use credible range condition monitoring data from professional range conservationists employed by State or county governments or universities.

Forest Products.—The conference agreement provides funding as recommended by the House with the addition of $1,000,000 above the House level for the Tongass NF, AK. The managers agree to the Senate proposed earmark in bill language of $5,000,000 for Tongass national forest timber sales preparation.

The managers replace the Senate recommendations concerning performance management systems with instructions included under the administrative provisions heading to clarify that the performance management system needs to include all Forest Service officials and programs.

The managers modify the Senate recommendations concerning a stewardship contract in New Mexico. The Service is expected to develop and begin implementing by June 1, 2006, one or more large stewardship contracts that are at least 10,000 acres, to be on the Lincoln NF, NM. The Service should work with the Mescalero Apache Tribe and the New Mexico State Forester to assure the stewardship contract is drafted so that lands on the Lincoln NF are treated, and the Service should work with this tribe to assist them at developing a stewardship proposal.

Vegetation and Watershed Management.—The conference agreement provides funding as recommended by the House with the addition of $350,000 above the House level for the leafy spurge eradication program in North Dakota.

Minerals and Geology Management.—The conference agreement provides funding as recommended by the House.

Landownership Management.—The conference agreement provides funding as recommended by the House.

Law Enforcement operations.—The conference agreement decreases the House recommendation for the Daniel Boone NF antidrug effort by $100,000, leaving a total of $900,000. Similar work on the Mark Twain NF is reduced by $200,000, leaving a total of $500,000. In addition, $500,000 is provided for the Spring Mountains NRA, NV emergency warning system, and there is a general program decrease of $2,000,000 below the House recommendation. The managers note that the Administrative provisions include bill language recommended by the House and the Senate concerning the transfer of funds for various overhead charges affecting the law enforcement operations activity.

Valles Caldera National Preserve.—The managers have put all funding for the Valles Caldera National Preserve, NM, in the national forest system account to facilitate management of this activity; this includes the $3,650,000 the Senate recommended in this account plus an additional $1,500,000 the Senate recommended in the capital improvement and maintenance account.

Other.—The conference agreement provides that the Land Between the Lakes NRA, TN and KY, should be funded from various accounts at least at the budget request level of $8,400,000. The general reduction to the national forest system account passed on the House floor is not included.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $1,779,395,000 for wildland fire management instead of $1,790,506,000 as proposed by the House and $1,745,531,000 as proposed by the Senate.

Wildfire Preparedness.—The agreement includes $676,014,000 for preparedness as proposed by the Senate instead of $691,014,000 as proposed by the House. The managers reiterate the direction contained in the House and Senate reports regarding the need to maintain the level of fire readiness established in fiscal year 2005.

Wildfire Suppression Operations.—The conference agreement includes $700,492,000 for suppression operations as proposed by both the House and the Senate. The managers have provided the full amount of the ten year average cost of wildfire suppression increased for inflation, an increase of $51,633,000 above the fiscal year 2005 funding level.

The managers have modified bill language recommended by the House concerning assessing the suppression activity for indirect costs in a manner the same as all other Forest Service accounts and programs. The managers direct that all programs be treated similarly so they can contribute their fair share to the costs of administering and running the Service. The managers do not agree with the House recommendation concerning the second bullet in the budget appendix.

The conference agreement does not include bill language recommended by the Senate dealing with the transfer of unobligated balances to the national forest system account. The managers agree with the House recommendation that the Forest Service should not automatically allocate 50% of the wildland fire suppression funds to all the regions at the beginning of the year, and there should not be a transfer of any unobligated suppression funds for non-suppression activities. If the Service has a low-cost wildfire season, the unobligated funds should be carried over to pay for future seasons when it is likely that catastrophic wildfires will occur again.

The managers encourage the Forest Service to establish a suitable memorial for the two brave firefighters who lost their lives July 22, 2003, at the Cramer fire near Salmon, ID.

The managers direct the Forest Service to make available for public review the results of any feasibility study conducted for the purpose of determining whether to acquire specific models of aircraft for use as air tankers.

Other Wildfire Operations.—The conference agreement includes $402,889,000 for other fire operation activities instead of $399,000,000 as proposed by the House and $369,025,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	*Amount*
Hazardous fuels	$286,000,000
Rehabilitation & restoration	6,281,000
Research & development	23,219,000
Joint fire science	8,000,000
Forest health management-Federal	15,000,000
Forest health management-cooperative	10,000,000
State and community fire assistance	46,500,000
Volunteer fire assistance	7,889,000
Total other wildfire operations	402,889,000

Hazardous fuels.—The conference agreement includes $286,000,000 for hazardous fuels treatments as proposed by the House, an increase of $23,461,000 over the fiscal year 2005 level. This allocation includes the House proposed $5,000,000 for the San Bernardino NF, CA, and the Senate proposed $1,500,000 for the Santa Fe watershed, NM, and $5,000,000 as proposed by the Senate for biomass utilization grants. The House had recommended the biomass grants funding within the State and private forestry account.

The conference agreement includes the Senate recommended bill language concerning the use of $5,000,000 for the Community Forest Restoration Act and allowing a transfer for the biomass grants.

The managers direct the Secretary of Agriculture to report to the House and Senate Committees on Appropriations, the House Agriculture and Resources Committees, and the Senate Energy and Natural Resources Committee on the percentage of fuels reduction or restoration contracts that provide small diameter material to micro businesses, large commercial sawmills, or biomass facilities.

Rehabilitation.—The conference agreement includes $6,281,000 for rehabilitation and restoration activities. The managers direct that

$2,000,000 be made available to the native plant materials program to be used in conjunction with the similar effort at the Department of the Interior under the joint guidance of the interagency plant conservation alliance.

Fire plan research and development.—The conference agreement includes $23,219,000 for research and development activities. Changes from the House proposal include an increase of $1,150,000 for the University of Montana landscape fire analysis center and $350,000 for the University of Idaho FRAMES project.

Federal and cooperative forest health management.—The conference agreement includes $15,000,000 for Federal forest health activities and $10,000,000 for cooperative forest health activities as proposed by the House.

State fire and volunteer fire assistance.—The agreement includes $46,500,000 for State and community fire assistance. Changes from the House recommendation include increases of $2,100,000 for the Alaska Kenai Peninsula Borough, $1,200,000 to the Municipality of Anchorage, $800,000 for Fairbanks North Star borough, AK, $1,100,000 for the Matanuska-Susitna Borough, AK, and $300,000 for the Alaska, Cook Inlet tribal council. Senate instructions on distribution of these funds should be followed by the Service.

The managers direct the Forest Service, working with the State foresters, to review the current State fire assistance allocation methodology for the funding provided under the wildland fire management appropriation and recommend appropriate changes. The State fire assistance under this heading should not be considered the same as the traditional funding in the State and private forestry account. Funding under this heading is intended to support the national fire plan. The managers encourage the Service and the States to focus this funding to those States and activities that the National fire plan suggests are most critically needed to reduce the danger of catastrophic wildfires, rewarding those States with demonstrated performance and cost share. Community wildfire protection planning and cooperative hazardous fuels reduction activities should be highlighted. The Forest Service shall prepare a report to the House and Senate Committees on Appropriations before implementing any new allocation methodology.

The volunteer fire assistance allocation is $7,889,000 as proposed by the Senate.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $441,178,000 for capital improvement and maintenance instead of $468,260,000 as proposed by the House and $409,751,000 as proposed by the Senate. This is a reduction of $73,523,000 below the fiscal year 2005 nonemergency funding level. The conference agreement provides for the following distribution of funds:

Activity/Project	*Amount*
Facilities:	
Maintenance	$51,522,000
Capital Improvement	56,194,000
Congressional Priorities:	
San Bernardino NF, CA	2,000,000
Redwood Science Lab seismic retrofit, CA	2,000,000
Meeks Bay campground, CA	778,000
Turtle Rock fire station relocation, CA	1,200,000
Cheoah ranger station, NC	900,000
Region 6 facility disposal, OR & WA	1,000,000
Allegheny NF recreation and admin sites, PA	2,600,000
Cherokee NF recreation and admin sites, TN	2,500,000
Forest Products Laboratory modernization, WI	2,000,000
Medicine Bow-Routt storage consolidation, WY & CO	1,035,000
Monongahela NF facilities, WV	950,000
Smith County lake, MS	1,000,000
Homochitto National Forest, Okhissa Lake Project, MS	1,000,000
Subtotal Facilities	126,679,000
Roads:	
Maintenance	148,066,000
Capital Improvement	68,133,000
Congressional Priorities:	
Monongahela NF road improvements, WV	2,300,000
Tongass NF, AK	4,000,000
Jarbidge Canyon road, NV	3,000,000
Subtotal Roads	225,499,000
Trails:	
Maintenance	42,000,000
Capital Improvement	30,500,000
Congressional Priorities:	
FL National scenic trail	500,000
Continental Divide Trail	1,000,000
Pacific Crest trail improvements, CA OR WA	1,000,000
Rio Sabana trail, PR	250,000
Midewin National Tallgrass Prairie, IL	750,000
Subtotal Trails	76,000,000
Infrastructure Improvement:	
Fish Passage Barriers, national program	2,000,000
Deferred Maintenance	11,000,000
Subtotal Infrastructure Improvement	13,000,000
Total, Capital Improvement and Maintenance	441,178,000

The managers agree with the overall program direction for this account provided by both the House and the Senate except funding levels and project descriptions are indicated in the table above. The conference agreement includes the bill language recommended by the Senate concerning the Jarbidge Canyon road which provides authority to transfer some funds to the Department of the Interior for certain portions of this project.

The managers are aware of the importance of modernizing the Forest Products Laboratory. As noted previously, the managers urge the Forest Service to develop an integrated wood products research plan that will guide capital investments. The managers believe that the Forest Service should also conduct a strategic review of facilities needs before modernization efforts begin. Therefore, the managers do not agree with the Senate proposal to fund the construction of a durability test facility at this time. Instead, the managers agree to the House proposal to provide $2,000,000 for the modernization effort at the Laboratory, pending completion of the recommended integrated, national planning effort for wood products research. Once this plan is completed, the managers will give full consideration to supporting the Laboratory's multi-year modernization effort.

The funds provided for the Allegheny NF include $1,000,000 for the Kiasutha campground, $500,000 for Kinzua Wolf Run Marina, $1,000,000 for the Bradford administrative site, and $100,000 for forest-wide signage improvements. The Cherokee NF funding is for the Ocoee Whitewater Center interpretive and facility upgrades, Nolichucky work center property acquisition, the Cherokee hot shot complex, and the Cleveland office relocation project.

The managers have provided $1,000,000 for environmental studies for a recreational lake in Smith County, Mississippi. The managers note, however, that a feasibility study of this project is currently underway in cooperation with the Forest Service and Mississippi State University. The managers note that conclusion of the ongoing studies regarding issues such as mineral rights and the need for condemnation of these rights is necessary to determine the feasibility of this project. If the study concludes that this project is not feasible, the managers expect that the funds provided for environmental studies will be reprogrammed for other high priority construction needs in Mississippi.

LAND ACQUISITION

The conference agreement provides $42,500,000 for land acquisition instead of $15,000,000 as proposed by the House and $44,925,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area (State)	*Amount*
Arkansas Forests, multiple NFs (AR)	$1,000,000
Blackfoot River Community Project (Blackfoot Challenge), Helena & Lolo NFs: (MT)	6,000,000
Bonneville Shoreline Trail, multiple NFs (UT)	1,500,000
Columbia River Gorge NSA, multiple NFs (OR/WA)	1,500,000
Daniel Boone NF (KY)	750,000
Delta NF (MS)	1,500,000
Goose Creek-Smith River, Six Rivers NF (CA)	1,000,000
Greater Yellowstone Area, multiple NFs (MT/ID)	1,000,000
Green Mountain NF (VT)	500,000
High Elk Corridor, White River NF (CO)	500,000
High Uintas, Wasatch-Cache NF (UT)	700,000
Hoosier Unique Areas, Hoosier NF (IN)	250,000
I–90 Corridor, Mt. Baker-Snoqualmie NF (WA)	975,000
Illinois Disappearing Habitat, Shawnee NF (IL)	250,000
Lady C Ranch, Black Hills NF (SD)	750,000
Middle Yuba-Barker Pass, Tahoe NF (CA)	500,000
Minnesota Wilderness, Chippewa/Superior NF (MN)	125,000
Pacific Crest Trail, multiple NFs (CA/OR/WA)	500,000
Selway Valley Preserve, Beaverhead/Deerlodge NF (MT)	1,000,000
Spring Hill, Helena NF (MT)	600,000
Swan Valley, Flathead NF (MT)	3,000,000
Thunder Mountain, Payette NF (ID)	1,000,000
Wayne NF (OH)	600,000
Wisconsin Wild Waterways, Chequamegon-Nicolet NF (WI)	3,000,000
Subtotal	28,500,000

Area (State)	*Amount*
Acquisition Management ..	12,500,000
Cash Equalization	500,000
Critical Inholdings/Wilderness Protection	1,000,000
Total	42,500,000

Bill Language.—The conference agreement retains language proposed by the Senate withdrawing from mineral entry or appropriation certain mining claims on the Payette National Forest.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $2,963,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $64,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,067,000 for management of national forest system lands for subsistence uses in Alaska as proposed by the Senate instead of $5,467,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers agree to the following changes to the House recommendations:

1. The Senate language is included which does not prohibit transfers for reimbursable agreements for the USDA National Information Technology center.

2. The Senate bill language allowing up to $2,500,000 for the Youth Conservation Corps projects is included.

3. The conference agreement allows up to $300,000 to be used by the National Forest Foundation for administrative expenses. The managers expect the Foundation to raise funds so this allocation can be reduced in the future.

4. The Senate language is included allowing certain authorized payments to the counties within the Columbia River Gorge National Scenic Area, WA & OR.

5. The Senate language is included allowing the Forest Service to reimburse the USDA Office of the General Counsel for certain travel expenses.

6. The Senate language is included which transfers certain land on Kodiak Island, AK, from the Forest Service to the U.S. Fish and Wildlife Service.

7. The conference agreement includes bill language not included by either the House or the Senate which allows the Forest Service to assess available funds to support the agency's needs for facilities maintenance for administrative and other buildings, but not recreation facilities.This replaces the Senate proposal within Title V which recommended establishing a working capital fund for all agency structures. The new provision allows the Forest Service to transfer up to $35,000,000 from various agency accounts, based on a fair measure of facilities maintenance needs. The managers expect that initially, the Forest Service will use the square feet of building space and the various programs use of this space as the index to establish the transfer levels. The Forest Service should devise a performance based system and need-based system to determine how to allocate assessed funds to the field. Before executing these transfers, the Forest Service shall report to the House and Senate Committees on Appropriations on the details of the proposed transfers and the methodology being used for both the assessment, and the field allocation. In addition, the Forest Service shall, as part of the normal budget justification, report on the anticipated transfers required in future fiscal years, and report on the previous year's transfers and proposed accomplishments. There should also be a display which indicates, by national forest, research station and area, the funding being allocated for facilities maintenance. The budget justification displays shall indicate, for every budget line item, the funding amount being assessed for facilities maintenance. This information should be readily visible along with each program description. The tables should also summarize the budget line item contribution to the other assessments.

8. This discussion replaces recommendations by both the House and the Senate concerning performance measures. The managers remain concerned about forest outputs and whether on-the-ground accomplishments remain a high priority for the Forest Service. The managers expect the Forest Service to maintain a performance management system that includes performance standards for line officers aggregated up to the Forest level so that forest-wide management goals can be measured against actual accomplishments for each forest. The performance standards should include clear annual measures for programs which are consistent with the output levels specified in the annual budget justification. The Forest Service needs to implement a system of internal data controls and data transparency consistent with the recommendations by the USDA–OIG March, 2005 audit. The Chief should hold agency line officers accountable for reporting accurate performance data in fiscal year 2006. The Forest Service should establish an independent review process to review the reported data. The Forest Service is directed to provide a report to the House and Senate Committees on Appropriations and the relevant House and Senate authorizing committees on this performance management system within 90 days of enactment. This report shall also be made available to the public following submission of the report to the committees noted above.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,732,298,000 for Indian health services as proposed by the House instead of $2,732,323,000 as proposed by the Senate.

Bill Language.—The conference agreement modifies language included in both the House and the Senate bills concerning the Individuals with Disabilities Education Act. The two versions contained minor technical differences. The conference agreement includes language included in the Senate bill concerning the distribution of Alaska alcohol wellness funds.

The managers are aware of Indian health care needs in the state of Nevada and expect the Service to continue to meet with the 22 tribes in Nevada, as well as the Intertribal Council of Nevada and the Intertribal Health Board of Nevada, to discuss ways to improve the delivery and quality of their health services. The managers expect the Service to report to the House and Senate Committees on Appropriations by December 31, 2005 with recommendations on how to improve secondary and tertiary care in Nevada, including facility needs and the contract health services program that can be accomplished within current budgetary levels.

INDIAN HEALTH FACILITIES

The conference agreement provides $358,485,000 for Indian health facilities instead of $370,774,000 as proposed by the House and $335,643,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Project	*Amount*
Barrow Hospital, AK	$8,000,000
Fort Belknap, MT staff quarters	3,326,000
Kayenta, AZ health center	3,878,000
Mobile dental units	2,000,000
Phoenix Indian Medical Center, AZ	8,000,000
San Carlos, AZ Health Center	6,139,000
Small ambulatory facilities	7,000,000
Subtotal	38,343,000
Other:	
Maintenance and improvement	52,404,000
Sanitation facilities	93,519,000
Facilities and environmental health support	152,959,000
Equipment	21,260,000
Total	358,485,000

Bill Language.—The conference agreement includes language proposed by the Senate authorizing the construction of a replacement health facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation. The House had no similar provision.

The managers consider the health facilities construction program to be a critical component in the provision of better health care to Native Americans and, therefore, expect that future budget submissions by the Service will include a much more aggressive schedule to fund these projects.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement provides $80,289,000 for the national institute of environmental health sciences as proposed by both the House and the Senate.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The conference agreement provides $76,024,000 for toxic substances and environmental public health as proposed by both the House and the Senate.

The managers encourage the ATSDR to continue to support the minority health professions community under its cooperative agreement activities in fiscal year 2006.

OTHER RELATED AGENCIES

Executive Office of the President

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conference agreement provides $2,717,000 for the council on environmental quality and office of environmental quality as proposed by both the House and the Senate.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $9,200,000 for salaries and expenses of the

chemical safety and hazard investigation board as proposed by both the House and the Senate.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $8,601,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $6,300,000 for payment to the institute as proposed by both the House and the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $524,281,000 for salaries and expenses of the Smithsonian Institution instead of $524,381,000 as proposed by the House and $524,135,000 as proposed by the Senate. A reduction of $100,000 from the House level has been taken from the Tropical Research Institute's study of microorganisms in tropical soils. Other changes from the House proposal for activities within this account include an increase of $500,000 to restore base funding for key outreach programs such as the travel exhibition service, fellowships and affiliations, an additional $500,000 to meet the budget request of $1,000,000 for an institution-wide collections care and preservation initiative, and a reduction of $1,000,000 from facilities maintenance to fund that activity at the amount requested in the budget.

FACILITIES CAPITAL

The conference agreement provides $100,000,000 for the facilities capital account as proposed by the Senate instead of $90,900,000 as proposed by the House. Within this amount, $9,100,000 is provided for the Asia II Trail exhibit at the National Zoological Park as proposed by the House. While supportive of this project, the managers are concerned by the high initial cost estimates and encourage the Smithsonian to look at how the exhibit might be reduced in scope or in some way phased to achieve savings. The managers also understand that an aggressive fundraising effort will be required by the Smithsonian to secure private financing, without which this project cannot be successfully completed. The conference agreement also includes an additional $9,100,000 for the POD 5 museum support center storage facility as recommended by the Senate.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement continues administrative provisions included in the House bill that place restrictions on the use of funds for the following: (1) unapproved changes to science programs; (2) the design of new or expanded facilities; (3) Holt House; and (4) the purchase of buildings. The House provision regarding reprogramming authority is included with a modification that deletes the requirement for written approval from the House and Senate Committees on Appropriations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $96,600,000 for salaries and expenses of the National Gallery of Art as proposed by the Senate instead of $97,100,000 as proposed by the House.

The managers note that language is included in Title IV—General Provisions raising the indemnity limit for art exhibitions as proposed by the Senate. The managers expect that future requests to alter the indemnity ceilings will be approved through the Office of Management and Budget and either included in the budget justification or, preferably, submitted as an official legislative proposal to, and acted upon by, the appropriate legislative committees of jurisdiction.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $16,200,000 for repair, restoration and renovation of buildings as proposed by the House instead of $15,000,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $17,800,000 for operations and maintenance of the Kennedy Center as proposed by both the House and Senate.

CONSTRUCTION

The conference agreement provides $13,000,000 for construction instead of $10,000,000 as proposed by the House and $15,200,000 as proposed by the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $9,201,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of $9,085,000 proposed by the House.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $126,264,000 for grants and administration of the National Endowment for the Arts as proposed by the Senate instead of $131,264,000 as proposed by the House.

The managers expect that the increase above the enacted level will be used to expand the American Masterpieces program by $2,000,000 and partially restore the Administration's proposed reduction to the Challenge America program by $3,000,000.

Bill Language.—The conference agreement retains bill language proposed by the Senate providing that funds appropriated for the National Endowment for the Arts be expended in accordance with sections 309 and 311 of Public Law 108–108. The House bill addressed this issue in the general provisions section.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $127,605,000 for grants and administration of the National Endowment of the Humanities as proposed by both the House and the Senate.

MATCHING GRANTS

The conference agreement provides $15,449,000 for matching grants as proposed by both the House and the Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1,893,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,250,000 for National Capital Arts and Cultural Affairs instead of $7,000,000 as proposed by the House and $7,492,000 as proposed by the Senate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $4,860,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the House instead of $4,943,000 as proposed by the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $8,244,000 for salaries and expenses of the National Capital Planning Commission as proposed by the Senate instead of $8,177,000 as proposed by the House.

The managers do not object to the Commission's participation in the GIS mapping initiative to the extent it can be supported within base funding. The increase above the enacted level is provided to meet fixed cost adjustments such as pay and utilities.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $42,780,000 for the Holocaust Memorial Museum instead of $41,880,000 proposed by the House and $43,233,000 proposed by the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $20,000,000 for the Presidio Trust Fund as proposed by the House instead of $19,722,000 as proposed by the Senate.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

The conference agreement provides $250,000 for salaries and expenses of the White House Commission on the National Moment of Remembrance as proposed by the House and the Senate.

TITLE IV—GENERAL PROVISIONS

Sec. 401. The conference agreement retains the House recommendation; there was a minor technical difference between the House and Senate versions.

Sec. 402. The conference agreement retains the Senate recommendation; the Senate version included a reference to the U.S. code not included by the House.

Sec. 403 and Sec. 404 were identical in both the House and Senate bills.

Sec. 405. The conference agreement retains the Senate recommended language that was in Senate section 405 rather than similar language the House had included in section 423. Related language dealing with assessments, which was in House section 405, is not included in the conference agreement.

Sec. 406. The conference agreement retains the Senate recommended language that was in Senate section 406 rather than similar language the House had included in section 419.

Sec. 407. The conference agreement retains the Senate recommended language dealing with giant sequoia trees rather than similar language the House had included in section 406.

Sec. 408. The House and Senate bills had identical language dealing with patents for mining, although the House had included it as section 407.

Sec. 409. The conference agreement retains the House recommended language dealing with contract support costs for the Bureau of Indian Affairs and the Indian Health Service that was in House section 408. The Senate had no similar provision.

Sec. 410. The conference agreement retains the Senate recommended language permitting the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities that was in Senate section 409 rather than similar language the House had included in section 410. The conference agreement now makes this authority permanent rather than one-year as recommended by the House.

Sec. 411. The House and Senate bills had identical language dealing with the Forest and Rangeland Renewable Resources Planning Act; it was in House section 412 and in Senate section 410.

Sec. 412. The conference agreement retains the Senate recommended language amending the Knutson-Vandenberg reforestation act, which was in Senate section 411. The House had no similar provision.

Sec. 413. The House and Senate bills had identical language dealing with Forest Service roads and trails; it was in House section 413 and in Senate section 410.

Sec. 414. The House and Senate bills had identical language dealing with telephone answering machines; it was in House section 414 and in Senate section 413.

Sec. 415. The House and Senate bills had identical language dealing with Forest Service land management planning.

Sec. 416. The conference agreement retains the Senate recommended language addressing timber sales involving Alaska western redcedar, which was in Senate section 414. The House had no similar provision.

Sec. 417. The House and Senate bills had identical language dealing with mineral leasing within national monuments; it was in section 416 of each bill.

Sec. 418. The House and Senate bills had identical language continuing a provision providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. It was in House section 418 and in Senate section 417.

Sec. 419. The conference agreement retains the Senate recommended language, which was in Senate section 418, allowing the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner. The House had no similar provision.

Sec. 420. The conference agreement retains the Senate recommended language, which was in Senate section 419, allowing the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands. The House had a similar provision in section 420 of the House bill.

Sec. 421. The House and Senate bills had identical language continuing a provision that limits the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act. It was in House section 421 and in Senate section 420.

Sec. 422. The conference agreement retains the Senate recommended language, which was in Senate section 421, limiting competitive sourcing studies by the Secretary of the Interior and the Forest Service. The House had a similar provision in section 422 of the House bill. The conference agreement now allows the Secretary of the Interior up to $3,450,000 and the Forest Service up to $3,000,000 for this work. In addition, the Secretary of Agriculture should consider the impact on wildland fire management activities when conducting competitive sourcing studies.

Sec. 423. The House and Senate bills had identical language prohibiting the transfer of funds for SAFECOM and Disaster Management projects; it was in section 424 of the House bill and section 422 of the Senate bill.

Sec. 424. The House and Senate bills had identical language requiring that contact centers associated with the national recreation reservation service be located within the United States; it was in section 425 of the House bill and section 423 of the Senate bill.

Sec. 425. The conference agreement modifies similar language extending a pilot program to enhance Forest Service administration of rights-of-way recommended by both the House and the Senate. It was in section 426 of the House bill and section 424 of the Senate bill. The language now is effective for one year.

Sec. 426. The conference agreement retains the Senate recommended language, which was in Senate section 425, extending the Forest Service's ability to enter into certain cooperative agreements with third parties that are of mutually significant benefit. The House had no similar provision.

Sec. 427. The conference agreement retains the Senate recommended language, which was in Senate section 426, amending the Arts and Artifacts Indemnity Act to raise the Federal indemnity ceilings on individual exhibitions from $600,000,000 to $1,200,000,000, and in the aggregate from $8,000,000,000 to $10,000,000,000. The House had no similar provision.

Sec. 428. The conference agreement modifies the House recommended language, which was in House section 427, extending the authority for the Service First program of the Department of the Interior and the Forest Service. The Senate had no similar provision. The authority now extends through fiscal year 2008 and also clarifies that the National Park Service and the Fish and Wildlife Service may participate, as well as the Bureau of Land Management and the Forest Service.

Sec. 429. The conference agreement retains the House recommended language concerning a land exchange in San Bernardino, CA, which was in House section 428. The Senate had no similar provision.

Sec. 430. The conference agreement retains the House recommended language continuing a previous provision concerning Finger Lakes National Forest, NY, oil and gas leasing, which was in House section 430. The Senate had no similar provision.

Sec. 431. The conference agreement modifies the Senate recommended provision, which was in Senate section 427, authorizing the Eastern Nevada Landscape Coalition to enter into agreements with the Departments of the Interior and Agriculture. The language now is effective for one year. The House had no similar provision.

Sec. 432. The conference agreement retains, with minor technical modifications, the Senate recommended language, which was in Senate section 426, amending the Valles Caldera Preservation Act. This provision requires the Secretary of Agriculture to develop a fire management plan and enter into a cooperative fire management agreement for the Valles Caldera National Preserve. The Forest Service shall also provide wildfire pre-suppression and non-emergency rehabilitation and restoration services for the Trust, which manages the Preserve, on a reimbursable basis. The House had no similar provision.

Sec. 433. The conference agreement retains the Senate recommended language, which was in Senate section 429, prohibiting the use of funds to demolish certain structures on the Zephyr Shoals property, Lake Tahoe, NV. The House had no similar provision.

Sec. 434. The conference agreement modifies the Senate recommended language, which was in Senate section 432, extending the Forest Service authority to conduct certain work on non-Forest Service land. The authority now extends for five years. The House had no similar provision.

Sec. 435. The conference agreement retains the Senate recommended language, which was in Senate section 433, setting certain conditions for the grant of a zoning variance for the property at 51 Louisiana Ave., NW, Washington D.C. The House had no similar provision.

Sec. 436. The conference agreement includes a new provision authorizing the acquisition of lands for the Chequamegon-Nicolet National Forest, WI, and directing the Secretary to maintain existing management practices on those lands.

Sec. 437. The conference agreement includes a new provision for a $5,000,000 grant to Kendall County, Illinois.

Sec. 438. Modifies section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 regarding the lands to be acquired for the Kenai Fjords interagency visitor center and the use of funds not required for land acquisition.

Sec. 439. The conference agreement includes an across the board rescission of 0.476 percent. This reduction should be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language.

The conference agreement does not include a provision in section 405 of the House bill providing for restrictions on departmental assessments unless approved by the Committees on Appropriations.

The conference agreement does not include a provision in section 409 of the House bill specifying reforms and limitations dealing with the National Endowment for the Arts.

The conference agreement does not include a provision in section 411 of the House bill providing direction to the National Endowment for the Arts on funding distribution.

The conference agreement does not include a provision in section 417 of the House bill extending the Forest Service Conveyance Pilot Program.

The conference agreement does not include a provision in section 429 of the House bill requiring a report of the expenditure of funds pursuant to the Southern Nevada Public Lands Management Act.

The conference agreement does not include a provision in section 431 of the House bill prohibiting the Fish and Wildlife Service to use land acquisition funds for the purchase of water rights in the Klamath Basin, CA.

The conference agreement does not include a provision in section 435 of the House bill limiting the number of federal employees that can be sent to international conferences.

The conference agreement does not include a provision in section 437 of the House bill prohibiting the use of funds for the sale or slaughter of wild free roaming horses and burros.

The managers have not included language proposed by the Senate in section 434 dealing with the Biscuit fire recovery but the managers would like to have a report from the Forest Service on this issue. Accordingly, by March 1, 2006 the Forest Service should submit a report to the House and Senate Committees on Appropriations (and make this report publicly available on the agency website) which discusses the following issues concerning the Biscuit fire in southern Oregon:

1. The change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision.

2. The commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area.

3. All actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

4. The Forest Service original estimate of the acres that should be reforested and the cost in dollars and per acre, including planting stock and overhead and a summary of the original schedule to do the work.

5. A summary of the initial Forest Service plan to salvage timber; including a discussion of the acres which would have been harvested and the estimated volume and value of that salvage, as well as the cost to the Federal government to develop and administer the sale and the anticipated cost to the purchasers.

6. A similar summary for the final Forest Service salvage plan.

7. A presentation and list of all of the timber sales offered and planned, including the volume, and appraised value. The presentation should indicate sales offered but not sold, and sales not yet underway. It should also separate out sales by land management regime.

The conference agreement does not include a provision in section 437 of the Senate bill expressing the sense of the Senate with regard to the national debt and funding for the global war on terror.

TITLE V—FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

The conference report modifies legislation recommended by the Senate in Title V. This provision allows the Forest Service to dispose of administrative facilities that are no longer needed and use all of the revenue to reduce the administrative-site deferred maintenance backlog. This improves the Service's ability to realign facilities to meet the needs of the workforce and the Nation. The legislation authorizes the Secretary of Agriculture to sell, lease, exchange or combine a sale and exchange of certain administrative sites the Secretary determines are no longer needed for National Forest System purposes. The legislation incorporates new authorities for streamlining regulations to facilitate the timely disposal of administrative sites and to improve the marketability of the sites. All receipts derived from the conveyance of administrative sites and facilities shall be deposited in the Sisk Act fund and remain available to the Secretary until expended, without further appropriations. These funds will be used for the administrative costs incurred in conveying sites; the acquisition of land for administrative sites; and for the decommissioning, construction, maintenance, rehabilitation, and improvement of administrative sites.

The managers make the following recommendations:

1. The Service is allowed to dispose of up to 10 isolated, undeveloped sites per year which were acquired or used for administrative purposes, with certain limitations.

2. Certain lands are explicitly excluded, including any land within the national wilderness system, in the wild and scenic river system, lands specifically designated for natural area or recreation purposes, or in a national monument. In addition, it is the intent of the managers that the exclusions apply to undeveloped lands on historic trails and sites, national preserves, national recreation areas, national scenic areas, national conservation areas, national botanical areas, national forest primitive areas, research natural areas, national game refuges and wildlife preserve areas, and officially designated special interest areas.

3. The managers direct that the service should not dispose of lands needed for natural resource management, or lands which are important to provide public access to other lands or waters, such as recreational river corridors or sites with special recreational values.

4. The managers intend that disposal of lands will not create new non-Federal inholdings within larger areas of contiguous Federal or other publicly owned lands available for recreational activities.

5. The provision requires the Service to include detailed displays in the annual budget justification of the anticipated program under this authority and provide other details so the Congress and the public can evaluate the program and its impact. The Service should notify the Congress if changes to this plan are later necessary. The managers are concerned that future appropriation decisions concerning facility construction, reconstruction and maintenance being made will be fully informed by knowledge of the anticipated revenues derived from this new authority. The managers also understand that the revenue stream will be temporary, and that all areas of the Nation do not have a similar amount of excess facilities nor ability to generate revenue.

6. The authorities provided by this Title expire on September 30, 2008. However, the managers will closely monitor the implementation of this provision. The managers encourage the Congress to extend the authority if steady progress is demonstrated. As with the pilot conveyance authority, the Service is more likely to successfully plan and implement project planning if there continues to be no less than two or three years remaining on the authority.

7. The conference agreement repeals the previous pilot conveyance authority, which was established in the Department of the Interior and Related Agencies Appropriations Act, 2002. The repeal is effective as of September 30, 2006, and any project initiated under the pilot authority may be completed under that authority.

8. The agreement continues the Senate-recommended language concerning lead-based and asbestos abatement, but limits the exclusion only to laws affecting these matters.

9. The agreement clarifies that the Forest Service should follow the National Environmental Policy Act (NEPA) with the exception that the Service must analyze only the most reasonably foreseeable use of the site, and determine whether or not to reserve any right, title or interest in the sites. The managers expect that, consistent with the NEPA, the Service will evaluate the alternative of not disposing of the sites.

10. The agreement requires that the Forest Service consult with local governmental officials of the community in which the administrative site is located and provide public notice of the proposed conveyance.

11. The conference agreement does not include the Senate proposal concerning the working capital fund. However, the conference agreement includes, within the Administrative provisions section of the Forest Service, bill language which allows the Forest Service to assess all funds available to the agency to support maintenance of facilities other than recreation facilities. The managers expect that this assessment approach will provide field managers an incentive to carefully evaluate their space needs and help reduce the total amount of building space maintained. This should save money and reduce the tremendous backlog in deferred maintenance that has accumulated within the Forest Service.

TITLE VI—VETERANS HEALTH CARE

Sec. 601. Appropriated $1,500,000,000 to the Department of Veterans Affairs for Medical services for fiscal year 2005. The conferees agree that the amount provided will be available until September 30, 2006. The conferees note that the fiscal year 2006 budget amendment submitted to the Congress on July 14, 2005 included additional fiscal year 2005 requirements for Medical Services. The conferees agree, that prior to completion of the fiscal year 2006 appropriations Act for the Department of Veterans Affairs, the House and Senate subcommittees of jurisdiction will continue to evaluate and adjust the funding level required for fiscal year 2006 based upon most current information available.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	34,738	33,343	34,343	-395
Range management	69,183	69,212	70,912	+1,729
Forestry management	8,895	10,559	10,559	+1,664
Riparian management	21,228	21,704	22,454	+1,226
Cultural resources management	14,925	15,240	15,240	+315
Wild horse and burro management	39,045	36,905	36,905	-2,140
Subtotal, Land Resources	188,014	186,963	190,413	+2,399
Wildlife and Fisheries				
Wildlife management	25,063	28,587	28,587	+3,524
Fisheries management	11,884	12,497	12,497	+613
Subtotal, Wildlife and Fisheries	36,947	41,084	41,084	+4,137
Threatened and endangered species	21,144	21,572	21,572	+428
Recreation Management				
Wilderness management	16,431	16,806	16,806	+375
Recreation resources management	44,158	47,798	49,298	+5,140
Subtotal, Recreation Management	60,589	64,604	66,104	+5,515
Energy and Minerals				
Oil and gas	87,360	87,291	90,291	+2,931
Coal management	9,311	9,296	9,296	-15
Other mineral resources	9,960	10,185	10,185	+225
Subtotal, Energy and Minerals	106,631	106,772	109,772	+3,141
Alaska minerals	3,944	2,297	2,297	-1,647
Realty and Ownership Management				
Alaska conveyance	41,975	33,599	40,599	-1,376
Cadastral survey	15,590	13,866	16,026	+436
Land and realty management	35,059	33,681	33,681	-1,378
Subtotal, Realty and Ownership Management	92,624	81,146	90,306	-2,318
Resource Protection and Maintenance				
Resource management planning	48,863	49,516	50,266	+1,403
Resource protection and law enforcement	16,788	17,974	19,224	+2,436
Hazardous materials management	15,850	16,126	16,126	+276
Subtotal, Resource Protection and Maintenance	81,501	83,616	85,616	+4,115
Transportation and Facilities Maintenance				
Operations	6,057	6,271	6,271	+214
Annual maintenance	30,564	31,293	32,043	+1,479
Deferred maintenance	41,192	38,727	39,477	-1,715
Subtotal, Transportation/Facilities Maintenance	77,813	76,291	77,791	-22
Land and resources information systems	18,062	18,217	18,217	+155
Mining Law Administration				
Administration	32,696	32,696	32,696	---
Offsetting fees	-32,696	-32,696	-32,696	---
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	19,651	21,455	21,455	+1,804
Administrative support	50,164	51,437	51,437	+1,273
Bureauwide fixed costs	72,346	74,727	74,727	+2,381
Subtotal, Workforce and Organizational Support	142,161	147,619	147,619	+5,458

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Challenge cost share	7,396	13,996	10,000	+2,604
Cooperative Conservation Initiative	---	6,000	---	---
Subtotal, Challenge Cost Share	---	---	---	---
Total, Management of Lands and Resources	836,826	850,177	860,791	+23,965
Wildland Fire Management				
Preparedness	258,939	272,852	272,852	+13,913
Fire facilities	---	7,849	---	---
Joint fire science	---	6,000	---	---
Subtotal, Preparedness	258,939	286,701	272,852	+13,913
Fire suppression operations	218,445	234,167	234,167	+15,722
Additional appropriations, Title IV	98,611	---	---	-98,611
Subtotal, Fire suppression operations	317,056	234,167	234,167	-82,889
Other operations				
Hazardous fuels reduction	201,409	211,220	211,220	+9,811
Burned area rehabilitation	23,939	24,476	24,476	+537
State and local fire assistance	9,861	---	10,000	+139
Fire facilities	12,202	---	7,849	-4,353
Joint fire science	7,889	---	6,000	-1,889
Subtotal, Other operations	255,300	235,696	259,545	+4,245
Total, Wildland Fire Management	831,295	756,564	766,564	-64,731
Central Hazardous Materials Fund				
Bureau of Land Management	9,855	---	---	-9,855
Rescission of balances	-13,500	---	---	+13,500
Construction				
Construction	11,340	6,476	11,926	+586
Land Acquisition				
Land Acquisition				
Acquisitions	6,755	9,533	5,450	-1,305
Emergencies and hardships	1,479	1,500	1,000	-479
Acquisition management	2,958	2,317	2,300	-658
Total, Land Acquisition	11,192	13,350	8,750	-2,442
Oregon and California Grant Lands				
Western Oregon resources management	88,775	96,692	96,692	+7,917
Western Oregon information and resource data systems	2,151	2,173	2,173	+22
Western Oregon transportation & facilities maintenance	10,619	10,903	10,903	+284
Western Oregon construction and acquisition	291	302	302	+11
Jobs in the woods	5,661	---	---	-5,661
Total, Oregon and California Grant Lands	107,497	110,070	110,070	+2,573
Range Improvements				
Improvements to public lands	7,873	7,873	7,873	---
Farm Tenant Act lands	1,527	1,527	1,527	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	8,025	11,910	11,910	+3,885
Energy and minerals cost recovery	1,840	10,840	10,840	+9,000
Adopt-a-horse program	1,225	1,225	1,225	---
Repair of damaged lands	5,000	5,000	5,000	---
Cost recoverable realty cases	515	515	515	---
Timber purchaser expenses	50	50	50	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Commercial film and photography fees	200	200	200	---
Copy fees	3,200	3,200	3,200	---
Subtotal (gross)	20,055	32,940	32,940	+12,885
Offsetting fees	-20,055	-32,940	-32,940	-12,885
Total, Service Charges, Deposits & Forfeitures	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT	1,816,910	1,759,042	1,780,506	-36,404
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	9,255	8,252	8,852	-403
Listing	15,960	18,130	18,130	+2,170
Consultation	48,129	49,484	49,484	+1,355
Recovery	69,870	64,243	75,159	+5,289
Subtotal, Endangered species	143,214	140,109	151,625	+8,411
Habitat conservation	94,457	101,978	100,713	+6,256
Environmental contaminants	10,901	8,486	11,186	+285
Subtotal, Ecological Services	248,572	250,573	263,524	+14,952
Refuges and Wildlife				
Refuge operations and maintenance	381,019	393,894	393,394	+12,375
Migratory bird management	35,451	41,635	39,227	+3,776
Law enforcement operations	55,615	57,612	57,712	+2,097
Subtotal, Refuges and Wildlife	472,085	493,141	490,333	+18,248
Fisheries				
Hatchery operations and maintenance	56,755	57,971	57,971	+1,216
Fish and wildlife management	58,418	49,685	60,787	+2,369
Subtotal, Fisheries	115,173	107,656	118,758	+3,585
General Administration				
Science excellence	---	2,000	500	+500
Central office administration	27,120	27,827	27,827	+707
Regional office administration	39,992	40,807	40,807	+815
Administrative efficiencies	---	-2,025	---	---
Servicewide administrative support	25,625	30,736	30,736	+5,111
National Fish and Wildlife Foundation	7,761	7,470	7,770	+9
National Conservation Training Center	17,058	17,829	18,476	+1,418
International affairs	9,160	9,549	10,149	+989
Caddo Lake Ramsar Center	394	---	---	-394
Subtotal, General Administration	127,110	134,193	136,265	+9,155
Total, Resource Management	962,940	985,563	1,008,880	+45,940
Construction				
Construction and rehabilitation				
Line item construction	41,793	10,060	36,275	-5,518
Nationwide engineering services	10,865	9,616	9,616	-1,249
Emergency appropriations (P.L. 108-324)	40,552	---	---	-40,552
Total, Construction	93,210	19,676	45,891	-47,319

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	22,593	26,029	13,695	-8,898
Inholdings	1,479	1,750	1,500	+21
Emergencies and hardships	986	1,750	1,500	+514
Exchanges	1,726	1,750	1,500	-226
Acquisition management	8,249	7,893	8,393	+144
Cost allocation methodology	1,972	1,820	1,820	-152
Total, Land Acquisition	37,005	40,992	28,408	-8,597
Landowner Incentive Program				
Grants to States	21,694	40,000	24,000	+2,306
Private Stewardship Grants Program				
Stewardship grants	6,903	10,000	7,386	+483
Cooperative Endangered Species Conservation Fund				
Grants to States	15,846	17,643	17,643	+1,797
Species recovery land acquisition	13,400	14,186	14,186	+786
HCP land acquisition	48,698	45,653	47,853	-845
Administration	2,518	2,518	2,518	---
Total, Cooperative Endangered Species Fund	80,462	80,000	82,200	+1,738
National Wildlife Refuge Fund				
Payments in lieu of taxes	14,214	14,414	14,414	+200
North American Wetlands Conservation Fund				
Wetlands conservation	35,973	47,949	38,400	+2,427
Administration	1,499	2,000	1,600	+101
Total, North American Wetlands Conservation Fund	37,472	49,949	40,000	+2,528
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants	3,944	---	4,000	+56
Multinational Species Conservation Fund				
African elephant conservation	1,381	1,000	1,400	+19
Rhinoceros and tiger conservation	1,477	1,100	1,600	+123
Asian elephant conservation	1,381	1,000	1,400	+19
Great ape conservation	1,381	900	1,400	+19
Marine turtles	99	300	700	+601
Neotropical Bird Conservation	---	4,000	---	---
Total, Multinational Species Conservation Fund	5,719	8,300	6,500	+781
State and Tribal Wildlife Grants				
State and tribal wildlife grants	69,028	74,000	68,500	-528
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,332,591	1,322,894	1,330,179	-2,412
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	348,036	354,116	354,141	+6,105
Visitor services	338,454	346,181	346,181	+7,727
Maintenance	582,739	595,586	594,686	+11,947
Park support	290,400	307,613	298,509	+8,109
Park base increase	---	---	20,000	+20,000
Subtotal, Park Management	1,559,629	1,603,496	1,613,517	+53,888
External administrative costs	123,935	130,557	130,557	+6,622
Total, Operation of the National Park System	1 683 564	1,734,053	1,744,074	+60,510

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
United States Park Police				
Park Police	80,076	80,411	81,411	+1,335
National Recreation and Preservation				
Recreation programs	543	554	554	+11
Natural programs	10,865	9,545	9,845	-1,020
Cultural programs	19,933	17,722	20,028	+95
International park affairs	1,593	1,618	1,618	+25
Environmental and compliance review	391	399	399	+8
Grant administration	1,866	1,913	1,913	+47
Heritage Partnership Programs				
Commissions and grants	13,966	4,904	13,400	-566
Newly authorized areas	493	---	---	-493
Administrative support	120	122	100	-20
Subtotal, Heritage Partnership Programs	14,579	5,026	13,500	-1,079
Statutory or Contractual Aid	11,203	---	7,108	-4,095
Total, National Recreation and Preservation	60,973	36,777	54,965	-6,008
Historic Preservation Fund				
State historic preservation offices	35,500	35,500	36,250	+750
Tribal grants	3,205	3,205	4,000	+795
Save America's Treasures	29,583	15,000	30,000	+417
Preserve America	---	12,500	---	---
HBCUs	3,451	---	3,000	-451
Total, Historic Preservation Fund	71,739	66,205	73,250	+1,511
Construction				
Emergency and unscheduled	3,944	3,944	3,000	-944
Housing	7,889	7,889	7,000	-889
Equipment replacement	36,900	26,900	26,000	-10,900
Planning, construction	20,925	19,925	19,925	-1,000
General management plans	13,128	13,254	13,754	+626
Line item construction and maintenance	189,748	221,183	217,845	+28,097
Construction program management	26,984	28,605	28,105	+1,121
Dam safety	2,662	2,662	2,662	---
Emergency appropriations (P.L. 108-324)	50,802	---	---	-50,802
Subtotal, Construction	352,982	324,362	318,291	-34,691
Use of prior year balances	---	-17,000	-17,000	-17,000
Total, Construction	352,982	307,362	301,291	-51,691
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	89,736	---	28,413	-61,323
Administrative expenses	1,479	1,587	1,587	+108
Total, Assistance to States	91,215	1,587	30,000	-61,215
National Park Service				
Acquisitions	39,839	35,131	30,075	-9,764
Emergencies and hardships	2,465	4,000	2,500	+35
Acquisition management	10,365	9,749	9,749	-616
Inholdings	2,465	4,000	2,500	+35
Use of prior year balances	---	---	-9,915	-9,915
Total, National Park Service	55,134	52,880	34,909	-20,225
Total, Land Acquisition and State Assistance	146,349	54,467	64,909	-81,440
TOTAL, NATIONAL PARK SERVICE	2,365,683	2,249,275	2,289,900	-75,783

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping	71,393	71,882	71,882	+489
Land remote sensing	32,730	46,396	44,396	+11,666
Geographic analysis and monitoring	14,628	15,175	14,925	+297
Subtotal, National Mapping Program	118,751	133,453	131,203	+12,452
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	75,979	82,209	82,209	+6,230
Geologic landscape and coastal assessments	76,253	77,228	78,914	+2,661
Geologic resource assessments	77,014	48,699	77,677	+663
Subtotal, Geologic Hazards, Resource & Processes	229,246	208,136	238,800	+9,554
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program	6,998	7,417	8,147	+1,149
National water quality assessment	61,645	63,132	63,132	+1,487
Toxic substances hydrology	14,476	13,120	14,600	+124
Hydrologic research and development	15,997	14,428	14,828	-1,169
National streamflow information program	13,814	14,152	14,152	+338
Hydrologic networks and analysis	29,524	28,152	29,797	+273
Subtotal, Hydrologic monitoring, assessments and research	142,454	140,401	144,656	+2,202
Federal-State program	62,337	63,770	63,770	+1,433
Water resources research institutes	6,409	---	6,500	+91
Subtotal, Water Resources Investigations	211,200	204,171	214,926	+3,726
Biological Research				
Biological research and monitoring	133,130	134,348	138,453	+5,323
Biological information management and delivery	23,999	24,149	24,149	+150
Cooperative research units	14,570	14,428	14,883	+313
Subtotal, Biological Research	171,699	172,925	177,485	+5,786
Enterprise Information				
Enterprise information security and technology	22,714	25,237	25,237	+2,523
Enterprise information resources	16,989	17,153	17,153	+164
Federal geographic data coordination	4,670	5,377	4,697	+27
Subtotal, Enterprise Information	44,373	47,767	47,087	+2,714
Science support	65,584	72,337	70,337	+4,753
Facilities	94,611	94,726	96,197	+1,586
Emergency appropriations (P.L. 108-324)	1,000	---	---	-1,000
Emergency appropriations (P.L. 109-13)	8,100	---	---	-8,100
TOTAL, UNITED STATES GEOLOGICAL SURVEY	944,564	933,515	976,035	+31,471
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	37,224	37,768	37,943	+719
Resource evaluation	29,566	28,682	29,682	+116
Regulatory program	51,516	51,766	51,966	+450
Information management program	29,972	30,125	30,325	+353
Subtotal, OCS Lands	148,278	148,341	149,916	+1,638
Royalty Management				
Compliance and asset management	41,550	51,903	43,103	+1,553
Revenue and operations	33,867	35,426	35,426	+1,559
Subtotal, Royalty Management	75,417	87,329	78,529	+3,112

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
General Administration				
Executive direction	2,057	2,086	2,116	+59
Policy and management improvement	4,132	4,216	4,246	+114
Administrative operations	16,964	17,025	17,275	+311
General support services	23,702	24,149	24,299	+597
Subtotal, General Administration	46,855	47,476	47,936	+1,081
Subtotal (gross)	270,550	283,146	276,381	+5,831
Use of receipts	-103,730	-122,730	-122,730	-19,000
Total, Royalty and Offshore Minerals Management	166,820	160,416	153,651	-13,169
Oil Spill Research				
Oil spill research	7,006	7,006	7,006	---
TOTAL, MINERALS MANAGEMENT SERVICE	173,826	167,422	160,657	-13,169
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	158	159	159	+1
Environmental protection	79,821	79,566	79,566	-255
Technology development and transfer	13,300	15,126	15,126	+1,826
Financial management	485	488	488	+3
Executive direction	14,505	15,096	15,096	+591
Subtotal, Regulation and Technology	108,269	110,435	110,435	+2,166
Civil penalties	99	100	100	+1
Total, Regulation and Technology	108,368	110,535	110,535	+2,167
Abandoned Mine Reclamation Fund				
Environmental restoration	167,861	170,112	170,112	+2,251
Legislative proposal	---	58,000	---	---
Technology development and transfer	4,479	3,922	3,922	-557
Financial management	8,444	6,234	6,234	-2,210
Executive direction	7,421	7,746	7,746	+325
Total, Abandoned Mine Reclamation Fund	188,205	246,014	188,014	-191
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	296,573	356,549	298,549	+1,976
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	389,183	394,558	394,558	+5,375
Human services	147,387	141,561	148,731	+1,344
Education	48,300	39,466	48,304	+4
Public safety and justice	1,222	---	1,162	-60
Community development	40,412	40,789	40,789	+377
Resources management	61,999	63,149	63,149	+1,150
Trust services	56,115	56,038	56,038	-77
General administration	24,925	24,588	24,588	-337
Subtotal, Tribal Priority Allocations	769,543	760,149	777,319	+7,776

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	449,721	454,725	464,585	+14,864
Other school operations	67,926	66,908	66,908	-1,018
Subtotal, School operations	517,647	521,633	531,493	+13,846
Continuing education	53,141	43,375	56,375	+3,234
Subtotal, Education	570,788	565,008	587,868	+17,080
Resources management	42,131	37,293	46,927	+4,796
Subtotal, Other Recurring Programs	612,919	602,301	634,795	+21,876
Non-Recurring Programs				
Community development	3,452	---	2,750	-702
Resources management	36,225	32,348	35,244	-981
Trust services	36,308	32,977	33,377	-2,931
Subtotal, Non-Recurring Programs	75,985	65,325	71,371	-4,614
Total, Tribal Budget System	1,458,447	1,427,775	1,483,485	+25,038
BIA Operations				
Central Office Operations				
Tribal government	2,248	2,288	2,288	+40
Human services	887	912	912	+25
Community development	---	500	500	+500
Resources management	3,416	3,044	3,044	-372
Trust services	19,071	27,169	27,169	+8,098
General administration				
Education program management	2,348	2,411	2,411	+63
Personnel services	5,863	8,378	8,378	+2,515
Other general administration	106,188	106,832	106,832	+644
Subtotal, General administration	114,399	117,621	117,621	+3,222
Subtotal, Central Office Operations	140,021	151,534	151,534	+11,513
Regional Office Operations				
Tribal government	1,095	1,323	1,323	+228
Human services	3,038	3,019	3,019	-19
Community development	778	966	966	+188
Resources management	5,319	5,403	5,403	+84
Trust services	24,049	27,376	27,376	+3,327
General administration	7,083	3,503	3,503	-3,580
Subtotal, Regional Office Operations	41,362	41,590	41,590	+228

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Special Programs and Pooled Overhead				
Education	16,336	17,499	17,499	+1,163
Public safety and justice	180,063	192,265	196,265	+16,202
Community development	8,102	---	7,550	-552
Resources management	1,269	1,269	1,269	---
General administration	80,491	92,298	92,298	+11,807
Subtotal, Special Programs and Pooled Overhead	286,261	303,331	314,881	+28,620
Total, BIA Operations	467,644	496,455	508,005	+40,361
Total, Operation of Indian Programs	1,926,091	1,924,230	1,991,490	+65,399
BIA SPLITS				
Natural resources	(150,359)	(142,506)	(155,036)	(+4,677)
Forward-funding	(449,721)	(454,725)	(464,585)	(+14,864)
Education	(188,051)	(169,659)	(191,497)	(+3,446)
Community development	(1,137,960)	(1,157,340)	(1,180,372)	(+42,412)
Total, BIA splits	(1,926,091)	(1,924,230)	(1,991,490)	(+65,399)
Construction				
Education	263,372	173,875	209,875	-53,497
Public safety and justice	7,381	11,777	11,777	+4,396
Resources management	40,289	38,272	45,772	+5,483
General administration	2,126	2,136	2,136	+10
Construction management	5,961	6,077	6,077	+116
Total, Construction	319,129	232,137	275,637	-43,492
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
Cherokee, Choctaw, and Chickasaw settlement	9,833	10,167	10,167	+334
Colorado Ute Settlement	7,889	8,111	8,111	+222
Cuba Lake Settlement	1,726	---	---	-1,726
Hoopa-Yurok settlement fund	247	254	254	+7
Pyramid Lake water rights settlement	140	144	144	+4
Quinault Settlement	9,893	---	10,000	+107
White Earth Land Settlement Act (Admin)	616	634	634	+18
Zuni Water Settlement	13,806	5,444	5,444	-8,362
Total, Miscellaneous Payments to Indians	44,150	24,754	34,754	-9,396
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	6,332	6,348	6,348	+16
TOTAL, BUREAU OF INDIAN AFFAIRS	2,295,702	2,187,469	2,308,229	+12,527
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	6,472	6,881	7,381	+909
Technical assistance	11,716	8,561	10,681	-1,035
Maintenance assistance fund	2,268	2,300	2,300	+32
Brown tree snake	2,663	2,700	2,700	+37
Insular management controls	1,470	1,491	1,491	+21
Coral reef initiative	493	500	500	+7
Water and wastewater projects	---	1,000	1,000	+1,000
Subtotal, Territorial Assistance	25,082	23,433	26,053	+971
American Samoa				
Operations grants	22,779	23,110	23,110	+331
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,581	74,263	76,883	+1,302

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Compact of Free Association				
Compact of Free Association - Federal services	2,957	2,862	2,862	-95
Mandatory payments - program grant assistance	2,000	2,000	2,000	---
Enewetak support	493	---	500	+7
Total, Compact of Free Association	5,450	4,862	5,362	-88
Total, Insular Affairs	81,031	79,125	82,245	+1,214
Departmental Management				
Departmental direction	13,358	13,591	13,591	+233
Management and coordination	28,554	30,298	29,348	+794
Hearings and appeals	7,919	8,068	8,068	+149
Central services	27,696	34,387	33,865	+6,169
Bureau of Mines workers compensation/unemployment	629	653	653	+24
Take Pride in America	490	1,000	500	+10
Financial and business management system	14,160	23,555	22,555	+8,395
Indian Arts and Crafts Board	1,042	1,162	1,162	+120
Grant to Kendall County, Illinois	4,931	---	---	-4,931
Martin Luther King, Jr. Memorial	---	---	10,000	+10,000
General reduction	-2,958	---	---	+2,958
Appraisal services	---	7,441	7,441	+7,441
Emergency appropriations (P.L. 109-13)	3,000	---	---	-3,000
Total, Departmental Management	98,821	120,155	127,183	+28,362
Payments in Lieu of Taxes				
Payments to local governments	226,805	200,000	236,000	+9,195
Central Hazardous Materials Fund				
Central hazardous materials fund	---	9,855	9,855	+9,855
Office of the Solicitor				
Legal services	40,916	42,660	42,472	+1,556
General administration	9,701	12,020	11,901	+2,200
Ethics	1,039	1,072	1,067	+28
Total, Office of the Solicitor	51,656	55,752	55,440	+3,784
Office of Inspector General				
Audit	16,270	17,744	16,974	+704
Investigations	13,529	15,241	14,341	+812
Administrative services and information management	7,476	8,014	7,801	+325
Total, Office of Inspector General	37,275	40,999	39,116	+1,841
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements	191,324	267,165	189,361	-1,963
Executive direction	2,216	2,232	2,232	+16
Total, Federal Trust programs	193,540	269,397	191,593	-1,947
Indian Land Consolidation Program				
Indian land consolidation	34,514	34,514	34,514	---
Total, Office of Special Trustee for American Indians	228,054	303,911	226,107	-1,947

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Natural Resource Damage Assessment Fund				
Damage assessments	3,845	3,931	3,931	+86
Program management	1,526	1,592	1,592	+66
Restoration support	366	583	583	+217
Total, Natural Resource Damage Assessment Fund	5,737	6,106	6,106	+369
TOTAL, DEPARTMENTAL OFFICES	729,379	815,903	782,052	+52,673
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,955,228	9,792,069	9,926,107	-29,121
Appropriations	(9,881,774)	(9,822,069)	(9,956,107)	(+74,333)
Emergency appropriations	(103,454)	---	---	(-103,454)
Rescission	(-30,000)	(-30,000)	(-30,000)	---
TITLE II - ENVIRONMENTAL PROTECTION AGENCY				
Science and Technology				
Air toxics and quality				
Clean air allowance trading programs (also EPM)	8,734	9,353	8,734	---
Federal support for air quality mgmt (also EPM)	10,521	10,016	10,016	-505
Federal support for air toxics program (also EPM)	2,562	2,265	2,265	-297
Federal vehicle and fuels standards/certification	57,436	66,567	59,567	+2,131
Radiation: Protection (also EPM; HSS)	3,069	2,121	2,121	-948
Radiation: Response preparedness (also EPM)	2,320	3,576	3,576	+1,256
Subtotal, Air toxics and quality	84,642	93,898	86,279	+1,637
Enforcement				
Forensics support (also HSS)	13,048	13,737	13,737	+689
Climate protection				
Climate protection program (also EPM)	19,006	17,732	19,032	+26
Homeland security				
Homeland security: Critical infrastructure protection				
Critical infrastructure protection (except water sentinel) (also EPM; HSS)	3,495	3,569	3,569	+74
Water sentinel and related training	---	44,000	9,000	+9,000
Subtotal, Homeland security: Critical infrastructure protection	3,495	47,569	12,569	+9,074
Homeland security: Preparedness, response, and recovery				
Preparedness, response, and recovery (other activities) (also HSS)	13,671	14,806	14,806	+1,135
Decontamination (also EPM; HSS)	13,609	24,710	16,710	+3,101
Laboratory preparedness & response (also EPM; HSS)	---	600	600	+600
Safe buildings	---	4,000	4,000	+4,000
(Transfer from Hazardous substance superfund)	(2,071)	(2,000)	(2,000)	(-71)
Subtotal, Homeland security: Preparedness, response, and recovery	27,280	44,116	36,116	+8,836
Homeland security: Protection of EPA personnel and infrastructure (also EPM; B&F; HSS)	2,024	2,100	2,100	+76
Subtotal, Homeland security	32,799	93,785	50,785	+17,986
IT / Data management / Security				
IT / Data management (also EPM; LUST; OSR; HSS)	4,345	4,251	4,251	-94
Indoor air				
Indoor air: Radon program (also EPM)	495	442	442	-53
Indoor air: Schools and workplace program (moved to reduce risks in FY06)	843	---	---	-843
Reduce risks from indoor air (also EPM)	---	832	832	+832
Subtotal, Indoor air	1,338	1,274	1,274	-64

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Operations and administration				
Facilities infrastructure and operations (also EPM; B&F; LUST; OSR; HSS)	8,466	8,716	8,716	+250
Pesticide licensing				
Pesticides: Registration of new pesticides (also EPM)	2,466	2,490	2,490	+24
Pesticides: Review/Reregistration of existing pesticides (also EPM)	2,478	2,506	2,506	+28
Subtotal, Pesticide licensing	4,944	4,996	4,996	+52
Research / Congressional priorities	65,665	---	33,275	-32,390
Research: Clean air				
Research: Air toxics	16,956	16,387	16,387	-569
Research: Global change	19,578	20,534	19,934	+356
Research: National ambient air quality standards (NAAQS)	---	71,451	69,451	+69,451
Research: Particulate matter (Moved to NAAQS in FY06)	60,863	---	---	-60,863
Research: Troposphere ozone	4,041	---	---	-4,041
Subtotal, Research: Clean air	101,438	108,372	105,772	+4,334
Research: Clean water				
Research: Drinking water	48,665	45,690	45,690	-2,975
Research: Water quality	44,993	55,900	51,100	+6,107
Subtotal, Research: Clean water	93,658	101,590	96,790	+3,132
Research: Human health and ecosystems				
Human health risk assessment	32,723	36,240	36,240	+3,517
(By transfer from Hazardous substance superfund)	(3,559)	(4,022)	(4,022)	(+463)
Research: Computational toxicology	11,994	13,832	12,632	+638
Research: Endocrine disruptor	10,392	8,705	10,392	---
Research: Fellowships	12,042	8,327	12,042	---
Research: Human health and ecosystems	167,356	169,632	172,256	+4,900
Subtotal, Research: Human health and ecosystems	234,507	236,736	243,562	+9,055
Research: Land protection				
Research: Land protection & restoration (also HSS)	9,065	13,696	11,396	+2,331
(By transfer from Hazardous substance superfund)	(22,994)	(23,099)	(23,099)	(+105)
(By transfer from Hazardous substance superfund)	(6,596)	(1,485)	(1,485)	(-5,111)
Subtotal, Research: Land protection	9,065	13,696	11,396	+2,331
Research: Sustainability				
Research: Economics and decision science (EDS)	---	2,645	2,645	+2,645
Research: Environmental technology verification (ETV)	3,181	3,203	3,203	+22
Research: Pollution prevention (also HSS)	37,232	---	---	-37,232
(By transfer from Hazardous substance superfund)	(588)	---	---	(-588)
Research: Sustainability (other activities)	---	23,188	23,188	+23,188
Subtotal, Research: Sustainability	40,413	29,036	29,036	-11,377
Toxic research and prevention				
Research: Pesticides and toxics	27,792	29,753	29,753	+1,961
Water: Human health protection				
Drinking water programs (also EPM)	2,935	3,068	3,068	+133
Total, Science and Technology	744,061	760,640	741,722	-2,339
(By transfer from Hazardous substance superfund)	(35,808)	(30,606)	(30,606)	(-5,202)
Environmental Programs and Management				
Air toxics and quality				
Clean air allowance trading programs (also S&T)	16,873	18,234	18,234	+1,361
Federal stationary source regulations	21,768	23,509	23,509	+1,741
Federal support for air quality management				
Federal support for air quality management (other activities) (also S&T)	88,192	95,891	90,891	+2,699
Clean diesel initiative	---	15,000	5,000	+5,000
Subtotal, Federal support for air quality management	88,192	110,891	95,891	+7,699

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Federal support for air toxics program (also S&T)...	24,590	25,431	25,431	+841
Radiation: Protection (also S&T; HSS).....	11,122	11,765	11,365	+243
Radiation: Response preparedness (also S&T).....	2,624	2,636	2,636	+12
Stratospheric ozone: Domestic programs.....	5,013	3,969	5,013	---
Stratospheric ozone: Multilateral fund.....	9,920	13,500	8,900	-1,020
Subtotal, Air toxics and quality.....	180,102	209,935	190,979	+10,877
Brownfields.....	24,301	29,638	25,000	+699
Climate protection program				
Climate protection program (other activities) (also S&T).....	43,910	41,030	41,030	-2,880
Energy star.....	46,700	50,500	50,500	+3,800
Methane to markets.....	300	4,000	2,000	+1,700
Subtotal, Climate protection.....	90,910	95,530	93,530	+2,620
Compliance				
Compliance assistance and centers (also LUST; OSR; HSS).....	26,613	29,097	29,097	+2,484
Compliance incentives (also HSS).....	8,963	9,622	9,622	+659
Compliance monitoring (also HSS) (Some of these funds were in IT/Data management in FY05).....	66,328	93,412	87,328	+21,000
Subtotal, Compliance.....	101,904	132,131	126,047	+24,143
Enforcement				
Civil enforcement (also OSR; HSS).....	112,463	117,462	115,962	+3,499
Criminal enforcement (also HSS).....	39,101	37,326	38,226	-875
Enforcement training (also HSS).....	3,428	2,499	2,999	-429
Environmental justice (also HSS).....	5,883	3,980	5,883	---
NEPA implementation.....	12,039	12,440	12,440	+401
Subtotal, Enforcement.....	172,914	173,707	175,510	+2,596
Environmental protection / Congressional priorities...	92,326	---	50,543	-41,783
Geographic programs				
Geographic program: Chesapeake Bay.....	22,756	20,746	22,746	-10
Geographic program: Great Lakes.....	21,287	21,519	21,519	+232
Geographic program: Gulf of Mexico.....	3,895	4,468	5,000	+1,105
Geographic program: Lake Champlain.....	2,480	955	1,955	-525
Geographic program: Long Island Sound.....	2,332	477	477	-1,855
Geographic program: Puget Sound.....	---	---	2,000	+2,000
Geographic program: Other				
Community action for a renewed environment (CARE).	1,984	9,000	3,000	+1,016
Other (other activities).....	4,923	4,686	5,853	+930
Subtotal, Geographic program: Other.....	6,907	13,686	8,853	+1,946
Regional geographic initiatives.....	7,687	8,862	7,762	+75
Subtotal, Geographic programs.....	67,344	70,713	70,312	+2,968
Homeland security				
Homeland security: Communication and information (also HSS)				
Communication and information (other activities)..	5,133	5,450	5,450	+317
Laboratory preparedness and response (also S&T)...	---	1,230	1,230	+1,230
Subtotal, Homeland security: Communication and information.....	5,133	6,680	6,680	+1,547
Homeland security: Critical infrastructure protection				
Critical infrastructure protection (except decontamination) (also S&T; HSS).....	6,896	6,847	6,847	-49
Decontamination (also S&T; EPM; HSS).....	---	100	100	+100
Subtotal, Homeland security: critical infrastructure protection.....	6,896	6,947	6,947	+51

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Homeland security: Preparedness, response, and recovery (also S&T; HSS)				
Decontamination (also S&T; EPM; HSS)	1,822	3,348	3,348	+1,526
Homeland security: Protection of EPA personnel and infrastructure (also S&T; B&F; HSS)	6,294	6,403	6,403	+109
Subtotal, Homeland security	20,145	23,378	23,378	+3,233
Indoor air				
Indoor air: Asthma program	10,468	---	---	-10,468
Indoor air: Environment tobacco smoke program	2,400	---	---	-2,400
Indoor air: Radon program (also S&T)	5,142	5,918	5,518	+376
Indoor air: Schools and workplace program	9,326	---	---	-9,326
Reduce risks from indoor air (also S&T)	---	23,496	23,496	+23,496
Subtotal, Indoor air	27,336	29,414	29,014	+1,678
Information exchange / Outreach				
Children and other sensitive populations: Agency coordination	5,970	6,890	6,890	+920
Congressional, intergovernmental, external relations (also HSS)	48,624	49,753	49,753	+1,129
Environmental education	8,957	---	9,000	+43
Exchange network (also HSS)	16,361	22,739	18,739	+2,378
Small business ombudsman	3,712	3,911	3,911	+199
Small minority business assistance	2,264	2,348	2,348	+84
State and local prevention and preparedness	11,855	12,328	11,928	+73
Toxics release inventory (TRI) / Right to know	14,310	14,754	14,754	+444
Tribal - Capacity building	10,640	11,049	11,049	+409
Subtotal, Information exchange / Outreach	122,693	123,772	128,372	+5,679
International programs				
Children and other sensitive populations: Agency coordination	244	---	---	-244
Commission for environmental cooperation	3,773	4,210	4,210	+437
Environment and trade	1,500	1,787	1,787	+287
International capacity building	5,751	6,450	6,200	+449
Persistent organic pollutants (POPs) implementation	1,627	2,806	1,806	+179
U.S. / Mexico border	5,612	5,975	5,975	+363
Subtotal, International programs	18,507	21,228	19,978	+1,471
IT / Data management / Security				
Information security (also HSS)	4,131	3,888	3,888	-243
IT / Data management (also S&T; LUST; OSR; HSS) ($22.59 million moved to EPM Compliance in FY06)	106,123	105,999	95,999	-10,124
Subtotal, IT / Data management / Security	110,254	109,887	99,887	-10,367
Legal/Science/Regulatory/Economic review				
Administrative law	4,890	5,109	5,109	+219
Alternative dispute resolution (also HSS)	931	1,051	1,051	+120
Civil rights / Title VI compliance	12,119	12,530	12,530	+411
Legal advice: Environmental program (also HSS)	34,644	36,314	36,314	+1,670
Legal advice: Support program	12,555	13,088	13,088	+533
Regional science and technology	3,245	3,643	3,643	+398
Regulatory innovation	20,014	25,021	22,518	+2,504
Regulatory/Economic-management and analysis	14,821	16,713	16,713	+1,892
Science advisory board	4,361	4,881	4,881	+520
Subtotal, Legal/Science/Regulatory/Economic review	107,580	118,350	115,847	+8,267
Operations and administration				
Acquisition management (also LUST; HSS)	22,714	23,055	23,055	+341
Central planning, budgeting, and finance (also LUST; HSS)	69,387	72,790	72,790	+3,403
Facilities infrastructure and operations (also S&T; B&F; LUST; OSR; HSS)	314,614	358,046	353,046	+38,432
Financial assistance grants / Interagency agreements (IAG) management (also HSS)	20,366	19,916	19,916	-450
Human resources management (also LUST; HSS)	39,461	38,872	38,872	-589
Subtotal, Operations and administration	466,542	512,679	507,679	+41,137

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Pesticide licensing				
Pesticides: Field programs	24,362	24,683	24,683	+321
Pesticides: Registration of new pesticides (also S&T)	39,159	41,472	41,472	+2,313
Pesticides: Review/Reregistration of existing pesticides (also S&T)	51,315	57,991	57,991	+6,676
Science policy and biotechnology	1,640	1,751	1,751	+111
Subtotal, Pesticide licensing	116,476	125,897	125,897	+9,421
Resource Conservation and Recovery Act (RCRA)				
RCRA: Corrective action	39,667	42,710	42,710	+3,043
RCRA: Waste management	66,696	68,228	68,228	+1,532
RCRA: Waste minimization and recycling	11,508	14,376	14,376	+2,868
RCRA: General reduction	---	---	-5,000	-5,000
Subtotal, Resource Conservation and Recovery Act (RCRA)	117,871	125,314	120,314	+2,443
Toxics risk review and prevention				
Toxic substances: Chemical risk management	8,341	9,058	9,058	+717
Toxic substances: Chemical risk review & reduction	44,814	44,523	46,879	+2,065
Endocrine disruptors	8,540	9,097	9,097	+557
Toxic substances: Lead risk reduction program	10,970	10,549	10,549	-421
Pollution prevention program	16,408	19,990	16,408	---
Subtotal, Toxics risk review and prevention	89,073	93,217	91,991	+2,918
Underground storage tanks (LUST / UST) (also LUST)	7,125	7,719	7,719	+594
Water: Ecosystems				
Great Lakes Legacy Act	22,320	50,000	30,000	+7,680
National estuary program / Coastal waterways	25,065	19,446	24,446	-619
Wetlands	20,085	20,375	20,375	+290
Subtotal, Water: Ecosystems	67,470	89,821	74,821	+7,351
Water: Human health protection				
Beach/Fish programs	3,210	3,264	3,264	+54
Drinking water programs (also S&T)	93,258	101,090	96,590	+3,332
Subtotal, Water: Human health protection	96,468	104,354	99,854	+3,386
Water quality protection				
Marine pollution	11,358	12,279	12,279	+921
Surface water protection				
Surface water protection (other activities)	179,503	185,501	185,501	+5,998
Water quality monitoring	6,700	9,300	7,300	+600
Subtotal, Surface water protection	186,203	194,801	192,801	+6,598
Subtotal, Water quality protection	197,561	207,080	205,080	+7,519
Subtotal, Environmental Programs and Management	2,294,902	2,403,764	2,381,752	+86,850
Offsetting receipts from toxics and pesticides fees	---	-50,000	---	---
Total, Environmental Programs and Management	2,294,902	2,353,764	2,381,752	+86,850
Office of Inspector General				
Audits, evaluations, and investigations	37,696	36,955	37,455	-241
(By transfer from Hazardous substance superfund)	(12,896)	(13,536)	(13,536)	(+640)
Buildings and Facilities				
Homeland security				
Homeland security: Protection of EPA personnel and infrastructure (also S&T; EPM; HSS)	11,408	11,500	11,500	+92
Operations and administration				
Facilities infrastructure and operations (also S&T; EPM; HSS; LUST; OSR)	27,280	28,718	28,718	+1,438
Subtotal, Buildings and Facilities	38,688	40,218	40,218	+1,530

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Emergency appropriations (P.L. 108-324)	3,000	---	---	-3,000
Total, Buildings and Facilities	41,688	40,218	40,218	-1,470
Hazardous Substance Superfund				
Air toxics and quality				
Radiation: Protection (also S&T; EPM)	2,031	2,387	2,212	+181
Audits, evaluations, and investigations	12,896	13,536	13,536	+640
(Transfer to Office of Inspector General)	(-12,896)	(-13,536)	(-13,536)	(-640)
Enforcement				
Civil enforcement (also EPM; OSR)	122	883	883	+761
Criminal enforcement (also EPM)	7,895	9,504	8,704	+809
Enforcement training (also EPM)	822	614	614	-208
Environmental justice (also EPM)	938	845	845	-93
Forensics support (also S&T)	4,112	3,840	3,840	-272
Superfund: Enforcement	153,266	164,258	160,258	+6,992
Superfund: Federal facilities enforcement	10,667	10,241	10,241	-426
Subtotal, Enforcement	177,822	190,185	185,385	+7,563
Compliance				
Compliance assistance and centers (also EPM; LUST; OSR)	---	23	12	+12
Compliance incentives (also EPM)	145	168	157	+12
Compliance monitoring (also EPM)	159	1,157	957	+798
Subtotal, Compliance	304	1,348	1,126	+822
Homeland security				
Homeland security: Communication and information (also EPM)				
Laboratory preparedness and response (also S&T; EPM; HSS)	---	300	300	+300
Homeland security: Critical infrastructure protection				
Critical infrastructure protection (other activities) (also S&T; EPM)	1,923	852	852	-1,071
Decontamination (also S&T; EPM; HSS)	---	200	200	+200
Subtotal, Homeland security: Critical infrastructure protection	1,923	1,052	1,052	-871
Homeland security: Preparedness, response, and recovery				
Decontamination (also S&T; EPM; HSS)	8,283	12,550	10,550	+2,267
Laboratory preparedness and response (also S&T; EPM; HSS)	---	9,500	---	---
Preparedness, response, and recovery (other activities) (also S&T)	25,996	26,915	26,915	+919
(Transfer to Science and Technology)	(-2,071)	(-2,000)	(-2,000)	(+71)
Subtotal, Homeland security: Preparedness, response, and recovery	34,279	48,965	37,465	+3,186
Homeland security: Protection of EPA personnel and infrastructure (also S&T; EPM; B&F)	672	600	600	-72
Subtotal, Homeland security	36,874	50,917	39,417	+2,543
Information exchange / Outreach				
Congressional, intergovernmental, external relations (also EPM)	155	161	155	---
Exchange network (also EPM)	2,235	1,676	1,676	-559
Subtotal, Information exchange / Outreach	2,390	1,837	1,831	-559
IT / Data management / Security				
Information security (also EPM)	406	409	406	---
IT / Data management (also S&T; EPM; LUST; OSR)	17,945	16,113	16,113	-1,832
Subtotal, IT / Data management / Security	18,351	16,522	16,519	-1,832

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Legal/Science/Regulatory/Economic review				
Alternative dispute resolution (also EPM)	845	985	985	+140
Legal advice: Environmental program (also EPM)	816	836	836	+20
Subtotal, Legal/Science/Regulatory/Economic review	1,661	1,821	1,821	+160
Operations and administration				
Financial assistance grants / Interagency agreements (IAG) management (also EPM)	2,943	2,579	2,579	-364
Facilities infrastructure and operations (also S&T; EPM; B&F; LUST; OSR)	67,080	72,726	70,226	+3,146
Acquisition management (also EPM; LUST)	18,888	20,367	20,367	+1,479
Human resources management (also EPM; LUST)	4,376	4,790	4,790	+414
Central planning, budgeting, and finance (also EPM; LUST)	20,379	22,445	22,445	+2,066
Subtotal, Operations and administration	113,666	122,907	120,407	+6,741
Research: Human health and ecosystems				
Human health risk assessment	3,559	4,022	4,022	+463
(Transfer to Science and Technology)	(-3,559)	(-4,022)	(-4,022)	(-463)
Research: Land protection				
Research: Land protection and restoration	22,994	23,099	23,099	+105
(Transfer to Science and Technology)	(-22,994)	(-23,099)	(-23,099)	(-105)
Research: Superfund innovative technology (SITE) program	6,596	1,485	1,485	-5,111
(Transfer to Science and Technology)	(-6,596)	(-1,485)	(-1,485)	(+5,111)
Subtotal, Research: Land protection	29,590	24,584	24,584	-5,006
Research: Sustainability				
Pollution prevention (also S&T)	588	---	---	-588
(Transfer to Science and Technology)	(-588)	---	---	(+588)
Superfund cleanup				
Superfund: Emergency response and removal	198,494	198,000	198,494	---
Superfund: EPA emergency preparedness	10,009	10,507	10,507	+498
Superfund: Federal facilities	31,512	31,611	31,611	+99
Superfund: Remedial	597,139	599,395	599,395	+2,256
Superfund: Support to other Federal agencies	10,591	9,754	9,754	-837
Subtotal, Superfund cleanup	847,745	849,267	849,761	+2,016
Total, Hazardous Substance Superfund	1,247,477	1,279,333	1,260,621	+13,144
(Transfer to Office of Inspector General)	(-12,896)	(-13,536)	(-13,536)	(-640)
(Transfer to Science and Technology)	(-35,808)	(-30,606)	(-30,606)	(+5,202)
Leaking Underground Storage Tanks (LUST)				
Compliance				
Compliance assistance and centers (also EPM; OSR; HSS)	855	774	774	-81
IT / Data management / Security				
IT / Data management (also S&T; EPM; HSS; OSR)	176	178	178	+2
Operations and administration				
Acquisition management (also EPM; HSS)	341	346	346	+5
Central planning, budgeting, and finance (also EPM; HSS)	866	936	936	+70
Facilities infrastructure and operations (also S&T; EPM; B&F; HSS; OSR)	872	884	884	+12
Human resources management (also EPM; HSS)	3	3	3	---
Subtotal, Operations and administration	2,082	2,169	2,169	+87
Research: Land protection				
Research: Land protection and restoration (also S&T; HSS; OSR)	624	646	646	+22

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Underground storage tanks (LUST / UST)				
Underground storage tanks (LUST / UST) (also EPM)	9,279	10,584	10,584	+1,305
LUST Cooperative agreements	56,424	58,676	58,676	+2,252
Subtotal, Underground storage tanks (LUST / UST)	65,703	69,260	69,260	+3,557
Total, Leaking Underground Storage Tank Program	69,440	73,027	73,027	+3,587
Oil Spill Response				
Enforcement				
Civil enforcement (also EPM; HSS)	1,742	1,789	1,789	+47
Compliance				
Compliance assistance and centers (also EPM; HSS; LUST)	274	287	287	+13
IT / Data management / Security				
IT / Data management (also S&T; EPM; HSS; LUST)	33	33	33	---
Oil				
Oil spill: Prevention, preparedness and response	12,465	12,344	12,344	-121
Operations and administration				
Facilities infrastructure and operations (also S&T; EPM; B&F; HSS; LUST)	463	504	504	+41
Research: Land protection				
Research: Land protection and restoration (also S&T; HSS; LUST)	895	906	906	+11
Total, Oil Spill Response	15,872	15,863	15,863	-9
Pesticide registration fund	19,245	15,000	15,000	-4,245
Pesticide registration fees	-19,245	-15,000	-15,000	+4,245
State and Tribal Assistance Grants (STAG)				
Air toxics and quality				
Clean school bus initiative	7,440	10,000	7,000	-440
Brownfields				
Brownfields projects	89,280	120,500	90,000	+720
Infrastructure assistance				
Infrastructure assistance: Alaska Native villages	44,640	15,000	35,000	-9,640
Infrastructure assistance: Clean water state revolving fund (SRF)	1,091,200	730,000	900,000	-191,200
Infrastructure assistance: Drinking water state revolving fund (SRF)	843,200	850,000	850,000	+6,800
Infrastructure assistance: Mexico border	49,600	50,000	50,000	+400
Infrastructure assistance: Puerto Rico	3,849	4,000	---	-3,849
Subtotal, Infrastructure assistance	2,032,489	1,649,000	1,835,000	-197,489
STAG infrastructure grants / Congressional priorities	309,548	---	200,000	-109,548
Subtotal, State and Tribal Assistance Grants (excluding categorical grants)	2,438,757	1,779,500	2,132,000	-306,757
Categorical grants				
Categorical grant: Beaches protection	9,920	10,000	10,000	+80
Categorical grant: Brownfields	49,600	60,000	50,000	+400
Categorical grant: Environmental information	19,344	20,000	20,000	+656
Categorical grant: Hazardous waste financial assistance	103,466	104,400	103,466	---
Categorical grant: Homeland security	4,960	5,000	5,000	+40
Categorical grant: Lead	13,392	13,700	13,700	+308
Categorical grant: Nonpoint source (Sec. 319)	207,328	209,100	207,328	---
Categorical grant: Pesticides enforcement	19,344	18,900	18,900	-444
Categorical grant: Pesticides program implementation	12,896	13,100	13,100	+204

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Categorical grant: Pollution control (Sec. 106)				
Pollution control (Sec. 106) (other activities)	168,620	177,900	170,900	+2,280
Water quality monitoring	39,700	54,000	48,500	+8,800
Subtotal, Categorical grant: Pollution control (Sec. 106)	208,320	231,900	219,400	+11,080
Categorical grant: Pollution prevention	4,960	6,000	5,000	+40
Categorical grant: Public water system supervision (PWSS)	99,746	100,600	99,746	---
Categorical grant: Radon	6,944	8,150	7,550	+606
Categorical grant: Sector program	2,232	2,250	2,250	+18
Categorical grant: State and local air quality management	223,200	223,550	223,550	+350
Categorical grant: State and tribal performance fund	---	23,000	---	---
Categorical grant: Targeted watersheds	17,856	15,000	16,856	-1,000
Categorical grant: Toxics substances compliance	5,007	5,150	5,150	+143
Categorical grant: Tribal air quality management	10,743	11,050	11,050	+307
Categorical grant: Tribal general assistance program	61,504	57,500	57,500	-4,004
Categorical grant: Underground injection control (UIC)	10,694	11,000	11,000	+306
Categorical grant: Underground storage tanks	11,904	11,950	11,950	+46
Categorical grant: Wastewater operator training	1,488	---	1,200	-288
Categorical grant: Water quality cooperative agreements	16,864	---	---	-16,864
Categorical grant: Wetlands program development	14,880	20,000	16,000	+1,120
Subtotal, Categorical grants	1,136,592	1,181,300	1,129,696	-6,896
Subtotal, State and Tribal Assistance Grants	3,575,349	2,960,800	3,261,696	-313,653
Rescission of expired contracts, grants, and interagency agreements (various EPA accounts)	---	---	-80,000	-80,000
Total, State and Tribal Assistance Grants	3,575,349	2,960,800	3,181,696	-393,653
TOTAL, TITLE II, ENVIRONMENTAL PROTECTION AGENCY	8,026,485	7,520,600	7,732,354	-294,131
Appropriations	(8,023,485)	(7,520,600)	(7,812,354)	(-211,131)
Emergency appropriations	(3,000)	---	---	(-3,000)
Rescissions	---	---	(-80,000)	(-80,000)
(Transfer out)	(-48,704)	(-44,142)	(-44,142)	(+4,562)
(By transfer)	(48,704)	(44,142)	(44,142)	(-4,562)
TITLE III - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest inventory and analysis	55,926	68,714	60,267	+4,341
Research and development programs	220,458	216,686	222,827	+2,369
Total, Forest and rangeland research	276,384	285,400	283,094	+6,710
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	54,236	50,023	54,236	---
Cooperative lands forest health management	47,629	22,308	47,629	---
Subtotal, Forest Health Management	101,865	72,331	101,865	---
Cooperative Fire Protection				
State fire assistance	32,920	20,919	33,422	+502
Volunteer fire assistance	5,917	5,917	6,000	+83
Subtotal, Cooperative Fire Protection	38,837	26,836	39,422	+585

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Cooperative Forestry				
Forest stewardship	32,320	37,099	34,699	+2,379
Forest Legacy	57,134	80,000	57,380	+246
Urban and Community Forestry	31,950	27,475	28,875	-3,075
Economic action programs	19,032	---	9,679	-9,353
Forest resource information and analysis	4,958	4,657	4,657	-301
Subtotal, Cooperative Forestry	145,394	149,231	135,290	-10,104
International program	6,410	4,989	7,000	+590
Emergency appropriations (P.L. 108-324)	49,100	---	---	-49,100
Total, State and Private Forestry	341,606	253,387	283,577	-58,029
National Forest System				
Land management planning	63,167	59,057	59,057	-4,110
Inventory and monitoring	167,302	167,009	170,179	+2,877
Recreation, heritage and wilderness	257,343	257,344	265,200	+7,857
Wildlife and fish habitat management	134,749	124,951	134,850	+101
Grazing management	48,034	44,659	49,000	+966
Forest products	273,247	278,297	284,297	+11,050
Vegetation and watershed management	189,614	193,774	184,050	-5,564
Minerals and geology management	55,747	73,791	85,865	+30,118
Landownership management	92,129	84,157	93,000	+871
Law enforcement operations	86,014	86,326	89,200	+3,186
Valles Caldera National Preserve	3,599	992	5,150	+1,551
Centennial of Service challenge	9,861	---	4,500	-5,361
Hazardous fuels	---	281,000	---	---
Emergency appropriations (P.L. 108-324)	12,153	---	---	-12,153
Total, National Forest System	1,392,959	1,651,357	1,424,348	+31,389
Wildland Fire Management				
Preparedness	676,470	676,014	676,014	-456
Fire suppression operations	648,859	700,492	700,492	+51,633
Additional appropriations, Title IV	394,443	---	---	-394,443
Subtotal, Fire suppression operations	1,043,302	700,492	700,492	-342,810
Other operations				
Hazardous fuels	262,539	---	286,000	+23,461
Rehabilitation	12,819	2,000	6,281	-6,538
Fire plan research and development	21,719	16,885	23,219	+1,500
Joint fire sciences program	7,889	---	8,000	+111
Forest health management (federal lands)	14,792	6,974	15,000	+208
Forest health management (co-op lands)	9,861	4,598	10,000	+139
State fire assistance	40,179	29,415	46,500	+6,321
Volunteer fire assistance	7,889	7,889	7,889	---
Subtotal, Other operations	377,687	67,761	402,889	+25,202
Emergency appropriations (P.L. 108-324)	1,028	---	---	-1,028
Funded in Defense Bill (P.L. 108-287) (sec. 8098)	(30,000)	---	---	(-30,000)
Total, Wildland Fire Management	2,098,487	1,444,267	1,779,395	-319,092
Capital Improvement and Maintenance				
Facilities				
Maintenance	77,657	51,522	51,522	-26,135
Construction	121,112	66,194	75,157	-45,955
Subtotal, Facilities	198,769	117,716	126,679	-72,090
Roads				
Maintenance	148,066	131,357	148,066	---
Construction	78,330	58,202	77,433	-897
Subtotal, Roads	226,396	189,559	225,499	-897
Trails				
Maintenance	41,823	37,540	42,000	+177
Construction	33,884	26,252	34,000	+116
Subtotal, Trails	75,707	63,792	76,000	+293

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Infrastructure improvement	13,829	9,725	13,000	-829
Subtotal, Capital improvement and maintenance	514,701	380,792	441,178	-73,523
Emergency appropriations (P.L. 108-324):				
Facilities	9,195	---	---	-9,195
Roads	33,204	---	---	-33,204
Trails	8,416	---	---	-8,416
Funded in Defense Bill (P.L. 108-287) (sec. 8098)	(10,000)	---	---	(-10,000)
Emergency appropriations (P L 109-13)	24,390	---	---	-24,390
Total, Capital Improvement and Maintenance	589,906	380,792	441,178	-148,728
Land Acquisition				
Forest Service				
Acquisitions	45,722	25,000	28,500	-17,222
Acquisition management	12,820	13,000	12,500	-320
Cash equalization	986	500	500	-486
Critical inholdings/wilderness protection	1,479	1,500	1,000	-479
Total, Land Acquisition	61,007	40,000	42,500	-18,507
Acquisition of lands for national forests, special acts	1,054	1,069	1,069	+15
Acquisition of lands to complete land exchanges	231	234	234	+3
Range betterment fund	3,021	2,963	2,963	-58
Gifts, donations and bequests for forest and rangeland research	64	64	64	---
Management of national forest lands for subsistence uses	5,879	5,467	5,067	-812
TOTAL, FOREST SERVICE	4,770,598	4,065,000	4,263,489	-507,109
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,289,418	1,359,541	1,359,541	+70,123
Dental health program	109,023	119,489	119,489	+10,466
Mental health program	55,060	59,328	59,328	+4,268
Alcohol and substance abuse program	139,073	145,336	145,336	+6,263
Contract care	480,318	507,021	507,021	+26,703
Catastrophic health emergency fund	17,750	18,000	18,000	+250
Subtotal, Clinical Services	2,090,642	2,208,715	2,208,715	+118,073
Preventive Health				
Public health nursing	45,015	49,690	49,690	+4,675
Health education	12,429	13,787	13,787	+1,358
Community health representatives program	51,365	53,737	53,737	+2,372
Immunization (Alaska)	1,572	1,645	1,645	+73
Subtotal, Preventive Health	110,381	118,859	118,859	+8,478
Urban health projects	31,816	33,233	33,233	+1,417
Indian health professions	30,392	31,503	31,503	+1,111
Tribal management	2,343	2,430	2,430	+87
Direct operations	61,649	63,123	63,123	+1,474
Self-governance	5,586	5,752	5,752	+166
Contract support costs	263,683	268,683	268,683	+5,000
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(598,662)	(648,208)	(648,208)	(+49,546)
Total, Indian Health Services	2,596,492	2,732,298	2,732,298	+135,806
(Non-contract services)	(2,098,424)	(2,207,277)	(2,207,277)	(+108,853)
(Contract care)	(480,318)	(507,021)	(507,021)	(+26,703)
(Catastrophic health emergency fund)	(17,750)	(18,000)	(18,000)	(+250)
Indian Health Facilities				
Maintenance and improvement	49,204	49,904	52,404	+3,200
Sanitation facilities	91,767	93,519	93,519	+1,752

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Construction facilities	88,597	3,326	38,343	-50,254
Facilities and environmental health support	141,669	150,959	152,959	+11,290
Equipment	17,337	17,960	21,260	+3,923
Total, Indian Health Facilities	388,574	315,668	358,485	-30,089
TOTAL, INDIAN HEALTH SERVICE	2,985,066	3,047,966	3,090,783	+105,717
NATIONAL INSTITUTES OF HEALTH				
National Institute of Environmental Health Sciences	79,842	80,289	80,289	+447
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY				
Toxic substances and environmental public health	76,041	76,024	76,024	-17
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES	3,140,949	3,204,279	3,247,096	+106,147
OTHER RELATED AGENCIES				
EXECUTIVE OFFICE OF THE PRESIDENT				
Council on Environmental Quality and Office of Environmental Quality	3,258	2,717	2,717	-541
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD				
Salaries and expenses	9,027	9,200	9,200	+173
Emergency fund	397	---	---	-397
Total, Chemical Safety and Hazard	9,424	9,200	9,200	-224
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	4,930	8,601	8,601	+3,671
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	5,916	6,300	6,300	+384
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,864	1,897	1,897	+33
Archives of American Art	1,806	1,843	1,843	+37
Arthur M. Sackler Gallery/Freer Gallery of Art	5,657	5,772	5,772	+115
Center for Folklife and Cultural Heritage	1,910	1,945	1,945	+35
Cooper-Hewitt, National Design Museum	3,054	3,118	3,118	+64
Hirshhorn Museum and Sculpture Garden	3,997	4,078	4,078	+81
National Air and Space Museum	16,262	16,596	16,596	+334
National Museum of African American History and Culture	3,944	5,098	3,944	---
National Museum of African Art	4,175	4,257	4,257	+82
Smithsonian American Art Museum	7,561	12,028	12,028	+4,467
National Museum of American History	19,962	20,441	20,441	+479
National Museum of the American Indian	31,739	30,540	30,540	-1,199
National Museum of Natural History	42,177	44,063	44,063	+1,886
National Portrait Gallery	4,957	8,409	8,409	+3,452
National Zoological Park	17,576	20,194	20,194	+2,618
Astrophysical Observatory	21,301	22,295	22,295	+994
Center for Materials Research and Education	3,184	3,251	3,251	+67
Environmental Research Center	3,006	3,065	3,065	+59
Tropical Research Institute	11,514	11,219	11,419	-95
Subtoal, Museums and Research Institutes	205,646	220,109	219,155	+13,509

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Program Support and Outreach				
Outreach	10,050	9,200	9,700	-350
Communications	1,480	1,502	1,502	+22
Institution-wide programs	6,053	6,613	6,613	+560
Office of Exhibits Central	2,598	2,658	2,658	+60
Major scientific instrumentation	3,944	3,944	3,944	---
Museum Support Center	1,640	1,675	1,675	+35
Smithsonian Institution Archives	1,656	1,695	1,695	+39
Smithsonian Institution Libraries	8,611	8,779	8,779	+168
Subtotal, Program Support and Outreach	36,032	36,066	36,566	+534
Administration	63,903	65,929	65,529	+1,626
Facilities Services				
Facilities maintenance	39,371	45,680	46,680	+7,309
Facilities operations, security and support	144,083	156,351	156,351	+12,268
Subtotal, Facilities Services	183,454	202,031	203,031	+19,577
Total, Salaries and Expenses	489,035	524,135	524,281	+35,246
Facilities Capital				
Revitalization	110,355	72,900	73,900	-36,455
Construction	7,879	9,000	18,100	+10,221
Facilities planning and design	7,889	9,000	8,000	+111
Total, Facilities capital	126,123	90,900	100,000	-26,123
TOTAL, SMITHSONIAN INSTITUTION	615,158	615,035	624,281	+9,123
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	32,110	34,023	34,023	+1,913
Operation and maintenance of buildings and grounds	21,958	23,268	23,268	+1,310
Protection of buildings, grounds and contents	19,437	20,675	20,675	+1,238
General administration	18,203	19,134	19,134	+931
General reduction	---	---	-500	-500
Total, Salaries and Expenses	91,708	97,100	96,600	+4,892
Repair, Restoration and Renovation of Buildings				
Base program	10,946	16,200	16,200	+5,254
TOTAL, NATIONAL GALLERY OF ART	102,654	113,300	112,800	+10,146
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	16,914	17,800	17,800	+886
Construction	16,107	15,200	13,000	-3,107
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,021	33,000	30,800	-2,221
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses	8,863	9,201	9,201	+338
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	45,631	45,118	45,118	-513
Challenge America grants	12,857	8,966	8,966	-3,891
National Initiative: American Masterpieces	1,183	4,800	4,800	+3,617

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
State partnerships				
State and regional	23,942	23,691	23,691	-251
Underserved set-aside	6,480	6,417	6,417	-63
Challenge America grants	8,570	5,956	5,956	-2,614
National Initiative: American Masterpieces	789	3,200	3,200	+2,411
Subtotal, State partnerships	39,781	39,264	39,264	-517
Subtotal, Grants	99,452	98,148	98,148	-1,304
Program support	1,270	1,470	1,470	+200
Administration	20,542	21,646	21,646	+1,104
General increase in House and Senate action	---	---	5,000	+5,000
Total, Arts	121,264	121,264	126,264	+5,000
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	31,387	31,387	31,387	---
Preservation and access	18,643	18,643	18,643	---
Public programs	12,932	12,566	12,566	-366
Research programs	12,881	12,881	12,881	---
Education programs	12,449	12,449	12,449	---
Program development	392	381	381	-11
We The People Initiative grants	11,217	11,217	11,217	---
Subtotal, Grants	99,901	99,524	99,524	-377
Administrative Areas				
Administration	22,255	23,081	23,081	+826
General increase in House and Senate action	---	---	5,000	+5,000
Total, Grants and Administration	122,156	122,605	127,605	+5,449
Matching Grants				
Treasury funds	5,607	5,449	5,449	-158
Challenge grants	10,291	10,000	10,000	-291
Total, Matching Grants	15,898	15,449	15,449	-449
Total, Humanities	138,054	138,054	143,054	+5,000
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	259,318	259,318	269,318	+10,000
COMMISSION OF FINE ARTS				
Salaries and expenses	1,768	1,893	1,893	+125
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,902	7,000	7,250	+348
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	4,536	4,988	4,860	+324
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	7,888	8,344	8,244	+356
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum	40,858	43,233	42,780	+1,922
PRESIDIO TRUST				
Operations	19,722	20,000	20,000	+278

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE				
Operations	248	250	250	+2
TOTAL, TITLE III, RELATED AGENCIES	9,036,011	8,411,659	8,669,080	-366,931
Appropriations	(8,940,145)	(8,411,659)	(8,669,080)	(-271,065)
Emergency appropriations	(95,866)	---	---	(-95,866)
TITLE IV - GENERAL PROVISION				
Across-the-board cut (.476%) (rescission) (sec. 437)	---	---	-126,000	-126,000
GRAND TOTAL, ALL TITLES	27,017,724	25,724,328	26,201,541	-816,183

CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

(In thousands of dollars)	
New budget (obligational) authority, fiscal year 2005	$27,017,724
Budget estimates of new (obligational) authority, fiscal year 2006	25,724,328
House bill, fiscal year 2006	26,159,125
Senate bill, fiscal year 2006	26,256,625
Conference agreement, fiscal year 2006	26,201,541
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	-816,183
Budget estimates of new (obligational) authority, fiscal year 2006	+477,213
House bill, fiscal year 2006	+42,416
Senate bill, fiscal year 2006	-55,084

CHARLES H. TAYLOR,
JERRY LEWIS,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ERNEST J. ISTOOK, Jr.,
ROBERT ADERHOLT,
JOHN T. DOOLITTLE,
MICHAEL SIMPSON,
NORMAN D. DICKS,
JAMES P. MORAN,
MAURICE D. HINCHEY,
JOHN W. OLVER,
ALAN B. MOLLOHAN,
Managers on the Part of the House.
CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
LARRY CRAIG,
WAYNE ALLARD,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
HERB KOHL,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2985

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–189)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2985) ''making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter inserted, insert:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $147,120,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,181,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $582,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $290,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,340,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,644,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $13,758,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,470,000 for each such committee; in all, $2,940,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $728,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,524,000 for each such committee; in all, $3,048,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $354,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $20,866,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $56,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,584,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $37,105,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,437,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,306,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $119,637,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,980,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $142,000,000, which shall remain available until September 30, 2010.

MISCELLANEOUS ITEMS

For miscellaneous items, $17,000,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $350,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2005, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2005, increased by an additional $50,000 each.

SEC. 2. CONSULTANTS. With respect to fiscal year 2006, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting ''nine individual consultants'' for ''eight individual consultants''.

SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101–302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking ''2005'' and inserting ''2006''.

SEC. 4. SENATE COMMISSION ON ART. Section 3(c)(2) of Public Law 108–83 (2 U.S.C. 2108(c)(2)) is amended by striking ''and for any purposes'' through the period and inserting ''for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101–302 (2 U.S.C. 2107(a)), and for expenditures, not to exceed $10,000 in any fiscal year, for meals and refreshments in Capitol facilities in connection with official activities of the Commission or other authorized programs or activities.''.

SEC. 5. ABSENCES. Section 40 of the Revised Statutes (2 U.S.C. 39) is amended by—

(1) striking ''Secretary of the Senate and the'';

(2) striking '', respectively, shall'' and inserting ''shall'';

(3) striking ''Senate or''; and

(4) striking '', respectively, unless'' and inserting '', unless''.

SEC. 6. MODIFICATION OF CERTAIN CONSULTANT REQUIREMENT. Section 10(a)(5) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 72d) is amended by inserting '', except that any approval (and related reporting requirement) shall not apply'' after ''May 14, 1975''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,100,907,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $19,844,000, including: Office of the Speaker, $2,788,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,089,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,928,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,797,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,345,000,

including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $482,000; Republican Steering Committee, $906,000; Republican Conference, $1,548,000; Republican Policy Committee, $307,000; Democratic Steering and Policy Committee, $1,945,000; Democratic Caucus, $816,000; nine minority employees, $1,445,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $434,000; and Cloakroom Personnel—minority, $434,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $542,109,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $117,913,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2006.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $25,668,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2006.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $172,249,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $21,911,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,284,000; for salaries and expenses of the Office of the Chief Administrative Officer, $121,471,000, of which $7,806,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,991,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $161,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,767,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,963,000; for salaries and expenses of the Office of Interparliamentary Affairs, $720,000; for other authorized employees, $161,000; and for salaries and expenses of the Office of the Historian, $405,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $223,124,000, including: supplies, materials, administrative costs and Federal tort claims, $4,179,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $214,422,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $3,410,000, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT. Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2006. Any amount remaining after all payments are made under such allowances for fiscal year 2006 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,276,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,781,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,834,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,545,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,098,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $217,456,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $32,000,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2006 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. MOUNTED HORSE UNIT. (a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

SEC. 1003. ETHICS IN GOVERMENT ACT. (a) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by inserting ''United States Capitol Police,'' after ''Architect of the Capitol,''.

(b) The amendment made by subsection (a) shall apply with respect to reports filed under the Ethics in Government Act of 1978 for calendar year 2005 and each succeeding calendar year.

SEC. 1004. INSPECTOR GENERAL FOR THE UNITED STATES CAPITOL POLICE. (a) ESTABLISHMENT OF OFFICE.—There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the ''Office''), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the ''Inspector General'').

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by, and under the general supervision of, the Capitol Police Board. The appointment shall be made in consultation with the Inspectors General of the Library of Congress, Government Printing Office, and the Government Accountability Office. The Capitol Police Board shall appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Committee on House Administration, the Senate Committee on Rules and Administration and the Committees on Appropriations of the House of Representatives and of the Senate.

(4) SALARY.—The Inspector General shall be paid at an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) DEADLINE.—The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after the date of the enactment of this Act.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978, (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 (other than subsection (a)(13) thereof) of the Inspector General Act of 1978, (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Chief of the Capitol Police shall be considered the head of the establishment. The Chief shall, within 30 days of receipt of a report, report to the Capitol Police Board, the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations of the House of Representatives and of the Senate consistent with section 5(b) of such Act.

(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of the date of the enactment of this Act.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless required by law or the Inspector General determines such disclosure is otherwise unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978, (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) STAFF.—

(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) APPLICABILITY OF CAPITOL POLICE PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) EQUIPMENT AND SUPPLIES.—The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as determined by the Inspector General to be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

(f) EFFECTIVE DATE.—This section shall be effective upon enactment of this Act.

(g) CONFORMING AMENDMENT.—Section 108(b)(2)(D) of the Legislative Branch Appropriations Act, 2001, Public Law 106–554 (2 U.S.C. §1903(b)(2)(D)) is amended to read as follows:

''(D) Prepare annual financial statements for the Capitol Police, and such financial statements shall be audited by the Inspector General of the Capitol Police or by an independent public accountant, as determined by the Inspector General.''.

SEC. 1005. REPORT OF DISBURSEMENTS. (a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police and the amount thereof;

(2) a description of any service rendered to the Capitol Police, together with service dates;

(3) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(4) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) PRINTING.—Each report under this section shall be printed as a House document.

(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

SEC. 1006. CAPITOL POLICE AND TRANSFER OF LIBRARY OF CONGRESS POLICE. (a) LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE.—Section 1006(b)(3) of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1023), as amended by section 1002 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1901 note; Public Law 108–447; 118 Stat. 3179), is further amended by adding after subparagraph (D), the following:

''(E) LIMITATION FOR FISCAL YEAR 2006.—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

''(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

''(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.''.

(b) MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect through fiscal year 2006, subject to such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding.

SEC. 1007. (a) WAIVING REPAYMENT OF CERTAIN OVERTIME COMPENSATION PAID INCORRECTLY.—Except as provided in subsection (b), any individual to whom overtime compensation was paid under section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 359), in violation of the restrictions applicable to the payment of such compensation under section 1009(b) of such Act

shall not be required to repay the compensation, but only to the extent the compensation was paid for services provided prior to June 15, 2005.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any officer or employee of the United States Capitol Police whose annual rate of pay is specified in statute and is not established under the schedule of rates of basic pay established and maintained by the Capitol Police Board.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: Provided further, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,450,000.

ADMINISTRATIVE PROVISION

SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584(g) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by inserting immediately after paragraph (6) the following new paragraph:

''(7) the Congressional Budget Office.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $76,812,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $23,352,000, of which $8,300,000 shall remain available until September 30, 2010.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,511,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $67,004,000, of which $15,745,000 shall remain available until September 30, 2010.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $59,616,000, of which $20,922,000 shall remain available until September 30, 2010.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,685,000, of which $1,600,000 shall remain available until September 30, 2010: Provided, That not more than $6,600,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $68,763,000, of which $42,500,000 shall remain available until September 30, 2010.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $14,902,000, of which $5,000,000 shall remain available until September 30, 2010.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,633,000: Provided, That this appropriation shall not be available for construction of the National Garden: Provided further, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $41,900,000, to remain available until expended, and in addition, $2,300,000 for Capitol Visitor Center operation costs: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1201. (a) Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849), is amended in subsection (b), by striking ''8 positions'' and inserting ''9 positions''.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 1202. (a) Section 905 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1819) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) In the case of a building or facility acquired through purchase pursuant to subsection (a), the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b).''.

(b) The amendments made by subsection (a) shall apply with respect to leases entered into on or after the date of the enactment of this Act.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $395,754,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $5,860,000 shall remain available until expended for the digital collections and educational curricula program under section 1306 of this Act: Provided further, That of the total amount appropriated, $600,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $11,078,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center:

Provided further, That of the total amount appropriated, $250,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That no funds made available under this heading may be expended inconsistently with the provisions and intent of section 1006 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83), as amended, and the memorandum of understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004: Provided further, That of the total amount appropriated, $300,000 shall be available to the University of South Carolina for the Cooperative Preservation and Conservation project for the Movietone Newsreel collection: Provided further, That of the total amount appropriated, $400,000 shall be available to the University of Mississippi American Music Archives: Provided further, That of the amounts made available under this heading in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–194), $6,858,000 are rescinded.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $58,601,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,465,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $35,946,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $100,916,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $54,449,000, of which $16,231,000 shall remain available until expended: Provided, That of the total amount appropriated, $400,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its ''NEWSLINE'' program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'' under the subheading ''SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194) is amended in the first proviso under the subheading ''SALARIES AND EXPENSES'' under the heading ''LIBRARY OF CONGRESS'' in chapter 9 of division A by adding at the end '', except that an amount not to exceed $10,000,000 of such additional $75,000,000 shall remain available until expended and may be used for competitive grants to State governmental entities, without regard to any matching contribution requirement, to work cooperatively to collect and preserve at-risk digital State and local government information''.

SEC. 1304. UNITED STATES DIPLOMATIC FACILITIES. Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

SEC. 1305. PARLIAMENTARY DEVELOPMENT. (a) Section 208 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53; 109 Stat. 532), is hereby repealed.

(b) The amendment made by this section shall take effect on the date of the enactment of this Act or October 1, 2005, whichever occurs earlier.

SEC. 1306. INCORPORATION OF DIGITAL COLLECTIONS INTO EDUCATIONAL CURRICULA. (a) SHORT TITLE.—This section may be cited as the ''Library of Congress Digital Collections and Educational Curricula Act of 2005''.

(b) PROGRAM.—The Librarian of Congress shall administer a program to teach educators and librarians how to incorporate the digital collections of the Library of Congress into educational curricula.

(c) EDUCATIONAL CONSORTIUM.—In administering the program under this section, the Librarian of Congress may—

(1) establish an educational consortium to support the program; and

(2) make funds appropriated for the program available to consortium members, educational institutions, and libraries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.

SEC. 1307. INSPECTOR GENERAL OF THE LIBRARY OF CONGRESS. (a) SHORT TITLE.—This section may be cited as the ''Library of Congress Inspector General Act of 2005''.

(b) OFFICE OF INSPECTOR GENERAL.—There is an Office of Inspector General within the Library of Congress which is an independent objective office to—

(1) conduct and supervise audits and investigations (excluding incidents involving violence and personal property) relating to the Library of Congress;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Librarian of Congress and the Congress fully and currently informed about problems and deficiencies relating to the administration and operations of the Library of Congress.

(c) APPOINTMENT OF INSPECTOR GENERAL; SUPERVISION; REMOVAL.—

(1) APPOINTMENT AND SUPERVISION.—

(A) IN GENERAL.—There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Librarian of Congress without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Librarian of Congress.

(B) AUDITS, INVESTIGATIONS, AND REPORTS.—The Librarian of Congress shall have no authority to prevent or prohibit the Inspector General from—

(i) initiating, carrying out, or completing any audit or investigation;

(ii) issuing any subpoena during the course of any audit or investigation; or

(iii) issuing any report.

(2) REMOVAL.—The Inspector General may be removed from office by the Librarian of Congress. The Librarian of Congress shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of the Congress.

(d) DUTIES, RESPONSIBILITIES, AUTHORITY, AND REPORTS.—

(1) IN GENERAL.—Sections 4, 5 (other than subsections (a)(13)), 6(a) (other than paragraphs (7) and (8) thereof), and 7 of the Inspector General Act of 1978 (5 U.S.C. App.) shall apply to the Inspector General of the Library of Congress and the Office of such Inspector General and such sections shall be applied to the Library of Congress and the Librarian of Congress by substituting—

(A) ''Library of Congress'' for ''establishment''; and

(B) ''Librarian of Congress'' for ''head of the establishment''.

(2) EMPLOYEES.—The Inspector General, in carrying out the provisions of this section, is authorized to select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of law governing selections, appointments, and employment in the Library of Congress.

(e) TRANSFERS.—All functions, personnel, and budget resources of the Office of Investigations of the Library of Congress are transferred to the Office of Inspector General.

(f) INCUMBENT.—The individual who serves in the position of Inspector General of the Library of Congress on the date of enactment of this Act shall continue to serve in that position, subject to removal in accordance with this section.

(g) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Inspector General of the Library of Congress shall be deemed to refer to the Inspector General of the Library of Congress as set forth under this section.

(h) EFFECTIVE DATE.—This section shall be effective upon enactment of this Act.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,337,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $2,000,000 for workforce retraining: Provided, That the Government Printing Office may make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $482,395,000: Provided, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2006 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

TITLE III—CONTINUITY IN REPRESENTATION

SEC. 301. Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

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

''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

''(A) a regularly scheduled general election for the office involved is to be held; or

''(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

''(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

''(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

''(4) EXTRAORDINARY CIRCUMSTANCES.—

''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

''(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

''(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

''(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

''(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

And the Senate agree to the same.

Amendment Numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 2, line 5, down through and including page 8, line 12 of the House engrossed bill, H.R. 2985.

And the Senate agree to the same.

Amendment Numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 24, line 12, down through and including page 24, line 16 of the House engrossed bill, H.R. 2985.

And the Senate agree to the same.

Amendment Numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 41, line 10, down through and including page 43, line 24 of the House engrossed bill, H.R. 2985.

And the Senate agree to the same.

Amendment Numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5.

And the Senate agree to the same.

JERRY LEWIS,
JACK KINGSTON,
KAY GRANGER,
JOHN T. DOOLITTLE,
RAY LAHOOD,
STENY H. HOYER,
JAMES P. MORAN,
Managers on the Part of the House.

WAYNE ALLARD,
THAD COCHRAN,
MIKE DEWINE,
TED STEVENS,
RICHARD DURBIN,
TIM JOHNSON,
ROBERT C. BYRD
(except Title III),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with five numbered amendments. The conference agreement addresses all the differences contained in the five amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill. An explanation of the resolution of the differences of the other four numbered amendments is included in the first numbered amendment. The disposition of the other four numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

Amendment numbered 1: Deletes the matter inserted and inserts complete bill text excluding the short title.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I

SENATE

The conferees agree to appropriate $785,549,000 for Senate operations. Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping

requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendment of the Senate.

HOUSE OF REPRESENTATIVES

The conferees agree to appropriate $1,100,907,000 for House operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

The conference agreement includes $4,276,000 as proposed by the House and the Senate.

JOINT COMMITTEE ON TAXATION

The conference agreement includes $8,781,000 as proposed by the House and the Senate.

OFFICE OF THE ATTENDING PHYSICIAN

The conference agreement includes $2,545,000 as proposed by the House and the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

The conference agreement includes $4,098,000 for the Capitol Guide Service and Special Services Office as proposed by the Senate instead of $4,268,000 as proposed by the House.

STATEMENTS OF APPROPRIATIONS

The conference agreement includes $30,000 as proposed by the House and the Senate.

CAPITOL POLICE

In fiscal year (FY) 2001, in response to pervasive management issues at the United States Capitol Police (USCP), the conferees directed the USCP to establish a Chief Administrative Officer (CAO) position with the overall responsibility for improving administrative operations of the USCP, including human resources, information technology, financial management and budgeting. In FY 2001 and subsequent years, the conferees also required the Government Accountability Office (GAO) to report periodically on the progress of the USCP in improving operations.

The conferees are disappointed with the slow pace of improvements and the broad range of management issues that continue to surface, including problems in procurements, project management, budget execution, and payroll and compensation issues. The conferees-believe that there has not been adequate management emphasis on improving administrative operations. The tone set by management influences the actions of staff throughout the organization in helping to ensure good management practices and effective operations.

The conferees direct the Chief, the Assistant Chief, and the CAO to place a renewed emphasis on implementing basic internal control throughout their operations, with an emphasis on instilling accountability for good internal control procedures and practices throughout the organization, while leading by example in this area and setting an appropriate tone at the top. Internal control represents the series of actions and activities that are put in place throughout an entity's operations on an ongoing basis and should be designed to provide reasonable assurance over (1) the effectiveness and efficiency of operations, (2) compliance with laws and regulations, (3) safeguarding of assets, and (4) the reliability of financial reporting and other types of reporting.

The conferees direct the Chief to implement a structured internal control program that meets the above objectives and includes the standard elements of internal control from basic management literature and GAO's Standards for Internal Control in the Federal Government. The conferees require the Chief to provide a written plan describing specific actions and timeframes required to address these objectives including how the USCP's new financial management system will improve the reliability of financial reporting, budget execution and reprogramming. The written plan is due on October 1, 2005, with quarterly reports on progress thereafter.

The conferees also direct the Comptroller General to undertake a review of USCP overtime usage. Specifically, the Comptroller General shall review (1) the requirements that necessitate the need for USCP overtime, (2) how USCP is managing and accounting for overtime use, and (3) the extent to which the deployment of technology might help defer the need for some USCP overtime.

Reprogramming Guidelines—The conferees direct that the United States Capitol Police may not carry out any reprogramming, transfer, or use of funds unless: (1) the Chief of the Capitol Police submits a request for the reprogramming, transfer, or use of funds to the Committees on Appropriations of the House and Senate on or before August 1 of the respective year, unless both such committees agree to accept the request at a later date because of extraordinary and emergency circumstances cited by the Chief; (2) the request contains clearly stated and detailed documentation presenting justifications for the reprogramming, transfer, or use of funds; (3) the request contains a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated until both committees have approved the request; and (4) both committees approve the request.

A reprogramming, transfer, or use of unobligated balances request is required if (1) the amount to be shifted to or from any object class, approved budget, or program involved under the request, or the aggregate amount to be shifted to or from any object class, approved budget, or program involved during the fiscal year taking into account the amount contained in the request, is in excess of $250,000 or 10 percent, whichever is less, of the object class, approved budget, or program; (2) the reprogramming or use of funds would result in a major change to the program or item which is different than that presented to and approved by the Committees on Appropriations of the House and Senate; or (3) the funds involved were earmarked by either of the committees for a specific activity which is different that the activity proposed under the request, without regard to whether the amount provided in the earmark is less than, equal to, or greater than the amount required to carry out the activity.

In 2003, Public Law 108–83 extended the Capitol Police jurisdiction zone solely for truck interdiction. In the Spring of 2003, the House and Senate Committees on Appropriations were given assurances by the Capitol Police that technology existed for an integrated program to assist in truck interdiction and subsequently approved $18, 891,300 for the technology. In July of 2004, the Government Accountability Office voiced concerns about the contract for the program and the lack of procurement oversight of the project. In March of 2005, the Committees were informed that the technology did not exist to support this effort. The Conferees have serious concerns over the lack of stewardship of the taxpayer dollars and how this exemplifies pervasive management issues and lack of asset accountability within the Capitol Police. The conferees direct the GAO to report on this issue in their next semi-annual report. In addition, the conferees note that the effective date of this provision was to be upon approval of regulations prescribed by the Capitol Police Board for the sole implementation, execution and maintenance of the truck interdiction program by the Committee on Rules and Administration of the Senate and the Committee on House Administration. It is the conferees' understanding that to date this has not been accomplished.

The conferees have included an administrative provision (Section 1004) that establishes an Office of the Inspector General of the United States Capitol Police. The conferees direct the Capitol Police Board to enter into a contract with an executive employment search organization to perform a nation-wide recruitment for the Inspector General. The conferees further direct the formation of a panel comprised of the Inspectors General of the Government Accountability Office, the Government Printing Office, and the Library of Congress to review the applications, interview the top applicants, and forward a recommendation, including not less than three candidates, to the voting members of the Capitol Police Board for review and final selection within 180 days of enactment of this Act.

SALARIES

The conference agreement includes $217,456,000 for salaries of officers, members, and employees of the Capitol Police instead of $210,350,000 as proposed by the House and $222,600,000 as proposed by the Senate. This level will support the current staffing level of 1,592 officers and an additional 43 officers for the Library of Congress. Funding is provided for an additional 45 officers of the Capitol Visitor Center, as of August 2006. The conferees direct that these positions not be advertised until approved by the House Committee on Administration and the Senate Committee on Rules and Administration. This level of funding will also support 414 civilians as proposed by the House.

GENERAL EXPENSES

The conference agreement includes $32,000,000 for general expenses of the Capitol Police instead of $29,345,000 as proposed by the House and $42,000,000 as proposed by the Senate. In addition, $10,000,000 from prior year unobligated balances is available upon the approval of the Committees on Appropriations of the House and Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

The conferees have included an administrative provision, section 1001, which authorizes transfers between various accounts upon the approval of the Committees on Appropriations of the House and Senate. Section 1002 terminates the mounted horse unit and transfers the horses, equipment, and supplies to the United States Park Police. Section 1003 requires Capitol Police employees to file annual reports under the Ethics in Government Act with the Clerk of the House of Representatives. Section 1004 establishes an Office of Inspector General. Section 1005 requires semiannual reports of disbursements. Section 1006 continues current authority of the USCP to fill Library of Congress police vacancies with Capitol Police officers. Section 1007 relates to certain overtime compensation.

The conferees are very concerned about problems recently raised by the GAO concerning the inappropriate payment of compensatory time and overtime to employees of the Capitol Police who are exempt from the Fair Labor Standards Act (FLSA). The conferees have included Section 1007, which

waives the repayment of certain overtime compensation pair incorrectly, to minimize the impact of flawed management controls on Capitol Police officers. The conferees are aware that the Captiol Police Board has promulgated regulations to bring Capitol Police overtime and compensatory time for FLSA-exempt employees into compliance with all relevant laws, and that these regulations are awaiting approval from the authorizing committees. In its ruling on this issue, the GAO stated its intention to issue a second opinion that will address the authority to provide overtime pay and compensatory leave to non statutory civilian employees and FLSA-exempt members of the USCP. The conferees encourage the Capitol Police Board to work closely with the Committee on House Administration and the Senate Committee on Rules and Administration to address any further issues which may arise from GAO's second opinion.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

The conference agreement includes $3,112,000 as proposed by the House and the Senate. The conferees have included an official representation and reception allowance as proposed by the House.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

The conference agreement includes $35,450,000 for salaries and expenses of the Congressional Budget Office as proposed by the rouse instead of $35,853,000 as proposed by the Senate.

ADMINISTRATIVE PROVISION

The conferees have agreed in Section 1100, as proposed by the House and the Senate, to provide authority for the Director of the Congressional Budget Office to permit waivers of claims for overpayments of pay and allowances.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

The conference agreement includes $76,812,000 for General Administration instead of $77,002,000 as proposed by the House and $76,522,000 as proposed by the Senate. The study for emergency power requirements is funded in the amount of $350,000 as proposed by the House, but will be funded on an annual instead of a multi-year basis, as agreed to by the conferees.

With respect to the operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$76,462,000
Project Budget:	
1. Study, Emergency Power Requirements	350,000
Total, General Administration	76,812,000

CAPITOL BUILDING

The conference agreement includes $23,352,000, of which $8,300,000 shall remain available until September 30, 2010, for maintenance, care and operation of the Capitol to the Architect of the Capitol, instead of $22,097,000, of which $6,580,000 would remain available until September 30, 2008 as proposed by the House, and $25,380,000, of which $10,055,000 would remain available until September 30,2010, as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$14,259,000
Project Budget:	
1. Replacement of Minton Tile	225,000
2. Computer, Telecom, and Electrical Support	298,000
3. Restoration of East Front Bronze Doors	270,000
4. Emergency Power Upgrades, House Chamber	120,000
5. Minor Construction	2,500,000
6. Emergency Exit Signs and Lighting, CB	1,000,000
7. Emergency Electrical Service Upgrade, CB	2,980,000
8. West Terrace Egress Doors and Stairs, CB	1,700,000
Total, Capitol Building	23,352,000

CAPITOL GROUNDS

The conference agreement includes $7,511,000 to the Architect of the Capitol for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant, instead of $7,723,000, of which $740,000 would remain available until September 30, 2008 as proposed by the House, and $7,061,000, as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$6,846,000
Project Budget:	
1. CVC Land Restoration	50,000
2. National Garden Sidewalks	165,000
3. East Front Plantings	450,000
Total, Capitol Grounds	7,511,000

SENATE OFFICE BUILDINGS

The conferees agree to appropriate $67,004,000, of which $15,745,000 would remain available until September 30,2010, for the maintenance, care and operation of the Senate office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Operating Budget	$49,274,000
Project Budget:	
1. Refinish Historic Woodwork	285,000
2. Seal Fire Wall Penetrations, HSOB & DSOB	300,000
3. Replace Carpet, HSOB	300,000
4. Point, Caulk, and Clean, RSOB	200,000
5. Legislative Call System Upgrade, Phase I	400,000
6. Electrical and Data Wire Management	40,000
7. Rotunda Electrical and Data Wire Management	75,000
8. Network Transformer Replacement	90,000
9. Fire Alarm replacement SCCC & SWPR	100,000
10. Tunnel Fire Protection Upgrades	250,000
11. Color Coded Egress	100,000
12. Egress Improvements	500,000
13. Smoke Management System Installation	150,000
14. Minor Construction	4,000,000
15. Emergency Lighting Upgrades, HSOB	3,600,000
16. Replace Modular Furniture, HSOB	3,900,000
17. Public Restroom Upgrades, South Stack, HSOB	2,400,000
18. High Voltage Switchgear Replacement, HSOB	540,000
19. Repair Marble Floors and Clean Arch Surfaces	500,000
Total, Senate Office Buildings	67,004,000

HOUSE OFFICE BUILDINGS

The conferees agree to appropriate $59,616,000, of which $20,922,000 would remain available until September 30, 2010, for the maintenance, care and operation of the House office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

Operating Budget	$38,344,000
Project Budget:	
1. Repairs of Rayburn Garage Fire Doors	50,000
2. Fire Pump Installation, LHOB	120,000
3. Replace Sprinkler Valves and Drains, HOB	180,000
4. Minor Construction	4,960,000
5. Design, Parking Garage, Lot #9	4,000,000
6. Window Replacement, FHOB	3,710,000
7. Fiber Optics Pathway	1,050,000
8. Remodel/Refurbish Gift Shop	175,000
9. Carpet Replacement	502,000
10. House Campus Data Closets Environment Upgrade	100,000
11. Remodel/Refurbish Supply Store	100,000
12. Modification to House Barber Shop	75,000
13. Modification to House Beauty Salon	100,000
14. High Voltage Switchgear Replacement, RHOB	1,050,000
15. High Voltage Switchgear Replacement, FHOB	1,070,000
16. Emergency Lighting Upgrade, LHOB	2,700,000
17. Emergency Lighting Upgrade, FHOB	1,030,000
18. Interior Access Improvements	300,000
Total, House Office Buildings	59,616,000

CAPITOL POWER PLANT

In addition to the $6,600,000 made available from receipts credited as reimbursements to this appropriation, as proposed by the House, instead of $6,500,000 as proposed by the Senate, the conferees agree to appropriate $58,685,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol Power Plant, instead of $58,585,000 as proposed by the House and $58,817,000 as proposed by the Senate. Of this amount, $1,600,000 would remain available until September 30, 2010, instead of $1,592,000 to remain available until September 30, 2008 as proposed by the House.

With respect to operations and project differences the House and Senate conferees have agreed to the following:

Operating Budget (net)	$56,405,000
Project Budget:	
1. Replace Air Compressors with Centrifugal Units	230,000
2. Replace Hotwell with Condensate Receiver	240,000

3. Heavy Equipment—Track Mobile	210,000
4. Design, CPP Beautification	1,000,000
5. Design, Egress Improvements	600,000
Total, Capitol Power Plant (net)	58,685,000

LIBRARY BUILDINGS AND GROUNDS

The conference agreement includes $68,763,000 for structural and mechanical care, Library buildings and grounds, instead of $31,318,000 as proposed by the House and $70,948,000 as proposed by the Senate. Of this amount, $42,500,000 would remain available until September 30, 2010, instead of $6,325,000 to remain available until September 30, 2008 as proposed by the House and $42,950,000 to remain available until September 30, 2010 as proposed by the Senate.

With respect to the construction of the Book Storage Modules, the conferees direct the Architect of the Capitol to engage the services of the Baltimore Corps of Engineers as project managers on this very important project.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$20,133,000
Project Budget:	
1. Painting of Interior Arches, TJB	240,000
2. Repair Life Safety Deficiencies	390,000
3. Copyright Office Reconfiguration	5,500,000
4. Book Storage Modules, 3 & 4	40,700,000
5. Redesign, Copyright Deposit Facility, Fort Meade	800,000
6. Minor Construction	1,000,000
Total, Library Buildings and Grounds	68,763,000

CAPITOL POLICE BUILDINGS AND GROUNDS

The conference agreement includes $14,902,000 instead of $16,830,000 as proposed by the House and $10,031,000 as proposed by the Senate. Of this amount, $5,000,000, as proposed by the House, would remain available until September 30, 2010.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget	$9,786,000
Project Budget:	
1. HVAC Replacement, Crib	116,000
2. Vehicle Maintenance Facility Purchase	5,000,000
Total, Capitol Police Buildings and Grounds	14,902,000

BOTANIC GARDEN

The conference agreement includes $7,633,000 for salaries and expenses, Botanic Garden, as proposed by the Senate instead of $7,211,000 as proposed by the House.

The conferees direct the Architect to submit an obligation plan to the Committees on Appropriations of the House and Senate prior to obligating funds for improvements to the administration building.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget:	$6,886,000
Project Budget:	
1. Partnership Support	300,000
2. Fire Alarm System Upgrade, Production Facility	187,000
3. Replacement of Delivery Truck	60,000
4. Administration Building Improvements	200,000
Total, Botanic Garden	7,633,000

CAPITOL VISITOR CENTER

The conference agreement includes $44,200,000 for the Capitol Visitor Center as proposed by the Senate instead of $36,900,000 as proposed by the House. Of this amount, $41,900,000 is appropriated on a no-year basis. The conferees direct the Architect of the Capitol to provide to the Committees on Appropriations of the House and Senate for approval a detailed plan on the hiring of all operational staffing by December 31, 2005.

Operating Budget	$2,300,000
Project Budget:	
1. CVC Cost to Complete	41,900,000
Total, Capitol Visitor Center	44,200,000

ADMINISTRATIVE PROVISIONS

The conference agreement includes two administrative provisions related to the operations of the Architect of the Capitol. Section 1201 provides for an additional senior level position for the executive director of the Botanic Garden. Section 1202 provides authority to the Architect to enter into certain lease agreements.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $395,754,000 for salaries and expenses, Library of Congress instead of $388,144,000 as proposed by the House and $397,285,000 as proposed by the Senate. Of this amount $6,350,000 is made available from receipts collected by the Library of Congress and is to remain available until expended; and $13,972,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other library materials as proposed by the House and Senate. The conference agreement provides $600,000 for the Abraham Lincoln Bicentennial Commission, $11,078,000 for partial support of the National Audio-Visual Conservation Center, $5,860,000 for the digital collections and educational curricula program, $250,000 for the Middle Eastern Text Initiative, $300,000 for the Movietone Newsreel Collection at the University of South Carolina, $400,000 for the American Music Archives at the University of Mississippi, $700,000 for facility modernization and a rescission of prior year funds in the amount of $6,858,000. This level funds 2,915 FTEs.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

The conference agreement includes $22,655,000, and an additional $35,946,000 made available from receipts, for salaries and expenses, Copyright Office, as proposed by the House instead of $22,700,000, and an additional $34,622,000 made available from receipts, as proposed by the Senate.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement includes $100,916,000 for salaries and expenses, Congressional Research Service, Library of Congress, instead of $99,952,000 as proposed by the House and $101,755,000 as proposed by the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

The conference agreement includes $54,449,000, instead of $54,049,000 as proposed by the House and $64,172,000 as proposed by the Senate. Of this amount $16,231,000 is to remain available until expended instead of $15,831,000 as proposed by the House and $25,667,000 as proposed by the Senate. The conferees have provided $400,000 for reimbursement to the National Federation of the Blind for costs incurred in the operation of its ''NEWSLINE'' program.

ADMINISTRATIVE PROVISIONS

The conferees have agreed to include administrative provisions related to the incentive awards program, reimbursable and revolving fund activities, and funding limitations for the United States diplomatic facilities (Section 1304). In addition, the conferees have included a new administrative provision, Section 1303, related to the National Digital Information Infrastructure and Preservation Program. Section 1305 relates to assistance provided by the Congressional Research Service, Section 1306 authorizes the Library of Congress Digital Collections and Educational Curricula Program, and Section 1307 authorizes a statutory Inspector General for the Library of Congress.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $88,090,000 as proposed by the Senate instead of $82,690,000 as proposed by the House.

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $33,337,000 as proposed by the House instead of $33,837,000 as proposed by the Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conference agreement includes $2,000,000 for workforce retraining instead of $1,200,000 as proposed by the House and $5,000,000 as proposed by the Senate.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

The conference agreement includes $489,560,000, of which $7,165,000 is from offsetting collections, for salaries and expenses, Government Accountability Office as proposed by the House instead of $491,548,000 as proposed by the Senate.

The conferees remind the GAO that the core function of GAO is to provide quantified, authoritative reports to Congress on issues and questions that Members and the Standing Committees have identified as of interest and importance. It is important that this work be done in a manner that supports the legislative process by being timely and specific to the issues identified. Any activity beyond the core function and beyond GAO's core responsibility to Congress must have exceptional justification to merit pursuit.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

The conference agreement includes $14,000,000 for payment to the Open World Leadership Center Trust Fund as proposed by the House and Senate.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The conference agreement includes $430,000 as proposed by the Senate. The House did not propose an amount for this program.

TITLE II—GENERAL PROVISIONS

In Title II, General Provisions the conferees have agreed to delete language proposed by both bodies relative to compensation limitation.

TITLE III

CONTINUITY IN REPRESENTATION

The conferees have agreed to include language relating to continuity in representation.

Amendment numbered 2: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment 1.

Amendment numbered 3: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment 1.

Amendment numbered 4: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment 1.

Amendment numbered 5: The House receeds to the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment 1.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follows:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$3,639,892
Budget estimates of new (obligational) authority, fiscal year 2006	4,028,477
House bill, fiscal year 2006	2,864,418
Senate bill, fiscal year 2006	3,833,765
Conference agreement, fiscal year 2006	3,803,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	+163,608
Budget estimates of new (obligational) authority, fiscal year 2006	−224,977
House bill, fiscal year 2006	+939,082
Senate bill, fiscal year 2006	−30,265

JERRY LEWIS,
JACK KINGSTON,
KAY GRANGER,
JOHN T. DOOLITTLE,
RAY LAHOOD,
STENY H. HOYER,
JAMES P. MORAN,
Managers on the Part of the House.

WAYNE ALLARD,
THAD COCHRAN,
MIKE DEWINE,
TED STEVENS,
RICHARD DURBIN,
TIM JOHNSON,
ROBERT C. BYRD
(except Title III),
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAMER (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. GIBBONS (at the request of Mr. DELAY) for today and July 25 on account of attending to business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. WYNN, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Mr. LEVIN, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. FARR, for 5 minutes, today.
Mr. GENE GREEN of Texas, for 5 minutes, today.
Mr. CASE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, July 27.
Mr. HENSARLING, for 5 minutes, today.
Mr. PAUL, for 5 minutes, July 27, 28, and 29.
Mr. SAXTON, for 5 minutes, today.
Mr. BRADY of Texas, for 5 minutes, today.
Mr. SHAW, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 21, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 3377. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Jeff Trandahl, Clerk of the House reports that on July 22, 2005 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 52. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

ADJOURNMENT

Mrs. MALONEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 27, 2005, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter 2003, second and third quarter 2004, first and second quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Margaret Peterlin	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		904.00						904.00
	4/17	4/19	Jamaica		1,040.00						1,040.00
Committee total											1,185.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARGARET PETERLIN.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JOHN SCHELBLE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 15 AND MAY 16, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Schelble	5/15	5/16	Haiti		328.00		1,197.15		176.54		1,701.69
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN SCHELBLE, June 20, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REV. DANIEL COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND JUNE 2, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rev. Daniel P. Coughlin	5/27	5/29	Norway		422.00						422.00
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		872.00						872.00
Committee total					2,004.00						2,004.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Rev. DANIEL P. COUGHLIN, June 21, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROBERT LAWRENCE AND MR. WILLIAM HARRIS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 4, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Lawrence	5/29	6/4	Georgia		1,770.00		8,306.94				10,076.94
William Harris	5/29	6/4	Georgia		1,770.00		8,306.94				10,076.94
Committee total					3,540.00		1,6613.88				20,153.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, June 8, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BRIAN DIFFELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brian Diffell	5/30	6/1	Venezuela		466.00		2,763.66				3,229.66
Committee total					466.00		2,763.66				3,229.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, May 1, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING IN LJUBLJANA, SLOVENIA; AND NATO PARLIAMENTARY ASSEMBLY DELEGATION MEETINGS IN BERLIN, GERMANY AND RAMSTEIN AFB, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND JUNE 5, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joel Hefley	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Ralph Regula	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/2	Germany		475.50		(3)				2,870.50
Hon. John Tanner	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Paul Gillmor	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Jo Ann Emerson	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. John Shimkus	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Dennis Moore	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. John Boozman	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Mike Ross	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Hon. Ben Chandler	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Melissa Adamson	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Andrew Beck	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Kathy Becker	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Paul Gallis	5/27	6/1	Slovenia		2,395.00		(3)				
	6/1	6/5	Germany		1,690.50		(3)				4,085.50
Kay King	5/27	6/1	Slovenia		2,395.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING IN LJUBLJANA, SLOVENIA; AND NATO PARLIAMENTARY ASSEMBLY DELEGATION MEETINGS IN BERLIN, GERMANY AND RAMSTEIN AFB, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND JUNE 5, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	6/1	6/5	Germany		1,690.50		[3]				4,085.50
Susan Olson	5/27	6/1	Slovenia		2,395.00		[3]				
	6/1	6/5	Germany		1,690.50		[3]				4,085.50
Marilyn Owen	5/27	6/1	Slovenia		2,395.00		[3]				
	6/1	6/5	Germany		1,690.50		[3]				4,085.50
Hon. Patrick Prisco	5/27	6/1	Slovenia		2,395.00		[3]				
	6/1	6/5	Germany		1,690.50		[3]				4,085.50
Delegation Expenses:											
Representational Functions									9,450.65		9,450.65
Committee total					72,324.00				9,450.65		81,774.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOEL HEFLEY, Chairman, June 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicated and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, July 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicated and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, July 12, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Judy Biggert	3/3	4/2	France		887.09		[4] 3,770.44				4,657.53
	4/2	4/5	Amsterdam		1,905.02		[3]				1,905.02
	4/5	4/5	U.K.				[3]				
	4/7	4/12	Jordan		1,180.00		[3]				1,180.00
Hon. Jim Costa	5/29	5/30	Kyrgyzstan		239.00		[4] 6,272.88				6,511.88
	5/30	5/31	Uzbekistan				[3]				
	5/31	6/1	Afghanistan		90.00		[3]				90.00
	6/1	6/4	Pakistan		877.00		[3]				877.00
	6/4	6/5	U.K.				[4] 1,736.99				1,736.99
Hon. Lincoln Davis	5/29	5/30	Kyrgyzstan		239.00		[4] 6,272.88				6,511.88
	5/30	5/31	Uzberistan				[3]				
	5/31	6/1	Afghanistan		90.00		[3]				90.00
	6/1	6/4	Pakistan		877.00		[3]				877.00
	6/4	6/4	U.K.				[4] 1,736.99				1,736.99
Hon. Mike Sodrel	5/29	5/30	Kyrgyzstan		239.00		[4] 6,272.88				6,511.88
	5/30	5/31	Uzbekistan				[3]				
	5/31	6/1	Afghanistan		90.00		[3]				90.00
	6/1	6/4	Pakistan		877.00		[3]				877.00
	6/4	6/4	U.K.				[4] 1,736.99				1,736.99
Amy Chiang	4/3	4/11	China		2,009.00		[4] 8,192.10				10,201.10
	6/8	6/16	China		2,284.00		[4] 5,731.06				8,015.06
Hon. Shelia Jackson-Lee	6/25	6/25	Cuba, Guantanamo Bay				[3]				
Committee total					11,883.11		41,723.21				53,606.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial air transportation.

———July 8, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Carter [3] [4]	1/11	1/18	Iraq and Afghanistan		762.00		337.93		4,222.84		5,322.77
Hon. Tom Osborne [4]	4/7	4/12	Jordan, Iraq and Germany		762.00		532.95		6,120.74		7,145.69

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kenny Marchant	4/22	4/26	Costa Rica and Colombia		1,006.00				36,837.38		37,843.38
Committee total					2.530.00		870.80		47,180.96		50,581.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Expenses not previously reported.
[4] Transportation and other purposes expenses are cumulative for entire CODEL.

JOHN A. BOEHNER, Chairman, July 11, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM A. THOMAS, Chairman, July 13, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON THE LIBRARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, July 7, 2005.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lara Alameh	1/11	1/16	Israel		1,445.00						1,445.00
Douglas Anderson	1/6	1/7	China		313.00						313.00
	1/7	1/9	Indonesia		290.00						290.00
	1/9	1/10	Thailand		232.00						232.00
	1/10	1/12	Sri Lanka		412.00						412.00
	1/12	1/15	India		885.00						885.00
	1/6	1/15					[4] 10,258.91				10,258.91
Renee Austell	1/26	1/28	Poland		502.00		6,286.66				6,788.86
Hon. Shelley Berkley	1/26	1/28	Poland		502.00		7,591.66				8,093.66
	3/11	3/13	Spain		965.00		5,906.25				6,871.25
Hon. Howard Berman	2/11	2/13	Germany		370.00		[3]				370.00
Hon. Earl Blumenauer	1/6	1/7	China		313.00						313.00
	1/7	1/9	Indonesia		290.00						290.00
	1/9	1/10	Thailand		232.00						232.00
	1/10	1/12	Sri Lanka		412.00						412.00
	1/12	1/14	India		590.00						590.00
	1/6	1/14					[4] 7,691.29				7,691.29
Ted Brennan	1/10	1/13	Colombia		525.00						525.00
	1/13	1/16	Panama		558.00						558.00
	1/16	1/18	Honduras		496.00						496.00
	1/10	1/18					[4] 2,798.62				2,798.62
Hon. Dan Burton	2/11	2/15	Costa Rica		900.00		1,687.85		343.00		2,930.85
Hon. Steve Chabot	1/12	1/15	Egypt		867.00		6,428.76				7,295.76
Malik Chaka	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Joan Condon	3/26	3/30	Libya		1,002.00		7,554.85				8,556.85
Frank Cotter	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		708.00		[3]				708.00
Ninfa DeLuna	3/17	3/20	Mexico		864.00						864.00
	3/20	3/23	Panama		708.00		1,187.11				1,895.11
Hon. Eliot Engel	1/10	1/11	Russia		266.00						266.00
	1/11	1/14	North Korea		118.75						118.75
	1/14	1/15	South Korea		351.00						351.00
	1/15	1/16	China		291.00						291.00
	1/16	1/17	Hong Kong (Indonesia)		411.00						411.00
	1/17	1/18	Japan		408.00		[3]				408.00
Hon. Eni Faleomavaega	1/6	1/10	India		1,583.00				670.13		2,253.13
	1/10	1/13	Sri Lanka		618.00						618.00
	1/6	1/13					[4] 6,901.09				6,901.09
	2/9	2/14	Tahiti				5,813.10				5,813.10
	3/18	3/20	Mexioco		576.00						576.00
	3/20	3/23	Panama		708.00		[3]				708.00
	3/30	4/1	New Zealand		1,261.80		1,341.50				2,603.30
James Farr	3/17	3/20	Mexico		864.00						864.00
	3/20	3/23	Panama		708.00		1,808.19				2,516.19
David Fite	1/14	1/16	Pakistan		789.00						789.00
	1/16	1/17	Afghanistan		90.00						90.00
	1/14	1/17					[4] 8,425,86				8,425,86
Hon. Jeff Flake	1/7	1/9	Indonesia		290.00						290.00
	1/9	1/10	Thailand		232.00						232.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/10	1/11	Sri Lanka		412.00						412.00
	1/7	1/11					[4] 4,428.30				4,428.30
Hon. Jeff Fortenberry	3/4	3/7	Jordan		550.00		887.35				1,437.35
Kirsti Garlock	2/21	2/23	Turkey		390.00						390.00
	2/23	2/25	Italy		850.00						850
	2/21	2/25					[4] 5,657.29				5,657.29
Dennis Halpin	3/23	3/27	South Korea		1,204.00						1,204.00
	3/27	3/29	Japan		656.00						656.00
	3/23	3/29					[4] 9,278.42				9,278.42
Hon. Henry Hyde	3/18	3/20	Mexico		576.00				33,000.00		33,576.00
	3/20	3/23	Panama		708.00		[3]		5,035.00		5,743.99
Hon. Darrell Issa	3/12	3/12	Japan				[3]				
Jonathan Katz	1/11	1/15	Egypt		2,312.00		5,415.84				7,727.84
	2/23	2/25	Ukraine		614.00		5,933.49				6,547.49
Kay King	3/25	3/26	Holland		309.00						309.00
	3/26	3/30	Libya		1,002.00						1,002.00
	3/25	3/30					[4] 7,577.47				7,577.47
Robert King	1/7	1/8	China		291.00						291.00
	1/8	1/11	North Korea		963.00						963.00
	1/11	1/13	China		582.00						582.00
	1/7	1/13					[4] 5,551.06				5,551.06
	3/25	3/26	Holland		309.00						309.00
	3/26	3/30	Libya		1,002.00						1,002.00
	3/25	3/30					[4] 7,577.47				7,577.47
Sheila Klein	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		708.00		[3]				708.00
Hon. Thomas Lantos	1/7	1/8	China		291.00						291.00
	1/8	1/11	North Korea		963.00						963.00
	1/11	1/13	China		582.00						582.00
	1/13	1/15	Hong Kong		822.00						822.00
	1/15	1/18	Taiwan		1,005.00						1,005.00
	1/7	1/18					[4] 6,486.54				6,486.54
	3/25	3/26	Holland		381.00						381.00
	3/26	3/29	Libya		1,002.00						1,002.00
	3/25	3/29					[4] 8,232.88				8,232.88
Hon. James Leach	1/6	1/7	China		313.00						313.00
	1/7	1/9	Indonesia		290.00				[5] 8,971.51		9,261.51
	1/9	1/10	Thailand		232.00				[5] 8,355.52		8,587.52
	1/10	1/12	Sri Lanka		412.00						412.00
	1/12	1/13	India		590.00						590.00
	1/13	1/16	Egypt		578.00						578.00
	1/16	1/18					[4] 7,691.29				7,691.29
Hon. Barbara Lee	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Caleb McCarry	1/10	1/13	Colombia		675.00						675.00
	1/13	1/16	Panama		708.00						708.00
	1/16	1/18	Honduras		396.00						396.00
	1/10	1/18					[4] 2,798.65				2,798.65
	3/17	3/20	Mexico		864.00						864.00
	3/20	3/23	Panama		708.00		1,278.32				1,986.32
Hon. Betty McCollum	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
	2/25	3/1	Italy		520.00		6,163.07		[5] 355.20		7,038.20
	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		633.00		[3]				633.00
James McCormick	1/6	1/7	China		313.00						313.00
	1/7	1/9	Indonesia		240.00						240.00
	1/9	1/10	Thailand		232.00						232.00
	1/10	1/12	Sri Lanka		362.00						362.00
	1/12	1/13	India		590.00						590.00
	1/13	1/16	Egypt		478.00						478.00
	1/6	1/18					[4] 7,691.29				7,691.29
Hon. Thaddeus McCotter	1/26	1/28	Poland		502.00		6,441.74		[5] 1,252.00		8,195.74
	3/13	3/11	Spain		965.00		5,096.25		[5] 3,312.90		9,374.15
Matthew McLean	1/3	1/5	Botswana		290.00						290.00
	1/5	1/9	South Africa		772.00						772.00
	1/9	1/11	Madagascar		343.00						343.00
	1/11	1/14	Mozambique		576.00						576.00
	1/3	1/14					[4] 10,270.67				10,270.67
	2/20	2/23	Indonesia		648.00						648.00
	2/23	2/26	Sri Lanka		652.00						652.00
	2/20	2/26					[4] 11,169.95				11,169.95
John Mackey	1/10	1/12	Turkey		552.00						552.00
	1/12	1/15	Pakistan		1,052.00						1,052.00
	1/16	1/17	Afghanistan		90.00						90.00
	1/10	1/17					[4] 8,849.72				8,849.72
	2/21	2/26	Colombia		1,125.00		1,752.15				2,877.15
Alan Makovsky	1/11	1/15	Egypt		2,312.00		5,415.84				7,727.84
	3/25	3/26	Holland		381.00						381.00
	3/26	3/30	Libya		1,002.00						1,002.00
	3/25	3/30					[4] 7,577.47				7,577.47
Pearl Alice Marsh	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Richard Mereu	3/11	3/13	Spain		945.50		3,533.50				4,479.00
	3/21	3/23	Belgium		648.50		5,908.13				6,556.63
Thomas Mooney	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		708.00		1,792.61				2,500.61
Paul Oostburg-Sanz	1/5	1/8	El Salvador		475.00						475.00
	1/8	1/11	Madagascar		334.00						334.00
	1/11	1/14	Mozambique		551.00						551.00
	1/5	1/14					[4] 14,499.46				14,499.46
	3/18	3/20	Mexico		526.00						526.00
	3/20	3/23	Panama		437.00		[3]				437.00
Hon. Donald Payne	1/8	1/9	Kenya		0.0		9,588.01				9,588.01
Hon. Ted Poe	1/29	2/1	Jordan		762.00		6,353.77				7,115.77
Amy Porter	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Patrick Prisco	2/18	2/21	Belgium		1,185.00						1,185.00
	2/21	2/23	France		924.00						924.00
	2/23	2/25	Austria		596.00						596.00
	2/18	2/25					[4] 3,284.25				3,284.25
John Walker Roberts	3/19	3/23	Belgium		1,035.00		6,496.13				7,531.13
Rotem Roizman	2/22	2/23	Turkey		226.00						226.00
	2/23	2/25	Italy		566.00						566.00
	2/22	2/25					[4] 5,657.29				5,657.29

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Edward Royce	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Susan Schiesser	3/17	3/20	Mexico		864.00						864.00
	3/20	3/23	Panama		708.00		1,187.11				1,895.11
Douglas Seay	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		708.00		[3]				708.00
Thomas Sheehy	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Hon. Christopher Smith	1/8	1/9	Indonesia		121.00						121.00
	1/9	1/10	Thailand		232.00						232.00
	1/10	1/13	Sri Lanka		412.00						412.00
	1/8	1/13					[4] 10,369.89				10,369.89
Sam Stratman	1/14	1/15	Thailand		232.00		5,770.05				6,002.05
	3/17	3/20	Mexico		864.00						864.00
	3/20	3/23	Panama		708.00		1,744.32				2,452.32
Sarah Tillemann	1/7	1/8	China		291.00						291.00
	1/8	1/11	North Korea		963.00						963.00
	1/7	1/11					1,796.87				1,796.87
Mark Walker	3/17	3/20	Mexico		814.00						814.00
	3/20	3/23	Panama		658.00		1,682.32				2,340.32
Hon. Diane Watson	1/8	1/10	Thailand		463.99						463.99
	1/10	1/12	Sri Lanka		412.00						412.00
	1/12	1/13	India		590.00						590.00
	1/8	1/13					[4] 6,339.83				6,339.83
	1/22	1/24	Chad		590.00						590.00
	1/24	1/25	Algeria		272.00		[3]				272.00
Lynne Weil	1/7	1/8	China		291.00						291.00
	1/8	1/11	North Korea		963.00						963.00
	1/11	1/13	China		582.00						582.00
	1/13	1/15	Hong Kong		822.00						822.00
	1/15	1/18	Taiwan		1,005.00						1,005.00
	1/7	1/18					[4] 7,342.87				7,342.87
Hillel Weinberg	3/20	3/23	Belgium		1,184.00						1,184.00
	3/23	3/25	United Kingdom		755.00						755.00
	3/25	3/30	Egypt		1,145.00						1,145.00
	3/20	3/30					[4] 7,889.45				7,889.45
Hon. Gerald Weller	1/10	1/13	Colombia		318.00						318.00
	1/13	1/16	Panama		708.00						708.00
	1/16	1/18	Honduras		496.00						496.00
	1/10	1/18					[4] 2,879.65				2,879.65
Hon. Robert Wexler	1/11	1/13	Egypt		578.00		5,415.84				5,993.84
	2/23	2/25	Ukraine		614.00		5,933.49		[5] 475.00		7,022.59
Lisa Williams	1/16	1/13	India		2,073.00		5,887.07				7,960.07
Judy Wolverton	3/18	3/20	Mexico		576.00						576.00
	3/20	3/23	Panama		708.00		[3]				708.00
Peter Yeo	1/7	1/8	China		291.00						291.00
	1/8	1/11	North Korea		963.00						963.00
	1/11	1/13	China		582.00						582.00
	1/13	1/15	Hong Kong		822.00						822.00
	1/15	1/17	Taiwan		335.00						335.00
	1/7	1/17					[4] 6,646.79				6,646.70
Committee total					107,373.54		358,902.92		61,771.35		528,047.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Roundtrip airfare
[5] Cost of entire delegation.

HENRY J. HYDE, Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Douglas Anderson	5/18	5/21	Taiwan		923.00						923.00
	5/21	5/22	Philippines		244.00						244.00
	5/22	5/24	Malaysia		358.00						358.00
	5/24	5/26	Indonesia		169.00						169.00
	5/26	5/27	Singapore		261.00						261.00
	5/18	5/27					[4] 6,216.42				6,216.42
Renee Austell	4/4	4/8	Switzerland		1,801.15		5,743.12				7,544.27
	5/24	5/28	France		1,768.00		5,968.30				7,736.30
Hon. Cass Ballenger	4/12	4/13	Honduras		137.00						137.00
	4/13	4/14	El Salvador		23.00						23.00
	4/14	4/16	Nicaragua		182.00						182.00
	4/12	4/16					[4] 2,670.00				2,670.00
Hon. Howard Berman	6/18	6/22	Israel		1,349.00						1,349.00
	6/22	6/25	Egypt		651.00						651.00
	6/18	6/22					[4] 6,167.00				6,167.00
Patrick Brennan	4/12	4/13	Honduras		137.00						137.00
	4/13	4/14	El Salvador		78.00						78.00
	4/14	4/16	Nicaragua		447.75						447.75
	4/12	4/16					[4] 2,006.50				2,006.50
	6/10	6/12	Dominican Republic		341.00		1,500.00				1,841.00
Hon. Steve Chabot	5/26	5/28	Taiwan		394.39		4,200.43				4,594.82
Malik Chaka	4/4	4/9	Tanzania		1,130.00				[5] 139.19		1,269.19
	4/9	4/13	Malawi		276.00						276.00
	4/13	4/17	Botswana		693.00						693.00
	4/4	4/17					[4] 10,649.43				10,649.43
Joan Condon	5/23	5/23	United Kingdom		135.00						135.00
	5/24	5/25	Uganda		188.60						188.60
	5/25	5/26	Sudan		216.80						216.80
	5/26	5/31	Uganda		809.60						809.60
	5/23	5/31					[4] 7,902.28				7,902.28
Hon. Joseph Crowley	4/3	4/6	Ireland		1,377.00		[3]				1,377.00
Hon. Jo Ann Davis	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jim Farr	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Daniel Freeman	4/6	4/12	Thailand		1,092.00		5,885.50		***234.22		7,211.72
Kirsti Garlock	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Dennis Halpin	4/4	4/8	Switzerland		1,416.00		5,743.12				7,159.12
Hon. Henry Hyde	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Jonathan Katz	4/28	4/29	Germany		331.30		6,493.28				6,824.58
	5/24	5/31	France		2,598.96		5,964.30				8,563.26
	6/9	6/11	Turkey		634.00		6,234.94				6,868.94
David Killion	4/4	4/9	Switzerland		1,770.00		5,762.96				7,532.96
	5/21	5/24	Jordan		564.00		564.00				564.00
	5/24	5/27	United Kingdom		1,371.00						1,371.00
	5/21	5/27					[4] 6,387.76				6,387.76
Kay King	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/12	Hungary		1,524.00		[3]				1,524.00
	4/12	4/15	Russia		537.00						537.00
	4/15	4/17	Czech Republic		303.00						303.00
	4/12	4/17					[4] 5,201.48				5,201.48
Robert King	4/3	4/6	Ireland		413.00						413.00
	4/6	4/12	Hungary		1,524.00		[3]				1,524.00
	4/12	4/15	Russia		1,092.00						1,092.00
	4/15	4/17	Czech Republic		636.00						636.00
	4/12	4/17					[4] 5,201.48				5,201.48
	5/22	5/25	Israel		1,086.00						1,086.00
	5/25	5/28	Latvia		783.00						783.00
	5/21	5/28					[4] 7,591.20				7,591.20
Sheila Klein	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Hon. Thomas Lantos	4/3	4/6	Hungary		1,377.00						1,377.00
	4/12	4/15	Russia		1,092.00						1,092.00
	4/15	4/16	Hungary		254.00						254.00
	4/3	4/16					[4] 5,830.04				5,830.04
	5/22	5/25	Israel		1,086.00						1,086.00
	5/25	5/28	Latvia		783.00						783.00
	5/22	5/28					[4] 8,294.67				8,294.67
Hon. James Leach	5/21	5/22	Philippines		194.00						194.00
	5/22	5/24	Malaysia		258.00						258.00
	5/24	5/26	Indonesia		168.00						168.00
	5/26	5/27	Singapore		261.00						261.00
	5/21	5/27					[4] 4,415.72				4,415.72
Jessica Lewis	6/10	6/12	Dominican Republic		326.00		1,500.40				1,826.40
James McCormick	5/18	5/21	Taiwan		905.00						905.00
	5/21	5/22	Philippines		194.00						194.00
	5/22	5/24	Malaysia		258.00						258.00
	5/24	5/26	Indonesia		168.00						168.00
	5/26	5/27	Singapore		261.00						261.00
	5/18	5/27					[4]6,216.42				6,216.42
Hon. Thaddeus McCotter	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Caleb McCarry	5/7	5/9	El Salvador		219.00		[3]				219.00
John Mackey	3/30	4/7	Ireland		3,345.00		5,093.54				8,438.54
	5/23	5/29	Colombia		1,575.00		1,700.50				3,275.50
Alan Makovsky	5/21	5/26	Israel		1,086.00						1,086.00
	5/26	5/28	Cyprus		927.00						927.00
	5/21	5/28					[4] 5,391.43				5,391.43
	6/11	6/13	United Kingdom		400.00		7,216.26				7,616.26
	5/21	5/28					[4] 8,877.60				8,877.60
Hillel Weinberg	4/3	4/6	Ireland		1,227.00						1,227.00
	4/6	4/9	Hungary		612.00		[3]				612.00
	4/9	4/13	Saudi Arabia		414.00						414.00
	4/13	4/17	Israel		1,710.00						1,710.00
	4/18	4/20	United Kingdom		914.00						914.00
	4/9	4/20					[4] 6,603.31				6,603.31
Hon. Gerald Weller	5/7	5/9	El Salvador		269.00		[3]				269.00
Hon. Robert Wexler	4/28	4/29	Germany		331.30		6,493.28				6,824.58
	5/24	5/31	France		2,598.96		5,964.30				8,563.26
	6/9	6/11	Turkey		634.00		6,234.94				6,868.94
Judy Wolverton	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		[3]				762.00
Committee total						104,913.81		234,578.58		373.41	339,865.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Roundtrip airfare.
[5] Cost of entire Delegation.

HENRY J. HYDE, Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Douglas Anderson	8/12	8/24	Indonesia		1,980.90		6,904.50				8,885.40
Renee Austell	8/11	8/17	Chad		1,650.00		6,753.04				8,403.04
	9/19	9/21	Russia		1,100.00						1,100.00
	9/21	9/22	United Kingdom		457.00						457.00
	9/19	9/22					[4] 7,075.93				7,075.93
Hon. Cass Ballenger	8/3	8/4	Venezuela		150.00		[3]				150.00
Patrick Brennan	7/18	7/19	Canada		259.00		1,052.00				1,311.00
	8/1	8/4	Venezuela		549.00		2,616.54				3,165.54
	8/14	8/16	Venezuela		416.00						416.00
	8/16	8/17	Ecuador		238.00						238.00
	8/17	8/19	Bolivia		312.00						312.00
	8/19	8/22	Peru		539.00		[3]				539.00
Candace Bryan	6/26	6/30	South Korea		980.00						980.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	6/30	7/3	Hong Kong		961.00						961.00
	6/26	7/3					[4] 7,240.45				7,240.45
Jean Carroll	8/14	8/16	Venezuela		491.00						491.00
	8/16	8/17	Ecuador		213.00						213.00
	8/17	8/19	Bolivia		287.00						287.00
	8/19	8/22	Peru		694.00		[3]				694.00
Malik Chaka	6/26	6/30	DRC		1,132.00						1,132.00
	6/30	7/5	Tanzania		1,415.00						1,415.00
	6/26	7/5					[4] 8,600.59				8,600.59
	8/10	8/15	Togo		786.00						786.00
	8/15	8/20	Benin		703.00						703.00
	8/20	8/23	Niger		763.00						763.00
	8/10	8/23					[4] 6,544.12				6,544.12
Joan Condon	6/29	7/5	Zimbabwe		942.00		8,907.84				9,849.84
	8/11	8/18	Chad		1,350.00		6,753.04				8,103.04
Ted Dagne	7/31	8/2	Kenya		590.00						590.00
	8/2	8/4	Ethiopia		708.00						708.00
	8/4	8/6	Chad		552.00						522.00
	8/6	8/8	Ethiopia		202.00						202.00
	8/8	8/10	Djibouti		566.00						566.00
	8/10	8/11	Eritrea		430.00						430.00
	7/31	8/11					[4] 11,024.85				11,024.85
Hon. Eni Faleomavaega	7/10	7/12	French Polynesia		571.00						571.00
	7/12	7/13	Samoa, Apia		129.00						129.00
	7/12	7/13					[4] 4,240.21				4,240.21
	8/9	8/11	Western Samoa		267.21		62.68				329.89
Kristen Gilley	6/26	6/30	South Korea		1,080.00						1,080.00
	6/30	7/3	Hong Kong		987.00						987.00
	6/26	7/3					[4] 7,449.55				7,449.55
Dennis Halpin	6/26	6/30	South Korea		1,062.00						1,062.00
	6/30	7/3	Hong Kong		866.00						866.00
	6/26	7/3					[4] 7,240.45				7,240.45
	8/3	8/12	India		1,532.00						1,532.00
	8/9	8/10	Nepal		188.00						188.00
	8/3	8/12					[4] 7,652.10				7,652.10
Hans Hogrefe	8/12	8/20	Indonesia		1,270.00		7,521.81				8,791.81
Rep. Amo Houghton	9/16	9/19	Jordan		635.00						635.00
	9/19	9/20	Germany		44.00		[3]				44.00
Jonathan Katz	6/30	7/4	Israel		1,448.00		5,963.34				7,411.34
David Killion	6/26	6/28	Italy		420.00						420.00
	6/28	7/1	UAE		1,045.00						1,045.00
	6/26	7/1					[4] 9,631.72				9,631.72
	7/24	7/27	Jordan		564.00						564.00
	7/27	8/2	Turkey		1,438.00						1,438.00
	7/24	8/2					[4] 5,706.47				5,706.47
	8/13	8/16	Libya		1,038.00						1,038.00
	8/16	8/17	Egypt		217.00						217.00
	8/17	8/19	Syria		536.00						536.00
	8/19	8/25	Israel		2,184.00						2,184.00
	8/13	8/25					[4] 5,856.58				5,856.58
Young Kim	6/26	6/30	South Korea		1,080.00						1,080.00
	6/30	7/3	Hong Kong		987.00						987.00
	6/26	7/3					[4] 6,110.45				6,110.45
Hon. Thomas Lantos	8/13	8/16	Libya		1,038.00						1,038.00
	8/16	8/17	Egypt		217.00						217.00
	8/17	8/19	Syria		536.00						536.00
	8/19	8/22	Israel		728.00						728.00
	8/13	8/22					[4] 5,830.00				5,830.00
Jessica Lewis	8/12	8/4	Venezuela		680.00		2,494.54				3,174.54
Noelle LuSane	7/10	7/12	Netherlands		327.00		6,296.61				6,623.61
	7/31	8/2	Kenya		295.00						295.00
	8/2	8/4	Ethiopia		708.00						708.00
	8/4	8/6	Chad		552.00						552.00
	8/6	8/8	Ethiopia		202.00						202.00
	7/31	8/8					[4] 10,996.28				10,996.28
	9/16	9/19	Jordan		714.00						714.00
	9/19	9/20	Germany		154.00		[3]				154.00
John Mackey	8/25	9/2	Colombia		1,800.00		1,710.50				3,510.50
Alan Makovksy	7/24	7/27	Jordan		564.00						564.00
	7/27	8/2	Turkey		1,479.00						1,479.00
	7/24	8/2					[4] 6,136.40				6,136.40
	8/13	8/16	Libya		1,038.00						1,038.00
	8/16	8/17	Egypt		217.00						217.00
	8/17	8/19	Syria		536.00						536.00
	8/19	8/25	Israel		2,184.00						2,184.00
	8/13	8/25					[4] 5,856.58				5,856.58
Pearl-Alice Marsh	6/29	7/6	Zimbabwe		942.00		8,907.84				9,849.84
	8/10	8/14	Togo		825.00						825.00
	8/15	8/18	Benin		517.00						517.00
	8/10	8/18					[4] 5,088.30				5,088.30
Hon. Gregory Meeks	8/14	8/16	Venezuela		516.00						516.00
	8/16	8/17	Ecuador		238.00		1,186.30				1,424.30
Caleb McCarry	8/1	8/4	Venezuela		649.00		2,616.54				3,265.54
James McCormick	8/8	8/12	Philippines		693.00						693.00
	8/12	8/15	Malaysia		490.20				[5] 278.25		768.45
	8/8	8/12					[4] 5,542.00				5,542.00
Paul Oostburg Sanz	8/25	9/1	Colombia		1,237.00		2,557.54				3,794.54
Hon. Donald Payne	7/10	7/12	Netherlands		367.00		5,916.11				6,283.11
	8/2	8/4	Ethiopia		708.00						708.00
	8/4	8/6	Chad		552.00						552.00
	8/6	8/8	Ethiopia		202.00						202.00
	8/8	8/10	Djibouti		566.00						566.00
	8/10	8/11	Eritrea		430.00						430.00
	8/2	8/11					[4] 11,007.65				11,007.65
	9/16	9/19	Jordan		714.00						714.00
	9/19	9/20	Germany		154.00		[3]				154.00
Gregg Rickman	6/26	6/28	Italy		770.00						770.00
	6/28	7/1	UAE		836.00						836.00
	6/26	7/1					[4] 8,824.93				8,824.93
	7/24	7/27	Jordan		564.00						564.00
	7/27	7/29	Turkey		1,212.00						1,212.00
	7/24	7/29					[4] 6,136.40				6,136.40
Robin Roizman	7/25	8/1	China		1,477.00		[4] 7,221.00				8,698.00
Hon. Edward Royce	6/26	6/30	DRC		1,132.00						1,132.00
	6/30	7/5	Tanzania		1,415.00						1,415.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	6/26	7/5					[4] 8,600.59				8,600.59
Jonathan Scharfen	6/26	6/28	Italy		840.00						840.00
	6/28	7/1	UAE		836.00						836.00
	6/26	7/1					[4] 8,824.93				8,824.93
	7/26	7/27	Jordan		376.00				[5] 693.59		1,069.59
	7/27	7/31	Turkey		991.00						991.00
	7/26	7/31					[4] 6,978.26				6,978.26
Hon. Adam Schiff	8/20	8/21	Pakistan		227.00						227.00
	8/21	8/22	Bahrain		99.00		3,684.09				3,783.09
Thomas Sheehy	6/26	6/30	DRC		1,132.00						1,132.00
	6/30	7/05	Tanzania		1,415.00						1,415.00
	6/26	7/5					[4] 8,600.59				8,600.59
Hon. Thomas Tancredo	9/18	9/21	Russia		1,100.00						1,100.00
	9/21	9/22	United Kingdom		457.00						457.00
	9/18	9/22					[4] 7,075.93				7,075.93
Sarah Tillemann	6/26	6/30	South Korea		980.00						980.00
	6/30	7/3	Hong Kong		767.00						767.00
	6/26	7/3					[4] 7,240.45				7,240.45
	8/3	8/12	India		646.00						646.00
	8/9	8/10	Nepal		188.00						188.00
	8/3	8/12					[4] 7,652.10				7,652.10
Lynne Weil	6/26	6/30	South Korea		937.00						937.00
	6/30	7/3	Hong Kong		816.00						816.00
	6/26	7/3					[4] 8,095.55				8,095.55
Hon. Jerry Weller	7/18	7/19	Canada		259.00		1,016.58				1,275.58
	8/14	8/16	Venezuela		516.00						516.00
	8/16	8/17	Ecuador		238.00						238.00
	8/17	8/19	Bolivia		312.00						312.00
	8/19	8/21	Peru		739.00		[3]				739.00
Hon. Robert Wexler	6/30	7/4	Israel		1,448.00		5,963.34				7,411.34
Committee total					87,498.31		318,966.19		971.84		407,436.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Roundtrip airfare.
[5] Cost of entire delegation.

HENRY J. HYDE, Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Adams	10/22	10/28	Egypt		969.00		5,906.00				6,875.00
Hon. Cass Ballenger	10/22	10/29	Venezuela		268.00		[3]				268.00
	11/29	12/1	Venezuela		496.00		2,880.90				3,376.90
Hon. Chris Bell	10/24	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Patrick Brennan	10/22	10/24	Venezeula		496.00		[3]				496.00
	11/29	12/01	Venezuela		496.00		2,496.40				2,992.40
Hon. Steve Chabot	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Jo Ann Davis	10/9	10/13	Italy		1,784.00						1,784.00
	10/13	10/14	Poland		88.00		[3]				88.00
Hon. William Delahunt	10/22	10/24	Venezuela		596.00		[3]				596.00
Hon. Jeff Flake	12/15	12/18	Israel		915.50						915.50
	12/18	12/19			255.00		[3]				255.00
Hon. Elton Gallegly	11/29	11/30	Japan		194.00						194.00
	11/30	12/12	Thailand		2,640.00						2,640.00
	11/29	12/12					[4] 4,902.13				4,902.13
Kirsti Garlock	12/15	12/19	Greece		928.00		4,625.07				5,553.07
Kristen Gilley	12/15	12/19	Greece		903.00		3,753.04				4,656.04
Hon. Mark Green	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Peter King	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Robert King	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Thomas Lantos	10/23	10/24	Israel		362.00						362.00
	10/24	10/27	Jordan		952.00						952.00
	10/27	10/28	Turkey		281.00		[3]				281.00
David Lee	12/10	12/11	United Kingdom		742.00						742.00
	12/11	12/13	Austria		486.00						486.00
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				6,912.00
Jessica Lewis	11/29	12/01	Venezuela		339.00		2,496.00				2,835.00
Noelle Lusane	12/11	12/13	Ghana		416.00		5,909.92				6,325.92
Caleb McCarry	10/22	10/24	Venezuela		481.00		[3]				481.00
Hon. Betty McCollum	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Thaddeus McCotter	12/5	12/7	Italy		922.00		3,612.15				4,534.15
John Mackey	11/10	11/16	Colombia		225.00		1,966.90				2,191.90
	12/10	12/11	United Kingdom		742.00						742.00
	12/11	12/13	Austria		486.00						486.00
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				6,912.00
Alan Makovsky	10/23	10/24	Israel		362.00						362.00
	10/24	10/27	Jordan		952.00						952.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Gregory Meeks	10/22	10/24	Venezuela		596.00		[3]				596.00
Paul Oostburg-Sanz	10/22	10/24	Venezuela		390.00		[3]				390.00
	11/7	11/11	Brazil		605.00		7,069.31				7,674.31
Hon. Donald Payne	12/11	12/13	Ghana		416.00		6,073.42				6,489.42
Patrick Prisco	10/08	10/12	Italy		1,584.00		5,589.09				7,173.09
Hon. Edward Royce	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Jonathan Scharfen	12/10	12/11	United Kingdom		742.00				[5] 1,384.82		2,126.82

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/11	12/13	Austria		486.00				[5] 429.95		915.95
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				6,912.00
Doug Seay	11/21	11/23	United Kingdom		972.26		5,865.30				6,837.56
Thomas Sheehy	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Paula Sheil	11/29	11/30	Japan		194.00						194.00
	11/30	12/12	Thailand		2,640.00						2,640.00
	11/29	12/12					[4]				4,902.13
Sam Stratman	10/24	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		[3]				281.00
Hon. Diane Watson	11/29	12/01	Venezuela		596.00		3,284.40				3,880.40
Hillel Weinberg	10/22	10/28	Egypt		1,002.00		5,906.00				6,908.00
Hon. Robert Wexler	12/2	12/4	Romania		540.00						540.00
	12/4	12/5	Bulgaria		250.00						250.00
	12/2	12/5					[4] 5,595.27				5,595.27
Committee total					46,051.76		103,569.43		1,814.77		151,435.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfare.
[5] Cost of entire delegation.

HENRY J. HYDE, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3236. A letter from the Architect of the Capitol, transmitting a report of expenditures of appropriations during the period October 1, 2004 through March 31, 2005, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

3237. A letter from the Under Secretary, Department of Defense, transmitting certification with respect to the Chemical Demilitarization — Chemical Materials Agency and Chem Demil — CMA Newport major defense acquisition program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3238. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Norton A. Schwartz, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3239. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General John F. Kimmons, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3240. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Terry L. Gabreski, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3241. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Ireland, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3242. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to New Zealand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3243. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Bahrain defense articles and services (Transmittal No. 05-40), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3244. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Thailand for defense articles and services (Transmittal No. 05-32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3245. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services (Transmittal No. 05-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3246. A letter from the Inspector General, Department of Commerce, transmitting a copy of the interagency report entitled, ''the Interagency Review of the Licensing Process for Chemical and Biological Commodities,'' pursuant to section 1402(b)(3) of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65); to the Committee on International Relations.

3247. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-26, Waiving Prohibition on United States Military Assistance with Respect to the Dominican Republic, pursuant to 22 U.S.C. 7421 et seq.; to the Committee on International Relations.

3248. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

3249. A letter from the Chairman, Federal Accounting Standards Advisory Board, transmitting a copy of the report entitled, ''Statement of Federal Financial Accounting Standard 29, Heritage Assets and Stewardship Land''; to the Committee on Government Reform.

3250. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the second quarter of FY05, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

3251. A letter from the Secretary, Department of the Interior, transmitting notification of payments to eligible governments in the State of Illinois for Fiscal Year 2005 under the Payments in Lieu of Taxes (PILT) program; to the Committee on Resources.

3252. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2004 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

3253. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report for 2003 on the STOP Violence Against Women Formula Grant Program; to the Committee on the Judiciary.

3254. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, ''Saving Lives: Including People with Disabilities in Emergency Planning''; to the Committee on Transportation and Infrastructure.

3255. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

3256. A letter from the Acting Chief Counsel, FAC, Department of the Treasury, transmitting the Department's final rule — Reporting, Procedures and Penalties Regulations Sudanese Sanctions Regulations —— received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3257. A letter from the Administrator, ONP, Department of Labor, transmitting the Department's final rule — Indian and Native American Welfare-to-Work Program (RIN: 1205-AB16) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3258. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Return of Property in Certain Cases [TD 9213] (RIN: 1545-AV01) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3259. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Increasing Research Activities [TD 9205] (RIN: 1545-BE17) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3260. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Deemed Election to be an Association Taxable as a Corporation for a Qualified Electing S Corporation (RIN: 1545-BC32) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3261. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Assumption of Partner Liabilities [TD 9207] (RIN: 1545-AX93) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3262. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Predeceased Parent Rule [TD 9214] (RIN: 1545-BC60) received July 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3263. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Substitute for Return [TD 9215] (RIN: 1545-BC4 6) received July 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3264. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Source of Compensation for Labor or Personal Services [TD 9212] (RIN: 1545-AO72) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3265. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Election Out of Section 1400L(c) (Rev. Proc. 2005-43) received July 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3266. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 179 Elections [TD 9209] (RIN: 1545-BC69) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3267. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Deductions for Charitable Contributions [TD 9211] (RIN: 1545-AP30) (RIN: 1545-BD47) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3268. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Limitations Applicable to Dividends received from Regulated Investment Company (Rev. Rul. 2005-31) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3269. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Automatic Consent to Change to the Alternative Tax Book Value Method of Valuing Assets for Expense Apportionment Purposes (Rev. Proc. 2005-28) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3270. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2005-46) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3271. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Proc. 2005-30) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3272. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Functions (Rev. Proc. 2005-33) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3273. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-32) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3274. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2005-36) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3275. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability. Procedures for Section 482 Setoffs (Rev. Proc. 2005-46) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3276. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2005-36) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3277. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-26) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3278. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rulings and Determination Letters (Rev. Proc. 2005-48) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3279. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments for Property (Rev. Rul. 2005-54) received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3280. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2005-44) received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3281. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income Affected by Treaty (Rev. Proc. 2005-44) received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3282. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualification of certain arrangements as insurance [Notice 2005-49] received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3283. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Termination of Tobacco Quotas and Price Support Programs [Notice 2005-57] received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3284. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Foreign Bank Interest Expense Allocation to Effectively Connected Income [Notice 2005-53] received July 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3285. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-39] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3286. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Electronic Submission of Lists Identifying Contracts Subject to Closing Agreements Under Rev. Rul. 2005-6 [Notice 2005-6] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3287. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Gross Income Derived from Business (Rev. Rul. 2005-28) received April 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3288. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Collection Functions (Rev. Proc. 2005-34) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3289. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2005-32) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3290. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Qualified Intellectual Property Contributions [Notice 2005-41] received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3291. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Mortgage Revenue Bonds [TD 9204] (RIN: 1545-BC59) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3292. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule

— Regulations Governing Practice Before the Internal Revenue Service [TD 9201] (RIN: 1545-BA70) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3293. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Additional Rules for Exchanges of Personal Property Under Section 1031(a) [TD 9202] (RIN: 1545-BD25) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3294. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rules and Determination Letters (Rev. Proc. 2005-20) received April 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3295. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans (Rev. Rul. 2005-24) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3296. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Deductions for Entertainment Use of Business Aircraft [Notice 2005-45] received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3297. A letter from the Acting chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Insurance Company Taxable Income (Rev. Rul. 2005-33) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3298. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Golden Parachute Payments (Rev. Rul. 2005-39) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3299. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax on Insurance Companies Other Than Life Insurance Companies (Rev. Rul. 2005-40) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3300. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper All Industries: Notice 2002-50 Tax Shelter [UIL 9300.21-00] received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3301. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transfer or Sale of Compensatory Options or Restricted Stock to Related Persons [UIL: 9300.28.0] received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3302. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — All Industries Losses Claimed and Income to be Reported from Sale In/Lease Out (SILO) Transactions [UIL 9300.38-00] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3303. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Like-Kind Exchanges Involving Federal Communications Commission Licenses [UIL: 1031.02-00] received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3304. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Abandonment Losses for Intangible Assets [UIL: 165.13-00] received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3305. A letter from the Regulations Officer, OR, Social Security Administration, transmitting the Administration's final rule — Amendments to Annual Earnings Test for Retirement Benficiaries [Regulation No. 4] (RIN: 0960-AF62) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 385. Resolution providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (Rept. 109–185). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 386. Resolution providing for consideration of the bill (H.R. 3045) to implement the Dominican Republic-Central America-United States Free Trade Agreement (Rept. 109–186). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 387. Resolution providing for consideration of the bill (H.R. 3283) to enhance resources to enforce United States trade rights (Rept. 109–187). Referred to the House Calendar.

Mr. TAYLOR of North Carolina: Committee of Conference. Conference report on H.R. 2361. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–188). Ordered to be printed.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–189). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GUTIERREZ (for himself, Mr. FRANK of Massachusetts, Ms. LEE, and Mrs. MCCARTHY):

H.R. 3426. A bill to clarify the applicability of State law to national banks and Federal savings associations, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mrs. KELLY):

H.R. 3427. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Ms. HART (for herself and Mr. ROSS):

H.R. 3428. A bill to amend the Internal Revenue Code of 1986 to repeal the medicine and drugs limitation on the deduction for medical care; to the Committee on Ways and Means.

By Mr. MANZULLO (for himself and Mr. RAMSTAD):

H.R. 3429. A bill to amend the Small Business Investment Act of 1958 to establish a participating debenture program; to the Committee on Small Business.

By Mr. JONES of North Carolina (for himself and Ms. BORDALLO):

H.R. 3430. A bill to ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities; to the Committee on Armed Services.

By Mr. DENT (for himself, Mr. EHLERS, Mr. PITTS, Mr. ROGERS of Michigan, Mr. AKIN, Mr. PLATTS, Mr. WOLF, Mr. GERLACH, Mr. SCHWARZ of Michigan, and Mr. CANTOR):

H.R. 3431. A bill to amend the Indian Gaming Regulatory Act to limit casino expansion; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 3432. A bill to create a system of background checks for certain workers who enter people's homes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3433. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 3434. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BLACKBURN:

H.R. 3435. A bill to amend title II of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus, to provide for suspension of investment of amounts held in the Account until enactment of legislation providing for investment of the Trust Fund in investment vehicles other than obligations of the United States, and to establish a Social Security Investment Commission to make recommendations for alternative forms of investment of the Social Security surplus in the Trust Fund; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. WILSON of South Carolina):

H.R. 3436. A bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes; to the Committee on International Relations.

By Mr. CAMP:

H.R. 3437. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 3438. A bill to provide that the Secretary of Education may give preference, in the distribution of certain grants under the Individuals with Disabilities Education Act, to local educational agencies and certain public or private nonprofit organizations that provide training to regular education personnel to meet the needs of children with disabilities; to the Committee on Education and the Workforce.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Mr. WATT, Mr. JONES of North Carolina, Mr. HAYES, Ms. FOXX, Mr. COBLE, Mr. MCHENRY, Mrs. MYRICK, and Mr. TAYLOR of North Carolina):

H.R. 3439. A bill to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''; to the Committee on Government Reform.

By Mr. FORTUÑO:

H.R. 3440. A bill to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building''; to the Committee on Government Reform.

By Mr. GARRETT of New Jersey (for himself, Mr. PAUL, Mr. HOSTETTLER, Mr. BACHUS, and Mr. SMITH of New Jersey):

H.R. 3441. A bill to amend the Internal Revenue Code of 1986 to apply the child tax credit with respect to a taxable year to a child born within 9 months after the close of the taxable year and to a child who is stillborn or dies in utero during the taxable year; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mr. VAN HOLLEN, Mr. FARR, Mr. MORAN of Virginia, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. ENGEL, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. SABO, Mr. CROWLEY, Mr. UDALL of Colorado, Mr. GALLEGLY, Ms. BORDALLO, Mr. KILDEE, Mr. SHERMAN, Mr. HOLT, Mr. BLUMENAUER, Ms. DELAURO, Mr. LANTOS, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. HONDA, Mr. MCNULTY, Mr. EVANS, Ms. NORTON, Mr. COSTELLO, Mrs. MALONEY, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. DEFAZIO, and Mr. ROTHMAN):

H.R. 3442. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself and Mr. UDALL of Colorado):

H.R. 3443. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Resources.

By Mr. PAUL:

H.R. 3444. A bill to amend the Internal Revenue Code of 1986 to provide credits against income tax for qualified stem cell research, the storage of qualified stem cells, and the donation of umbilical cord blood; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 3445. A bill to direct the Attorney General of the United States, upon request of the chief executive officer of a State, to provide officers of local educational agencies and the State educational agency in that State with certain access to the national crime information databases, and for other purposes; to the Committee on the Judiciary.

By Mr. RAHALL (for himself and Mrs. CHRISTENSEN):

H.R. 3446. A bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 3447. A bill to provide a means of resolving claims regarding the continued existence of rights-of-way under former section 2477 of the Revised Statutes, for the benefit of private landowners, State and local governments, and the public; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 3448. A bill to authorize and direct the Secretary of the Department of Commerce to acquire a professional services building and property adjacent to the Department of Commerce's Boulder research campus; to the Committee on Science.

By Mr. CASE (for himself, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mr. FILNER, Mr. MCCAUL of Texas, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. SMITH of Washington, Ms. HARMAN, Ms. MATSUI, Mr. PALLONE, Mr. DICKS, Ms. ROYBAL-ALLARD, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Mr. FARR, Ms. BORDALLO, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. BECERRA, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Ms. WATSON, Mr. ISSA, and Mr. FALEOMAVAEGA):

H. Con. Res. 218. Concurrent resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century; to the Committee on Government Reform.

By Ms. GRANGER (for herself, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Mr. OSBORNE):

H. Res. 383. A resolution encouraging the Transitional National Assembly of Iraq to adopt a constitution that grants women equal rights under the law and to work to protect such rights; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. TOM DAVIS of Virginia, Mr. HYDE, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. CHABOT, Mr. DINGELL, Mr. RAHALL, Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, Mrs. MILLER of Michigan, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. RENZI, Mr. CONAWAY, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. SHAYS, Mr. CUNNINGHAM, Mr. KOLBE, Mr. DANIEL E. LUNGREN of California, Mr. ROHRABACHER, Mr. BOUSTANY, Mr. FOLEY, Mr. JINDAL, and Mr. MORAN of Virginia):

H. Res. 384. A resolution condemning in the strongest terms the terrorist attacks in Sharm el-Sheikh, Egypt, on July 23, 2005, and for other purposes; to the Committee on International Relations.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGEL, Mr. BURTON of Indiana, Mr. MACK, Mr. MCHENRY, Mr. FEENEY, and Mr. CUELLAR):

H. Res. 388. A resolution expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba's prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations, and for other purposes; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mr. SHAYS):

H. Res. 389. A resolution supporting the goals and ideals of The Year of the Museum; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself, Mr. DOGGETT, Mr. CARTER, and Mr. MCCAUL of Texas):

H. Res. 390. A resolution congratulating Lance Armstrong on his seventh Tour de France victory and his retirement and recognizing his dedication to helping others; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

36. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 35 memorializing the Congress of the United States and the United States Department of Agriculture to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; to the Committee on Agriculture.

37. Also, a memorial of the Legislature of the State of Tennessee, relative to Senate Joint Resolution No. 277 urging the Congress of the United States to stop cuts in agriculture-related programs and initiatives in the Fiscal Year 2006 federal budget; to the Committee on Agriculture.

38. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 154 memorializing the Congress of the United States to review and consider the National Governors Association recommendations which would allow states to utilize greater flexibility in their provision of Medicaid services; to the Committee on Armed Services.

39. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 145 urging the Congrees of the United States and the members of the 2005 BRAC Commission to remove the Pittsburgh International Airport Air Reserve Station and the Charles E. Kelly Support Center from the list of proposed military base closures and to remove the 99th Regional Readiness Command from the list of proposed base realignments; to the Committee on Armed Services.

40. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resultion No. 167 urging the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA) site in Slidell; to the Committee on Armed Services.

41. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 130 urging the President of the United States and the Congress of the United States and all members of the BRAC Commission to remove the Naval Air Station Joint Reserve Base Willow Grove from the list of military base closures recommended by the Department of Defense; to the Committee on Armed Services.

42. Also, a memorial of the Legislature of the State of Missouri, relative to Senate

Concurrent Resolution No. 7 urging the Congress of the United States to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; to the Committee on Armed Services.

43. Also, a memorial of the General Assembly of the State of Tennessee, relative to House Joint Resolution No. 146 memorializing the Congress of the United States to enact legislation to posthumously award First Lieutenant Garlin Murl Conner, United States Army, a much deserved Medal of Honor; to the Committee on Armed Services.

44. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 208 urging the President of the United States, the Congress of the United States, and the United States of the Department of Education to continue funding for the Even Start Family Literacy Program; to the Committee on Education and the Workforce.

45. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 10 memorializing the Congress of the United States to enact the Breast Cancer Patient Protection Act; to the Committee on Energy and Commerce.

46. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 6 memorializing the Congress of the United States to require revisions to Weekly Natural Gas Storage Report procedures in order to mandate immediate disclosure of corrections to erroneous information; to the Committee on Energy and Commerce.

47. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 125 encouraging the Congress of the United States and the United States Environmental Protection Agency to take the steps necessary to redistribute more of the $2 billion in the Leaking Underground Storage Tank Fund to states to offset administrative costs of the federally mandated fund; to the Committee on Energy and Commerce.

48. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 120 memorializing the Congress of the United States to establish a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure; to the Committee on Energy and Commerce.

49. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 96 urging the President and the Congress of the United States to enact legislation to provide additional funding ALS research; to the Committee on Energy and Commerce.

50. Also, a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution No. 220 memorializing the Congress of the United States to provide domestic energy policy that ensures an affordable supply of natural gas and embraces a concerted national effort to promote greater efficiency and environmental responsible natural gas production; to the Committee on Energy and Commerce.

51. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 35 memorializing the Congress of the United States to amend the Energy Policy Act of 1992 to specify that an electric-hybrid vehicle must receive credit as being an alternative fueled vehicle for purposes of the requirement that 75% of new light duty motor vehicles acquired annually for state government fleets by alternative fueled vehicles; to the Committee on Energy and Commerce.

52. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 21 urging the Congress of the United States to enact the Clear Skies Act of 2005; to the Committee on Energy and Commerce.

53. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 277 urging the President of the United States and the Congress of the United States to enact legislation to provide additional funding for ALS research; to the Committee on Energy and Commerce.

54. Also, a memorial of the Senate of the State of Indiana, relative to Senate Resolution No. 25 memorializing the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations; to the Committee on International Relations.

55. Also, a memorial of the House of Representatives of the State of Minnesota, relative to House File No. 2143 memorializing the President of the United States and the Congress of the United States and the United States Postal Service to maintain current levels of service; to the Committee on Government Reform.

56. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 117 memorializing the Congress of the United States to direct the U.S. Maritime Administration to require that the environmental impacts of offshore liquefied natural gas terminals be fully investigated and considered before these facilities are licensed, especially in regards to the individual and cumulative impacts of open rack vaporization systems on marine species and marine habitat; to the Committee on Resources.

57. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 1 urging the Congress of the United States to take certain action concerning wilderness areas and wilderness study areas; to the Committee on Resources.

58. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 46 urging the Congress of the United States to review provisions in the federal PATRIOT Act; to the Committee on the Judiciary.

59. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 84 memorializing the Congress of the United States and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization; to the Committee on Transportation and Infrastructure.

60. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 71 memorializing the Congress of the United States to direct the New Orleans District of the United States Army Corps of Engineers to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche, and St. Charles; to the Committee on Transportation and Infrastructure.

61. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 urging the Congress of the United States to protect the citizens of the State of Arizona by enacting legislation to ensure reasonable rates; to the Committee on Transportation and Infrastructure.

62. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 61 memorializing the Congress of the United States to enact the Coastal Restoration Tax Credit Act of 2005; to the Committee on Ways and Means.

63. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 84 urging the Congress of the United States to direct the Internal Revenue Service to rescind its ruling that certain emergency grant payments be subject to Federal income tax; to the Committee on Ways and Means.

64. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 177 memorializing the members of the United States Senate from Louisiana, Senator Mary Landrieau and Senator David Vitter, to continue to work toward enacting federal legislation to ensure that deserving victims of asbestos exposure receive compensation; jointly to the Committees on the Judiciary and Energy and Commerce.

65. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 27 urging the Montana Congressional Delegation to oppose any federeal asbestos legislation that reduces the amount of compensation that Libby tremolite asbestos disease victims would otherwise receive; jointly to the Committees on the Judiciary and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mrs. MYRICK, Ms. FOXX, Mr. THOMAS, Mr. SHUSTER, Mr. MCHENRY, Mr. CANNON, Mr. HOSTETTLER, Mr. MATHESON, and Mr. MURTHA.

H.R. 97: Mr. TERRY and Mr. BERRY.

H.R. 98: Mr. WELLER.

H.R. 147: Mr. SULLIVAN, Mr. MEEKS of New York, Mr. CANTOR, Mr. FORTUÑO, Mr. FITZPATRICK of Pennsylvania, Mr. MARCHANT, Mr. GERLACH, and Mr. LEACH.

H.R. 328: Mr. WEINER.

H.R. 363: Mr. LARSEN of Washington, Mr. CUELLAR, and Ms. HOOLEY.

H.R. 425: Mr. OWENS, Mrs. NAPOLITANO, and Ms. NORTON.

H.R. 503: Mr. GUTIERREZ.

H.R. 519: Mr. PORTER, Mr. WELDON of Florida, Mr. BILIRAKIS, Mr. THORNBERRY, Mr. REICHERT, Mr. HINOJOSA, Mr. MCDERMOTT, and Mr. SMITH of Washington.

H.R. 586: Mr. GOODLATTE.

H.R. 602: Mr. WU.

H.R. 713: Mr. BARROW.

H.R. 758: Mr. AKIN and Mr. EDWARDS.

H.R. 759: Mr. HASTINGS of Florida, Ms. CARSON, and Mr. GUTIERREZ.

H.R. 769: Mrs. MALONEY and Mr. LARSEN of Washington.

H.R. 819: Mr. NEAL of Massachusetts.

H.R. 881: Mr. CHANDLER, Mr. JONES of North Carolina, and Ms. WASSERMAN SCHULTZ.

H.R. 897: Mr. NADLER.

H.R. 916: Mr. DOGGETT, Mr. DAVIS of Tennessee, Mr. MCCOTTER, and Mr. MENENDEZ.

H.R. 923: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 937: Ms. SCHAKOWSKY and Mr. BACA.

H.R. 983: Mr. ANDREWS and Mr. OLVER.

H.R. 986: Mr. FOLEY and Mr. GERLACH.

H.R. 997: Mr. NUSSLE.

H.R. 998: Mr. BARTLETT of Maryland and Mr. HOLT.

H.R. 1000: Mr. CULBERSON.

H.R. 1071: Mr. GARY G. MILLER of California.

H.R. 1083: Mr. SCHIFF and Mr. ALEXANDER.

H.R. 1108: Mrs. DAVIS of California and Mr. LARSON of Connecticut.

H.R. 1120: Mr. MOORE of Kansas and Mr. RYAN of Ohio.

H.R. 1124: Mrs. JOHNSON of Connecticut.

H.R. 1125: Mr. KUCINICH.

H.R. 1131: Mr. EMANUEL, Mr. BONNER, Mr. SMITH of Washington, Mr.

H.R. 1167: Mr. GREEN of Wisconsin and Mr. NEUGEBAUER.

H.R. 1175: Mr. LEACH.

H.R. 1192: Mr. COSTA.

H.R. 1204: Mr. MCINTYRE.

H.R. 1216: Mr. CRAMER and Mr. SODREL.

H.R. 1219: Mr. GOHMERT, MR. CRAMER, Mr. HOLDEN, Mr. COOPER, and Mr. GUTKNECHT.

H.R. 1227: Mr. MCNULTY and Ms. MCCOLLUM of Minnesota.

H.R. 1232: Mrs. NAPOLITANO.

H.R. 1245: Mrs. CAPPS.

H.R. 1259: Mr. SKELTON.

H.R. 1262: Ms. BALDWIN.

H.R. 1298: Mr. RYAN of Wisconsin and Mr. FILNER.

H.R. 1306: Ms. BORDALLO.

H.R. 1323: Mr. MEEKS of New York.

H.R. 1373: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1402: Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. WEXLER, and Mr. MICA.

H.R. 1405: Mr. MCCAUL of Texas.

H.R. 1409: Mr. FITZPATRICK of Pennsylvania, Mr. MATHESON, and Mr. LYNCH.

H.R. 1417: Mrs. JOHNSON of Connecticut

H.R. 1424: Mr. DOYLE and Mr. WEINER.

H.R. 1441: Mrs. LOWEY, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. STRICKLAND, and Mr. RUSH.

H.R. 1471: Mr. REICHERT.

H.R. 1498: Mr. DAVIS of Alabama and Mr. HOLT.

H.R. 1554: Mr. WEXLER.

H.R. 1558: Mrs. DAVIS of California.

H.R. 1575: Mr. HOLT.

H.R. 1591: Mr. LANTOS and Mr. SHAW.

H.R. 1592: Mr. LANTOS.

H.R. 1632: Mrs. MCCARTHY and Mr. JENKINS.

H.R. 1636: Mr. BERMAN.

H.R. 1667: Mr. WEXLER.

H.R. 1668: Mr. MEEHAN, Mr. MICHAUD, and Ms. BALDWIN.

H.R. 1671: Mr. GRIJALVA.

H.R. 1704: Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. MCDERMOTT, and Mr. WEXLER.

H.R. 1722: Mr. PLATTS.

H.R. 1736: Mr. LEWIS of Georgia, Mr. LATOURETTE, and Mr. HALL.

H.R. 1789: Ms. JACKSON-LEE of Texas.

H.R. 1806: Mr. CAPUANO.

H.R. 1871: Mr. FERGUSON.

H.R. 1872: Mr. HYDE.

H.R. 1898: Mr. TAYLOR of North Carolina.

H.R. 1986: Mrs. BLACKBURN.

H.R. 2012: Mr. REICHERT, Mr. LYNCH, and Mr. DENT.

H.R. 2037: Mr. MENENDEZ and Mr. SMITH of New Jersey.

H.R. 2045: Mr. KIND and Mr. RYAN of Wisconsin.

H.R. 2048: Mr. MORAN of Virginia, Mr. OWENS, and Mr. SMITH of New Jersey.

H.R. 2061: Mr. BILIRAKIS, Mr. NEUGEBAUER, Ms. LORETTA SANCHEZ of California, Mr. BONILLA, Mr. MCCAUL of Texas, and Mr. SCHIFF.

H.R. 2098: Mr. MCGOVERN and Mr. NADLER.

H.R. 2218: Ms. BORDALLO.

H.R. 2231: Mr. SABO, Mr. WELLER, Mr. OBERSTAR, Mr. KING of Iowa, Mr. JACKSON of Illinois, Mr. GREEN of Wisconsin, and Mr. CROWLEY.

H.R. 2234: Ms. HART, Mr. PRICE of North Carolina, and Mr. EMANUEL.

H.R. 2258: Mr. BOREN.

H.R. 2305: Mr. MCHUGH.

H.R. 2308: Mr. HOLDEN, Mr. LYNCH, and Mr. WEXLER.

H.R. 2351: Mr. CONYERS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2363: Mr. REICHERT.

H.R. 2409: Mr. FARR.

H.R. 2471: Mr. GORDON.

H.R. 2533: Mr. MENENDEZ, Mr. GERLACH, and Ms. BEAN.

H.R. 2553: Mr. LARSEN of Washington.

H.R. 2567: Mr. MCDERMOTT and Mr. SMITH of New Jersey.

H.R. 2588: Mr. GOODLATTE.

H.R. 2617: Mr. FRANK of Massachusetts and Mr. ALLEN.

H.R. 2620: Ms. CARSON.

H.R. 2642: Mr. ENGEL, Mr. GINGREY, Mr. GORDON, Mr. LARSON of Connecticut, Mr. ABERCROMBIE, and Ms. ESHOO.

H.R. 2716: Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. LANTOS, and Mr. SIMMONS.

H.R. 2717: Mr. UDALL of New Mexico.

H.R. 2720: Ms. HERSETH.

H.R. 2737: Mr. BRADY of Pennsylvania.

H.R. 2794: Mr. KENNEDY of Minnesota, Mr. RYUN of Kansas, Mr. DOYLE, Mr. BERRY, and Mr. ROSS.

H.R. 2799: Mr. FOLEY.

H.R. 2801: Mr. PRICE of North Carolina and Mr. RUPPERSBERGER.

H.R. 2803: Mr. MOLLOHAN, Mr. ROGERS of Michigan, and Mr. GOODE.

H.R. 2835: Mr. GERLACH.

H.R. 2842: Mr. KENNEDY of Minnesota.

H.R. 2943: Mr. BAKER.

H.R. 2963: Mr. WEXLER, Mr. MCDERMOTT, and Mr. PALLONE.

H.R. 2964: Mr. SMITH of Texas and Mr. ORTIZ.

H.R. 2989: Mr. GARRETT of New Jersey, Mr. GERLACH, and Mr. WU.

H.R. 2990: Mr. AKIN.

H.R. 3006: Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. HASTINGS of Florida, Mr. LANGEVIN, Ms. DEGETTE, Ms. ZOE LOFGREN of California, Ms. WATSON, Mr. BAIRD, Mr. NEAL of Massachusetts, Mr. MARKEY, and Mr. WU.

H.R. 3079: Ms. GINNY BROWN-WAITE of Florida and Mr. WILSON of South Carolina.

H.R. 3083: Mr. CALVERT, Mr. PETERSON of Minnesota, Mr. KUHL of New York, and Mr. BACHUS.

H.R. 3127: Mr. OLVER, Mr. AL GREEN of Texas, Mr. FORTENBERRY, Mr. MEEKS of New York, Mr. HOLT, Mr. PALLONE, Mr. CARDIN, Mr. MCNULTY, and Mr. WEINER.

H.R. 3128: Mr. WU.

H.R. 3132: Mr. REYNOLDS, Mrs. CAPITO, and Mr. REHBERG.

H.R. 3146: Mr. MCHUGH and Mr. MOLLOHAN.

H.R. 3147: Mr. MCCAUL of Texas.

H.R. 3167: Mr. SENSENBRENNER.

H.R. 3174: Mr. BISHOP of Georgia, Mr. PAYNE, and Mr. DAVIS of Illinois.

H.R. 3187: Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. GERLACH, and Mr. GILCHREST.

H.R. 3192: Mr. HINCHEY, Ms. LEE, Mr. KUCINICH, Mr. BRADY of Pennsylvania, Ms. MATSUI, Mr. MCGOVERN, and Mr. WEXLER.

H.R. 3195: Ms. CARSON.

H.R. 3205: Mr. MCDERMOTT.

H.R. 3274: Mr. GREEN of Wisconsin.

H.R. 3283: Mr. WELLER, Mr. GREEN of Wisconsin, Mr. BACHUS, Mr. WICKER, Mr. KENNEDY of Minnesota, Mr. SODREL, Mr. BURGESS, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3300: Mr. MILLER of Florida.

H.R. 3304: Mr. KLINE, Mr. GERLACH, and Mr. MARCHANT.

H.R. 3306: Mr. HOLT.

H.R. 3317: Mr. MCHENRY, Mr. CHABOT, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. FEENEY, Mr. GOHMERT, Mr. WICKER, Mr. SESSIONS, Mr. TIAHRT, Mr. PAUL, and Mr. KUHL of New York

H.R. 3323: Ms. WASSERMAN SCHULTZ, Mr. WOLF, Mr. BUTTERFIELD, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, Mr. ISRAEL, Mrs. TAUSCHER, Ms. HARMAN, Ms. ESHOO, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. HINCHEY, Mr. PASCRELL, Mr. BONNER, Mr. SHAYS, Mr. POE, Mr. ACKERMAN, Mr. MURTHA, Mr. LARSON of Connecticut, Mr. DAVIS of Illinois, Mrs. MALONEY, Ms. WOOLSEY, Mr. ROTHMAN, and Mr. BLUMENAUER.

H.R. 3352: Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Mr. MATHESON, Mr. FILNER, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Mr. GRIJALVA.

H.R. 3361: Mr. GARRETT of New Jersey and Mr. KIRK.

H.R. 3369: Mr. MCGOVERN, Ms. BERKLEY, Mr. OWENS, and Mr. ROTHMAN.

H.R. 3402: Ms. ZOE LOFGREN of California and Mr. POE.

H.R. 3405: Mr. CANNON, Mr. CARTER, Mr. GOODE, Mr. MORAN of Kansas, and Mrs. EMERSON.

H.R. 3423: Mr. INSLEE.

H.J. Res. 55: Ms. JACKSON-LEE of Texas and Mr. OWENS.

H.J. Res. 61: Ms. MCCOLLUM of Minnesota, Ms. BERKLEY, Ms. FOXX, Mr. PENCE, Mr. CONAWAY, and Mr. GREEN of Wisconsin.

H. Con. Res. 40: Mr. STUPAK.

H. Con. Res. 42: Mr. GORDON.

H. Con Res. 90: Mr. CALVERT, Ms. BERKLEY, and Mr. DAVIS of Kentucky.

H. Con. Res. 138: Mr. MENENDEZ.

H. Con. Res. 174: Ms. WASSERMAN SCHULTZ, Mr. WEINER, Ms. SCHWARTZ of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, and Mr. SIMPSON.

H. Con. Res. 213: Ms. SCHAKOWSKY, Mr. PASCRELL, Ms. BERKLEY, Mr. RUSH, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. BACA, Ms. SCHWARTZ of Pennsylvania, and Ms. MOORE of Wisconsin.

H. Con. Res. 215: Ms. SCHAKOWSKY, Mr. PASCRELL, Ms. BERKLEY, Mr. RUSH, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. BACA, Ms. SCHWARTZ of Pennsylvania, and Ms. MOORE of Wisconsin.

H. Con. Res. 216: Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CROWLEY, Mr. SERRANO, and Ms. WATSON.

H. Res. 246: Mr. PETERSON of Minnesota and Mr. MCDERMOTT.

H. Res. 316: Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, Mr. LINCOLN DIAZ-BALART of Florida, Ms. LEE, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, and Mr. FITZPATRICK of Pennsylvania.

H. Res. 317: Mr. MCDERMOTT.

H. Res. 323: Mr. BERMAN and Mr. DOOLITTLE.

H. Res. 325: Mr. YOUNG of Florida.

H. Res. 327: Mrs. JONES of Ohio and Mr. MCDERMOTT.

H. Res. 336: Mr. CONAWAY.

H. Res. 360: Mr. POE, Mr. TERRY, Mr. MCCOTTER, and Mr. KENNEDY of Minnesota.

H. Res. 363: Mr. DOYLE.

H. Res. 375: Mr. OLVER.

H. Res. 381: Mr. PASCRELL, Mrs. CAPPS, and Mr. MEEHAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 515: Mr. BOYD.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, JULY 26, 2005 *No. 103*

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of life, high above all, yet in all, the challenges of our world are great and our hands are small. The mystery of life is deep, and our faith falters. The temptations of life are intense, and our wills are feeble.

Lord, guide our steps. Shower Your Senators with enduring blessings. As they deal with the swirling winds of change, be their ever present help. Give them patience to trust the unfolding of Your loving providence. Give each of us the wisdom to refuse to deviate from the path of integrity.

Lord, today we ask for You to comfort the grieving families of the Alaskan Boy Scouts.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

Frist modified amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Lautenberg amendment No. 1351, to stop corporations from financing terrorism.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Collins amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

Kennedy amendment No. 1415, to transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia chapter.

Allard/McConnell amendment No. 1418, to require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program.

Allard/Salazar amendment No. 1419, to authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date.

Dorgan amendment No. 1426, to express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001.

Dorgan amendment No. 1429, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Salazar amendment No. 1421, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.

Salazar amendment No. 1422, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965.

Salazar/Reed amendment No. 1423, to provide for Department of Defense support of certain Paralympic sporting events.

Collins (for Thune) amendment No. 1489, to postpone the 2005 round of defense base closure and realignment.

Collins (for Thune) amendment No. 1490, to require the Secretary of the Air Force to develop and implement a national space radar system capable of employing at least two frequencies.

Collins (for Thune) amendment No. 1491, to prevent retaliation against a member of the Armed Forces for providing testimony about the military value of a military installation.

Reed (for Levin) amendment No. 1492, to make available, with an offset, an additional $50,000,000, for Operation and Maintenance for Cooperative Threat Reduction.

Hatch amendment No. 1516, to express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force.

Inhofe amendment No. 1476, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Allard amendment No. 1383, to establish a program for the management of post-project

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

completion retirement benefits for employees at Department of Energy project completion sites.

Allard/Salazar amendment No. 1506, to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims.

McCain modified amendment No. 1557, to provide for uniform standards for the interrogation of persons under the detention of the Department of Defense.

Warner amendment No. 1566, to provide for uniform standards and procedures for the interrogation of persons under the detention of the Department of Defense.

McCain modified amendment No. 1556, to prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the United States Government.

Stabenow/Johnson amendment No. 1435, to ensure that future funding for health care for veterans takes into account changes in population and inflation.

Murray amendment No. 1348, to amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC.

Murray amendment No. 1349, to facilitate the availability of child care for the children of members of the Armed Forces on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom and to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin amendment No. 1494, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Hutchison amendment No. 1477, to make oral and maxillofacial surgeons eligible for special pay for Reserve health professionals in critically short wartime specialties.

Graham/McCain modified amendment No. 1505, to authorize the President to utilize the Combatant Status Review Tribunals and Annual Review Board to determine the status of detainees held at Guantanamo Bay, Cuba.

Nelson (FL) amendment No. 762, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Durbin amendment No. 1428, to authorize the Secretary of the Air Force to enter into agreements with St. Clair County, Illinois, for the purpose of constructing joint administrative and operations structures at Scott Air Force Base, Illinois.

Durbin amendment No. 1571, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Levin amendment No. 1496, to prohibit the use of funds for normalizing relations with Libya pending resolution with Libya of certain claims relating to the bombing of the LaBelle Discotheque in Berlin, Germany.

Levin amendment No. 1497, to establish limitations on excess charges under time-and-materials contracts and labor-hour contracts of the Department of Defense.

Levin (for Harkin/Dorgan) amendment No. 1425, relating to the American Forces Network.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we come back for a final week before our recess with a number of important items, many of which are the culmination of many months of work. It will be a challenging week in order to accommodate the range of issues. I will mention a number of those that will be addressed. I do hope all of our colleagues will consider the importance of addressing each of these and doing it in a timely way that respects people's schedules and gets us out at the end of this week. It is going to be a real challenge, but it can clearly be accomplished if we all work together in a collegial and civil way as we go.

This morning we will resume debate on the Defense authorization bill. Under the order, there will be 20 minutes remaining for debate to be used on the Collins and Lautenberg amendments on contracts. Following that time, we will proceed to a series of votes. We will be voting on the Collins amendment. Following that, we will vote in relation to the Lautenberg amendment. Following that, we will vote in relation to a Boy Scouts amendment. That will be followed by a cloture vote on the pending Defense authorization.

If cloture is invoked, we will stay on the Defense bill until that is completed, something I am very hopeful we will be able to do shortly. If cloture is not invoked, we would proceed to a cloture vote with respect to the motion to proceed to the gun manufacturers liability bill which we also will address this week. These cloture votes will allow the Senate to complete these two important measures.

In addition to that, we have a number of additional items, including the conference report on energy, the conference report on highways, and then there are a number of appropriations conference reports that may become available in addition to these measures. We are looking at the issue on Native Hawaiians and a death tax issue. We have a lot of work to do in a very short period of time. We clearly will be working through Friday of this week and, if it means going into the weekend to complete the work, we are prepared to do that.

THE BOY SCOUT JAMBOREE

Mr. FRIST. Mr. President, very briefly, I want to mention—I know the Senator from Alaska has a comment—our sympathy for the tragic events that have occurred at the Boy Scouts Jamboree. Our thoughts and prayers are with the many families who have been affected so directly. We will continue to reach out over the course of the day for the tragic event that occurred there.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

CLOTURE VOTES

Mr. REID. Mr. President, I would, through the Chair, ask the distinguished majority leader if the majority leader would agree that we would continue on the Defense bill, vitiate cloture on it and the gun bill, and finish the Defense bill by a time certain, say Thursday at 7 o'clock in the evening? We would try to work through our amendments. We would have time agreements on amendments. We would have the two managers of the bill set us up so we could vote on these, Republican and Democratic amendments, work through all these. I have a more extended statement I am going to give in a little bit, if we can't work something out on this. I will ask unanimous consent, but I would ask the distinguished Senator from Tennessee if he would consider a unanimous consent agreement that will allow us to finish this bill by a time certain on Thursday and, following that, in fact, what I think would be most appropriate is we finish the very important Defense bill this week, and the second we get back in September move to the gun legislation.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Through the Chair in response to the Democratic leader, we laid out a plan at the end of last week where we can stay on the Department of Defense authorization bill. We have filed cloture to bring some order to that process. We will have the opportunity to vote on cloture this morning. I expect cloture to be invoked. We should finish the Defense authorization bill. I have also made it clear from this desk and on the floor that we are going to finish the gun manufacturers liability bill before we leave. That makes it challenging because we have the very important Department of Defense authorization bill, but we have a plan and a way to finish that by invoking cloture this morning, finishing with that issue, and then moving directly to the gun manufacturers liability bill. Therefore, I do not believe we need—in fact, I know we don't need a unanimous consent agreement in order to accomplish that. So at this juncture we will stay on the plan, the Department of Defense cloture vote this morning—and I expect it would be invoked—finish that bill and then proceed to the gun liability bill.

Mr. REID. Mr. President, I ask through the Chair if the Senator from Tennessee, the distinguished majority leader, has a statement to make. Otherwise, I have a statement I am going to make this morning.

Mr. FRIST. I do not have a statement this morning. Following the Democratic leader's statement, I believe the Senator from Alaska has a brief statement to make as well.

Mr. REID. Mr. President, I heard the Senator from Alaska say he needed a minute or two. I would be happy, if he wants to do that at the present time, to allow the President pro tempore of

the Senate, the most senior Member of the Senate, to give a statement. Then I will give mine.

Before the leader leaves the floor, I will use leader time. I don't think I will need to use more than the 10 minutes, but that would push the votes back 10 minutes. I think everyone should be entitled to the time they have. Is that OK with the leader?

Mr. FRIST. Yes.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Alaska is recognized.

BOY SCOUTS JAMBOREE TRAGEDY

Mr. STEVENS. Mr. President, let me thank the two leaders for their courtesy.

Last Thursday it was my privilege to meet on the Capitol steps with a group of Boy Scouts from my State, 71 young Scouts and 9 adults, which included 5 distinguished Boy Scout leaders. As we all know, we have heard the news, a tragic accident occurred at Fort A.P. Hill, and four of those leaders have passed away. Another is seriously injured. It has been a shock to the Alaska community, certainly a shock to the Jamboree. We are working with the Army. This occurred on an Army base, and there is a CID investigation going on, as well as a Virginia State investigation, to determine the cause of this tragedy. Clearly, there are 71 young men down there who are very shocked and very disturbed over this tragedy.

I want to thank the leader for his comments and the Chaplain for the mention of these men in his opening prayer. It is impossible for us to fathom a tragedy of this sort. In any event, I want to say to the Senate and to the Alaskan people we will do everything we can to help these young men and to comfort them and make certain they are cared for in this period of mourning the loss of these distinguished Boy Scout leaders.

I ask unanimous consent that statements that appeared in the Anchorage Daily News this morning about this incident and from the Washington Post reporting on the incidents be printed in the RECORD.

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

[From the Anchorage Daily News, July 26, 2005]

ALASKA SCOUT LEADERS DIE NEAR D.C.

(By Katie Pesznecker and Lisa Demer)

Four Boy Scout leaders were killed in Virginia on Monday, the opening day of the organization's national Jamboree, when a metal tent pole they were holding hit a power line and apparently ignited the canvas tent above them, according to Scout officials and witnesses.

Officials late Monday confirmed the leaders who died are Ron Bitzer, Michael Lacroix and Michael Shibe of Anchorage and Scott Powell, who moved to Ohio last year.

A fifth Alaska Scout leader, Larry Call, and an unidentified contractor were hospitalized with injuries, according to Boy Scout officials. Call is being treated at a Virginia hospital burn unit, said his wife, Paula Call.

No children were seriously injured, but about 30 Alaska Scouts saw the accident happen some time between 12:30 p.m. and 1 p.m. Alaska time at Fort A.P. Hill, an Army base about one hour south of the nation's capital.

Karl Holfeld, an Anchorage father, said his 15-year-old son, Taylor, witnessed the accident. Taylor was on his cell phone talking to his mother in Anchorage when the accident occurred.

''They all started screaming,'' Holfeld said. ''He said, 'Oh my God, oh my God, the tent is on fire, they're being burned!' And she told him to stay away, to not touch anything, because there could be a live wire.''

Paula Call spoke to her husband and others after the accident. The group of men was erecting a large tent, like a circus tent, she said. She didn't know what it was for.

''As they got it up, this pole started to lean and it touched a utility live wire,'' Paula Call said.

She hadn't heard about the fire but said her husband suffered electrocution burns on his hands, hips and feet. His condition improved during the day and he will recover, she said.

The Calls' son Kendell, 15, saw the accident but is too upset to talk about it in detail, Paula Call said. A second son was also there. Witnesses told her Kendell reacted quickly to help his father.

Her husband ''was just concerned about the boys. It was the most horrific thing he knows they will ever witness,'' she said.

The Scouts were taken from their camp to meet with grief counselors and a chaplain, said Renee Fairrer, director of National News and Media for the Jamboree.

Seventy-one boys and nine adults were traveling with the Jamboree contingency representing the Western Alaska Council of Boy Scouts of America. Bill Haines, executive director of the council here, said others came from Juneau and Fairbanks.

Jamboree leaders are ''the cream of the crop,'' he said. ''They were the best we had.''

Of the men who died, Shibe had two sons at the Jamboree, and Lacroix, who runs an Anchorage vending machine company, had one son in attendance, Haines said.

Holfeld had known both Bitzer and Shibe for years. Shibe and Holfeld earned their Eagle ranks together in the 1970s.

''We crossed paths at Scout things all the time,'' Holfeld said. ''They were just phenomenally effusive and so dedicated to the youth. They were enthusiastic gentlemen that totally believed in the Boy Scouts and showed that through their efforts and commitment.''

Bitzer and his wife, Karen, had recently sold their Anchorage home, and Haines said he believes they were preparing to move to Reno. He worked a couple of years as a Scout executive, Haines said. Bitzer was a retired administrative law judge and an assistant scoutmaster of Troop 129 in Anchorage, said family spokesman Ken Schoolcraft, the troop's scoutmaster.

Bitzer spent years running the Junior Leader Training Conference, a summer event at Camp Gorsuch on Mirror Lake, said Dylan O'Harra, 19, a former Anchorage Boy Scout who went to Bitzer's program.

''He was another guy who was dedicated to spending his time helping Scouts, helping kids advance and appreciate the outdoors,'' O'Harra said.

Powell was single and retired last year after a career in Boy Scouts. He had moved to Ohio but attended Jamboree at the last moment after a boy was unable to go, Haines said.

Powell had devoted years to Alaska Scouts, including more than 20 years as program director at Camp Gorsuch.

''For every kid who ever went to the camp, Scott Powell was the most inspirational and exciting guy that you've ever met,'' said O'Harra, who attended and worked at Camp Gorsuch. ''When you wanted to be on staff, you wanted to be on staff so you could be on Scott's team. He's the reason a lot of kids came back to the camp as counselors for years and years.''

Jamboree is a decades-old event and one of the biggest gatherings of Boy Scouts worldwide. The first, in Washington, D.C., in 1937, drew more than 27,000 people. Scout officials said attendance at this one, the 16th Jamboree, is expected to top 43,000 Scouts and leaders from the United States and 20 countries.

This is the seventh Jamboree at Fort A.P. Hill, nestled in the rolling hills of Caroline County, Virginia. Scouts swarm 3,000 acres. Within hours on Monday, cadres from various cities and states were expected to stake down some 17,000 tents and put up 3,500 patrol kitchens. The Scouts who attend are at least 12 years old and younger than 18.

Boys at the 10-day event do all things Scout-related—from biking to archery to kayaking. They earn merit badges and cook many of their own meals. Camp highlights include blow-out opening and closing arena shows that include Army Rangers parachuting in, fireworks exploding, folks singing and dancing. President Bush is scheduled to speak Wednesday night.

Alaska leaders split the kids into two groups: Troop 711 and Troop 712. They spent four days together touring Washington before arriving at Jamboree for opening day Monday.

Several adults from Alaska's group helped put up a large tent. It might have been a mess hall for the group or the sleeping quarters for the leaders, said Mike Sage, an Anchorage father who chaperoned Alaska Scouts at the last Jamboree four years ago.

The tent has a large metal pole as its center support and also poles at its corners. Men were reportedly holding on to those, Paula Call said.

It's unclear how the pole came in contact with the wire.

''They either hit the power line with the pole, or a truck went by and knocked the pole over,'' Holfeld said. ''Either way, the pole hit the power line, electrocuted them, set the tent on fire, the tent fell on them, and they were trapped underneath,'' with Scouts watching.

In interviews and press releases all day, Boy Scout officials referred to the incident as ''an electrical accident.''

A statement on the official Jamboree Web site said: ''Our prayers and sympathies are with the families of each of the victims. It is a tragic loss that is shared by everyone in the BSA. Counselors and chaplains are at the jamboree and available to any Scout or leader. A thorough investigation into this accident is under way.''

Fairrer said Boy Scouts of America is leading the investigation and working with the military.

People have died or been seriously injured before at Jamboree, Fairrer said. But she could not recall a catastrophe of this magnitude.

''And any time there's a death, it hurts all of us,'' Fairrer said. ''Within scouting, we are one big family.''

Gov. Frank Murkowski said in a statement early Monday evening that he was ''very saddened today to learn of the deaths of these four Scout leaders in such a tragic and unexpected accident. . . . These individuals were killed while serving Alaska's young people, and I admire and thank them for that service.''

The three boys whose fathers died are returning to Alaska, Haines said.

''The other boys who didn't lose their fathers are going to make a decision with their leaders about what to do.''

[From the Washington Post, July 26, 2005]

FOUR SCOUT LEADERS DIE IN VA. ACCIDENT

(By Karin Brulliard and Martin Weil)

FORT A.P. HILL, VA.—Four adult Scout leaders from Alaska were killed Monday afternoon at the Boy Scout Jamboree in an electrical accident that apparently occurred when a pole from a tent they were setting up struck an overhead power line, officials said.

Three others, a Scout leader and two contract workers, were injured in the accident, which happened a few hours after the official noontime opening of the jamboree. The gathering draws thousands of Scouts every four years from across the United States and many foreign countries.

No Boy Scouts were injured.

The leaders were from the Anchorage area and represented the Scouts' Western Alaska Council, an official of that council said. Bill Haines said two of those killed and the injured leader had children with them at the jamboree, about 75 miles south of the District.

''It's a very tragic loss for all of us,'' Haines said.

The children, he said, were coping. ''They are all being taken care of,'' he said.

Sheriff A.A. ''Tony'' Lippa Jr. of Caroline County said a preliminary investigation indicated that the pole had struck the power line but that authorities had not determined how it happened. ''We're not sure if the poles shifted,'' he said.

Scout officials gave no details of how the accident occurred, other than to say that it was between 4:30 and 5 p.m. while the camp for the Alaskans was being set up. One person with knowledge of jamboree operations, who spoke on condition of anonymity because an investigation is underway, confirmed that a tent-support pole touched an electric line.

After the accident, witnesses saw a slender pole that protruded through the apex of a pyramid-shaped tent and appeared to be touching one or more overhead lines. The tent was one of two at the Alaskans' site that appeared to be intended for use as a group gathering place rather than for sleeping.

One of the two light-colored tents apparently had been fully erected. The other tent, where the accident apparently occurred, was cordoned off with yellow tape. The Scouts who might have stayed in that area had been moved.

Haines, in a telephone interview from Alaska, said the four men who died ''were leaders in the Scouting community, longtime Alaskans. They were very instrumental in the council'' It was the first jamboree for one of the men.

Lippa said the ages of three of the four were 42, 47 and 58.

All those injured were in stable condition at hospitals, the sheriff said. None of the men's names was released last night.

Officials said late last night that they expected the jamboree to continue but were not certain whether any adjustments to the schedule or participation might be made. Bob Dries, volunteer chairman of the event's national news and media operation, said: ''I would expect the jamboree is going to carry on. Certainly, our sympathy is with the families. It's a sad day. The jamboree is about kids and having fun.''

Renee Fairrer, director of national news and media for the jamboree also said the event would go on. She said the Alaska contingent had been separated from the others.

Gregg Shields, a spokesman for the Boy Scouts, said chaplains and grief counselors were meeting with the Scouts from the Western Alaska council. Those Scouts are ''our primary concern right now,'' he said.

Haines said he did not know whether they would stay for the duration of the jamboree, which runs through Aug. 3. ''We're going to do what the troop wants,'' Fairrer said.

Other Scouts from the general area in which the accident occurred appeared to be taking part late yesterday in planned activities. Some were seen setting up cots or reading. A Scout-run camp radio station interrupted its normal broadcast to report the accident.

Fairrer said the accident was being investigated by the Boy Scouts and the U.S. Army, which operates the base in Caroline County, about 10 miles east of Interstate 95 on Route 301, just south of the Rappahannock River.

She said late Monday that 32,000 Scouts and an additional 3,500 leaders had assembled to live for 10 days in what is essentially a huge tent city on the grounds of the base. President Bush is scheduled to address the gathering Wednesday night.

The accident, Fairrer said, occurred at the eastern edge of the campsite, which she estimated at seven to 10 miles from the fort's main gate. The base is about 76,000 acres; the Scouts are using about 5,000. Jamboree representatives said as many as 17,000 two-man tents might be pitched.

The site is supplied with electricity by the Rappahannock Electric Cooperative, Fairrer said. The utility last night said it was assisting in the investigation.

Over the past weekend, some of the Scouts have been in Washington, swarming over the Mall and through the monuments, a blur of khaki and neckerchiefs and patch-covered shoulders.

Hundreds of buses pulled into the military base yesterday to disgorge Scouts by the thousands. Officials said they came from 50 states and 20 foreign countries. At least 400 Scouts from the Washington region were scheduled to be on hand.

The jamboree has been held at the military base since the 1980s.

Mr. STEVENS. Again, I thank the Senate and the leaders for their courtesy.

The PRESIDING OFFICER. The minority leader is recognized.

CLOTURE ON DEFENSE AUTHORIZATION

Mr. REID. Mr. President, Members heard the colloquy between the distinguished majority leader and this Senator. I ask unanimous consent that the time I use not apply to any of the order now before the Senate with regard to the four votes that are pending.

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

Mr. REID. I was in Chicago over the weekend at an event. I talked to a well-dressed, very articulate man. I didn't realize he was as old as he was, but I learned later he was 83 years old. His name is Green. He had served in the South Pacific for 3 years during World War II. All those islands we hear so much about, he was on all of them, carrying a rifle, fighting for our country.

This morning I thought about Mr. Green. In World War II, do you think the Senate would have spent a matter of a few hours on the Defense bill? I don't think so. During World War II, Senator Truman, among others, debated very vociferously whether there should be an investigation into how money was being spent by the military and the Government generally. It was controversial, but it was debated. Senator Truman's actions carried.

What are we doing here today? What are we doing here today? A bill involving 1.4 million active-duty men and women serving in uniform for our country and a million Guard and Reserve, approximately 2.5 million men and women serving this country in Iraq, Afghanistan, Korea, Germany, all over the world, a bill that is costing the American taxpayer during this year approximately $450 billion—that doesn't count the usual emergency supplementals that are not part of this process involving tens of billions of dollars—we are going to spend on this bill a few hours. To this point we have not had a single vote on a Democratic amendment. It is unconscionable to do this, to end debate on these amendments that help our country.

Just a few of them. Concurrent receipt is something I have worked on with the two managers of this bill for 4 years. What is concurrent receipt? Is it important to the military? It absolutely is. Prior to the 4 years this Senate worked on it, a person who retired from the U.S. military who was disabled could not draw his disability benefits and his retirement benefits. If you are retired from the military with a disability and you worked at Sears, you could draw both, or if you worked at the Department of Interior, you could draw both. But not from the military. We have changed it. We have not changed it enough, but we have changed it a lot and it is helpful. But we need to continue to work with these disabled American veterans to get them the money they have earned and they deserve and which this country is obligated, in my opinion, morally to pay them. We won't have an opportunity to do that on this bill because in an hour or so cloture will be invoked.

Senator NELSON from Florida wants to offer an amendment authorizing surviving spouses to receive both survivor benefit plan annuity benefits and indemnity compensation, and they should be able to get both.

Senator KERRY wants to make permanent the temporary authority, including the emergency supplemental for dependents of service members who die on active duty to remain in military housing for 1 year after the person has been killed in the line of duty. That is not asking too much. We would like that amendment to be offered. We want to improve this bill. We are not trying to tear the bill apart. We want to improve it.

Senator LIEBERMAN and others want to increase the size of the military by 20,000 a year for the next 4 years. I believe in this amendment, but we very likely will not have the opportunity to have that voted on.

Senator MURRAY has a childcare amendment that would help members

of the U.S. military have their children taken care of while they are on active duty.

Senator DURBIN has an amendment to require Federal agencies to pay the difference between military and civilian compensation for National Guard and Reserve. This is something we very likely will not have the chance to vote on.

Senator LEVIN has an amendment that would provide $50 million to cooperative threat reduction to meet the new opportunity to provide security upgrades to 15 key Russian nuclear weapons sites.

Last week a report was issued by former Secretary Bill Perry that said the No. 1 problem the world faces is loose nukes. That is what this is all about.

This is a bill that is so vitally important. It is important in dealing with veterans health care benefits. It is important in dealing with Guard and Reserve, base closure, our war on terror, impact of sustained military operations to our troops and their families, detainee abuse.

Republicans have joined with Democrats in saying let's take a look at what has gone on with how we treat prisoners of war—a bipartisan amendment. We can read in any paper in the United States that last week the Vice President of our country had been calling people at the White House, Members of the Senate, to tell them not to do that. Why? What are we afraid of? This is an open society. This is the United States. We won't be able to offer that amendment. Is that why this bill is being taken away from us? Because the administration has said we don't want you to look at what has gone on in Guantanamo, Abu Ghraib, and other such places? This majority leader, apparently under pressure from this administration, decided we were not going to deal with these important issues this year. Rather than putting our troops and our Nation's security first by letting the Senate work its will on these important issues, the majority leader and this administration decided to prematurely cut off debate.

It is unheard of to do what is being done here. The hue and cry will go forth from this majority we have here saying these awful Democrats are trying to hold up the Defense bill. Hold up the Defense bill for a couple of days?

We believe we have an obligation, we Democrats believe we have an obligation to face difficult issues and not run from them, including the embarrassment of what went on in our prisons at Guantanamo and Abu Ghraib. We believe it is important to deal with weapons of mass destruction in this bill. Unfortunately, that is precisely the choice the majority leader is forcing this body to make today. If we do not invoke cloture on this bill and forego our right to offer these important amendments, the bill is gone. We are not going to be able to take these things up.

This work period is ending. We are going to go home. We are going to come back in September. The fiscal year is on top of us. We have the Roberts nomination that will take a little time on the Senate floor after the Senate Judiciary Committee completes its important work. What are the Republicans afraid of?

There is more to this than the administration simply wanting to cut off debate because of embarrassment to them about talking to these issues. The Republican leadership is also engaged in a very cynical ploy here today. They have pitted the interest of a very powerful special interest group against this Nation's security needs. Rather than spending the time needed to carefully consider critical national security issues—and I think that is something that again we need to focus on, national security issues—the Republican leadership has decided it is more important that the Senate instead take up gun legislation. I support the legislation, but let's be realistic about this. Legislation that would trump the men and women of America who wear the uniform of our country? I don't think so. I don't think it is a fair match. No matter how you may feel about gun legislation, it is not a match to allowing us to proceed on the Defense bill as we have done traditionally in this body.

I recognize we have wasted a lot of time in the Senate, spending one-third—one-third—of the Senate's time on voting on three judges. Every one of the people who was made a judge had jobs already. One-third of the Senate's time was spent on three judges. So I know we are crimped for time around here because of that. But we are going to take gun legislation and compare it to the men and women who I visited out at Walter Reed laying in those hospital beds. Think of my friend, my new friend, Mr. Green from Chicago, World War II veteran, proud of the service he made to this country. He gave to this country. What we are doing here today, would it ever have happened during World War II? No. I think it would be unfortunate if the Senate were to vote to end debate today, but this is a position individual Senators can pick. I haven't twisted any arms. Senators can do what they want to do.

What would be the best of all worlds is we could have a bipartisan opposition to this invocation of cloture today. That is what should happen. There should be a revolt by my friends on the Republican side to cut off debate on this bill at this time.

This is an embarrassment to this body. It should be an embarrassment to the majority. This is something that is going to be around for a long time. What is going to be around for a long time is how we have been treated on this legislation. Who is we? The American people.

I have only mentioned a few. I don't know how many amendments we have pending—probably 30 amendments already that have been laid down. We have had several others. The last time cloture was invoked on this bill we had already acted on 80 amendments, after days and days of debate. That is what it is supposed to be. And we are not asking for days and days. We are saying we will finish the bill by Thursday. Today is Tuesday.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator.

Mr. DURBIN. I would like to clarify what we face at this moment. If I understand what the minority leader has said to the Senate, we have pending amendments before the Senate on the Department of Defense authorization bill which will not survive, are not likely to survive, cannot even be considered because of this procedural decision by the majority leader, by Senator FRIST. And if I understand what the Senator from Nevada has said, he has said that included in the amendments which will fall, will not be considered this week, would be an amendment he wants to offer to help totally disabled veterans, an amendment by Senator NELSON of Florida to provide funds for the widows and orphans of those who die in combat, an amendment by Senator KERRY to provide for housing for 1 year for the family of a soldier who dies in combat, the amendment by Senator MURRAY to provide childcare for soldiers' families when the soldier is deployed overseas, and my amendment to make up the pay difference for National Guard and Reserve who are activated and lose money from their civilian pay. And if I understand the Senator from Nevada, he is saying these amendments, these five or six I have read, we have been told we won't have time to consider this week.

If I understand the Senator from Nevada, he has said we don't have time to deal with the totally disabled veterans, the widows and orphans of those who fall in combat, and those Guard and Reserve members who are activated, we don't have time for that because we have to move to a bill for the gun lobby, for the National Rifle Association.

If I understand what the Senator from Nevada says, it is more important for us to do our best for the gun lobbyists in their three-piece suits than for the men and women in uniform who are fighting and dying for our country. That seems to me to be the agenda and the priority of the majority leader who has come to the floor today.

Is that my understanding of what the Senator from Nevada has said?

Mr. REID. I say through the Chair to the distinguished Senator from Illinois, yes. We have been reasonable. I believe there is no jury you could have in the world that would think we are doing other than the right thing, asking for a couple days to improve a bill that will give benefits to 2½ million Americans serving in uniform and a bill that is going to cost the taxpayers $450 billion

in 1 year. We want to spend a couple days on this bill and we are not being allowed to because the administration is pushing them and the gun lobby is pushing them.

Look, I am not opposed to everything the administration does. I am not opposed to everything the gun lobby does. But I am opposed to what the administration is doing in this instance and the gun lobby in this instance because it is wrong for the people of our country.

Mr. DURBIN. I ask further if I could ask a question of the Senator from Nevada through the Chair. Is it my understanding the Senator from Nevada came to the floor and gave the Republican leader his assurance that these amendments would be considered in a timely fashion and that we would agree that this bill, the Department of Defense authorization bill, would be passed from the Senate this week, no later than Thursday evening, in plenty of time so that it will be there for the administration and for the conference committee to consider, so there would be no delay, so we could take up in a timely fashion amendments to help the totally disabled veterans, amendments to help the widows and orphans of those who have fallen in combat, amendments to help the Guard and Reserve when they are activated so their families can stay together? Did the Senator from Nevada give that assurance to the Republican leader, Senator FRIST, that we are not trying to delay this unreasonably but want to move it through quickly, consider these amendments in a timely fashion, vote up or down and move to final passage this week?

Mr. REID. The answer is yes. I also say, Mr. President, so there is no problem later on, so everyone understands the quandary we are in—but we didn't get us there, we didn't spend a third of our time on three judges—here is the quandary we are in. As I understand the rules, if cloture is invoked on the Defense authorization bill, we will finish it sometime Wednesday evening. Then there will be a vote that will occur automatically on the gun handling bill legislation and then there will be 30 hours to debate the motion to proceed on the gun legislation. Senator REED from Rhode Island has told me he wants to use all that 30 hours, he or some combination of Senators, so that will end sometime around midnight on Thursday. And then if the majority leader wants to continue the presentation of the gun legislation, there would have to be cloture filed again for a Saturday vote or maybe even have a Friday vote if he does it Friday before midnight, and then there is another 30 hours to go forward on the gun legislation. And during that period of time no other business can be conducted.

I have spoken with the majority leader about this issue. There will be a small window of time on Wednesday between whatever time the 30 hours runs out at midnight, if he decides to continue on the gun legislation, that we can in the few hours do the Energy conference report, Interior conference report, highway conference report, legislative branch conference report, and whatever else is available.

The time spent on judges has put this Senate in a real difficult position, notwithstanding that the majority leader promised the Senators from Hawaii they can do the Native Hawaiian bill.

I want everyone to understand what they are walking into. The best would be to defeat cloture. Senators from the majority side should join with us to defeat cloture, finish the bill in the ordinary course, and do whatever would come naturally after that, which would be a motion to proceed to the gun liability legislation.

Ms. STABENOW. Mr. President, will the Senator yield for a question?

Mr. REID. Yes, I yield for a question.

Mr. WARNER. Will the Senator yield for a question?

Mr. REID. I have yielded to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me raise an issue and ask a question. We have spent time in this Chamber trying to address an immediate shortfall in veterans health care funding. Senator MURRAY has brought this to our attention. We have yet to see this resolved. We have gone back and forth about whether we are going to provide adequate funds now for our veterans.

Is it not true that one of the amendments—and I know this is true because I offered an amendment that would address this situation long term—where instead of coming back and forth constantly trying to figure out whether we are going to have the veterans funding year to year so our veterans do not stand in lines, wait months to see a doctor, and not receive what they need, isn't it also the understanding of the Democratic leader that my amendment that would address permanently the issue of veterans funding, therefore guaranteeing that when our brave men and women come home from the wars, end their service, and become veterans, that they would be assured we will keep our promise to them as it relates to full funding of veterans health care, is it the Senator's understanding that this amendment would also fall, we would not have the opportunity to address this issue in this bill?

Mr. REID. Mr. President, we have been told that this amendment would fall. This amendment, which has already been filed, would fall postcloture. People would not have an opportunity to vote on this amendment.

I will also say, one of the points I mentioned during my statement is the Interior bill is coming up. We promised that would come up before we leave because there is $1.5 billion in that bill for veterans' benefits for this fiscal year because they have been so shortchanged.

I yield for a question from my distinguished chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished friend and Democratic leader. I ask a very narrow question. He has pointedly raised three or four amendments that address the benefits that could go to veterans or active.

The Senator from Nevada has been a leader every year that this bill has been brought up on a variety of issues, and no one takes the place to his fervor in trying to provide particularly for the concurrent receipt legislation. But I have to say to my good friend, and my question is, am I not correct that this bill came up Wednesday night, and Senator LEVIN and I were on the Senate floor into the evening, this bill was on the floor Thursday right up until early evening and again Friday morning? Every one of those bills—concurrent receipts, I remember specifically asking Senator NELSON of Florida: Could you not bring up that bill early? He said: No, I am going to wait until Tuesday. That is all he said.

I have to say, I believe I am correct that all of those pieces of legislation that were mentioned could have been brought up Wednesday, Thursday, Friday, and addressed by the Senate.

Mr. REID. Mr. President, I say to my distinguished friend, I have sat side by side with him in the Environment and Public Works Committee for many years now and have the greatest respect for him. In this instance, he is just absolutely wrong.

On Wednesday, this bill was taken up late in the afternoon, with time for opening statements. On Thursday, there were no votes after 6 o'clock in the evening. Friday, no votes. Monday, no votes. As has been mentioned here on the floor of the Senate by me, among others, on many different occasions, we cannot have work done here when we cannot have votes on amendments. Fridays have become no-work days. If there are no votes, we do not get anything done here. So I say to my distinguished friend, I don't know when they should have offered amendments. I don't know when Senator NELSON should have offered them. The point is, we have said we will finish this bill by Thursday at 7 o'clock. Pretty good time. It would give us today, tomorrow, and Thursday to complete this bill. This would be far shorter than the time we normally spend on this bill. Tuesdays, Wednesdays, and Thursdays is when we vote around here. I think we should vote on Fridays and Mondays, but we do not. The Monday vote is a meaningless vote, in my opinion, to get people back here.

Mr. LEVIN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield.

Mr. LEVIN. Is it not also true that these amendments, plus many others, have been offered, and people would

have been perfectly happy to have votes on them if they were permitted, but votes were not permitted, so they had to be temporarily laid aside so others could be offered? But the idea that those people who offered those amendments would not have been happy to have votes on those amendments is not right.

Mr. REID. I say to my friend through the Chair, not only is it true that those amendments have been filed, they were required by the rules of the Senate to have been filed because there was a 2 o'clock cutoff for the amendments to be filed.

Mr. LEVIN. And are pending; is that correct?

Mr. REID. Yes. I don't know how many.

Mr. LEVIN. Over 40.

Mr. REID. In addition to that, I think there are a couple hundred amendments filed by both sides. As happens here, with the cooperation of these two fine managers, we work down the number of these amendments and only go to the most important ones. That is what we said we would do. I think it is a shame that we are going to be taken off this bill in about an hour. It is not good for this body, it is certainly not good for this country, and it is certainly not good for the 2.5 million people we respect so much who serve our military.

AMENDMENT NO. 1377, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided between the Senator from Maine, Ms. COLLINS, and the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from New Jersey has shed much needed light on a disturbing problem, and that is the improper use of foreign subsidiaries by U.S. firms to conduct business in certain rogue nations where they might otherwise be barred from doing business by U.S. sanctions laws.

Like the Senator from New Jersey who has been a real leader on this issue, I have been very disturbed to read of allegations that foreign subsidiaries of some of the best known American corporations have been conducting operations in countries such as Iran and Syria, even though U.S. sanctions laws prohibit their U.S. parents from doing so directly. There are allegations that some of the subsidiaries in question are not even real companies but, rather, they are shell corporations that were created just for the purpose of evading the law.

These reports highlight that our sanctions laws are not as tough and as effective as they should be. In seeking a solution to this problem during the past year, I have consulted extensively with the Treasury Department, the State Department, and other experts. It turns out to be very complicated and presents a technical set of legal and foreign policy issues to accomplish the goals that both the Senator from New Jersey and I share.

Let me try to frame the choice that is now before our colleagues.

We have before the Senate two proposals designed to extend the reach of U.S. law, specifically the International Emergency Economic Powers Act, or IEEPA, to cover companies doing business with countries covered by U.S. sanctions laws.

Let me explain what my proposal would accomplish. It does four things. First, it would extend IEEPA to prevent U.S. companies from trying to evade the law by moving operations overseas.

Second, my amendment would prohibit U.S. companies from approving, facilitating, or financing actions that are illegal under IEEPA.

Third, it ratchets up the penalties for violations of the law from $10,000 per civil violation and $50,000 per criminal violation to $250,000 and $500,000 respectively.

And fourth, it ensures that the Treasury Department has the subpoena power it needs to enforce the new sanctions.

Let me explain what it would not do. Most important, my proposal would not jeopardize our working relationships with key allies by attempting to assert U.S. jurisdiction on companies that operate and are incorporated elsewhere.

Second, it will not provide yet another incentive for American companies to move their jobs overseas through corporate inversions.

These are the main problems with the approach of my colleague from New Jersey. Again, I emphasize that I share the same goal as my colleague from New Jersey, and I salute him for focusing much needed attention on a very real problem.

Let me explain further. My colleague's amendment attempts to impose sanctions on businesses operating and incorporated in foreign countries. So, for example, if a U.S. firm has a subsidiary in Great Britain, my colleague's amendment proposes to extend U.S. law to that subsidiary, even if U.S. law is inconsistent with British law.

This is a dangerous and imperious approach to foreign policy. If other countries tried to impose similar rules on us, imagine how we would respond. For example, imagine if Saudi Arabia tried to impose criminal and civil penalties on a Saudi firm's U.S. subsidiary operated and incorporated under the laws of our country because that firm was doing business in Israel, or imagine if Germany attempted to impose sanctions on a German firm's American subsidiary, again operating here under our laws and regulations, for not meeting German labor laws that are inconsistent with our laws.

Moreover, my colleague's amendment would create the perverse incentive for American firms to invert or move overseas in order to avoid the onerous and extraterritorial application of our sanctions laws. We must not choose that path.

There is a very real problem here with some American companies exploiting an exception that is in the current law, but I believe that the proposal I have advanced would greatly strengthen our laws, would provide new tools for enforcement, and would enormously increase penalties for violations.

It would make crystal clear that a U.S. company is prohibited from in any way approving, facilitating or financing actions of a subsidiary that would be illegal under the sanctions law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I extend my thanks to the Senator from Maine for her graciousness, in terms of describing an effort we are both very much interested in, in solving a problem that exists before us. Very soon, the Senate is going to vote on the two amendments, both of them aimed at foreign subsidiaries doing business with terrorist nations. But only one of these amendments—and it may not come as a surprise, mine—gets the job completely done.

I have great respect for the Senator from Maine. She works very hard to chair a committee on which I sit, the Homeland Security and Governmental Affairs Committee, and accomplishes a lot. But unfortunately, in this case, the amendment she offered will not close the loophole we are concerned about, nor will it stop American businesses from doing business with terrorist nations such as Iran.

It recognizes the seriousness of the problem but unfortunately, as it is presented, does not solve the problem. Iran is one of the world's largest state sponsors of terrorism. Nobody doubts that. Every year, the Iranian Government funnels tens of millions of dollars to Hamas and Hezbollah and Islamic Jihad, to name a few. These organizations turn around and use that money to murder Americans and others who are trying to live their lives. No American company should be permitted to help them in any way, either directly or with a sham corporation.

Iran also uses its oil revenues to fund its nuclear weapons program. Once again, through sham corporations, American companies are helping them develop those oil revenues. Revenues, for what purpose? The purpose is to attack our people and other innocents across the world. That is why we do subject Iran to one of the strongest sanction regimes that we have. But some American companies exploit a loophole in our sanctions laws. They go offshore, open a sham foreign subsidiary and use that foreign subsidiary to do business with the Iranian regime with impunity and help create profits for them to be used for any purpose they choose.

This has to stop. In the past, I believe the Senator from Maine agreed

with me that this has to stop. In fact, last year she supported my amendment. So I am hopeful that she will once again vote for my amendment. I am going to vote for hers.

I want to be clear. I have no objection to the Collins amendment, and I am going to vote for it, as I said, as a signal that we must do something to stop supporting these avowed enemies of America. The Collins amendment is not a bad amendment, but it only codifies existing regulations that, frankly, are not enough. It confirms what we have now and permits companies to escape sanctions.

In the case of Cuba, we do not allow, any American company to use a sham to do business there. We ought not permit Iran to do the same things.

If we want to close this loophole, my amendment is the only one that accomplishes it. Under the Collins amendment, the scenario on this placard is still possible. Here is a U.S. corporation. Here is a foreign subsidiary of the U.S. corporation. They can do business with Iran, who then sends funds to Hezbollah, Hamas, and other terrorist organizations. They have their subsidiaries operating in other places. But they should not have subsidiaries that are allowed to do business in this way.

We want to strengthen existing law. The way we do it is to explicitly say that any foreign subsidiary, controlled by an American company, must obey our sanctions.

The senior Senator from Michigan pointed out last week that the standard we have, the sanctions standard, already applies to foreign subsidiaries that do business in Cuba. I repeat what I said before. My amendment simply applies the same rules to terrorist states such as Iran.

I ask my colleagues, is fighting al-Qaida really less important than fighting Castro? If you vote no on this amendment, that is what you are saying.

My amendment is simple and straightforward. It makes clear we will not allow foreign subsidiaries of U.S. companies to provide funds to Iran. It is common sense. That is why a conservative group, the Center for Security Policy, supports my amendment. Frank Gaffney, who is president of the Center for Security Policy, said in the Washington Times today:

> If the Senate is serious about truly closing this loophole, it must adopt the Lautenberg amendment.

That is from Frank Gaffney, president of the organization.

We have to stop U.S. companies from doing business with terrorists when they intend to murder innocent Americans. I ask my colleagues, please support my amendment. Families across this country do what they can to protect their loved ones and we can do no less. Every day we wait to close this loophole, more and more money flows into the hands of terrorists. For the sake of our troops, for the sake of our citizens, we have to shut down this source of terrorist funding.

I again restate my intent. My intent is to support the Collins amendment because it does open our eyes a little bit further to the problem. But I hope, if we really want to solve this problem, the Lautenberg amendment is the one that will finally be voted for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, again I commend the Senator from New Jersey for focusing attention on what is a very real problem, and that is that the current law is not tough enough and there are reports that subsidiaries of some very well-known American corporations are doing business in states where U.S. sanctions laws apply. But I think when you deal with this area, you need to be very careful to not craft a proposal that has unintended consequences.

Moreover, my colleague's amendment does not do what the Treasury Department's Office of Foreign Asset Control, OFAC, has specifically named as the legislative step that would be of most benefit to them, and that is substantially increasing the penalties in the current law.

My proposal would do that. Senator LAUTENBERG does not include increases in the penalties.

In addition, my proposal explicitly grants the Treasury statutory subpoena power to ensure that it has all of the enforcement tools it needs.

But let me go back to the underlying issue. The Collins amendment would be very specific in barring any action by a U.S. firm in approving, facilitating or providing financing for any action by its foreign subsidiary that would be unlawful for the parent company to engage in.

It would also prevent U.S. companies from evading the law by setting up a subsidiary overseas, a shell corporation. So I think the proposal that I have set forth greatly strengthens the current law.

We do not, however, want to create a perverse incentive that would encourage American companies to invert and reincorporate overseas, and I fear that could well be the result of the amendment of Senator LAUTENBERG.

I am concerned about something else, and I have given these examples. We don't want to open the door to foreign governments trying to impose on the American subsidiaries of firms incorporated in their countries, their countries' laws.

Let me give the example again. What if the Saudi Government tried to impose a restriction on doing business in Israel on the American subsidiary of a Saudi firm? We would be outraged about that.

This proposal raises many complex technical questions, and that is why the Treasury Department and the State Department have urged caution and much prefer the approach embodied in the Collins amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. How much time remains?

The PRESIDING OFFICER. The time of the Senator from Maine is expired. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I appreciate that clarification.

I ask the Senator from Maine, under your amendment, is it possible for a foreign subsidiary owned and controlled by a U.S. company to do business with Iran?

Ms. COLLINS. Mr. President, if the Senator would yield from his time, I would be happy to answer that question.

Mr. LAUTENBERG. I respect the Senator from Maine and do allow time for an answer, if it is a short answer, please.

Ms. COLLINS. Mr. President, under my amendment, it is very clear that an American parent could not in any way be involved in a subsidiary's decision to do business in a prohibited nation. It could not approve it. It could not facilitate it. It could not direct it. It also could not set up a subsidiary for the purpose of evading the law.

Mr. LAUTENBERG. If the Senator would yield for a question on my time. Can a subsidiary do business with Iran?

Ms. COLLINS. The subsidiary could not do business if it were in any way directed to do so, approved, financed, in any way, by the American parent. The language is very clear on that.

Mr. LAUTENBERG. I think the conclusion is in error. Rather than have the debate about the precision with which the Collins amendment is drawn, I point out two things. AIPAC and the Cuban American National Foundation support my amendment. That is very specific.

In the reference used about a Saudi company doing business with Israel, Saudi Arabia already boycotts Israel, so that question is taken care of.

I fail to see, I must say, why we are going through these gyrations explaining a perverse effect when, in fact, what I want to do is stop any—by the way, the practice is taking place, currently.

What the Senator from Maine has done is codify regulation. I want to stop any possibility for a sham corporation that wants to evade our laws to do business. That is where we are.

I hope my colleagues will support my amendment.

The PRESIDING OFFICER. All time has expired on the amendment.

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

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

The yeas and nays were ordered.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—2

Craig	Rockefeller

AMENDMENT NO. 1351

The PRESIDING OFFICER. At this time, there will be 2 minutes equally divided on the Lautenberg amendment, amendment No. 1351, on which the yeas and nays have been ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have just had a vote on the Collins amendment that confirms we have a problem. There is no denying there is a problem out there, but there is only one way to solve it; and that is to say that any American company cannot form a sham corporation and do business with Iran as is presently being done. We do not permit it in Cuba, and we should not permit it in any other place in the world. So I hope now I will get the same kind of support we have just seen because we want to cure the problem. This is the best way to do it.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Maine.

Ms. COLLINS. Mr. President, I respect the intentions of my colleague from New Jersey, but his proposal is overbroad. It is strongly opposed by the administration. I urge opposition to the Lautenberg amendment.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—47

Akaka	Ensign	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inhofe	Nelson (FL)
Boxer	Inouye	Nelson (NE)
Byrd	Jeffords	Obama
Cantwell	Johnson	Pryor
Carper	Kennedy	Reed
Clinton	Kerry	Reid
Conrad	Kohl	Salazar
Corzine	Kyl	Sarbanes
Dayton	Landrieu	Schumer
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—51

Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Roberts
Bennett	Domenici	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Isakson	Thomas
Coleman	Lott	Thune
Collins	Lugar	Vitter
Cornyn	Martinez	Voinovich
Crapo	McCain	Warner

NOT VOTING—2

Craig	Rockefeller

The amendment (No. 1351) was rejected.

Ms. COLLINS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, will the Chair advise the Senate as to the pending business.

AMENDMENT NO. 1342, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, a vote will now occur on the Frist amendment No. 1342. There will now be 2 minutes equally divided for debate. This will be a 10-minute vote. The subsequent cloture vote that has been scheduled will also be a 10-minute vote.

Who seeks time?

The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the majority leader, who is participating in a ceremony in the Rotunda, the Support Our Scouts Act of 2005—and I am a cosponsor—is a very important piece of legislation, particularly in the wake of the tragic events that occurred last night. It will help ensure that the Defense Department continues to provide the Scouts the type of support it has lawfully provided in the past, to include supporting the Scouts at their jamborees.

In this context, I thank Senator DURBIN for helping to refine the amendment's language to provide flexibility to the agencies that provide like support.

This amendment also ensures the Scouts have equal access to public facilities, forums, and programs that are open to other youth and community organizations. Boy Scouts, like other nonprofit organizations, depend on the ability to use public facilities and participate in these programs.

The Scouts are a youth organization, well known to every Member of this body, that is committed to developing qualities such as patriotism, integrity, honesty, and other values in our Nation's boys and young men. The amendment by the distinguished majority leader makes that goal clear.

As such, the amendment of the majority leader also makes clear that Congress believes the Boy Scouts should be treated the same as other national youth organizations.

I hope that all of my colleagues will join the 50-plus cosponsors of this legislation and vote with me and other supporters of Scouting.

Yesterday, July 25, tens of thousands of Scouts from around the country began arriving at Fort A.P. Hill in Virginia. Tennesseans, such as Bill and Diane Goins from Soddy Daisy, TN, have traveled great distances to participate. Vote for this amendment and let them know that Congress wants the Pentagon's support to the Scouts at their jamborees to continue.

Let's also let them know that not only is Defense Department participation helpful to the Scouts, it is also beneficial to the training of our armed forces.

Mr. President, I urge all of my Senate colleagues to vote for the young boys and girls who are following in the worthy Scouting tradition. A vote for this amendment is a vote for them.

Mr. DURBIN. Mr. President, as I noted earlier when the majority leader offered this amendment, I support the Boy Scouts, Girl Scouts, and other youth organizations. The Frist amendment seeks to ensure that government resources are not arbitrarily denied to youth organizations, while, at the same time, not limiting judicial review of the constitutionality of government actions.

I want to thank the distinguished majority leader for working with me to address my concerns regarding section 2, in which his amendment had provided a guaranteed funding level for youth organizations.

Together, we now have added flexibility to address cases where youth organizations no longer deserve the funding level they had previously received. For example, if a youth organization is convicted of a criminal offense or a senior officer of a youth organization is convicted of a criminal offense relating

to his or her official duties, under this modification, the head of a Federal agency would be able to waive the guaranteed funding level. Federal agencies also would have the ability to waive this funding level if the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds. It is my expectation that Federal agencies will use ths discretion wisely.

Our modification also clarifies that the support that a Federal agency is required to provide youth organizations is subject to the availability of appropriations, which Congress can revisit each year.

I also want to take this opportunity to reaffirm the importance of our Nation's strong tradition of religious liberty, our tolerance of the religious beliefs of all people, and our respect for those who do not believe in God or a higher authority. This amendment respects the significance of religious liberty by not limiting the jurisdiction of Federal courts in determining the constitutionality of government support for youth organizations.

Therefore, I support this amendment, as modified.

Mr. FRIST. Mr. President, yesterday, tens of thousands of Scouts began arriving at Fort A.P. Hill in Virginia to attend the National Scout Jamboree.

Held every 4 years at the Army base, the jamboree draws Scouts, leaders, and volunteers from around the world.

The Scouts will spend the next 10 days participating in outdoor activities like archery; fishing; and geocoaching, a GPS-based scavenger hunt.

One Scout told the Washington Post:

It's just a lot fun. There's so much to do here. You get to see so many people from all around and they have all sorts of activities.

For the local community, the jamboree has been a great financial boost. Just this year alone, the event has pumped $26 million into the community. The Scouts have spent $20 million on base improvements, including road paving and plumbing upgrades.

Unfortunately, this great summer Scouting tradition may come to an end. The reason? Because the Scouting oath includes an oath of duty to a higher power. Despite decades of public support for Scouting, one Federal judge has ruled that the Pentagon can no longer provide its facilities as a matter of church and state.

Because of this lawsuit by the ACLU, 40,000 Scouts are in danger of being denied permission to hold their jamboree at Fort A.P. Hill, or any other publicly supported venue.

That is why I am offering the Support Our Scouts Act of 2005. These young people need our help and our voices to protect a great tradition.

Since 1910, Scouting has taught and enriched millions of boys and girls, and drawn generations of Americans together.

Boy Scout membership has totaled more than 110 million young Americans—including myself, my three boys, and over 40 current Members of the Senate.

Today, more than 3.2 million youths and 1.2 million adults are members of the Boy Scouts and Scout organizations such as the Tiger Cubs and Cub Scouts.

These Americans are all dedicated to fulfilling the Boy Scouts' mission of instilling in our young people solid values such as honesty, integrity, patriotism, and character.

The Support Our Scouts Act of 2005 will help ensure that the Defense Department continues to support the Scouts, as it has lawfully done for years, including the summer National Scout Jamboree.

This amendment also ensures the Boy Scouts have equal access to public facilities, forums, and programs that are open to a variety of other youth or community organizations.

Boy Scouts, like other nonprofit youth organizations, depend on the ability to use public facilities and participate in these programs and forums. My amendment ensures the Scouts have fair and equal access to these facilities.

My amendment also makes clear that the Congress regards the Boy Scouts to be a youth organization and that the Boy Scouts—and the Girl Scouts—should be treated the same as other national youth organizations.

I hope that all of my colleagues will join the 50-plus cosponsors of this legislation and vote with me and other supporters of Scouting.

I want to thank Senator DURBIN for helping to refine the amendment's language. The Durbin modification will allow agencies to waive the ''mandatory floor of support'' included in my proposal—but not necessarily the support itself—if some senior officer of a youth organization or the organization itself is convicted of a serious criminal offense.

We would expect agency heads to use this waiver sparingly and judiciously, and only for the most serious of offenses that are connected to their official duties.

And once an organization has remedied the problem, we expect the baseline of support to be fully restored by the federal agency to its previous level.

The Scouts are committed to developing the best qualities in our Nation's young people—qualities such as patriotism, integrity, honesty, and compassion. This long-honored organization helps prepare our young people to be leaders in the communities, and leaders of the future.

A vote for the Support Our Scouts Act will let them know that Congress continues to support this worthy endeavor.

Mr. President, I urge all of my Senate colleagues to vote for the young boys and girls who are following in the great Scouting tradition. A vote for this amendment is a vote for them.

The PRESIDING OFFICER. Who seeks time in opposition?

Without objection, the Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we support this amendment, as modified. It has been modified to address a problem it had which did not relate to the Boy Scouts but which had to do with the wording which made it overly broad. The language clearly depends upon an appropriate agency making either a grant or an appropriation. We support the amendment. We thank Senator DURBIN, particularly, for his modification.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

Is there a sufficient second?

There appears to be a sufficient second.

All time having been yielded back, the question is on agreeing to amendment No. 1342, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—2

Craig	Rockefeller

The amendment (No. 1342), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the clerk lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1042, an original bill 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.

Bill Frist, John Warner, Michael Enzi, John Cornyn, Jon Kyl, Richard Burr, Kit Bond, Lindsey Graham, John E. Sununu, Chuck Grassley, Mike DeWine, Lamar Alexander, James Talent, Pat Roberts, Johnny Isakson, Conrad Burns, Richard G. Lugar.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided for debate before the vote on cloture.

Who yields time?

The minority leader.

Mr. REID. Mr. President, I want to make sure the record is spread with the fact that we have offered everything. All we want is to finish this bill tomorrow at 11 o'clock at night. We even backed it off to 10:30. And the only amendments that would be in order would be those that are within the jurisdiction of the Armed Services Committee. We would have a Republican amendment, Democratic amendment, and we would go through the process by these two fine managers.

What is wrong? What picture am I missing? Why can't we go forward and do at least a little bit of work for the men and women in uniform of our country, namely 2½ million of them, plus taxpayers dollars, $450 billion for 1 year? Could not we at least spend 1 extra day on that?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, very briefly, both sides have talked about the importance of the Defense authorization bill. We both feel the importance of that bill. Cloture being invoked here shortly, which I believe it will, will allow us to have a Defense authorization bill in about 30 hours. So we will complete our objective of having a bill if cloture is invoked, and I encourage people to vote for cloture.

Mr. REID. Mr. President, I would just say briefly we would finish the bill at the same time if we entered into the agreement that I submitted to Senator WARNER and the Republicans. Time is of no difference.

Mr. KERRY. Mr. President, it is vital that we complete action on the National Defense Authorization Act. It is an important piece of legislation that we must pass with all due haste to meet the needs of the men and women of the U.S. military.

Defense bills are always serious matters—but this year Congress works against a background of prolonged combat in Iraq and Afghanistan, worrying indicators of a force under strain, and with obligations to care for a new generation of combat veterans and their families.

By virtually any measure, the American military is a force under strain. It is a simple statement of fact—and a fact every one of us must acknowledge and address so that this most magnificent military is not irreparably harmed. Just 2 months ago, General Richard Myers, Chairman of the Joint Chiefs of Staff, reported to Congress that the American military is not as ready as it could be to meet new contingencies beyond Iraq and Afghanistan. Units and personnel are facing repeated deployments to Iraq and Afghanistan. So-called ''low-density-high-demand'' units and personnel are maxed-out. The Army has a dwindling number of Army Reserve and National Guard personnel available to perform combat support roles such as military police and civil affairs.

In recent weeks, two reports—one by the GAO, the other by RAND—highlighted shortages in the Army Reserve. It is becoming increasingly difficult for the Army Reserve to continue to provide ready forces in the near term due to worsening personnel and equipment shortages. There are three primary causes for these shortages: the practice of not maintaining Army Reserve units with all of the personnel and equipment they need to deploy, personnel policies that limit the number of reservists and the length of time they may be deployed, and a shortage of full-time staff to develop and maintain unit readiness. As of March 2005, the number of Army Reserve eligible for mobilization under current policies had decreased to about 31,000 soldiers, or about 16 percent of Army Reserve personnel. But numbers don't tell the whole story as those still available for mobilization may not have the skills and ranks needed to support ongoing operations. We must all be concerned that the Army Reserve be able to provide forces that are ready and relevant to ongoing operations.

But these issues—as serious as they are—will not be addressed by simply rubber-stamping an important piece of legislation. I will vote against cloture because there are too many important amendments that would improve this legislation and help the men and women of the American military and their families. If we do invoke cloture, dozens of amendments that deserve a vote—up or down—would fall away, including amendments to protect the pay of mobilized reservists employed by the Federal Government and to create mandatory funding of veterans healthcare. My own amendments to extend survivor housing benefits beyond the end of the fiscal year, to increase funding for a vital weapons system sought by commanders in Iraq, and to begin the process of improving the GI Bill of Rights would never have received a vote.

I urge my colleagues to complete the defense authorization bill as quickly as possible and to consider the amendments which Members have offered.

Mr. FEINGOLD. Mr. President, I want to express my disappointment that the majority leader has decided to postpone further action on this year's Defense authorization bill. This is an extremely important piece of legislation that deserves the Senate's full and careful consideration right away. I have several worthy amendments to the bill, as do many of my colleagues from both sides of the aisle. We have an obligation to our men and women in uniform and to the American people to thoroughly debate these important amendments and come up with the best legislation possible for our Nation's security. If cloture is invoked on this bill prematurely, the Senate will not have been able to take up many of the essential amendments on which the Senate should be spending time, addressing such issues as pay and benefits for military personnel, nonproliferation, and our detention policies. I am therefore hopeful that the Senate will reject attempts to cut off debate on this bill prematurely. Unfortunately, rather than allowing debate and action on the Defense authorization bill to continue, the majority leader has decided to move to a special interest bill instead. I am hopeful, however, that the Senate will soon be able to go back to working on a bill that is so important to our national security.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 1042, the Defense authorization bill for fiscal year 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber who desires to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—50

Alexander	Coleman	Gregg
Allen	Conrad	Hagel
Bennett	Cornyn	Hatch
Bond	Crapo	Hutchison
Brownback	DeMint	Inhofe
Bunning	DeWine	Isakson
Burns	Dole	Kyl
Burr	Domenici	Lugar
Chafee	Ensign	Martinez
Chambliss	Enzi	McConnell
Coburn	Frist	Murkowski
Cochran	Grassley	Nelson (FL)

Nelson (NE)	Smith	Thomas
Roberts	Specter	Vitter
Santorum	Stevens	Voinovich
Sessions	Sununu	Warner
Shelby	Talent	

NAYS—48

Akaka	Durbin	Lincoln
Allard	Feingold	Lott
Baucus	Feinstein	McCain
Bayh	Graham	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Salazar
Clinton	Kohl	Sarbanes
Collins	Landrieu	Schumer
Corzine	Lautenberg	Snowe
Dayton	Leahy	Stabenow
Dodd	Levin	Thune
Dorgan	Lieberman	Wyden

NOT VOTING—2

Craig	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

Mr. REID. I have a parliamentary inquiry. I would be happy to yield to my friend from Virginia.

Mr. WARNER. I was just going to ask the Presiding Officer the regular order.

Mr. REID. That is what I was going to do. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. Now that the Senate has defeated cloture on the Defense bill, will the Senate remain on this bill, which is the bill that is to pay for our troops and protect our troops and our country, the Defense bill?

The PRESIDING OFFICER. The Senator would be informed that under the previous order—under the regular order, the Senate is to proceed to a motion to invoke cloture on the motion to proceed to S. 397.

Mr. REID. Mr. President, then I have a unanimous consent request. That request is that the cloture vote on the motion to proceed to the gun liability bill be vitiated and that the Senate remain on the Defense bill and complete the Defense bill this week and the Senate begin the very minute it gets back on September 6 with the gun liability bill, on cloture on the motion to proceed.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. FRIST. Mr. President, reserving the right to object, I made it clear about 3 weeks ago to this body that we had a number of issues we were going to address before leaving for recess. We listed a number of them this morning. One of them was the gun liability bill. There are lots of roadblocks right now, barriers being thrown up to prevent us from addressing a very important bill that I believe we will show here shortly we have over 60 votes for. Thus, I will say one more time that we intend to complete the gun liability bill before we leave, complete addressing it. I am very disappointed in the last vote, the fact that we are not going to be proceeding with the Department of Defense authorization bill. I do look forward to coming back and looking at that bill and passing that bill. It is a very important bill, and that is why we filed cloture to complete that. In all likelihood, what will happen, we will proceed to the bill on gun liability, and the objective will be to complete that this week, and thus I do object.

Mr. REID. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. When we finish the gun legislation, do we automatically come back to the Defense bill?

The PRESIDING OFFICER. The Senator should know that if the motion to proceed is passed, it displaces the Defense authorization bill.

Mr. REID. But that does not respond to my question. It is put back on the calendar, is that right?

The PRESIDING OFFICER. If the Senate proceeds to the gun liability bill motion, then it would displace the DOD bill and place it back on the calendar.

Mr. FRIST addressed the chair.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I would ask unanimous consent that at any time determined by the majority leader, the Senate resume the Department of Defense bill at that time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Will the Senator restate it.

Mr. FRIST. I ask unanimous consent that at the time determined by the majority leader, we will return to the Department of Defense authorization bill.

Mr. KENNEDY. Reserving the right to object.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank you. The majority leader said something here today that really surprised me. He said he is going to prove that the gun liability bill was one of the most important things we were going to do, and I want to know from the majority leader, does he think that bill is more important than the Defense authorization bill?

Mr. SANTORUM. Regular order.

Mrs. BOXER. Does he think that the Defense authorization bill is not as important as gun liability?

Mr. BUNNING. Regular order, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Is there objection to the unanimous consent request?

Mr. REID. Mr. President, I would suggest and ask if the distinguished leader would modify his request to say that when we finish the gun legislation, we would return to the Defense bill.

The PRESIDING OFFICER. Does the majority leader——

Mr. FRIST. I object and I once again state my request that at a time determined by the majority leader, we return to the Department of Defense authorization bill.

Mr. KENNEDY. Parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. KENNEDY. Reserving the right to object, Mr. President, if we go to cloture and cloture is invoked, do we not displace the Defense authorization bill for consideration in this Chamber this afternoon and for the next days, if we pass it? Is that not the case?

The PRESIDING OFFICER. If cloture is invoked on the motion to proceed, we will remain on the motion to proceed until time is used or yielded back.

Mr. KENNEDY. So the answer is affirmative, that we are displacing the Defense authorization bill by voting on cloture on the motion to proceed. Am I not correct?

The PRESIDING OFFICER. If the motion were to pass, the Senate would continue on that motion.

Mr. REID. Mr. President, I hope the distinguished majority leader will bring this bill back at the earliest possible time. This is such an important piece of legislation. It should not be added to the tail end of things we do around here.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. The objection is heard.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 15, S. 397: A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

Bill Frist, George Allen, Larry E. Craig, Craig Thomas, Michael B. Enzi, Jeff Sessions, Christopher Bond, Lamar Alexander, Mitch McConnell, Sam Brownback, Tom Coburn, Richard Burr, John McCain, Richard Shelby, Saxby Chambliss, John Ensign, Chuck Hagel.

The PRESIDING OFFICER. Under the previous order, 2 minutes are equally divided on each side.

Who yields time?

Mr. FRIST. We yield back our time.

Mr. SCHUMER. Mr. President, I urge my colleagues to vote no on the motion

for cloture. Whatever Members feel about gun liability, and there are many divided opinions here, nothing could be more important than returning to the DOD bill, supporting our troops, supporting our veterans. It is a $440 billion bill. The fact that we cannot debate it for more than a few hours says something is wrong with this Senate. We can do both. We should not leave the DOD bill until we finish. I urge a ''no'' vote on cloture, whatever your view is on the gun liability provision.

Mr. KYL. Parliamentary inquiry, Mr. President: Under the rules of the Senate, would it not be possible to debate the Defense authorization bill for 30 hours if we had voted for cloture or if we do vote for cloture?

The PRESIDING OFFICER. There would have been up to 30 hours if approved.

Mr. KYL. So we would have the opportunity if we were to invoke cloture to debate the Defense authorization bill for 30 hours.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Parliamentary inquiry: Is it not also true in a postcloture environment, had cloture been invoked, many of the amendments dealing with veteran benefits and other issues would have been denied consideration?

The PRESIDING OFFICER. It would be difficult for the Chair to determine that at this point.

Mr. FRIST. Regular order.

The PRESIDING OFFICER. Regular order.

Mr. LEVIN. Parliamentary inquiry: Following up on that, is it not true that even though amendments are relevant in a postcloture situation, if they are not technically germane, they fall?

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the Motion to Proceed to S. 397, Protection of Lawful Commerce in Arms Act, be brought to a close?

The yeas and nays are mandatory under the rule.

The Senator will state the inquiry.

Ms. LANDRIEU. Mr. President, parliamentary inquiry: Would the Thune amendment that was pending on a review of the BRAC closings that are going on around the country would have been germane after cloture on the Defense bill?

The PRESIDING OFFICER. The Chair would inform the Senator that there are several Thune amendments that relate to BRAC.

Ms. LANDRIEU. I will ask specifically by number if the clerk will give me the Thune amendment on the postponement of BRAC. We had several, but there was one on postponement.

I suggest the absence of a quorum.

Mr. FRIST. Regular order.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. FRIST. Regular order.

The PRESIDING OFFICER. Regular order has been called for.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The yeas and nays resulted—yeas 66, nays 32, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—66

Alexander	Domenici	McConnell
Allard	Dorgan	Murkowski
Allen	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bennett	Frist	Pryor
Bond	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Salazar
Burns	Hagel	Santorum
Burr	Hatch	Sessions
Byrd	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Lincoln	Thomas
Cornyn	Lott	Thune
Crapo	Lugar	Vitter
DeMint	Martinez	Voinovich
Dole	McCain	Warner

NAYS—32

Akaka	Dodd	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Harkin	Obama
Cantwell	Inouye	Reed
Carper	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Kerry	Stabenow
Dayton	Lautenberg	Wyden
DeWine	Leahy	

NOT VOTING—2

Craig	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we are now proceeding to S. 397, after a very strong cloture vote with 66 Senators voting to move forward on this legislation. It is something we have had taken up quite a number of times. It has broad support in terms of business groups, gun owners, law enforcement, labor unions, and sportsmen. There is nothing in it that is harmful or damaging to our legal system. There is nothing in it that provides any special interest protection to gun manufacturers. But it is a legitimate response to a growing concern that our legal system is being abused in such a way that could actually take legitimate businesses and put them out of business.

I think it is something that is of great concern to us, and this Senate has a majority that is ready to move forward with it. In the great spirit of our Senate, we will have a lot of debate. There are those who don't approve. I know Senator REED of Rhode Island is a strong opponent of this legislation and he will certainly have a great opportunity to express his concerns on it. That is part of what we do. I note, however, this is not the first time the words will have been spoken on this issue. This bill has been up for some years now and has come close to becoming law on several occasions, but has not yet done so.

It is important that we note that this legislation has the potential to impact our economy adversely. We need to look at how these proposed novel legal theories adversely affect our economy. Someone will be making firearms in the world. People are not going to stop buying firearms. They have a constitutional right to do so. It would be the height of stupidity if we were to create laws and a legal system that put our firearm manufacturers out of business so that we have to buy imported firearms. That would not make good sense.

Our ultimate obligation is to the public. This body should take no steps that would provide improper immunity for defective practices or defective firearms that could be sold. That absolutely must not be done. With that said, it is essential that we refrain from developing a legal system, however, where lawyers are able to create causes of action and steer public policy through litigation—a public policy they have not been able to win at the ballot box, and not been able to win through their State legislatures and the Congress. So since they have not been able to win in the legislative branches, what we have had is a group of activist anti-gun people trying to accomplish the same goal through litigation.

We also need to remember in all we do regarding litigation that personal responsibility is an important American characteristic. Individual responsibility must not be stripped from all our expectations, where plaintiffs are suing third parties on an almost strict liability theory. Many trial lawyers are attempting to invent new causes of action, with hopes of striking a litigation oil well. As a result, industries such as arms manufacturing and the food industry are facing enormous insecurities. These industries have great reason to be insecure. Everyone knows

how detrimental runaway verdicts can be and one major verdict can bankrupt an industry. Huge costs arise from simply defending an unjust lawsuit. Indeed, such lawsuits, even if lacking any merit and ultimately unsuccessful, can deplete an industry's resources and depress stock prices.

Defendant industries must hire expensive attorneys and have their employees spending countless hours responding to the lawyers, providing them information and so forth, and meeting with them. Industries, in addition, must purchase liability insurance which takes away from funds necessary for expanding their new jobs, safety, research and development that they might otherwise be able to spend it on, which is important. No other nation must compete in the world marketplace carrying such a huge litigation cost as American businesses do and particularly gun manufacturers. Eventually, these costs are passed on to the consumer. Product prices increase and availability of the products becomes scarce.

In 1998, individuals and municipalities began filing dozens of novel lawsuits against members of the firearms industry. These suits are intended to drive the gun industry out of business by holding manufacturers and dealers liable for the intentional and criminal acts of third parties over whom they have absolutely no control. The firearms industry is particularly vulnerable to lawsuits.

In his testimony before a House subcommittee in 2003, the general counsel of the National Shooting Sports Federation stated:

> Industry-wide cost of defense to date [against these lawsuits] now exceed $100 million. This is a huge sum of money for a small industry like ours. The firearms industry taken together would not equal a Fortune 500 company. The National Shooting Sports Foundation now believes litigation expenses have exceeded $150 million, Mr. President.

The danger that these lawsuits can destroy the gun industry is especially ominous because our national security and liberties are at stake. First, the gun industry manufactures firearms for American military forces and law enforcement agencies. Unlike many foreign countries, the United States doesn't have a government armory, but relies on private industry to make our firearms. Due in part to Federal purchasing rules, these guns are made in the United States by American workers. Successful lawsuits can leave the U.S. at the mercy of foreign small arms suppliers.

Second, by restricting the industry's ability to make and sell guns and ammunition, the lawsuits threaten the ability of Americans to exercise their second amendment rights. I can imagine the impact the ruin of the gun manufacturing industry would have on my home State of Alabama, which is one of the premier States in the Nation for hunting whitetail deer and eastern wild turkey. Hunting is a part of the way of life for nearly 500,000 Alabamans. That is about 1 in 9 of our citizens. Imagine if they were unable to obtain hunting rifles or ammunition. What would happen to the hunting industry, which brings close to $45 million a year in revenues into the State and provides nearly 16,000 jobs?

Additionally, if the arms industry must continue to hash out massive legal fees or eventually goes under, thousands of workers will lose their jobs. Manufacturers are already laying off workers to pay the legal bills. Secondary suppliers to gun makers have also suffered. This is why it is not surprising that the labor unions representing workers at major firearms plants, such as the International Association of Machinists and Aerospace Workers of East Alton, IL, support this bill. This union's business representatives stated the jobs of their 2,850 union members ''would disappear if the trial lawyers and opportunistic politicians get their way.''

Insurance rates for firearms manufacturers have skyrocketed since these suits began. I am going to talk about these suits and why they are fundamentally wrong in a minute. These suits have caused the insurance to go up and some manufacturers are being denied insurance and seeing their policies cancelled, leaving them unprotected and vulnerable to bankruptcy.

Thirty-three State legislatures have acted to block similar lawsuits, either by limiting the power of localities to file suit or by amending State product liability laws. However, one lawsuit in one State could bankrupt the industry, making all of those State laws inconsequential. That is why it is essential that we pass this law.

The lawsuits we are talking about—the kind of lawsuits we will be discussing today are the kind of lawsuits that do not have merit. They are not the kind of lawsuits that ought to be brought. Many of them eventually get dismissed by judges. Most of them do eventually. But the costs are huge and, who knows, some day an activist court may start allowing these lawsuits to be successful.

The anti-gun activists, at their base philosophy, want to blame violent acts of third parties—that is violent, illegal acts by criminals—on manufacturers of guns, because they manufactured the gun, and they want to be able to sue the seller who sold the gun simply for selling them. This doesn't make sense. Should a car dealer be sued if someone intentionally runs down a pedestrian because the car dealer sold the car that was used by a third party to commit a crime, a homicide? What about the car manufacturer? What an absurd thought. But that is the equivalent of what these plaintiffs are arguing to recover from gun manufacturers and sellers.

Guns can be dangerous in the wrong hands, but so can cars. Why would the manufacturer or seller of a gun who is not negligent, who obeys all of the applicable laws—we have a host of them—be held accountable for the unforeseeable action of some criminal third party? They should not, and this bill would simply prohibit that.

If you buy a gun and someone comes into your house and attempts to attack you or your family and you pull out that gun and attempt to use it and it fails to work because it was defective, and that criminal harms you or your family, you should be able to sue the gun manufacturer for a defective product. But if it fires as it is supposed to, as it was designed to, it operates like whatever widget is made in this manufacturing world we are in, and it does what it is supposed to do and it is a lawful product, you should not be able to be sued.

I don't understand how these lawsuits are being maintained. But we have major cities in this country that have taken it as a policy to sue the manufacturers for creating a product that works precisely as it is supposed to work, that is designed according to the laws of the United States, and it is sold according to the laws of the United States, and they still want to sue them for an intervening criminal act. That is contrary to our classical law of lawsuits and plaintiff lawsuits. It is something that I sense is being eroded, these classical principles of litigation today. I think that is one reason we are beginning to have movements to have court reform, lawsuit reform, around the country because courts have allowed things to go beyond what traditionally they were ever allowed to do.

So it sort of makes these gun manufacturers a guarantor, a person who would pay for all damages that might occur for a gun they manufactured. That cannot be the law and must not be the law. These plaintiffs are demanding colossal monetary damages and a broad range of injunctive relief; that is, orders from the court concerning this. These injunctions would relate to the design, manufacture, distribution, marketing, and the sale of firearms. We already have laws that cover all of that.

By the way, we have had laws about all of that. We have debated other laws the Congress and State legislatures have chosen not to pass. So the attempt, in a very real sense, is to put pressure on these companies to do things the elected representatives have decided they should not do or should not be required to do.

Some of the demands that are being made are the kinds of demands that legislatures, not courts, should be deciding: one-gun-a-month purchase restrictions not required by the State law, requiring manufacturers and distributors ''to participate in a court-ordered study of demand for firearms and to cease sales in excess of lawful demand,'' prohibition on sales to dealers who are not stocking dealers with at least $250,000 in inventory, a permanent injunction requiring the addition of a

safety feature for handguns that will prevent their discharge by ''those who steal handguns.''

That will be a pretty ingenious device, if you can make it work. It is going to be on every gun that is sold? It may be within the power of this Congress to vote such a restriction if it can be done. It seems like somewhere in my memory we voted on something such as that.

But to have a judge who is supposed to be a neutral arbiter in a lawsuit start entering injunctions to require these kinds of things is beyond legitimate principles of law.

One of the most amusing demands was a prohibition on the sale of guns near Chicago ''that by their design are unreasonably attractive to criminals.'' Guns could not be sold near Chicago that are ''by their design unreasonably attractive to criminals.''

What would that mean? What kind of responsibility does a manufacturer have? Should each court make that determination? Is that what they were elected to do? Is that the role of the court? No. It is a legislative requirement.

These lawsuits are part of an antigun activist effort to make an end run around the legislative system. That is the fact. Because their efforts to pass restrictive legislation have only partially succeeded, they want to do more. So they are taking their cause to the judicial system hoping they will land in court before an activist judge who will somehow allow their view of how guns should be sold and manufactured to become a part of a judge's order. Just impose it. One judge who may not be elected—if it is a Federal judge, he has a lifetime appointment—just impose this by a court order. That is why people are concerned. So far they have not been successful in winning these cases.

The Ohio Court of Appeals held that allowing this type of liability would—they were correct about this—''open up a Pandora's box. For example, the city could sue manufacturers of matches for arson, or automobile manufacturers for traffic accidents, or breweries for drunk driving.''

That is the same principle. I believe that judge in Ohio was correct. In the city of Bridgeport v. Smith & Wesson Corporation, Judge Robert McWeeny aptly stated that ''plaintiffs must have envisioned such settlements as the dawning of a new age of litigation during which the gun industry, liquor industry and purveyors of junk food would follow the tobacco industry.'' It is clearly an attempt to build on and expand those kinds of theories of tobacco lawsuits to go even further than what we are dealing with here.

The Florida Supreme Court summed up the issue nicely when it refused to hear a plaintiff's appeal against the firearms industry in a lawsuit.

The plaintiff did not prevail in an appeal to the higher court in Florida, and the court held this:

> The power to legislate belongs not to the judicial branch of Government, but to the legislative branch.

Hallelujah, Judge. I am glad you get it. Judges ought to be neutral umpires, not activists. They should not be setting public policy. They should not allow their courts to be used as a tool to further a political agenda, an agenda that has been rejected in the State legislature or Congress.

However, all it will take is one activist judge or activist court to destroy an entire industry in reality. So that is why the legislation is important.

Let me mention what this bill does and does not do. The bill is incredibly narrow. It only forbids lawsuits brought against lawful manufacturers and sellers of firearms or ammunition if the suits are based on criminal or unlawful misuse of the product by a third party.

I know it is hard to believe, but that is the theory of these lawsuits. That theory is you sold a gun lawfully, OK. You followed the complex Federal regulations that have a huge host of requirements. You followed the State legislature's requirements, often very complex, also, to the T, and it comes in the hand of a criminal, and they use it for a crime. Now the manufacturer and the seller are liable. What kind of law is that? We do not need that. These lawsuits are happening, and so all this would say is that those kinds of lawsuits cannot be brought.

Manufacturers and sellers are still responsible for their own negligent or criminal conduct and must operate entirely within the complex State and Federal laws. Therefore, plaintiffs are not prevented from having a day in court. Plaintiffs can go to court if the gun dealers do not follow the law, if they negligently sell the gun, if they produce a product that is improper or they sell to someone they know should not be sold to or did not follow steps to determine whether the individual was properly subject to buying a gun.

The plaintiff can still argue that actions such as negligent entrustment, breach of contract, or warranty, or normal product liability involving actual industries caused by an improperly functioning firearm can be legitimately brought as a lawsuit and should be able to be brought. Furthermore, any allegation that the bill burdens law enforcement is completely false. Gun manufacturers and sellers are already heavily regulated by hundreds of pages of statutes and regulations. The Government requires that all gun manufacturers, importers, and dealers receive licenses. They have to have those licenses. And they must keep all their records by serial number, and each gun has to have a distinct, separate serial number recorded before entering or leaving their inventory. That is, if they are manufactured in Massachusetts or someplace and they are shipped to Alabama, they ship it by each one's serial number and it is recorded. If it is received by a distribution center in Alabama, it is recorded there, and if it is moved off to a gun store or a Wal-Mart where they sell guns, it is entered there. When it is sold, it is entered. That serial number is recorded against the name of the person who bought it. That person who bought it must produce identification, must sign a sworn statement that they have not been convicted of a crime, that they are not under the influence of drugs, and a number of other things. They sign it. It is a Federal offense if they lie about it. And they do a background check.

So there are a lot of regulations set forth. The records have to be open for inspection by the Bureau of Alcohol, Tobacco and Firearms without a warrant and at any time. They don't have a warrant. They can go into these licensed dealers any time, any day, and examine their records. That is the burden we put on gun dealers.

They can also do annual inspections without a specific investigation or obtain a warrant as any other law enforcement agency can.

Mr. President, I think I overstated it. The ATF can without a warrant any time do an inspection if it is related to an investigation of a gun that has been traced there, and they have an opportunity to do annual inspections at any time through the year as part of their enforcement dealings, and they do that. That guns are not heavily regulated is a complete myth. Gun dealers are carefully managed.

As a former U.S. attorney, I participated in the prosecution of a gun dealer for bad recordkeeping. He was most offended. Over a number of years we have created even more regulation. He really felt put upon, but he wasn't filling out the forms. He wasn't making people sign. He was telling people not to put down that they lived out of State because that affected whether the gun could be sold. He would tell them, don't fill that out, and things of that nature. He was not complying, and we prosecuted him. He went to jail and lost his ability to sell guns.

Licensed dealers have to conduct a Federal criminal background check on their retail sales either directly through the FBI, through its National Instant Criminal Background Check, NICS, or through State systems that also use NICS. All retail gun buyers are screened to the best of the Government's ability.

Additionally, the industry has voluntary programs to promote safe gun storage and to help dealers avoid selling to potential illegal traffickers in guns. Manufacturers also have a time-honored tradition of acting responsibly to issue recalls and make repairs if they become aware of defects. Law-abiding manufacturers and dealers of firearms are not threats to our society. They have not committed crimes by supplying our citizens with lawfully acquired firearms. It is essential that the people who are guilty, people who commit the crime, who deserve punishment, receive the punishment. More

importantly, this legislation is needed so that people who have suffered a real injury from a real cause of action can be heard and taken seriously while those who are trying to improperly spread the blame will not.

Mr. President, it is the responsibility of Congress to review our civil litigation system, our court system, and see how it is working. If over a period of years tactics and techniques are developed that exploit weaknesses or loopholes or gaps in that system or allow the system to be abused, then I think everybody would recognize that we ought to take action to fix it. Every day, attorneys file lawsuits under laws that we pass and the court's interpretation of those laws. Congress has every right to monitor this, and we have a duty once we determine a type of litigation is so legally unsound and detrimental to lawful commerce that it should be constrained to enact meaningful legislation to constrain it and to stop abuse.

In the past, Congress has found it necessary to protect the light aircraft industry, community health centers, aviation industry, medical implant makers, Amtrak, computer industry members affected by Y2K problems, and good Samaritans.

Senator MCCONNELL offered a bill to protect a person who tried to save another person, who was the victim of an accident, from dying. He believed that a person trying to do the best they can to protect someone else should not be sued, if they are somehow found to be faulty in a good Samaritan act.

Congress may enact litigation reforms when lawsuits are affecting interstate commerce, and many of these lawsuits are trying to use State courts to restrict the conduct of the firearms nationally. They are trying to create legal holdings by the courts that would impact the entire industry nationally. In fact, it is the stated purpose of many of these groups. And a single verdict, even a single verdict, large verdict of an anti-gun plaintiff, could bankrupt or in effect regulate an entire segment of our economy and of America's national defense and put it out of business.

I do not know when there has been a better example of when this type of legislation is needed. We must pass this bill. It is long overdue. It has 60 cosponsors. It is time for us to move forward and get it done.

It is simply wrong when we as a Congress have approved the sale of firearms in America and, through the Constitution, allowed the manufacture and sale of firearms, to allow those manufacturers who comply with the many rules we have set forth—they comply with those rules, to be sued for intervening criminal acts. They sell a gun and it ends up in the hands of a criminal, unbeknownst to them. If they knew, if they had reason to know, if they were negligent in going through the requirements of the law or failed to do the requirements of the law, they can be sued. But if they do it right and it goes into the hands of someone who uses it for a criminal purpose, the manufacturer of that gun absolutely should not be subject to a lawsuit. It is a political thing that is going on out there, the filing of these lawsuits all over the country in an attempt to crush an industry that this Congress and our Constitution have stated to be a legitimate industry.

I know Senator REED has many wise comments on this, able Senator that he is. We will disagree, but I certainly respect his views.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong opposition to S. 397, the so-called Protection of Lawful Commerce in Arms Act. Like its predecessor which the Senate soundly rejected last year, this bill is one of the most blatant special interest giveaways that I have seen during my time in the Senate. At a time when more than 7.5 million Americans are unemployed and our Nation faces a deficit of $333 billion, war in Iraq and Afghanistan, inadequate homeland security funding, and now a Supreme Court vacancy, to me the Republican leadership choosing to devote our precious time to a bill that would deny victims of gun violence their day in court and protect the gun industry is a travesty.

The gun lobby argues that this legislation would put an end to frivolous lawsuits that claim gun companies should be liable simply because their guns are used in crimes. In fact, the bill would bar virtually all negligence and product liability cases in State and Federal courts while throwing out pending cases as well as preventing future cases. The bill would provide this sweeping immunity to gun dealers, gun manufacturers, and even trade associations. Interestingly, the NRA modified the bill so that this year they don't appear to be granting themselves legal immunity as they did the last time around.

The track record for this bill in the last two Congresses has, thankfully, been one of failure. We can only assume that the gun lobby is hoping that the third time will be the charm. The gun lobby and its allies in Congress had to abandon their effort to pass similar legislation in the 107th Congress, after the Washington area sniper attacks terrorized an entire region. Then last year, in one of the more bizarre twists in recent Senate history, the National Rifle Association instructed the Republican leadership to kill the bill after a majority of Senators voted to add reasonable gun safety measures—to require background checks at gun shows, renew the assault weapons ban, and require child safety locks to be sold with handguns.

It is a good thing that the Senate defeated this bill because it would have thrown out the civil lawsuits filed by the families of the victims of the sniper attacks, even though the Washington State gun dealer who had the Bushmaster sniper rifle in his inventory could not account for that weapon or more than 230 others. Instead, the families of the victims won a $2.5 million settlement from Bull's Eye Shooter Supply and Bushmaster, the assault weapons maker who negligently supplied Bull's Eye despite its abysmal record of missing guns and regulatory violations.

At the heart here is not activist courts making law. The heart of this is people who have been harmed by weapons, innocent people, people such as the victims of the Washington sniper—someone walking to their car from the Home Depot and being shot and killed; a bus driver waiting to take his rounds in the morning, having a cup of coffee, reading the paper, with a wife and children at home, shot by snipers. Where did they get those weapons? They got them through the negligence of a licensed gun dealer. This legislation would effectively prevent those families from recovering damages, compensation for the loss of a husband and father, the loss of a wife. This is not about activist judges making law. This is about shutting the doors to the courts of America, mostly State courts, to prevent those who have been harmed by the negligence of others to be made whole. That is what this is about. That is why it is so wrong.

With respect to the sort of activism of public policymaking, we all recognize in this body that Federal law is one aspect, but State law is also important. In fact, most tort law is based upon State law. State assemblies make up State laws. They decide causes of action. They decide defenses. They do a lot of those things in conjunction with litigation in their courts. This legislation preempts all 50 States. This says to the State of Georgia, the State of Alabama, the State of Rhode Island, the State of Michigan, you can't have the ability of your citizens to go to court. Even if you believe it is appropriate and right in your State courts, we are preempting you. That is also wrong.

In addition to the monetary settlement for the victims of the families that were the victims of the snipers, in the settlement, Bushmaster agreed to inform its dealers of safer sales practices that should prevent other criminals from obtaining guns, something Bushmaster had never done before. What you have is a situation of negligence, and this negligence can extend not only from the dealer but to the manufacturer. This legislation not only would deny the right of a victim to come forward and ask for compensation, but also to reform the system.

We have to recognize, too, that there are elaborate rules for the governance of weapons and firearms and tobacco, an agency of the Federal Government. But this is one industry that is virtually not subject to any product liability, any consumer product safety

rules, any other type of regulation. This legislation would undercut ways in which a court could do justice. Because the Senate rejected this legislation last year, these victims and their families had their day in court, and at least one manufacturer's commercial practices were improved in ways that benefit all Americans. What could be more helpful to all of us if a manufacturer takes the time and the effort, appropriately, to inform his dealers about appropriate practices in selling weapons, about avoiding selling weapons to those people who might be trafficking in weapons, avoiding selling weapons to those people who might be irresponsible and reckless in the use of those weapons? That can only benefit all of us.

But despite all of these things, we find ourselves again in a familiar situation, one in which the NRA's pet project is again being granted a virtually direct, nonstop ticket to the Senate floor. The Senate Judiciary Committee has held no hearings on this legislation, and no committee markups were ever scheduled. The bill's supporters knew it would be difficult to withstand the kind of scrutiny that might result in careful, deliberate, and thorough committee hearings, so they brought it straight to the Senate floor. Here we are today. Now it is up to us make sure that there is a full and vigorous debate, including not only amendments to deal directly with aspects of this legislation but also to address other issues with respect to violence in America and gun safety.

If we are going to grant blanket legal immunity to the firearms industry, it is imperative that we address inadequacies in other areas with respect to gun safety legislation. Mothers and fathers across America go out of their way every day to protect themselves and their children from harm. How unsettling it must be for these families to think that the gun industry, which is already exempt from Federal product safety regulations that apply to children's toys, pharmaceuticals, and virtually every other product in this country, may now receive legal protection that no other industry enjoys.

I listened closely to the Senator from Alabama talking about this as if a car manufacturer was being held responsible for the actions of others. Well, they could be in certain situations. If a car dealer leaves his cars unlocked with keys in the ignition at night and someone comes and takes that car, drives it away, causes damage, certainly the issue arises, was that car dealer using good common sense? Certainly, that would be a case that would at least get to the notion of filing the case.

This bill would prevent such a similar case from the gun manufacturers and the gun dealers, but there is no attempt, at least today, to limit those types of liability to other manufacturers. I believe that shows how narrow this is and how it is focused to a very special interest. That is unfortunate.

As with any other business, there are good actors and bad actors with respect to the gun industry. There are those who carefully follow the law and those who ignore it. But granting unprecedented legal immunity to the entire industry without requiring any additional responsibilities to protect the public from reckless behavior would be a grave mistake. It will only encourage those who already engage in questionable conduct.

I urge my colleagues, as we work through this debate, to listen closely and to try to recognize that we are taking unprecedented action with respect to undermining the traditional system of common justice. First, we are usurping authority for State law that is traditionally the purview of State assemblies and legislatures. Then we are granting an unprecedented immunity to one very particular industry. That might be a precedent, unfortunately, for other industries that come forward, which would be a severe unraveling of the protections we all have.

All of this, again, begins not with someone going out to stage a lawsuit by being shot. That is the last thing that happens. The victims of this gun violence, who are the subject of these suits, didn't want to be victims. They didn't want to be in court. The bus driver waiting there to start his run was not thinking, Oh, boy, someone is going to shoot me so we can start a case and change public policy. He was shot by a sniper who obtained a gun through the negligence of others. Yet that family would have been denied their relief in court if this bill had passed last year.

There was discussion about personal responsibility. There is personal responsibility. It is important. It is fundamental to everything we do. What about the responsibility of the gun dealer to know how many weapons he has on hand, where they are, not to leave it out so it can be taken? Apparently the youngest sniper, who was barely of age, just picked it up off a counter and walked out of the store with it, a rifle that was used later to shoot and kill several people. Where is that personal responsibility? And if you are the victim of that lack of responsibility, how can you have your day in court if this legislation passes?

Now, we have a lot of work to do in this Congress. We should get on with it. That is why it is amazing that we have left the Defense bill that would provide the resources to protect our soldiers, sailors, marines, airmen and airwomen across the globe to move to this very narrow, special interest bill. I think it is extremely unfortunate.

A part of the rationale for this bill advanced by the proponents is that there is a crisis. There is a crisis with respect to the industry. They are about to lose their ability to manufacture. They are going to go bankrupt. We won't have any weapons for our national security. That is not substantiated by any of the facts before us.

The gun lobby says it needs protection because it is faced with a litigation crisis. The facts tell precisely the opposite story. There is no crisis. There is a crisis in Iraq. There is a crisis in Afghanistan. There is a crisis across the globe with international terrorists. That is a crisis. But it is not a crisis with respect to gun liability in this country. Yet we move from legislation dealing with these huge crises, some of which have existential consequences to us, particularly if terrorists ever get their hands on any type of nuclear material, to a situation where there is no crisis.

Mr. LIEBERMAN. Will the Senator from Rhode Island yield?

Mr. REED. I am happy to yield to the Senator from Connecticut.

Mr. LIEBERMAN. I would like to yield the hour allotted to me to the floor manager, the Senator from Rhode Island.

Mr. REED. I thank the Senator from Connecticut.

The only two publicly held gun companies that have filed recent statements at the Securities and Exchange Commission contradict the claim that they are threatened by lawsuits. Smith & Wesson filed a statement with the SEC on June 29, 2005, stating that:

> We expect net product sales in fiscal 2005 to be approximately $124 million, a 5% increase over the $117.9 million reported for fiscal 2004. Firearms sales for fiscal 2005 are expected to increase by approximately 11% over fiscal 2004 levels.

That is their SEC report which they have to file subject to severe penalties for misstatement and mistruth. I believe that. It appears to be a banner year for Smith & Wesson. There is no crisis.

They go on and say in another filing on March 10, 2005:

> In the nine months ended January 31, 2005, we incurred $4,535 in defense costs, net of amounts received from insurance carriers, relative to product liability and municipal litigation.

What they said is—this company, with a banner year of increased sales, with projections for better sales—they incurred $4,535 in out-of-pocket costs to defend product liability and municipal litigation claims and suits. That is a crisis? Sales are up. Litigation costs in this particular area—out-of-pocket costs, to be accurate, of $4,500. That is what they are telling the Federal regulators, under severe penalties for misstatements and even inaccurate statements. There is no crisis.

In that same period for which they incurred $4,535 in out-of-pocket costs, Smith & Wesson spent over $4.1 million in advertising. Maybe the real crisis is they have to spend a lot on advertising. But that is not a crisis situation. That is not sufficient to bring the Senate here to debate a bill to give them protections from these types of suits.

Meanwhile, gun manufacturer Sturm, Ruger told the SEC in a March 11, 2005 filing:

> It is not probable and is unlikely that litigation, including punitive damage claims,

will have a material adverse effect on the financial position of the Company.

Essentially, what these two publicly reporting companies have said, despite all of the discussion by others that they are on the verge of bankruptcy, is: There is no material adverse effect on our financials based on this type of litigation. There is no crisis.

So at the same time the gun makers are reporting to the SEC that litigation costs are not likely to have a material adverse effect on the businesses, their trade associations have been rapidly inflating the unsubstantiated estimates of litigation costs. Gun lobby claims of alleged litigation costs have risen in $25 million increments, with no data of any kind to support these claims because most of these companies in the industry are privately held. But I would suggest if the publicly held companies are offering their truthful admissions to the SEC—unless the privately held companies are woefully unmanaged or are unusually involved in this type of litigation—then these estimates have to be widely suspect.

Here are the claims of increased costs: April of 2003, estimated litigation has cost the industry $100 million in the last 5 years; July of 2004, estimated litigation costs of $150 million; November of 2004, estimated litigation costs of $175 million; February of 2005, some estimates talk about $200 million.

Now, it does not seem to track when you have major companies saying they have no material impact, paying out of pocket $4,500, and then you have these wildly inflated estimates.

Number of lawsuits faced by the gun industry is, if anything, far less than many other industries. From 1993 to 2003, 57 suits were filed against gun industry defendants, out of an estimated 10 million tort suits, according to the State Court Journal published by the National Center for State Courts—57 out of 10 million. That is not a record of litigants out of control.

The actual monetary awards faced by the gun lobby are even less. The gun lobby's record in court is far worse than the tobacco industry's, which for decades won every case brought against it. But the gun lobby has not lost them all either. In fact, many of the cases my colleague from Alabama was citing were some appeals court cases that were turning down plaintiffs who were unsuccessful at the trial court level. The results of these cases are what one would expect as suits against any industry: Some cases are dismissed, some cases are won by plaintiffs, some are on appeal, others are the result of a settlement between the parties.

Now, the fact is, most of the legal defense costs faced by gun industry participants have been covered by product liability insurance, with very little funding coming out of pocket. Again, every industry in the country has to insure itself against these risks. It seems to me there is nothing to indicate the insurance claims against these gun lobbies and gun manufacturers are out of line with those. In this respect, the gun lobby is no different than any other industry. Moreover, the power of the gun lobby to protect itself from litigation and promote its views is illustrated by the war chest it has put together for this specific purpose over the past several years.

In 1999, the National Shooting Sports Foundation and others in the gun lobby created what is known as the Hunting and Shooting Sports Heritage Fund by setting aside a small percentage of industry revenues. The fund supports lobbying activities as well as industry public relations initiatives emphasizing the positive aspects of firearms, and it helps cover the cost of retaining internal memos and other sensitive documents with a law firm in California so the gun lobby can avoid the kind of unwanted leaks and exposure that plagued the tobacco industry for many years. Some reports indicate the fund has raised as much as $100 million.

We are going to be talking about a lot of victims of gun violence over the next few days, and I can tell you that none of them has access to a $100 million war chest to protect their legal interests or promote their point of view.

In any case, the purpose of lawsuits filed on behalf of victims is not to bankrupt the industry. In fact, some of the cases filed have sought only injunctive relief, including reforms of industry trade practices that would make the public safer. This is not always about money. In some cases it is about safety for the general public.

It is telling that the new Senate version of the gun industry immunity bill has been changed specifically to ban suits seeking injunctive relief. The argument, of course, is there is a crisis, and the crisis is the financial crisis of the gun manufacturers and the gun dealers, but yet this legislation was altered this year to avoid injunctive relief, which has very little direct impact in terms of awards, punitive or otherwise.

Even when plaintiffs seek commonsense reforms in the industry that could save lives, rather than have money damages, the gun lobby and its allies in Congress seek to shut the courthouse door in the face of these victims.

The findings section of the bill states:

> [T]he possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system.

That sounds reasonable until you consider that the very essence of the cases the bill seeks to eliminate is that the harm suffered by victims of gun violence is often not solely caused by others, but that specific negligent conduct by defendants in the industry contributed to that harm. That is a key point here. This is not a situation as to anyone in the industry—a manufacturer or dealer—who has followed all the rules and has done everything correctly, and then someone else did something wrong. In order to bring a suit for negligence, you have to point out, allege at least negligent activities on behalf of the defendant, be he or she a manufacturer or dealer. So the core here is the allegation that the defendant—those people this legislation seeks to immunize—did something wrong. Liability attaches if a court finds they did something wrong.

Moreover, the bill would exclude many cases that do not seek to hold the entire industry liable but instead focuses on specific dealers or manufacturers based on their negligent contribution to specific instances of harm to victims of gun violence. This is not just a situation where the whole industry is sued. This is a situation where anybody in the industry who is sued gets the benefit of these protections.

Unfortunately, this bill would overturn longstanding, widely accepted principles of civil liability law, which generally holds that persons and companies may be liable for the foreseeable consequences of their wrongful acts. By throwing out common law standards established throughout our Nation's history by State courts, and substituting new standards for negligence and product liability actions conceived by attorneys of the gun lobby, this bill would deprive Americans of their legal rights in cases involving a wide range of industry misconduct.

Even if we concede, for the sake of argument, that some cases against the industry might be frivolous, this bill applies the legislative equivalent of a weapon of mass destruction where a surgical strike would be sufficient. The bill proposes a sweeping Federal intrusion into traditional State responsibilities for defining and administering State tort law, yet there is no evidence that the State courts are not handling their responsibilities competently in this area of law. There has been no rash of questionable jury awards, and not a single decision or final judgment of any court that justifies this unprecedented legislation.

Nevertheless, the bill's proponents seek to preempt the law of 50 States to create a special, higher standard for negligence and product liability actions against gun manufacturers, gun dealers, and trade associations.

We are being asked to do this for an industry that already enjoys an exemption from the Federal health and safety regulations that apply to virtually every other product made in this country. There is no crisis. There is no showing that the gun lobby is in danger of extinction as a result of lawsuits.

We must look at the facts and not the rhetoric. Again, as to a company that spends out of pocket $4,500 a year, when their sales are increasing by about 11 percent, that is not a crisis. There is nothing, I think, substantiated to suggest otherwise.

Now, Mr. President, we are going to engage in a series of discussions over

the next several days here. But I think we have to be very clear, this legislation would undercut State laws and State court practices that have existed for as long as the country has existed. It would do so for the benefit of a very special interest group. It would deny access to courts for people who have been harmed, really harmed.

Let's take some of these cases. Take the case of Denise Johnson, the wife of the late Conrad Johnson. Conrad Johnson was the bus driver who was the final sniper victim of the Washington area snipers. The snipers' Bushmaster assault rifle was one of more than 230 guns that disappeared from the Bull's Eye Shooter Supply gun store in Washington State. The gun store's careless oversight of firearms in its inventory raised serious questions of negligence that fully deserved to be explored by the civil courts.

Two hundred thirty misplaced weapons—if that is not at least a suggestion of some negligence, I do not know what is. This legislation, had it been enacted last year, would have denied the Johnson family their rights in court, their rights to go to that alleged negligent dealer and say: Without your action, without your negligence, my husband, our father, would be alive today.

But in addition to that, the manufacturer's actions also were questionable. Despite questionable control activities in relation to their inventory at Bull's Eye—serious and well-known problems at the gun store—they were still able to acquire weapons from the manufacturer. As I indicated before, the Johnsons were able to settle their claim in court. But if this legislation had passed last year, they would have been thrown out.

Now, there are other examples that are prevalent that also would have been dismissed by this legislation had it been passed, and future cases if, in fact, we pass it in this session.

There is the case of David Lemongello and Ken McGuire, former police officers of Orange, NJ. On January 12, 2001, Mr. Lemongello and Mr. McGuire were shot several times by a violent criminal who should never have had a gun. Because of the injuries he suffered, Mr. Lemongello will never be a police officer again. The gun used in the shooting was one of 12 guns purchased by 2 individuals on a single day from Will Jewelry & Loan, a gun dealership in West Virginia.

Mr. James Gray, a felon, used a woman with a clean record to purchase all 12 guns at once with cash. He and the woman came into the gun shop with thousands of dollars, and Gray pointed out guns he wanted, and then had the woman purchase them in a clear example of a ''straw purchase'' to evade the law. In fact, the gun dealer was so concerned about the suspicious transaction that, after taking the money and giving him the gun, he called the ATF. But it was too late; the guns were already destined for the illegal market. The actions of the gun dealer—who failed to follow sales guidelines recommended by the National Shooting Sports Foundation—raise serious questions of negligence.

The manufacturer of the gun, Sturm, Ruger, is a member of NSSF, yet it failed to require its dealers and distributors to follow the guidelines. At one point in the proceedings, the West Virginia gun dealer and the manufacturer of the gun asked Judge Irene Berger of Kanawha County, West Virginia, to dismiss the case. She heard the gun seller's legal arguments and rejected each of them, applying the general rule of West Virginia law to allow the case to proceed.

Here is a classic example. Someone comes in with another person, purchases 12 guns at once, selects the guns, and pays with cash, but making sure the other person is the one whose name is run through the FBI records check, and then drives away. Doesn't that raise suspicion in your mind if you are a conscientious dealer? Don't you do anything other than call ATF? That is negligence in many respects. Certainly a victim of that crime eventually should have the right to take that case to court.

The gun industry bill would have overridden that judge's decision in West Virginia and thrown out the case of the police officers. Again, the Senate rejected this legislation last year, and in June 2004 Officers Lemongello and McGuire won a $1 million settlement to compensate them for their career-ending injuries. After the lawsuit, the dealer and two other area pawnshops agreed to implement safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These practices go beyond the law and are not imposed by any manufacturers or distributors.

So here is another situation. It is not only the immediate compensation to these police officers whose whole lives and careers have been changed irrevocably; it is also making it safer for other people so the next time someone wanders into this particular gun shop of this dealer, they won't be selling 12 or so handguns without seriously checking who is buying.

Today, as we face another attempt in the Senate to take away the rights of innocent victims of gun lobby negligence, there are still many legitimate pending cases that will be thrown out by the bill before the Senate. We can always anticipate additional situations. In fact, there is a very strong likelihood that if this legislation passes, whatever steps are taken today by gun dealers and manufacturers will be abandoned or lessened because effectively they have a free pass. No one can sue them. They don't have to worry about the litigant going to court and saying, your sales practices or your behavior were negligent. We have given them immunity. In fact, one might even anticipate more incidents.

But there are cases pending today that could be affected. For example, in another case, Guzman v. Kahr Arms, a lawsuit was filed by the family of 26-year-old Danny Guzman of Worcester, MA, who was fatally wounded when a 9 mm gun stolen from a gun manufacturer's plant was stolen by a drug-addicted employee who had a criminal record. The manufacturer, Kahr Arms, operated the factory without basic security measures to protect against thefts, such as metal detectors, security mirrors, or security guards. Guns were routinely taken from the factory by felons it had hired without conducting background checks. The gun used to kill Danny Guzman was one of several stolen by Kahr Arms employees before serial numbers had been stamped on them, rendering them virtually untraceable. The guns were then resold to criminals in exchange for money and drugs.

The loaded gun that killed Mr. Guzman was found by a 4-year-old behind an apartment building near the scene of the shooting. Had Kahr Arms performed drug tests or background checks on the prospective employees or secured its facilities to prevent thefts, Danny Guzman might be alive today. A Massachusetts judge has held that the suit states a valid legal claim for negligence. But this bill would throw the case out of court, denying Danny's family their day in court.

That is the reality of this legislation. That is what we are protecting. We are protecting manufacturers who take no care in hiring employees, yet give them access and proximity to weapons, and who employ no effective security measures. That, at least, is negligence. At least they should be tried in court. This legislation would immunize that.

Ask yourselves again, What incentive would manufacturers such as Kahr Arms have to spend any money on background checks, to spend any money on security? None at all because, frankly, they have a free ride, a pass. No one can touch them. And in this legislation we are not about to start regulating the manufacturing practices of gun manufacturers in the United States.

Now, every industry has good actors and bad actors and the firearms industry is no exception. There are manufacturers that produce high-quality products that feature necessary devices to make the firearms as safe as possible. There are other manufacturers that create poorly designed, poorly constructed firearms that are favored by criminals, that have no place in the home, at the shooting range, or on hunting grounds. Likewise, there are licensed dealers who comply with both the letter and the spirit of our gun laws and do everything in their power to ensure firearms are sold only to lawful buyers. There are other dealers who routinely sell guns regardless of the age or criminal background of the buyer. Essentially, they wink and look the other way.

This small minority of bad apple dealers has a significant impact on gun

violence on our streets throughout the country. According to the Federal data from 2000, 1.2 percent of dealers account for 57 percent of all guns recovered in all criminal investigations; 57 percent of the guns recovered in criminal investigations pass through their hands. Does that suggest there are some gun dealers who are negligent, who are not following the letter or the spirit of the law? And the gun manufacturers know who the problem dealers are because when guns are recovered at crime scenes, they receive firearm tracing reports that show which dealers sell disproportionally to criminals. But in too many cases, the gun industry refuses to police itself.

If this legislation passes, there will be less incentive to take precautions, to take steps to prevent guns from getting in the hands of those people who would use them irresponsibly.

The national crime gun trace data from 1989 through 1996 gathered by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives indicates the following gun dealers sold the highest number of crime guns in America and exhibited crime gun tracing patterns indicative of drug trafficking. Whereas most gun dealers have been associated with zero gun traces, guns sold by these suspect gun dealers turn up in the wrong hands over and over again.

For example, in Badger Outdoors, Inc., of West Milwaukee, Wi, the dealer sold 554 guns traced to a crime, and 475 of those guns had a ''short time to crime'' as defined by ATF. The guns were involved in at least 27 homicides, 101 assaults, 9 robberies, and 417 additional gun crimes. The dealer also sold at least 1,563 handguns in multiple sales. From 1994 to 1996, straw purchaser Lawrence Shikes bought 10 guns from Badger. In one case, he immediately sold the gun to an undercover Federal agent who told Shikes he was a felon. Several weapons Shikes purchased have been recovered from a killer, a rapist, a convicted armed robber, a man who shot a police officer, and three juvenile shooting suspects.

So, again, a very small percentage, but still we are immunizing these people also. This legislation doesn't make any distinction between competent, conscientious gun dealers. It is everyone. And we know everybody is not following the rules as scrupulously as they should.

To put a check on the behavior, if you are harmed and injured by this negligence, go to court and say, I have been harmed, this defendant contributed to my injury and I seek compensation, this legislation will tell that victim, go away; the courts are closed to you.

There are other cases. Realco Guns of Forestville, MD; Southern Police Equipment, Richmond, Va; Atlantic Gun & Tackle, Bedford Heights, OH; Colosimo's of Philadelphia, PA; Don's Guns & Galleries in Indianapolis, IN. Throughout the country, the exception to the rule, and the rule is generally conscientious individuals follow the laws. But this legislation protects these individuals as well as the conscientious dealers. Again, it is inappropriate, unfortunate, unsubstantiated.

Where is the crisis? All the public records we have of the gun manufacturers say there is no material impact on the financial well-being. Those are reports submitted to the SEC, not press releases from lobbying groups. We are going to upset the traditions of tort law throughout this country for a situation where no crisis exists.

Again, we have moved from consideration of one of the most significant pieces of legislation we consider every year, the Armed Forces authorization, to deal with this issue—no crisis, no substance, but an industry-political motivation by the NRA and the gun lobby to protect their members from bona fide allegations of negligence in certain cases.

There is no explosion of suits. These are minimal, a fraction of the tort suits in this country. Yet we are here today to devote a huge amount of time after moving away from the Defense bill to consider this legislation. Procedurally, it is terrible. We should be talking now, as we all hoped we would, about further benefits for our military personnel, about improving their quality of life, improving their equipment, giving them the resources to defend us. Yet we are now staked out, literally, to try to provide benefits for the negligence of a few people in an industry that has no financial crisis and is in no danger of going away.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, there still remains a very serious problem and a very serious threat to gun manufacturers in the United States. Sure, a lot of these cases have not been successful because they are so bogus, so contrary to classical rules that a person is not liable for an intervening action done by a criminal, an intervening criminal act.

I will add, when I was a U.S. attorney, an individual walked off a veterans hospital grounds and was murdered. They sued the VA hospital for wrongful death. I defended on the theory that the hospital could be liable under certain circumstances, but there was a strong principle of law which I cited that an intervening criminal act is not foreseeable. You are not expected to foresee that someone will take a lawful product and use it to commit a crime or that they would commit a crime. This is a settled legal principle.

We are eroding these things and we end up with all kinds of problems. That is one of the things disrupting our legal system, particularly if there is a political cause here, a group of people who absolutely oppose firearms in any fashion. Mayors in major cities are encouraging these lawsuits and pushing them. We end up with some real problems.

Let me share with our colleagues this letter from Beretta Corporation. It was mailed out in 2005 by Mr. Jeff Reh, general counsel, written to the Vice President of the United States. He says a few weeks ago the District of Columbia Court of Appeals issued a decision supporting a DC statute that those manufacturers of semi-automatic pistols and rifles are held strictly liable for any crime committed in the District with such a firearm.

It had not been used until the District of Columbia recently filed a lawsuit against the firearm industry in an attempt to hold firearm makers, manufacturers, importers, and distributors liable for the cost of criminal gun misuse in the District.

The court of appeals, sitting en banc, dismissed many parts of the case but did rule that:

> Victims of gun violence can sue firearm manufacturers simply to determine whether that company's firearm was used in the victim's shooting, and if so, they become liable.

He goes on to say that such a decision ''will make firearm manufacturers liable for all costs attributed to such shootings, even if the firearm involved was originally sold in a State far from the District of Columbia and to a lawful customer.''

If you sell a gun to somebody in Minnesota and they bring it to DC and some criminal uses it to shoot somebody, the gun manufacturer now becomes liable for that Beretta or Smith & Wesson or whoever made it. They go on to say this decision ''has a likelihood of bankrupting not only Beretta, but every maker of semiautomatic pistols and rifles since 1991.'' There are hundreds of homicides committed with firearms each year in DC, and others are injured. And the defendants, under this bill, would have no defense that they originally sold the pistol or rifle to a civilian customer. So they ask that this legislation be supported.

> Without it, companies like Beretta, Colt, Smith & Wesson, Ruger, and dozens of others, could be wiped out by a flood of lawsuits emanating from the District. This is not a theoretical concern.
>
> The instrument to deprive the United States citizens of the tools through which they enjoyed a second amendment freedom now rests in the hands of trial lawyers in the District. Equally grave, control of the future supply of firearms needed by our fighting forces and law enforcement officials and private citizens throughout the country also rests in the hands of these attorneys. We will seek Supreme Court review of this decision, but the result of a Supreme Court review is not guaranteed. Your help might provide our only chance of survival.

It is the principle of the thing we are concerned about, first and foremost. Do we believe that a manufacturer who complied with the law and who sold a gun in Minnesota or in Kansas and sold it lawfully, according to the rules of the State of Alabama or Minnesota and Federal Government rules, and that gun ends up in the District of Columbia, they now become liable for an intervening criminal act? That is not a principle of law that can be defended,

according to justice or fairness. But we are in that mode now of using the courts to effect a political agenda that goes beyond what the Congress and elected representatives are prepared to vote. In effect, it would bankrupt these companies and may be able to prohibit people from even having firearms or certainly denying them a place to go buy a new firearm and ultimately denying them the right to purchase firearms.

So that is what we are concerned about. We are not trying to overreach here. We are trying to eliminate this political abuse of the legal system to effect a policy decision not subject to being won in the legislative branch.

Under this bill, I think it is very important to note that you can sue gun sellers and manufacturers who violate the law. It is crystal clear in the statute that this is so. To start off, one of the first things it says is an action can be brought against a transferer—that is, a seller—of a gun by any party directly harmed by the product of which the transferee is so convicted for violating the law. It also says this in paragraph 2:

These are actions that are allowed to be maintained by this legislation and are not constricted.—An action brought against a seller of the gun for negligent entrustment for negligence per se.

It is some sort of negligent act that gave the gun to the customer. We will leave it at that.

No. 3, an action can be brought against a manufacturer or seller of a qualified product, or gun, who knowingly violated a State or Federal statute applicable to the sale or marketing of the product when that was the proximate cause of the injury, such as the 12 guns being sold and mentioned by Senator REED earlier. I suspect that violated a law. It is certainly a violation of the law for a person to knowingly or negligently entrust a gun to someone when they believe or have reason to believe that it is a straw purchase. That would be a violation of the law. You have to produce an ID, sign a statement, say it is your gun, say you have not been convicted of a crime, say you are not a drug addict, where your residence is, and other laws that States and communities may have, such as waiting periods, before you can pick it up. You have to wait for the background check to see if those statements you made are valid.

So you can still bring those lawsuits if you don't comply with that. Lawsuits can be brought whenever the manufacturer or seller knowingly made any false entry or failed to make, negligently or otherwise, an appropriate entry in any record required to be kept under Federal or State law with respect to the qualified product or if they aided or abetted or conspired with any person in making any false or fictitious oral or written statements with respect to any material fact to the law necessary in the sale or other disposition of the qualified product. And if they can maintain a lawsuit also, if you aided and abetted or conspired to sell or dispose of a qualified product, knowing or having reasonable cause to believe the buyer of the qualified product was prohibited from possessing or receiving a firearm, which would include a straw purchase, if you know you are selling it to this person and you know it is going to that person, then you would know that would be improper and it would be a negligent entrustment or violation of the statute.

I think those are important exceptions, as are many others. So it doesn't give immunity to gun dealers. That much we can say for sure. Now, it has been said that, well, these dealers—this little gunshop down here did something wrong and they would have insurance and the insurance company would pay. It is not so bad on them. But, Mr. President, that is a slippery slope, an unwise public policy argument that I think we use too much. One of the things that raises questions in my mind about the effectiveness of a lot of litigation today is it is argued that it is going to punish this person who did something wrong. But in truth, the insurance company pays all of it probably—maybe all of it, maybe a small deductible is paid by the wrongdoer, and insurance company pays the cost of defending the lawsuit. It is not the wrongdoer. So the juries are told they are punishing this wrongdoer who made an error, but really the insurance company pays it. What happens? They raise the rates on everybody. So if one gun dealer has messed up and he gets sued, as he should be, and he has to pay a verdict, the weird way our system is working today is the insurance company pays the verdict, and everybody's rates go up—every gun dealer who complies with the law, their rates go up too. It is something that has been bothering me as time goes by.

They are stating, as legal theories, broad powers and requesting broad relief, similar to some of the things I mentioned here in the District of Columbia in the Beretta letter. Sometimes the plaintiffs have argued that the very sale of a large number of guns and pistols, when a manufacturer knows that some of those ''might'' end up in the hands of criminals, means that they become liable. What kind of law is that? It is a stretch beyond the breaking point that if you comply with the law, you sell a firearm to a lawful customer in your shop and they have the proper identification, and you take all the proper steps, somehow that you become liable if that person utilizes it unlawfully or sells it or gives it to somebody who utilizes it unlawfully.

That is not the way the American legal system works. Those are the kinds of lawsuits being pushed, I submit, for political reasons because people are frustrated that they have not been able to get the legislatures to eliminate firearms. Who should be liable? The person who commits the crime. John Malvo—if he commits a crime using a gun, he should be the one that pays and is sued in our system but, of course, people say Malvo doesn't have any money, so we will sue Wal-Mart because Wal-Mart sold the gun to somebody and it eventually went through somebody's hands and they got it, or whatever store sold the gun. Or we will even sue Smith & Wesson in Boston because they sold the gun and somebody was injured with it. What kind of law is that? I am very concerned about this theory. We have moved so far from our principle of liability. That is why it is quite appropriate here. And there may be other instances with other businesses around the country that are being unfairly held liable for actions that should not be their responsibility.

I will make a point about the serial number. I raised an issue I am personally aware of. The manufacturers have to put a serial number on every gun, which has to be recorded every step of the way as it moves from the manufacturer, to the distributor, to the subdistributor, to the retail store, to the customer. They are recorded and kept up with. A statement is filed including the name, address, phone number, driver's license, and a number of other things that are required by State and Federal law before it can ever be sold. It is now, and has been for many years, a crime to produce a gun that does not have that serial number, and it is a crime to erase it. It is a crime to sell a gun that doesn't have a serial number on it or has a number that has been erased. When I was a Federal prosecutor, I prosecuted many cases—30, 40, or 50 cases—in which criminals, thinking they could somehow avoid detection, would file off the serial number or somebody filed it off for somebody and delivered it to them, and both of them have committed a crime at that point. That is because we want to be able to identify that weapon and not have it subject to moving around without being able to be identified.

I would just say, there are a lot of laws that we pass in our legal system to clamp down on the sale of guns because they are, indeed, a dangerous instrumentality. But our Constitution provides the right of citizens to keep and bear arms. Our State and local laws provide that protection to our citizens, and we set many restrictions on it. The problem we are dealing with is the possibility that courts will create legal liability on a manufacturer of a lawful product, a lawful product that has been sold according to the strict requirements of Federal and State law, and that they somehow become an insurer of everything wrong that occurs as a result of the utilization of that lawful product.

All we are trying to do is bring some balance. I think the statute has been gone over for many years now. People on both sides of the aisle understand; there are probably 60-plus votes of people who are prepared to vote for this

legislation. One reason it has that kind of broad support is that the bugs have been worked out of it. Things that would have gone too far have been eliminated. People have had many months to review it. I think we have a good piece of legislation.

I respect my colleagues who differ, but I strongly think it would be in the interest of good public policy to pass this legislation, and that is why I support it.

I offer the letter from the Beretta Corporation and ask unanimous consent it be printed in the RECORD.

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

BERETTA U.S.A. CORP.,
Accokeek, MD, May 11, 2005.

Hon. RICHARD B. CHENEY,
Vice President of the United States, Eisenhower Executive Office Building, Washington, DC.

DEAR MR. VICE PRESIDENT: A few weeks ago, the Washington, D.C. Court of Appeals issued a decision supporting a D.C. statute that holds the manufacturers of semiautomatic pistols and rifles strictly liable for any crime committed in the District with such a firearm.

Passed in 1991, the D.C. statute had not been used until the District of Columbia recently filed a lawsuit against the firearm industry in an attempt to hold firearm makers, importers and distributors liable for the cost of criminal gun misuse in the District. Although the Court of Appeals (sitting en banc in the case D.C. v. Beretta U.S.A. et al.) dismissed many parts of the case, it affirmed the D.C. strict liability statute and, moreover, ruled that victims of gun violence can sue firearm manufacturers simply to determine whether that company's firearm was used in the victim's shooting.

It is unlawful to possess most firearms in the District (including semiautomatic pistols) and it is unlawful to assault someone using a firearm. Notwithstanding these two criminal acts, neither of which are within the control of or can be prevented by firearm makers, the D.C. strict liability statute (and the D.C. Court of Appeals decision supporting it) will make firearm manufacturers liable for all costs attributed to such shootings, even if the firearm involved was originally sold in a state far from the District to a lawful customer.

Beretta U.S.A. Corp. makes the standard sidearm for the U.S. Armed Forces (the Beretta M9 9mm pistol). We have long-term contracts right now to supply this pistol to our fighting forces in Iraq and these pistols have been used extensively in combat during the current campaign, just as they have seen use since adopted by the Armed Forces in 1985. Beretta U.S.A also supplies pistols to law enforcement departments throughout the U.S., including the Maryland State Police, Los Angeles City Police Department and to the Chicago Police Department. We also supply firearms used for self-protection and for sporting purposes to private citizens throughout our country.

The decision of the D.C. Court of Appeals to uphold the D.C. strict liability statute has the likelihood of bankrupting, not only Beretta U.S.A., but every maker of semiautomatic pistols and rifles since 1991. There are hundreds of homicides committed with firearms each year in D.C. and additional hundreds of injuries involving criminal misuse of firearms. No firearm maker has the resources to defend against hundreds of lawsuits each year and, if that company's pistol or rifle is determined to have been used in a criminal shooting in the District, these companies do not have the resources to pay the resultant judgment against them—a judgment against which they would have no defense if the pistol or rifle was originally sold to a civilian customer.

When the D.C. law was passed in 1991, it was styled to apply only to the makers of ''assault rifles'' and machineguns. Strangely, the definition of ''machinegun'' in the statute includes semiautomatic firearms capable of holding more than 12 rounds. Since any magazine-fed firearm is capable of receiving magazines (whether made by the firearm manufacturer or by someone else later) that hold more than 12 rounds, this means that such a product is considered a machinegun in the District, even though it is semiautomatic and even if it did not hold 12 rounds at the time of its misuse.

The Protection of Lawful Commerce in Arms Act (S. 397 and. H.R. 800) would stop this remarkable and egregious decision by the D.C. Court of Appeals. The Act, if passed, will block lawsuits against the distributors and dealers of firearms for criminal misuse of their products over which they have no control.

We urgently request your support for this legislation. Without it, companies like Beretta U.S.A., Colt, Smith & Wesson, Ruger and dozens of others could be wiped out by a flood of lawsuits emanating from the District.

This is not a theoretical concern. The instrument to deprive U.S. citizens of the tools through which they enjoy their 2nd Amendment freedoms now rests in the hands of trial lawyers in the District. Equally grave, control of the future supply of firearms needed by our fighting forces and by law enforcement officials and private citizens throughout the U.S. also rests in the hands of these attorneys.

We will seek Supreme Court review of this decision, but the result of a Supreme Court review is also not guaranteed. Your help in supporting S. 397 and H.R. 800 might provide our only other chance at survival.

Sincerest and respectful regards,
JEFFREY K. REH,
General Counsel, and Vice-General Manager.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, this is an important debate and discussion, but I ask unanimous consent to speak on a different topic and have it count against the 30 hours.

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

GUARANTEED VETERANS HEALTHCARE

Ms. STABENOW. Mr. President, I had hoped at this time to come to the floor to vote on an amendment that I introduced with Senator TIM JOHNSON and other colleagues, to make sure that veterans health care funding is, in fact, secured and stable for the future through an amendment which was supported by the American Legion—by many groups—the Disabled American Veterans, Blind Veterans of America, Jewish War Veterans of the USA, AMVETS, Veterans of Foreign Wars, Paralyzed Veterans, Military Order of the Purple Heart, Vietnam Veterans—all of whom want us to pass the Stabenow amendment which would make veterans health care funding mandatory, reliable, rather than having the situation we are in with the VA coming to us with a shortfall right now and asking for emergency funding, then a debate on what we are going to do for next year.

This is a very important amendment. It was pending prior to the vote on whether to invoke cloture, or to bring one level of debate to a close. If cloture had been invoked, this amendment would not be in order to be voted on. It would not have been in order, which is why, among other reasons, I voted not to proceed to invoking cloture.

There are a number of very important amendments that address the needs of our troops and their families, and other important issues about keeping us safe, securing nuclear materials, and other critical issues that were brought forward by colleagues on both sides of the aisle. These are amendments that need to be debated and included, in many instances, I would say, in the Defense reauthorization bill.

I am deeply disappointed that instead of proceeding with that work and getting it done in the next day or two, which we on this side of the aisle committed to do—our leader indicated we would commit to stay here and get that work done—instead of doing that, we saw the leadership put this aside and go to another issue that is of concern, I know, to the gun industry.

But we are at war. We are at war. We have men and women who need our best efforts, both those who are our troops serving us, as well as those who have a veteran's cap on right now who have served us in other wars or come home from Iraq and Afghanistan.

I want to speak to the Defense authorization bill which I strongly support, as well as the amendment that I hope we will return to when we come back to the Defense bill. I hope it will be very quickly because our men and women in the armed services are counting on us to get the work done and make it the best product we can possibly make it in terms of our national defense and the Defense reauthorization.

I do support the 2006 Defense authorization bill. I believe providing the equipment and resources our service men and women need to do their jobs is one of our most important responsibilities, which is why I wish we were debating that right now. This duty is especially important, as I said before, in a time of war. As everyone knows, our men and women in uniform are under tremendous stress as they either prepare to deploy or are currently serving their country in Iraq and Afghanistan. I am pleased the Defense reauthorization bill will authorize a 3.1-percent pay raise for military personnel and provide $70 million in additional funds for childcare and family assistance services for our military families.

I know Senator MURRAY has an additional amendment that relates to supporting families and childcare, which I think is very important.

Foremost in the minds of the men and women in uniform with whom I

visit is the safety and security of their families. The bill that was pulled in order to have this debate on gun manufacturers is a bill that also authorizes $350 million in additional funding for up-armored vehicles, and $500 million for the Improvised Explosive Device Task Force.

It also continues our strong support for the Nunn-Lugar cooperative threat reduction programs that work to keep weapons of mass destruction out of the hands of terrorists—an incredibly important effort that needs to be fully funded and receive our full commitment in every way.

These and other important provisions of this legislation will help make our country safer, make our troops safer and more capable as they serve us abroad.

I met with men and women from Michigan and across the country who are recovering at Walter Reed Army Medical Center. Some have suffered minor injuries that will not have a dramatic impact on the rest of their lives. Others, because of their injuries, will need years of rehabilitation and will face considerable obstacles as they return to their civilian lives. We owe these men and women our continued support so they can recover from their injuries and lead productive lives.

Today's soldiers are tomorrow's veterans. America has made a promise to these brave men and women to provide them with the care they need and deserve. They deserve the respect and support of a grateful nation when they return home. We also owe it to the men and women who have fought America's prior conflicts to maintain a place for them in the VA system so they can receive the care they need. We need to keep our promises to our veterans, young and old.

Today, I was privileged to participate in a press conference before the question came up about closing debate on these kinds of amendments. I was pleased that the current National Commander, Tom Cadmus, who is from Michigan, was there representing the American Legion. There were numerous other veterans organizations represented, as I listed earlier in my comments. All of them were saying to us: Let's stop this taking from one pocket to put in the other, taking from Peter to pay Paul, with our veterans. Let's keep the promise of veterans health care, period, and put veterans health care into a category that will allow that to happen on an ongoing basis.

I believe we must consider the ongoing costs of medical care for America's veterans as part of the continuing costs of national defense. The long-term legacy of the wars we fight today is the care for the men and women who have worn the uniform and been willing to pay the ultimate price for their Nation.

Senator JOHNSON and I and other colleagues are offering this amendment, which is currently still pending on the Department of Defense reauthorization, to provide full funding for VA health care to ensure that the VA has the resources necessary to provide quality health care in a timely manner to our Nation's sick and disabled veterans. The Stabenow-Johnson amendment provides guaranteed funding for America's veterans from two sources. First, the legislation provides an annual discretionary amount that would be locked in future years at the 2005 funding level. Second, in the future—and importantly—the VA would receive a sum of mandatory funding that would be adjusted year to year based on changes in demand from the VA health care system and the rate of health care inflation. In other words, it would depend on the number of veterans rather than this arbitrary debate now on inflationary increases.

We know the current formulation has not worked because the VA tells us that they are over $1 billion short now in funding for health care services for our veterans. I think that is absolutely inexcusable, and it needs to be fixed permanently. The amendment that we have offered creates a funding mechanism that will ensure that the VA has the resources it needs to provide a steady and reliable stream of funds to care for America's veterans, and it will also ensure that Congress will continue to be responsible for the oversight of the VA health care system, as it does with other Federal programs that are funded directly from the U.S. Treasury.

In fact, this amendment would bring funding for veterans health care into line with almost 90 percent of the health care funding that is provided by the Federal Government. Almost 90 percent of federally funded health care programs are in the mandatory category, not discretionary. Why in the world would we say to our veterans they don't deserve the same kind of treatment in terms of the Federal budget for mandatory spending that other programs receive, such as Medicare and Medicaid?

The amendment also requires a review in 2 years by the Comptroller General to determine whether adequate funding for veterans health care was achieved. Depending on the outcome of this review, Congress would have the opportunity to make changes to the law to ensure that veterans receive the care they deserve.

The problem we face today is that resources for veterans health care are falling behind demand. In other words, we are creating more veterans than we are covering under our health care system. Shortly after coming into office, the President created a task force to improve health care delivery for our Nation's veterans. The task force found that historically there has been a gap between the demand for VA care and the resources to meet the need. The task force also found that:

> The current mismatch is far greater . . . and its impact potentially far more detrimental, both to the VA's ability to furnish high-quality care and to support the system to serve those in need.

The task force released its report in May of 2003, well before we understood the impact of our men and women fighting in Iraq and Afghanistan, and what that would mean to our veterans' health care system. If this mismatch between demand and resources was bad in May of 2003, imagine what it is today. That is why we see this gap. That is why we need to address—and the Senate has now passed, twice—$1.5 billion for emergency spending for veterans health care.

Over 360,000 soldiers have returned from Iraq and Afghanistan, and over 86,000 have sought health care up to this point from the VA.

There are an additional 740,000 military personnel who served in Iraq and Afghanistan. They are still in the service. This next generation of veterans will be eligible for VA health care and will place additional demands on a system that is already strained.

In addition, each reservist and National Guardsman who has served in Iraq is eligible for 2 years of free health care at the VA. I support that. The administration has in its own way admitted that they do not have sufficient resources to provide adequate care for America's veterans. While they would not until recently admit that there was a shortfall, they have for years attempted to ration care and cut services at the expense of our Nation's veterans. This is just not acceptable.

In 2003, the VA banned the enrollment of new priority 8 veterans. For the past 3 years I fought attempts by the administration to charge our middle-class veterans a $250 enrollment fee to join the VA health care system, and a 100-percent increase in prescription drug copays.

This year the administration also proposed slashing Federal support for the State veterans homes from $114 million to $12 million. The heads of the Grand Rapids Home for Veterans and the D.J. Jacobetti Home for Veterans in Marquette tell me these cuts would be devastating to them in serving our veterans in Michigan. The fiscal year 2005 and 2006 VA health budgets are a case study in why Congress should guarantee reliable and adequate resources through direct spending. Last March, the President submitted an inadequate fiscal year 2005 budget request for VA health care to Congress. That fell $3.2 billion short of the recommendation of the Independent Budget, which is an annual estimate of critical veterans health care needs by a coalition of leading veterans organizations. In fact, in February 2004, Anthony Principi, then the Secretary of the VA, testified before Congress that the request the President submitted to Congress fell $1.2 billion short of the amount he had recommended. It then fell to Congress to again increase the amount provided to VA for health care. The final amount Congress provided to the VA for health care was $1.2 billion over the President's request. While above the President's request, it was

still not enough to meet the immediate needs.

In April of this year, I supported an amendment by Senator MURRAY to the fiscal year 2005 supplemental to Iraq and Afghanistan to provide $1.9 billion for veterans medical care, specifically for those veterans returning from Iraq and Afghanistan.

During the debate on the amendment, we were again told that the President's budget was sufficient. In fact, on April 5, Secretary of Veterans Affairs Jim Nicholson sent a letter to the Senate that said:

> I can assure you that the VA does not need emergency supplemental funds in the 2005 budget to continue to provide timely quality service. That is always our goal.

Mr. President, since April the story has changed, and we now know the truth.

On June 23, 2005, the VA testified before Congress that they forecasted a 2.5-percent growth in demand—in other words, more veterans, as we have all been saying, more veterans coming into the system—when in fact the increased demand this year is 5 percent. They said 2.5 percent; it actually was 5 percent. This has left the VA with a $1 billion shortfall. I was proud to support an amendment the following week to the Senate's Interior appropriations bill that provided an additional $1.5 billion for veterans health care. The following day, on June 30, the House passed emergency supplemental legislation that would cut this by $575 million, in line with the President's request.

At the time, our friends in the House suggested that the Senate was making up numbers. In fact, we wanted to be sure that the VA had enough funds to cover the shortfall and to cover any potential shortfall of next year. As it turned out, we received more bad news from the administration a couple weeks ago, on July 14, when the administration requested another $300 million for this year and a whopping $1.7 billion for next year. The total shortfall for this year and next now stands at nearly $3 billion.

The Interior appropriations bill is currently in conference. I am hopeful that the bill will include $1.5 billion for this year, as the Senate has twice unanimously supported. Further, last week the Senate Appropriations Military Construction and Veterans Affairs Subcommittee, under the able leadership of Senator HUTCHISON and Senator FEINSTEIN, included extra funding to cover the 2006 shortfall in VA health care.

Mr. President, I recall all of these events to make two points. First, it is clear that the demand for VA health care is increasing, and a good portion of this increase can be attributed to men and women seeking care after they have returned from Iraq and Afghanistan. Second is to show that despite the best intentions of the VA and Congress, the VA does not have a reliable, and dependable stream of funding to provide for veterans health care needs. We should not have to pass an emergency funding bill to give our veterans the health care they have earned.

Imagine that. It is not acceptable. It has been over a month and Congress has still not resolved the $1.3 billion shortfall in VA medical services for this year. We owe our service men and women more than that.

In 1993, there were about 2½ million veterans in the VA system, and there are more than 7 million veterans enrolled in the system, over half of which receive care on a regular basis today. Despite the increase in patients, the VA has received an average of a 5-percent increase in appropriations over the last 8 years. At last count, at least 86,000 men and women who have returned from Iraq have sought health care from the VA, and we can safely assume this number will reach hundreds of thousands. This bill gives the resources our troops need to prepare and defend our country in Iraq. We must not forget them when they come home. We have an obligation to keep our promises to our veterans.

Mr. President, I am very hopeful that we will quickly return to the Defense reauthorization bill and have the opportunity to show our veterans all across America that we will permanently keep our commitment to them by passing the Stabenow-Johnson amendment. There are other important amendments that remain in front of us now because we have discontinued the opportunity for us to improve on this bill, a bill I support, but a bill that needs to be the very best that we can do for our men and women serving us today and for our veterans. I hope we will quickly return to it and that we will get about the business of continuing to work on these critical amendments and quickly bring this to a close. And we can do it this week if there is the will to do it so that we provide the very best to our men and women in service and those who have come home and put on the veterans cap.

Mr. President, I yield the remainder of my time under the 30 hours to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. First, let me thank the Senator for yielding the time. I appreciate that very much. I want to make some brief comments.

My colleague and friend from Alabama made reference to the Beretta Company and apparently their concern about legislation in the District of Columbia. I want to make a few points to clarify what I believe the context of this letter from Beretta is. First, the District of Columbia Council apparently passed strict liability legislation which is an example of an elected body, not a judge, making up laws. We might disagree with them, but the point is that this is an elected body doing this; this is not judge-made law. As I understand it, the Court of Appeals for the District of Columbia simply upheld the statute. They acted appropriately, procedurally correct, and the statute is in force. I do not know if this is the intent of the suggestion, but a lot of the debate today has been about letting legislators and legislatures do their jobs without defying the court. In this situation of Beretta, that is exactly what happened. The DC Council acted, the court of appeals said we have no reason to disagree substantively with what you have done and the law stands.

But I think there are much more important points to be made in the context of this legislation. The proposed legislation is not simply attempting to eliminate claims of strict liability against gun manufacturers, gun dealers, and trade associations. It goes all the way to wiping out a broad array of negligence claims. And the essence of negligence is that the defendant, or the one who is being accused of negligence, must fail to perform some duty, the duty to the injured party.

There has to be some personal action, not simply doing something that has been legislatively ruled to be wrong. In that context, one can look at the concerns of the Beretta Company about strict liability much differently than in this legislation, and I think it would be wrong to assume and argue that because they are concerned about strict liability applied entirely to the legislation before us.

Now I assume they oppose the legislation. But the issue is much broader than strict liability; it is negligence. It is not a situation where a manufacturer or an individual will be held liable for something they never did. The essence of negligence is you have to fail to perform a duty, and that is at the heart of the legislation before us, providing broad exemptions and immunities for gun dealers, gun manufacturers, and trade associations whose own conduct would at least lead to allegations in court of negligent behavior.

I wanted to make those two points, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask to speak on a nongermane topic for approximately 10 minutes.

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

Mr. SESSIONS. Mr. President, reserving the right to object, the time would be counted against the 30 hours; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. No objection.

Mrs. MURRAY. I thank the Chair.

BRIAN HARVEY

Mr. President, I rise this afternoon to honor Brian Harvey. He is a loving husband, father, grandfather, teacher, advocate, and a hero in the fight to protect Americans from deadly asbestos.

Anyone who has followed the debate over asbestos in Congress will immediately remember Brian for his booming voice, for the way he could capture the attention of every person in a packed committee hearing room and for his commitment to saving lives and bringing victims the justice they deserve.

This picture shows him doing what he did best: urging Congress to ban asbestos and to protect victims. Brian Harvey is my hero.

Mr. President, it is my sad duty today to report to the Senate that Brian passed away on Friday, July 22. Today, I want to extend my condolences to his entire family, including his wife Sue, his daughter Valerie, his stepchildren Ethan, Anne, and Amy, and his three grandchildren. But mostly I want to share my thanks that Brian was given more time on this Earth than many asbestos victims and that he used that time to help others.

I was very lucky to work with Brian over the past 3 years. We came together at an important time in both our lives and in the history of congressional action on asbestos. Back in 2002, Brian was defying the odds in fighting mesothelioma and looking for a way to share his experience and to help others. At the same time, I was 1 year into my effort in the Senate to ban asbestos.

I was surprised and horrified to learn that asbestos was still being put in lots of commonly used consumer products on purpose. In my research, I learned about the deadly toll of asbestos diseases and about the lack of prevention, research, and treatment. I wrote a bill to address those critical needs. I was very proud to have Brian Harvey at my side and at the podium as I introduced that bill in June of 2002.

Brian Harvey is my hero because he never hesitated to stand up and speak truth to power. Whenever we had a hearing or press conference, whenever Senators needed to understand the horror of asbestos disease, whenever my legislation needed a little boost or a powerful push, Brian Harvey was the first person on a plane from Washington State all the way here to Washington, DC.

Like so many asbestos victims, Brian was exposed to asbestos through no fault of his own. Brian grew up in Shelton, WA, and like me he attended Washington State University. During his summers back in college, Brian worked at a paper products mill in Shelton, WA. That is where he was exposed to asbestos fibers, but the damage of that exposure would not be revealed until three decades later.

In September of 1999, Brian experienced shortness of breath and fatigue. He was diagnosed with mesothelioma, and the odds were stacked against him. Most people diagnosed with mesothelioma who do not receive treatment die within 8 months. Those who do receive treatment increase their life expectancy to an average of only 18 months. Overall, a person's chance of surviving 5 years is 1 in 20. Brian lived 6 years after being diagnosed. He was truly one in a million.

Brian Harvey was lucky in many ways. He was diagnosed early. He got experimental treatment at the University of Washington. He had skilled doctors and medical professionals, and he had the support of his entire family and many friends. Many asbestos victims are not that lucky. Brian recognized that, and he used the time he was given to speak up for others whose lives and families have been torn apart by asbestos.

Brian Harvey is my hero because he did not despair about his own personal challenges. Instead, he shared those challenges with all of us, helping us to understand the threat and to inspire change in our public policy. And he did it with an actor's presence and a deeply human personal touch. Brian used to say to me that the left side of his body was made of Gore-Tex. And it was. But that did not explain Brian's toughness or his determination.

That came solely from his heart.

Brian Harvey is my hero because he made a difference. He pushed Congress to treat victims fairly and to ban asbestos. While that work is still a work in progress, Brian's voice and passion echo as loudly today as they did that day 3 years ago when he stood beside me as we introduced the bill for the first time. Brian Harvey is my hero because in the face of so many challenges that could have drained his energy, he found the strength inside to fight the good fight.

Every time I stood up for asbestos victims, Brian Harvey was at my side. He was there on June 28, 2002, when I first introduced my bill. He was by my side in June of 2003 when we stood together to call for fairness for asbestos victims. On March 5, 2003, Brian testified before the Senate Judiciary Committee, and with his passion and power he called for increased detection and fair compensation for asbestos victims. Three months later, on June 24, 2003, the Judiciary Committee included my ban in its reform bill. On March 25, 2004, at a press conference to call for passage of my bill, Brian Harvey was there as well.

It is very hard for me to picture the next hearing or press conference without Brian standing by my side. But I will continue the fight. When Brian and I met 3 years ago, the odds were against both of us. The medical odds were against Brian. Every day for him was a triumph. And the legislative odds, the chance we could pass a bill, were against both of us. We have made progress, but we are not there yet. I know it will be harder without Brian's advocacy, but I also know he has done so much to bring that goal now within reach. I know eventually we will ban asbestos, we will ensure victims are treated fairly, we will find new treatments for asbestos disease, and we will protect future generations from this epidemic. When that day comes, all of us will have Brian Harvey to thank.

Again, I extend my thoughts and my prayers to Brian's lovely family and his many friends. Last week, when Brian was in the hospital, I spoke to his wife Sue and his daughter Anne. Brian was not well enough for me to speak with him, but I talked to the nurse at his bedside. I asked her to tell Brian something that I have always wanted him to know: You are my hero. Brian Harvey was given extra time on this planet to help other people. That is exactly what he did. Brian Harvey will always be my hero.

I yield the rest of my time to the Senator from Rhode Island.

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

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

TRAGEDY AT THE BOY SCOUT JAMBOREE

Ms. MURKOWSKI. Mr. President, when people ask me what is the best thing about Alaska, I can talk about the mountains, I can talk about the trees, I can talk about our great salmon. They are all very wonderful, very special. But the very best thing about Alaska is its people. The spirit of voluntarism and civic engagement is what makes Alaska one of the best places in the Nation to live and to raise families.

Alaskans not only invest their time and energy in their own children, they also invest it in the development of their neighbors' children. This spirit of giving manifests itself in the thousands of hours that adult volunteers contribute to youth activities, such as Scouting.

Scouting enriches the lives of young people in many parts of my State because adult volunteers give generously of their time to work with our young people. My two boys have proudly participated in Scouting in the Mat-Su Western District as members of Troop 176 in Anchorage. I am very proud of the opportunities they have through Boy Scouts.

Now, as we know, last evening there were four adult volunteers who were associated with the Western Alaskan Council of the Boy Scouts of America who lost their lives at the Boy Scout Jamboree which is taking place at Fort A.P. Hill near Fredricksburg, VA. Accounts in the newspapers this morning back home in Anchorage were riveting,

tragic, and I think they hit all of us in a place in our heart we are always going to remember.

Mr. President, the four gentlemen who were killed last evening were:

Ron Bitzer of Anchorage. Ron and his wife Karen had just recently made the decision to move out of State. They were selling their home, and they were going to be moving out of State.

Michael LaCroix, who I had the privilege of working with on the Boys & Girls Club board. Mike was a small businessman and owned a very successful business in Anchorage. He was with his son here in the jamboree.

Michael Shibe of Anchorage was also here with two of his sons, twin boys.

The fourth individual was Scott Powell. Scott moved from Alaska, as I understand, just last year. He had served for more than 20 years as the program director of Camp Gorsuch, which is the Boy Scout camp in Alaska.

In my office today, we were talking about Scott Powell and the recognition that just about every Boy Scout in Alaska and the moms and dads who go either to help out at the camp or go there for the end-of-camp ceremonies knew, recognized, and loved Scott Powell. He touched the lives of countless Alaskan youth.

All of these gentlemen are going to be terribly, terribly missed.

Another Alaskan volunteer, Larry Call, of Anchorage, was injured in the incident. We understand he is hospitalized. Of course, we are praying for his speedy recovery.

I do not intend to dwell this afternoon on the tragic details of what has happened. The fact is, these men are heroes and should not be remembered for the way they lost their lives but for how they lived their lives. This is a phrase that was coined by Vivian Eney, the widow of a U.S. Capitol Police officer, who lost her husband in a sudden and unexpected training accident.

The four Scout leaders who we pause to think about today will be remembered for the way they lived their lives. They will be remembered as heroes for the service they gave to the young people of Alaska.

At this time, Mr. President, I ask unanimous consent that the Senate observe a moment of silence so we may reflect upon the events that occurred last evening and so we may also express our love and our support for the Scouts and their family members.

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

(Moment of silence.)

Ms. MURKOWSKI. Mr. President, my message to the families of these five outstanding leaders and to all of the Boy Scouts in Alaska and around the world is simple: Please know that the Senate and, indeed, the Nation grieves with you on this very difficult day.

I thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator MURKOWSKI for her eloquent remarks and for taking this opportunity to reflect on the contribution of these Boy Scout leaders to the moral and spiritual and emotional and psychological maturation of young boys.

The truth is, young boys today are having a harder time than girls in relation to their graduation rate from college, their crime rate, their imprisonment rate. There are other problems occurring in boys. Boys are struggling in our society today.

I am a strong believer in the Boy Scouts. I thank so much the Senator from Alaska for her kind remarks. I had the honor to be an Eagle Scout. Every Thursday night, a group of us from Hybart, AL, met in Camden, AL, which was 15 miles north of Hybart. Hybart was just a little crossroads community. My father had a country store. There were a couple little stores. People were farmers and carpenters and worked at the railroad or whatever.

There were nine boys there. Of those nine boys, eight became Eagle Scouts. I don't think a single one had a parent who graduated completely from college. One became a Life Scout, he almost became an Eagle Scout. And as I think of those kids with whom I grew up, they did well. One is a Ph.D. now, teaching at the University of South Carolina. One is a dentist in Charleston. One is a medical doctor, Johnny Hybart from Hybart. He is in Pensacola now, working at the hospital there. Bob Vick is a CPA. Pete Miles is an engineering graduate and a former plant manager at a major corporation. And Andy and Greg Johnson both graduated from college, one in engineering and one in business, and are very successful. Mike Hybart graduated with a horticulture degree from Auburn and is in the real estate business now.

It was a great pleasure for me to participate as a member of Troop 94 in Camden. As the Senator from Alaska read the names of Michael Shibe and Michael LaCroix and Ronald Bitzer and Scott Edward Powell, who were killed serving their boys, I thought of people who meant so much to me: John Gates and Peyton Burford and Billy Malone and Dean Tait, and quite a number of others, and Rev. Frank Scott, my Methodist preacher who traveled with us on trips, and how much that meant to me and us as a community and how it shaped our lives in ways that are really unknowable.

I also remember the most exciting trip I ever took; it was with Troop 94 and we stayed at Fort A.P. Hill, Camp A.P. Hill, I believe it was called at the time. As our troop came to Washington, I do not think a single member of the troop had ever been to Washington. We were from rural Alabama. Our leaders decided it would be a big trip, and everybody planned it for a year or more, and we came up.

Our Scoutmaster, Mr. John Gates, was quite a leader, and Peyton Burford and the team of adults made it a highly successful trip. It was in the springtime, as I recall, and I do not think they had hot water at A.P. Hill. It was cold water, but they made you take a shower. We stayed in the old barracks that were vacant at the time. The Army was very helpful to us in making that facility available. We were able to use it as a base to come in to Washington and to tour the area during a trip that was very, very, very meaningful to me and to others.

I have on my mantlepiece in my office here in Washington, on this very day, a picture of that troop with all those kids—60 or more, I guess it was. A big chunk—maybe 12 or 14—at that time were Eagle Scouts, and more than that became Eagle Scouts.

It was a very, very important part of our lives. The key to it was good leadership. Our leaders, as those leaders in Alaska, gave untold hours to make those events meaningful. If you were not a good leader, you would not be able to maintain a troop, and you would not be able to bring them from Alaska all the way down to A.P. Hill in Virginia as part of a Jamboree.

There are 32,000 Scouts at that Jamboree, I understand, with over 3,000 leaders present. It is a very important and good thing that at this very moment we think about the thousands and thousands of leaders in the Scouting program all over America who have meant so much to young people and have shaped their lives in so many positive ways that would not have happened otherwise.

When you go to your Scout meeting—every Thursday night, as we did—you say that oath: On my honor, I will do my best to do my duty to God and my country, to obey the Scout laws, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight.

Some find that offensive. I can't imagine why. What kind of objection could somebody have to ideals such as that. Every week you also recite the Scout laws. A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty—you don't hear that word much anymore—brave, clean and reverent. Those are good qualities. I don't see anything in those qualities that violates the Constitution or should in any way cause them to not be able to be supported by the military on their bases.

I am thankful that the majority leader, BILL FRIST, offered legislation to make crystal clear that Scouts will be able to participate actively on our military facilities as they have for so many years. Along with Senator REED—a graduate of West Point he is—I serve on the board of West Point with him. Senator REED chairs that board. I remember one of the briefings we had about the young people who graduate from West Point and go on to a military career. They said the two groups of graduates that had the highest reenlistment rate, the two groups that made the Army a career in the highest

percentage, were children of former military parents and Eagle Scouts.

There is some connection there, a connection in terms of duty and honor and commitment to country and to our creator in a way that is special. The Scouts and our military do share some ideals.

I thank the Chair for allowing me to share these remarks. I appreciate the Senator from Alaska so much for her tribute to these fine leaders who gave their lives in service to the young men under their supervision.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Texas.

Mr. CORNYN. Mr. President, I know we are currently debating the motion to proceed on S. 397, the Protection of Lawful Commerce in Arms Act. I am supportive of this legislation. I am happy to see 65 of my colleagues join me in invoking cloture today so we can reach resolution on the bill later this week. This is critical legislation for gun manufacturers, some of whom work in my State and employ hard-working Texans. It is important for our economy and for our national security. I plan to speak about this issue in greater detail later, but I wanted to take a few moments to address another urgent matter.

I ask unanimous consent to speak as in morning business, and that the time be discounted against the 30 hours.

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

IMMIGRATION REFORM

Mr. CORNYN. Mr. President, earlier today, Chairman SPECTER of the Senate Judiciary Committee convened a very important hearing addressing one of the most urgent matters confronting our Nation; that is, the need to fix our broken immigration system. I want to speak a few minutes about a proposal that I have made, along with my colleague from Arizona, Senator KYL, together representing two border States, ones that perhaps have the most experience with this issue because of our proximity to the border with Mexico.

In summary, this bill strengthens our border enforcement while it comprehensively reforms our immigration system. Unfortunately, the ongoing immigration debate has too often divided Americans of goodwill into two camps—those who are angry and frustrated by our failure to enforce the law, and those who are angry and frustrated that our immigration laws do not reflect reality. I have learned that those two groups, both of whom deeply care about America and are committed to building a system that works, share more in common than they or many other people actually realize. The only groups who benefit from the current system are human smugglers, unscrupulous employers, and others who profit at the expense of people who are trying to come into this country and work through illegal channels. Unfortunately, we know that those channels are being investigated and potentially exploited by those who want to come here to do us harm.

The reality is we need both stronger enforcement and reasonable reform of our immigration laws. It is my opinion that we, in the past, have not devoted the funds, the resources, or the manpower necessary to enforce our immigration laws or to protect our borders. No discussion of reform is possible without a clear commitment to—and a substantial escalation of—our efforts to enforce the law.

Over a series of months now, as chairman of the Immigration Subcommittee of the Senate Judiciary Committee, I have come to believe that increased enforcement alone cannot solve the problem. Any reform proposal must both serve our national security and our national economy. It must be capable of securing our country, but it must also be compatible with our growing economy.

As I mentioned a moment ago, as chairman of the Subcommittee on Immigration, I have worked closely with Senator KYL, who chairs the Terrorism Subcommittee of the Senate Judiciary Committee, to conduct a thorough review of our Nation's immigration laws. We have covered a wide variety of subjects, and we have had the opportunity to hear from a diverse group of experts. From an analysis of how the immigration system failed on 9/11, to the role of our neighboring countries in raising living standards in their home countries, our hearings have laid a foundation upon which we have developed a comprehensive solution, one that will not result in yet another immigration crisis some 10 or 20 years down the road.

We all know our immigration system has been broken for many years. First, the volume of illegal immigration continues to increase. According to the Pew Hispanic Center, there has been a dramatic increase in illegal immigration since 9/11, approximately 30% since 2000. That same organization estimates there are approximately 10.3 million illegal aliens in the United States currently.

Over the course of the 1990s, the number of illegal aliens increased by half a million a year, almost matching the number of visas that Congress has made available for legal immigrants. Last year alone, the Border Patrol detained roughly 1.1 million aliens who had come across the border. Professionals I have talked with on my travels to Texas and along the border, people whose experience and professionalism I trust, estimate that we are only detaining perhaps one out of every three or one out of every four people who are coming across our borders illegally.

Second, and for me the most alarming, is the information that suggests that terrorists and other criminals, including smugglers, are aware of the holes in our system. They may be—and I am confident that they are—looking at ways to exploit these weaknesses.

In recent visits in McAllen, TX, and Laredo, TX, I learned from people who have been long familiar with the movement of people back and forwards across our borders that the nature of illegal immigration has changed dramatically. The number of aliens from noncontiguous countries, sometimes called OTMs—in other words, people from countries other than Mexico—has doubled in the last year alone. Already this year the Department of Homeland Security has apprehended about 100,000 aliens across the southern border who are from noncontiguous countries.

While many of these individuals are coming from countries that you would expect, countries in Central and South America, many come from countries that have direct connections with terrorism. For example, we know that the Border Patrol has apprehended at least 400 aliens from countries with direct ties to terrorism.

Former Deputy Secretary of the Department of Homeland Security, Admiral James Loy, stated that ''entrenched human smuggling networks and corruption in areas beyond our boarders can be exploited by terrorist organizations.'' He went on to state that ''several al-Qaeda leaders believe operatives can pay their way into the country through Mexico and also believe that illegal entry is more advantageous than legal entry for operational security reasons.''

I believe the vast majority of the people who come to this country, even those who come outside of our laws, come here for understandable reasons. That is, people who have no hope and no opportunity where they live see this tremendous beacon of opportunity that America represents, and they want to come here to work and provide for their families.

At the same time, we have to acknowledge that our porous borders represent a national security vulnerability which can also be exploited by international terrorists. We know the current system benefits smugglers and all too frequently leads to the deaths of immigrants whose only crime was trying to find a better life for themselves and their families. Indeed, the greatest hazard to people who come to this country to find work is the fact that they have to, under current law, resort too often to an illegal entry into the country. They turn their lives over to people who care nothing about them and who are willing to leave them to die under the most extraordinarily bad circumstances. They must work for employers who can exploit them because they know they can't report labor law violations to the authorities. And they suffer criminal acts, such as domestic violence, and they must endure these acts because they believe they can't report the crime to law enforcement authorities or else they risk deportation.

I believe a reform proposal must encourage aliens to participate in the legal process, to live within the law.

Ultimately, after they have completed their time of work in this country, most will return home to their countries and to their families and to contribute to their societies in their homeland. And those who decide to live permanently must enter through the legal process.

When people who come to this country live outside of the law, they are vulnerable to exploitation and violence. They risk their lives, sometimes just to visit their families. I believe we must take away this black market from smugglers and others who exploit these vulnerable immigrants by addressing deficiencies in our current system.

Identifying problems, of course, is not the most difficult part of our jobs. If this were easy, someone would have already done it. It is not easy, but it merits our best efforts. The challenge that Senator KYL and I have assumed is to find a solution, to find workable results.

Last Wednesday, we introduced the Comprehensive Enforcement and Immigration Reform Act of 2005, a bill that we believe will restore America's faith in lawful immigration and will meet the needs of our country, both from a security perspective and from the standpoint of our growing economy which needs the work provided by many immigrants.

The bill is based upon certain principles. First, we have to reestablish the rule of law. Second, we have to enact laws that are capable of strong enforcement. That means they have to be realistic. Third, and most importantly, the law must be fair. If we address deficiencies in the current immigration process, then we must require that everyone who is here, even those who have come here just to provide for their families, must go through normal legal channels.

The good news is that our bill provides them a direction and a way to do that in a way that is not overly disruptive of their employment or of their family life. We believe it provides a path so that they can regain their status as legal temporary workers or, if eligible, as legal permanent residents.

The men and women who secure our borders at the ports of entry, and frequently at remote locations, should be commended for the job they do every day. But we have not provided them with the resources they need to be able to give them any reasonable chance of success.

Last week, the Senate approved the Department of Homeland Security appropriations bill, which, to the credit of the Senator from New Hampshire, Senator GREGG, included increases for border security and immigration enforcement.

Senator KYL and I have introduced a bill that we believe builds on that foundation. First of all, it authorizes 1,250 new Customs and border protection officers over the next 5 years. It calls on the Department of Homeland Security to hire 10,000 new Border Patrol agents over that same 5-year period. That same amount was authorized by Congress in the Intelligence Reform Act of 2004. It calls for the expansion of a process called expedited removal, which is a fair and effective system for quickly removing those who are ineligible to enter our country. Right now, we only use expedited removal in a few locations along the border. But our bill calls for the Department of Homeland Security to expand that process to all Border Patrol sectors, and we also provide for additional safeguards for aliens by requiring a supervisory official with the Government sign off on any removal.

Let me say a quick word about expedited removal. Right now, because of a lack of detention facilities, we have what is commonly called a ''catch and release'' program. For those we catch coming across the border illegally, a criminal background check is done to determine whether they are a threat to the American people; but if they don't appear on one of these watch lists or criminal background databases, they are released into the U.S. and asked to return for a hearing. It should not surprise any of us that this ''catch and release'' program results in more people not showing up than do show up, and those who show up for their hearing and are ordered removed then do not show up later when they are asked to report for their deportation process.

So that is the problem that we simply have to remedy. And I believe that expansion of the expedited removal process will deal with it in a way that is consistent with our laws and our values and our need for an effective border security program.

Our bill also addresses the release of aliens who come into the country from countries other than Mexico. It raises the minimum bond amounts for these aliens from $1,500 to $5,000. That means that fewer people from countries other than Mexico will be released, and those who are released will have a greater incentive to appear for their hearings.

Another important component of immigration reform is interior enforcement. We also need to deal with those who make it past the border and into the interior of our Nation. Tackling illegal immigration cannot be done in a piecemeal fashion. If we increase our ability to apprehend illegal aliens at the border, we must have a place to put them. Once detained, lawyers and judges are necessary to ensure that these people receive timely and fair hearings. Reform, therefore, must evaluate the whole enforcement process, and we must remove obstacles that appear anywhere in the process.

The goal is simple: If we apprehend someone who has no legal right to be in this country and is not entitled to any claim of asylum, then we must have an effective and efficient means to remove them from the U.S.

The bill Senator KYL and I have introduced will restore confidence in the system. First, it authorizes an additional 10,000 detention beds. Currently, there are only 23,000 detention beds. You will recall that a moment ago I said last year alone immigration control authorities apprehended 1.1 million people coming across our border illegally. Yet we only have 23,000 detention beds. That leads to what I described earlier as the ''catch and release'' program, which has proven to be completely unworkable.

The intelligence reform bill called for an additional 40,000 beds over the next few years. The bill that we have introduced increases the total amount to 50,000 detention beds. Still, that is not enough to detain everyone who comes across the border illegally. That is where expedited removal comes into play—a process to remove aliens quickly so that we reduce the need for bed space.

Our bill also increases penalties for alien smuggling, document fraud, and gang violence by aliens. We know, as I said a moment ago, that the nature of the people coming across our border, through our porous southern border, has changed. We are seeing many people who are violent gang members coming from places in Central America. We know that people are coming from Asia and from Europe, all around the world, and they are transiting through Mexico.

Alien smugglers are the people that make that happen. We have learned that they consider human beings to be just another commodity. They are just as likely to smuggle arms, drugs or anything else that will make them money. We need to make sure that we crack down on these alien smugglers that facilitate this intrusion into our country illegally and show that we are committed to tough punishment. Our bill accomplishes that.

We provide greater tools for the Department of Homeland Security and the Department of State to require that countries accept their own citizens back if they violate our immigration laws and they come into our country illegally.

Our bill also clarifies the authority of State and local officials to enforce immigration laws and authorizes the reimbursement of local and State officials for costs they incur in enforcing Federal immigration law.

Recently, I traveled to Victoria, TX, and met with a group of sheriffs down there. It so happened that the Minutemen who first organized in Arizona were organizing in Goliad, TX, and local law enforcement officials were concerned about having these citizen volunteers engage in what essentially is a law enforcement process. They said to me:

> If the Federal Government would provide us additional resources, we would be glad to help. We need some training, but we would be glad to be cross-designated, if that is important, to enforce both Federal immigration laws as well as State and local laws. We would be glad to detain them in our local jail

facilities pending their hearings, if necessary, but it is going to take a little help from the Federal Government.

I told them that I welcomed their offer to assist because I believe interior enforcement performed by many of these local law enforcement officials is an important part of this puzzle.

Our bill also creates a new senior-level position at the Department of Justice committed to immigration enforcement.

The third piece of the enforcement puzzle deals with the employment of undocumented immigrants. The Congressional Research Service estimates that out of the roughly 10 million people who have come into our country in violation of our laws, about 6 million are currently in the workforce. I believe that a vast majority of employers simply want an effective, user-friendly way to comply with the law. In other words, they want a way to determine whether the person who shows up in their place of business saying ''I would like to work for you'' is in fact legally authorized to work in the United States. We must ensure that we provide them an efficient, easy-to-use system that is airtight.

The example I often use is the following: if I show up at a convenience store and buy something, I can present my debit card or Visa or Master Card. In a matter of seconds, the clerk can swipe the card and it can authorize that purchase using modern technology. Why can we not use something similar—maybe with a few more bells and whistles—to allow employers to determine whether a person they want to hire is in fact eligible to work?

Since 1996, the Government has been testing an electronic verification system that provides instantaneous confirmation of an individual's authorization to work in the United States. Our experience with this program tells us that it can work but only if we give it sufficient resources. Our bill calls for an expansion of this electronic verification system and requires all employers to participate.

But while we make sure that there is a way for employers to check, we also have to make sure we crack down on employers who continue to operate in the black market of illegal labor. We have to crack down on the criminals who sell and who create fake identity documents and Social Security cards, which can also be exploited by terrorists.

Because our bill will create bright-line rules for employers, companies will be able to know whether they are in compliance or not. That is an obligation we owe them. If we are going to ask them to comply with the law, we have to give them a clear and simple way to do so. Our bill will further reduce identity theft and fraud by increasing the penalties for false claims to citizenship or for filing false information with the Social Security Administration. It requires Social Security cards to be more secure and it imposes standards for the issuance of birth certificates, so someone may not simply counterfeit these documents and make a false claim to citizenship.

Our bill also imposes certain obligations on countries who would like to make their citizens eligible to participate in this program. This would address another big challenge that we have, and that is the development gap between the United States and other countries.

We, along with those other countries, have an interest in ending the one-way flow of workers, which only results in the drain of highly motivated workers from those countries and further impedes their development. Our proposal would not only require the sending countries to assist with border security, but it will require them to cooperate with the United States in bridging the development gap between our country and theirs. Foreign Minister Derbez of Mexico has said that ''[T]he Mexican government has to be able to give Mexicans . . . the opportunity to generate the wealth that today they produce in other places.''

I could not agree more. Other countries need for their young, energetic risk-takers and hard workers to ultimately return home, to bring back to their countries the savings and skills they have acquired in the United States.

The bill we have introduced will require countries to enter into an agreement in which each country agrees to cooperate on border enforcement, to work to reduce gang violence and smuggling, to provide information on criminal aliens and terrorists, and to accept the return of nationals whom the United States has ordered removed.

Lastly, let me cover the temporary worker program. I mentioned a moment ago that out of the 10 million or so people who have come to this country illegally, about 6 million are in the workforce. I believe the fact is many of these immigrants have come here to provide for their families, something all of us as human beings can empathize with and understand. Who among us would not do anything in our power, risk life itself, to provide for our families, even if it happened to be outside of our laws?

We know many jobs being performed by immigrants in this country are jobs American citizens are reluctant to fill. I can only think about roofers working with hot asphalt in south Texas during August as the one example of that kind of job. Whether it is that or picking agricultural products, there are a lot of jobs, unfortunately, that Americans simply are reluctant to fill. We know we have a need for the work provided by many immigrants.

What we provide for in our bill is a temporary worker program. That is something I believe can best be characterized as a work-and-return program, not a work-and-stay program.

Some have said that is unrealistic, that you will never get people who come to the United States to agree to return. I guess we can all have opinions, but I have something even better than my opinion. The Pew Hispanic Center, a nonpartisan, impartial think-tank that looks at some of these matters, has done a survey of almost 5,000 Mexican immigrants who applied for matricula consular card, a Mexican identity card, at Mexican consulates in the United States. They asked migrants to fill out a 12-page survey, and one of the questions they answered was this: Would you agree to work in a temporary worker program in the United States if it was legally authorized, even though at the end of that time period you would have to return home to your country of origin?

By a ratio of 4 to 1, 71 percent to 17 percent, these immigrants said they would. I think that is solid evidence that people who are currently working in the shadows realize that they operate without the protection of our labor laws, without the protection of our criminal laws, and all too frequently they view law enforcement with suspicion rather than as an ally. They are looking for an opportunity to come out into the sunshine and to secure the protection our laws provide.

Our bill does create a new temporary worker category that allows workers who have a job offer from a U.S. employer to enter the country for a period of up to 2 years to work in the United States. Before the employer can hire the worker, the employer must advertise a position, offer it to any qualified American worker, and agree to pay at least minimum wage. The worker will go through background screening, will be issued secure biometric documentation, that they are who they say they are and are coming here to work and not for some other nefarious purpose.

We also create some financial incentives so that the worker, after the period of their temporary visa expires, will return home with the savings and skills they have acquired while working in the United States.

I talked moments ago about the Pew Hispanic survey. Circular migration is important both for the United States and for countries such as Mexico and the countries of Central America who are losing their young risk takers and the potential entrepreneurs, the people who are essential to the development of their own economy.

What economy could withstand the loss of the young men and women, the people who are going to be the engines of those economies and the prosperity of those countries? The public officials in Mexico and Central America with whom I talked do understand they need to have these people come back with the savings and skills they have acquired in the United States, so they can develop a way forward for their own people. In the end, it will benefit the United States because it will take a lot of pressure off illegal immigration if people can find hope and opportunity and good jobs in their own country.

Finally, let me address what perhaps is the hardest issue: the people who are here now who have come here outside of our laws.

According to the Pew Hispanic Center again, about a third of these individuals have been here for more than 10 years. So we do know that some have established roots in the United States, but we also know we have to find some way to transition this population into legal status. It must not, however, create a new path for people who have come here outside our laws. Our bill allows them to get back in line so they can return to the United States in a temporary worker program or, should they choose, as legal permanent residents.

But we do it in a way that is premised upon fundamental fairness. I believe there are many people in America who would be deeply offended if we said: if you come to this country through legal channels, that is nice, but we are going to allow people who have come here illegally to have a preference, and we are going to let them jump ahead of you in line.

Our bill provides a path for people to return to their country of origin and then, on an expedited basis, return to the United States. It will not be disruptive. To secure their participation, it may be necessary for them to know by the time they leave that they will be eligible to come back immediately once they secure the proper documentation. And we need to address processing delays so that they can obtain that proper documentation in a matter of days. If disruption is the only concern, then I see no reason why the model cannot minimize or eliminate that disruption.

This bill is a comprehensive bill, and I know my colleagues are as concerned as I am about finding a workable solution to this problem. I speak today to share with all of our colleagues, not just the people who sit on the Judiciary Committee and who participated in the hearing this morning, an overview of our proposal which I think has some real promise in achieving results.

I believe our constituents sent us here to represent them to solve problems, not to engage in partisan or otherwise divisive rhetoric designed to pick a fight. Our proposal is one idea about how we can find our way through this thicket, how we can thread the needle in a way that does not provide amnesty. I think our colleagues across the Rotunda in the House of Representatives will be open to discussing our proposal, for it is consistent with their principles of reform.

I thank the Chair. I thank the indulgence of my colleagues. I yield the remainder of my hour to the Senator from Alabama.

I yield the floor.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I am glad I had an opportunity to be presiding this afternoon and to hear Senator CORNYN speak. I appreciate his assuming the Chair for a moment so I could step down here and compliment him and Senator KYL for their work on this legislation.

They have introduced a comprehensive bill to improve our immigration system, focusing, as the Presiding Officer said in his remarks, on border security, on interior security, on employment accountability, and on a legal status for temporary workers.

I am glad they have taken the time to work on this program. We have talked about it many times over the last several months, and I know the hours they spent on this. I have not had an opportunity yet to see all the specifics of the bill, but I know the principles they are working on and I heard the speech. I believe in what they are trying to do, and I think it is terribly important that we as an entire Senate take this issue up and begin to deal with it.

We need to stop thumbing our nose at the rule of law and decide which persons from other countries should be allowed to work and study and live in our country and create a legal status for them, and then enforce the law. We must do that. It is hypocritical for us to go around the world preaching about the rule of law to other countries when 10 million people or so are living illegally in this country.

Our failure to solve the problem also unloads huge health and education costs on State and local governments and puts the immigrant population at risk.

So the Cornyn-Kyl bill stands for the rule of law by enforcing our borders and creating a solid temporary worker program so that we know who is here, and that they are here within a clear legal framework.

The people of this country expect us to deal with this issue. This is a difficult issue, but it is what we are sent here for: We are sent here to deal with the major issues facing our country, and I can think of no more important issue for us to deal with than upholding the rule of law by securing our borders, protecting our interior, and making sure that people we welcome to live here and work here are here legally, and that we then enforce the law.

But, as important as the Cornyn-Kyl bill is, we can do more. This bill enforces the borders and welcomes temporary workers. But we also need to do a couple of other things. One of the other things we need to do is to welcome foreign students, not just foreign workers. A second thing we need to do, with a half million to a million prospective citizens who come to our country legally every year, is to help them become Americans. We need to help them to become a part of this country whose most important accomplishment is admitting and welcoming people from all over the word, of every background, and helping those new citizens become something new—Americans who are proud of where they came from but prouder to say they are all Americans.

Foreign students who come to the United States to study at our colleges and universities are a boon not only to our educational system, but also to our economy and to our foreign policy. But after September 11, in an effort to increase our security—which is appropriate—we have been making it harder for international students to come to the United States. Earlier this year, the administration removed one important hurdle by extending the Visa Mantis process, which clears foreign students and researchers who are studying advanced sciences.

The Presiding Officer, Senator LUGAR, Senator COLEMAN, and I, and others have spent some time over the last year working with the administration on the question of foreign students coming to the United States. There were 570,000 foreign students who attended classes in the United States last year. Sixty percent of the postdoctoral students in the United States last year were foreign students. One-half of the students in our graduate programs in computer sciences and in engineering are foreign students. Many of these students are here working to help increase our standard of living. Many will return to their home countries after 4 years with a fresh perspective on our country and on what their own country could become.

When I visited the country of Georgia last March, which recently became a pro-Western democracy, I was reminded that most of the top officials there had been students in the United States of America. They were doing things there we could have never encouraged them to do. They were doing them because they came here and learned what it meant to be an American and were using those principles in their own country of Georgia.

Many other foreign students will stay here and, thanks to their studies, they will invent new products or start new businesses, and that creates jobs here at home. So we need to welcome these students when they are legally here in the United States.

Finally, we also need to do more to welcome and support legal residents who are working to become American citizens. Each year we welcome about 1 million new permanent legal residents, many of whom go on to become citizens of the United States. To become an American is a significant accomplishment. First, you must live in the United States for 5 years. Next, you must speak some English. Next, you

must learn about our history and government. Next, you must be of good character. Next, you must swear an oath to renounce the old government from where you came and swear allegiance to the United States of America and its Constitution. That is no small thing.

Between 500,000 and 1 million new citizens each year come in and complete that process and take that oath.

Earlier this year, Senator SCHUMER and I introduced a bill to codify that oath of allegiance that new citizens swear to when they become citizens. It is hard to believe that while the Pledge of Allegiance, the National Anthem, and the American Flag are all prescribed by law, we have been allowing the oath of allegiance, a binding pledge for new citizens, to be determined merely by Federal regulators. We can do more to welcome these new citizens.

In the near future, in September, I hope to introduce legislation that perhaps could become part of a comprehensive immigration bill. This legislation would provide new incentives and support for legal immigrants to learn English, our common language, and to learn about our Nation's history and government and values. I hope that effort to welcome new legal immigrants and to help them become a part of our American community will become a part of the Senate's overall approach to immigration reform.

Our country is unique in the world. We are not defined by common ethnic background or origin. We and our ancestors came from every corner of the world to be a part of this country because it was founded on something much bigger, much grander than ethnic heritage or a tie to the land. In the Declaration of Independence, our Founders wrote:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

This is what binds us together as Americans: a belief in our common values, values such as equal opportunity, the rule of law, and liberty. That is why we welcome immigrants who swear allegiance to our country and to those values as new citizens. That is why our Nation of immigrants has always succeeded and can succeed in the future.

If we are to continue to succeed, we must pass along these values that comprise our American identity—pass them on to posterity—both to our children and to those new citizens who come to our shores from distant lands.

In the coming months, this Senate will have a chance to reform our Nation's immigration policy. The Cornyn-Kyl legislation is a tremendously important first step toward a comprehensive immigration bill. It is one whose principles I support. I look forward to working with its authors as it moves through the Senate. I hope as we write this comprehensive immigration legislation, though, we also remember to welcome foreign students who add so much to our economy and spread our values to the world, and that we remember to welcome legal immigrants who wish to join the American family and help them learn our common language, learn our values, and become American citizens.

I hope the legislation that I will offer in September can help us along that track.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with Senator ALEXANDER in complimenting you and Senator KYL for the legislation that you have just described for us. The Senator from Texas, as I know, has taken the lead on this very important and complex subject. I salute you for it.

Some would say it is a thankless task, it can't be done, and will make nobody happy. But I believe you have the right principles. If the right principles are applied with the right prescriptive language, we can make great progress in this area, and I salute you for it.

Frequently have I quoted Senator ALEXANDER in the phrase he has used: No child should grow up in America who doesn't know what it means to be an American.

I think that is good for immigrants, too, as the Senator just said so eloquently. I salute him.

I also thank the Senator from Texas for considering a critical component of this legislation he has proposed, and that is the part that deals with State and local law enforcement. I have just written a Law Review article for Stanford University to deal with that area of the law. Suffice it to say, local law enforcement does have complete authority to detain people who are violating the criminal laws of the United States. But that has been confused. Clearing this up more, setting up a mechanism so that they can participate if they choose, would be helpful to enforcing the law. That is so because we have 700,000 State and local law enforcement officers at every street corner and town in America. We have only 2,000 INS immigration officers inside the border—not those on the Border Patrol and on the border, but those inside the border. So obviously we are not very serious about ultimately reaching a lawful system if we exclude them.

I thank the Senator from Texas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I ask unanimous consent to proceed as if in morning business and I be allowed to speak for up to 20 minutes.

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

BRAC

Mr. THUNE. Mr. President, last week I offered an amendment to suspend the 45-day congressional review of the President's final BRAC recommendations pending completion of several vital studies pertaining to long-range security needs in the implementation of BRAC and redeployment of many units presently deployed in Iraq and Afghanistan back to bases in the United States.

I also introduced a similar amendment yesterday that would allow Congress discretion to remove individual bases from the closure list based upon the findings of these studies and results of the redeployments.

There are two separate options, one of which I hope comes to the Senate for a vote. I underscore the assertions I made last week. The underlying purpose of the Base Realignment and Closure Commission, or BRAC, is not only good for our Armed Forces, it is good for American taxpayers. We all want to eliminate waste and reduce redundancy in the Government, but when Congress modified the BRAC law in December of 2001 to make way for the 2005 round of base closings, it failed to envision this country involved in a protracted war involving stretched manpower resources and the burden of large overseas rotational deployments of troops and equipment. This is not the time to begin a new round of domestic base closures and massive relocations of manpower and equipment.

I am aware, hearing that coming from a Member of Congress with a major base on the chopping block, that assertion may sound like another pitch to defend a home State parochial interest. Regardless of the outcome for my base, I am very concerned about how this BRAC round will affect our Nation's overall military posture, not only in South Dakota but around the country and around the world. This BRAC, in particular, has serious implications both in the short term, because we are engaged in a war, and in the longer term because of the need to preserve critical infrastructure as we enter a very uncertain future.

In essence, we cannot lose sight of the imperative of, in addition to saving money, perhaps the most critical goal of BRAC should be to maximize our Nation's warfighting capability. If we fail to follow that fundamental principle, the BRAC process will fail us and ultimately put this country at risk.

This BRAC, in particular, not only has serious implications, it raises serious questions, especially in terms of its timing. In the short term, our war in Iraq and Afghanistan has put great logistical strain on our Active military

and Reserve Forces in terms of both manpower and resources. The rotational deployment of personnel and assets to overseas areas of operation has disrupted normal training and maintenance cycles and left military families with uncertainty.

The drain of resources also raised questions as to our ability to respond to additional flashpoints if a crisis should arise elsewhere in the world. Yes, the military is performing its ongoing missions remarkably well under the circumstances, but is this the time to add to those commitments by initiating a massive reshuffle of personnel, equipment, and missions between bases all over the country?

In the long term, these recommendations may pose an even more serious risk to our security. As the DOD itself points out in the National Defense Strategy, published earlier this year:

> Particularly troublesome is the nexus of transnational terrorists, proliferation and problem states that possess or seek WMD, increasing the risk of WMD attack against the United States.

We simply do not know what dangers may emerge from military powers such as North Korea, China, Iran, or various rogue states in the next 20 years or more. The threat of terrorism directed against targets in this country should be indisputable after September 11.

There have been four prior BRAC rounds in the last 20 years. I believe it is readily apparent that the Pentagon's 2005 BRAC recommendations go beyond reducing excess infrastructure and would, instead, reduce critical infrastructure needed to fight the wars of the 21st century.

Prior rounds have been successful in pulling much of the low-hanging fruit and in reducing waste.

This round begins to cut into the muscle. I want to show you a chart from 1958, for example. You see there was a large number of Air Force bases in the northern region of this country. Air Force bases were dotted all across the northern tier of the United States: Up in the Northeast, North Central Plains, areas such as that—1, 2, 3, 4, 5, 6, 7, 8, 9, 10—a dozen Air Force bases or more in the northern tier of this country.

Today, take a look at how that has changed. One can plainly see how dramatically that number has been reduced and will be further reduced in the 2005 BRAC round.

You saw the previous chart from 1958. All those bases have been wiped out. There are three left in the northern tier of the country. This BRAC round would eliminate Ellsworth Air Force Base in South Dakota and make Grand Forks Air Force Base essentially a ''warm'' base, hopeful of an emerging mission but for all intents and purposes removes the principal mission that has been housed there for some time and leaves literally only one major Air Force base in the northern tier of this country.

Of course, one of the flaws I see in this BRAC is not only the stripping of our air and naval bases in the northern tier, but I seriously question what I believe to be one of the Pentagon's most apparent errors in judgment; and that is to consolidate high-value assets in fewer locations.

In light of the potential threats we face, I wonder whether we really want to discard a tenet of military doctrine that we have lived by for the past 60 years. It is called ''strategic redundancy.'' Put simply, it is the doctrine of dispersing high-value assets at different locations in order to prevent their complete destruction in a single attack.

If you look at the statement here, this is from the Air Force doctrine document, dated November 9, of 2004. It says:

> . . . it is easier and more effective to destroy the enemy's aerial power by destroying his nests and eggs on the ground than to hunt his flying birds in the air.

If you look at what the potential threats are we face going forward, and what it means to this Nation to have strategic redundancy, to have those assets dispersed in several locations around the country, and if you look at how that fits in with the Defense Department's own military strategy, you have to ask a question about some of the decisions that have been made in this particular BRAC round.

Let's look at what it says right here. Again, this is the Department of Defense, in its March 2005 National Defense Strategy, when it stated its goal of ''developing greater flexibility to contend with uncertainty by emphasizing agility and by not overly concentrating military forces in a few locations.''

I want to put up another chart. It has to do with principles and imperatives. Even in the Pentagon's deliberative briefing materials that outline those ''principles and imperatives'' of this BRAC round, it stated that the Department needed secure installations optimally located, that support power projection, sustain the capability to mobilize and ''that ensure strategic redundancy.''

Now, unfortunately, Secretary Rumsfeld's recent BRAC recommendations to consolidate some of the Nation's most valuable U.S. air and naval platforms at single installations would apparently abandon that basic tenet in favor of cutting costs.

Hopefully, we have not forgotten the shortsightedness we once had as a Nation before Pearl Harbor. Now, folks might dismiss such lapses as distant events from another time and another place that are not applicable to today's threats. See on this chart a scene from Pearl Harbor that took place 60-some years ago. Even in the DOD's Strategy for Homeland Defense and Civil Support, released a few weeks ago—and, incidentally, this is a partial completion of one of the amendment's conditions—it notes that ''a significant element of mission assurance is continuity of operations—maintaining the ability to carry out DOD mission essential functions in the event of a national emergency or terrorist attack.''

It also goes on to state that ''an attack on DOD facilities could directly affect the Department's ability to project power overseas.'' One well-positioned crater in a runway could ground the entire fleet of this Nation's B–1 bombers during an emergency, if they are all stationed at one location. It should always come back to the intuitive logic possessed by most Americans, and that is that we simply cannot allow analytical cost models to trump sound and proven security precautions.

Strategic redundancy, obviously, still has a place in our planning, as demonstrated in the Pentagon's own planning documents. Why was it not reflected in its BRAC recommendations?

Additionally, the risk of natural disasters is a constant reminder that we should not put all our assets in a single location. This chart shows a tornado that passed within 1,000 feet of the F–16s and B–1 bombers stationed at McConnell Air Force Base back in 1991. Tornadoes have wreaked havoc on Air Force bases in the past. The one I am going to show you in a moment is Carswell Air Force Base in Texas. We simply cannot afford to risk our Nation's security on the whims of a single deadly tornado that could destroy or damage an entire fleet of aircraft.

Finally, the GAO has also questioned the potential for cost savings estimated by the DOD, calling into question whether we want to risk our national security for questionable cost savings. want to read to you what it says from the GAO study:

> There are clear limitations associated with DOD's projection of nearly $50 billion in savings over a 20–year period. Much of the projected net annual recurring savings (47 percent) is associated with eliminating jobs currently held by military personnel. However, rather than reducing end-strength levels, DOD indicates the positions are expected to be reassigned to other areas.

As this implies, much of these cost savings are apparently illusory. To quote the distinguished chairman of the Armed Services Committee, Senator WARNER, during his testimony before the BRAC Commission, he said:

> Since 32 percent of BRAC savings come from personnel reductions, this calls into question the entire savings estimate—particularly since we are not reducing any meaningful force structure.

I want to show another GAO chart. The GAO questions, one, the lengthy payback periods; inconsistencies in how DOD estimated costs for BRAC actions involving military construction projects; and uncertainties in estimating the total costs to the Government to implement.

GAO estimates upfront costs of an estimated $24 billion to implement this round of BRAC. To again quote the distinguished chairman of the Armed Services Committee before the BRAC Commission, he said this:

> My observations are consistent with the testimony of witnesses and Congressional

delegations around the country to date who have presented the Commission firm evidence supporting similar observations of questionable data and an internal collapse of the quantitative analytical foundation in lieu of other guidance provided by senior defense officials. These observations are also consistent with issues raised by the Government Accountability Office in its July I, 2005, report to the Commission and to Congress.

Last week, when I was offering my amendment, the distinguished chairman, Senator WARNER, made what I believe was a reasonable argument, that by suspending the 45–day review period until these conditions are met would cause anxiety among some communities by not knowing their ultimate fate or delaying the process of redeveloping the base to civilian use.

Now, this may be the case for some communities, but I believe most communities desperately want to retain their bases because they are the lifeblood of their local economy. They would do anything—exhaust every possibility—to have these bases remain open. If anything, knowing that this Congress has done all it could to have all the answers before making such a decision I think is tremendously important to these communities.

I also challenge the perception made by many that these communities will have many opportunities to develop these closed bases and quickly restore their economy. This will probably not be the case in rural areas around bases like Ellsworth Air Force Base and Cannon Air Force Base.

Some communities may actually prosper from a base closing, where land for business or home development comes at a high premium and sells for thousands of dollars per square foot. Bases like Oceana, in Virginia, will have no difficulty putting the land to profitable use.

As you can see in this picture, Oceana is surrounded by a sea of development and prosperity. The base is up here. The entire area around it is completely developed. The land is worth lots of money.

But other bases, like Ellsworth, in my State, as you can see in this aerial photograph, are surrounded by miles and miles and miles of empty rangeland and have scant hopes of a booming development taking hold of the former base. There is little doubt that the nearby community of Rapid City would have no problems with the delay if it means ensuring the right decision has truly been made.

There are too many unanswered questions regarding our Nation's long-term security needs and the circumstances in which our military may have to operate in the future to make irreversible decisions for which we could pay a terrible price later. We will not be able to easily replace or position these installations and units once this BRAC is fully implemented and we discover we have made a colossal mistake.

Let's take a breath and slow down. My two amendments, offered as options, merely allow this Nation to have the full benefit of all the information we need before moving ahead to implement BRAC. The risk is too great.

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

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, if you could tell me the parliamentary state of affairs.

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to S. 397.

Mr. HATCH. Thank you, Mr. President. I rise in strong support of S. 397, the gun liability bill.

Now, this legislation is a necessary response to the growing problem of junk lawsuits filed, no doubt, in part with the intention of driving the firearms industry out of business.

These ill-advised suits attempt to hold manufacturers and dealers liable for the criminal acts of third parties, actions totally beyond the control of the manufacturer. These types of lawsuits continue to be filed in multiple States, seeking a vast array of remedies concerning the marketing of guns and alleged design flaws. And they continue to be flawed.

The White House, in its Statement of Administration Policy, summarized the current problem well. This is what they said:

> The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, sets a poor precedent for other lawful industries, will cause a loss of jobs, and burdens interstate and foreign commerce.

That is a heck of a good statement because that is exactly what will happen if we allow these types of suits to continue.

This bill does nothing more than prohibit—with five exceptions—lawsuits against manufacturers or sellers of guns and ammunition for damages ''resulting from the criminal or unlawful misuse'' of nondefective guns and ammunition.

Now, let me repeat that: ''resulting from the criminal or unlawful misuse'' of nondefective guns and ammunition.

This bill is not a license for the gun industry to act irresponsibly. If a manufacturer or seller does not operate entirely within Federal or State law, it is not entitled to the protection of this legislation.

Listen to a few comments from one judge who dismissed some of these suits. In Ohio, a judge dismissed a gun liability lawsuit, and the court of appeals affirmed this decision saying:

> to do otherwise would open a Pandora's box. For example, the city could sue manufacturers of matches for arson, or automobile manufacturers for traffic accidents, or breweries for drunk driving.

Now, there is no reason the gunmakers should have to continue to defend these types of meritless lawsuits. We must protect against the potential harm to interstate commerce here. The gun industry has already had to bear over $200 million in defense costs thus far. That is ridiculous. It is immoral. It is wrong.

This legislation is not without precedent. In the 106th Congress, legislation was introduced to address the possibility of junk lawsuits related to the Y2K computer problems. This bill sought to ''lessen the burdens on interstate commerce by discouraging insubstantial lawsuits.'' It sought to do so by preempting State law to provide a uniform standard for such suits. This bill merely seeks the same type of remedy using the same reasoning.

In the past, some have thrown out red herrings arguing against this bill and suggesting that negligent entrustment will be immunized. This is pure bunk. It is untrue. That argument doesn't deserve to see the light of day. Those who make it ought to be ashamed of themselves. The bill provides an explicit exception for anyone who supplies a gun to someone they reasonably should have known was likely to use that gun in a way that would injure another person.

Let me state that again. The bill provides an explicit exception for anyone who supplies a gun to someone they reasonably should have known was likely to use the gun in a way that would injure another person. The bottom line is that this is a reasonable measure to prevent a growing abuse of our civil justice system. We have had far too many abuses of that system. This is a chance for Members of this body to stand up and do something about it.

If we allow these kinds of suits to go forward with guns, then what is next? Holding manufacturers of knives responsible for stabbings? Holding manufacturers of baseball bats liable for beatings? We simply should not force a lawful manufacturer or seller to be responsible for criminal and unlawful misuse of its products by others.

Individuals who misuse lawful products should be held responsible, but not those who make lawful products.

We have had through the years a desire by some to put gun controls on all kinds of guns, even though the second amendment gives us the freedom to keep and carry arms. To be honest with you, it is an explicit provision of the Constitution. We should not allow any misuse of guns, but we should not allow a change in the Constitution by mere statute that takes away our right to keep and bear arms. That is a God-given right, in my book, especially in some of the areas of the country where people have to defend themselves. In my area of the country, we had to defend ourselves in tremendous ways throughout the whole history of the West.

To make a long story short, we should not be abusing honest, decent, law-abiding people who want to collect, shoot, target practice, hunt, and own guns. We have been through it before.

It is time to stand up and realize that the people who misuse guns are criminals. Those criminals should be prosecuted. But to make gun manufacturers responsible for the irresponsible acts of others, over which the gun manufacturers had no control, is just plain wrong.

I hope we can pass this bill. It would set a good standard to stop the frivolous and abusive lawsuits that are occurring in this country in so many ways, but especially in this particular way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask to be recognized to speak on the pending business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, it is amazing how we have reached this point in Senate business today. We started this day debating the Department of Defense authorization bill. It is hard to imagine a more important bill for this Senate to consider and conclude this week. We are going to be gone for 4 or 5 weeks. The idea was, we would take the important amendments and decisions to be made about our military, our men and women in uniform, their benefits, their equipment, and make the decision this week before we went home. Then a decision was made by the Republican leadership to interrupt the debate on the Department of Defense authorization bill and move to the pending bill.

What is this bill? It is a bill that is characterized as ''the gun industry immunity bill.'' What does it mean? It means that those who are pushing for this bill want to carve out one industry in America and say that the people who run the businesses that make the firearms and sell the firearms cannot be held personally responsible for their wrongdoing. That's right. If you and I get in an automobile going home from work, are negligent in our driving the car in any respect, and there is an accident, we are held personally responsible. If the business down the street from where you live sells a product that is defective or dangerous, the person who owns the business, the person who made the product can be held personally responsible. It is really part of life that we are responsible for our wrongdoing. The legal system of America says even people who are powerless have their day in court to hold accountable the businesses and people who have been guilty of wrongdoing.

Now comes to the floor the proposal by the Republican leadership that we take one industry in America and say that it cannot be held personally responsible for its wrongdoing. Why in the world would we be doing this? How powerful must the group be that pushes through the legislation that says they will be treated as an exception in the whole American body of law? You know the group. They are well known. The gun lobby, the National Rifle Association. They are so powerful that they pushed the Senate away from the Department of Defense authorization bill in the middle of a war. Think about that. How could you move the Senate from considering a bill to help the men and women in uniform in the middle of a war? The only way you can do it is if you are a powerful lobby that snaps and Senators jump. That is what this is all about.

Before we adjourn at the end of the week, the Republican leadership wants to make certain that if we can't keep our word to our troops in the field, we keep our word to the lobbyists downtown for the gun lobby. We carve out a piece of American law and say they cannot be held personally responsible. Their businesses can't be held responsible for wrongdoing.

Is it because there is some huge problem in the gun industry? Are there businesses that sell guns that are about to go bankrupt because of all the lawsuits that are being filed against them? Not at all. Listen to this. On June 29, 2005, the huge American gunmaker Smith & Wesson said in a press release:

> We expect net product sales for fiscal year 2005 to be approximately 124 million dollars, a 5 percent increase over the $117.9 million reported for the last fiscal year. Firearms sales for the next fiscal year are expected to increase by approximately 11 percent over the last year.

Then March of 2005, Smith & Wesson also said:

> In the nine months ended January 31, 2005, we incurred $4,535 in legal defense costs, net of amounts received from insurance carriers relative to product liability and municipal litigation.

Four thousand five hundred thirty-five dollars? Does that sound like a crisis in the gun industry that would cause us to move away from considering the Department of Defense authorization bill?

Listen to this from another gunmaker. This is a filing with the Securities and Exchange Commission, March 11, 2005, from the gunmaker Sturm, Ruger:

> It is not probable and is unlikely that litigation, including punitive damage claims, will have a material adverse effect on the financial position of the company.

These companies are doing very well. They are making a lot of money. They are selling a lot of guns. They aren't being sued. It isn't costing them a heck of a lot of money when they are sued. Why are we doing it? Why would we give this unprecedented sweeping immunity to any industry in America, let alone an industry that makes firearms?

This bill closes the courthouse doors to victims with legitimate lawsuits. It says: If you are a victim of a gun dealer or a gun manufacturer who sold a gun in commerce, where they might have known or should have known that it was going to be used for bad purposes, you can't go to the courthouse. The door is closed. Sorry. That is the way it is going to be. The gun industry is going to be treated like royalty. They are above the law.

During the debate on this bill during the last Congress, the supporters said a lot of cases about victims were frivolous. We were told all these companies were on the verge of bankruptcy. None of that turned out to be true. Two high-profile cases settled. These settlements would not have occurred had this bill been enacted last year. One of them, Bull's Eye Shooter Supply, was the dealer and Bushmaster was the assault weapon maker in the DC sniper case. I remember that case. These crazy snipers ran around town, killing people willy-nilly, innocent victims. When it was all over, the company that made the sniper rifle, the assault weapon, ended up settling with the families, paying over $2.5 million because of their wrongdoing. And Bushmaster agreed to inform its dealers of safer sales practices to prevent other criminals from obtaining guns.

It was only right that the victims had their day in court. It was only right that a jury of fellow citizens decided their fate. It was only right that this company was held accountable for sales practices that ended up endangering the lives of innocent people. Had this bill now on the floor been passed, there would have been no day in court for the families who were killed by these DC snipers.

Is that justice, fairness, or is that what we should be doing on the floor of the Senate instead of working to help the men and women in uniform who are engaged in a war across the ocean, risking their lives?

Listen to this case. Will's Jewelry and Loan, a West Virginia pawn shop, settled with Police Officers McGuire and Lemongello in June 2004 for $1 million and agreed to change its practices to prevent sales to underground traffickers, which includes instituting a policy of avoiding large-volume sales. Will's had sold the gun used to shoot the two police officers to a straw purchaser.

It is not only the innocent victims filing who were shot in DC who would be stopped from suing. This bill will stop policemen and their families from suing those who were selling guns, putting them into commerce and endangering the lives of the men and women in uniform who get up every morning and try to protect us in our communities.

Not surprisingly, law enforcement officials in our Nation oppose this bill, such as the International Brotherhood of Police Officers and the Major Cities Chiefs Association, as well as police officers from around the country have signed a letter begging Congress: Don't

pass this bill. It will make America more dangerous. It will endanger the lives of policemen.

Newspapers in 19 different States have editorialized against this bill. What is troubling to me is that we could go from a bill designed to help protect America by helping our men and women in uniform to a bill that makes America less safe, a bill that allows companies to make guns, which are junk, Saturday-night specials, destined to be used in a holdup or a killing by some crazed drug addict. We can protect those companies, but we cannot protect our men and women in uniform, whether they are serving in our military or serving as our policemen. What a dramatic distortion of priorities.

The Senate should be embarrassed that we have done this. This is a week that the Republican leadership will never be able to explain—that they would leave that bill in the midst of a war in order to do this grand favor for the gun lobby, the National Rifle Association. It is not fair. It is not fair that all we do around here is carve out special treatment and special exceptions for a lot of people who, frankly, don't need them. We started off with the bankruptcy bill so credit card companies could make sure that those who end up in bankruptcy carry the credit card debt to the grave. We passed the class action bill so individuals filing environmental class actions would have a difficult time going to court. We have a bill waiting in the wings that says to 10,000 asbestos victims a year, you victims who never dreamed you would be dying from exposure to asbestos are going to be limited when you go to court too. There are bills pending dealing with the victims of medical malpractice.

And now comes this bill—the absolute icing on the cake—that we would give to the gun lobby immunity from their own wrongdoing, that when they make guns that end up killing people, that should not have been made, without the appropriate warnings, the appropriate safety devices, when they sell guns by the carload to people who were clearly destined to sell them on the street, to be used by drug gangs, they cannot be held accountable.

There is no personal responsibility under this law. That is not American. That is not what the system of justice is all about. It certainly doesn't speak to the fairness that we believe is essential to the American system of justice. When you think of all the things we could be doing, instead of finding another special interest group to give their lobbyists such good news that we passed their big bill—we could be passing a bill that says we are going to stop giving tax credit to companies that run jobs overseas. We could have done that this week. No, we didn't have time. We had to help this special interest group, the NRA. They could have been changing the Medicare drug prescription bill so they would be able to bargain for lower prices for seniors. No, that is not on the priority list of the Republican leadership. We could have been making certain that we don't privatize Social Security, and instead make it last. That is not a high priority for the Republican leadership. The gun lobby is the highest priority this week—higher than our service men and women. They could have protected the pensions and retirements of Americans who are scared they won't have anything to rely on. No time for that. No time this year to deal with it. We could have been dealing with portability of health insurance and the availability of health insurance for small businesses. No, we have to deal with helping the NRA. We could have been helping people with college loans, figuring out new ways that families can finance the education of their children. Sorry, if you don't have a big lobby with a lot of power such as the gun lobby, we cannot do that. We could have been talking about the outsourcing of medical and financial records, destroying the privacy of individuals and families. No way. We could have talked about credit card companies, giving more disclosures on credit cards such as when they increase your interest rate. No, we don't have time. We have to protect the gun makers and gun sellers from being held personally responsible in court. We could have increased our energy availability, it could have been part of our energy bill. You can hardly find it.

The list goes on. When you talk about the values of the Republican leadership in the Senate, you know the values today. To think that the Republican leadership would move away from the Department of Defense bill for our troops to a special interest bill for the gun lobby, so that they are not held accountable for selling Saturday-night specials that kill policemen and innocent people. That is the priority of the Republican leadership. It is not the priority of the American people.

I look forward to voting against this bill. I hope a majority of my colleagues will join me in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, a majority of the Senate is going to vote for this bill. We have 61 cosponsors. It ought to have already been passed a long time ago. We will be pleased to get this bill done. It is something that is needed.

Mr. President, there will be more opportunity tomorrow. What happened today was that I voted to invoke cloture on the Defense bill so we can complete the Defense bill, and that was not passed by the votes on the other side. So when cloture was not invoked, we went to this bill, which has strong bipartisan support and which will be passed.

However, some on the other side did choose to filibuster the motion to proceed, as they have a right to do. That is what we are doing today. Then we will have a filibuster of the bill and we will have cloture, which I believe will be invoked. Certainly the votes appear to be there for it. I think we will get this bill done. There are other things we need to do this week that can still be done.

Mr. President, does Senator REED have any comments?

Mr. REED. Yes. Mr. President, we have had a long discussion today about the legislation. I think some of the points the Senator from Illinois made are very pertinent.

First, there is the erroneous presumption that people who would be sued would be sued because of the actions of others, when in fact the negligent suits lie in showing that first an individual had a duty to someone else—a victim—and that duty was not fulfilled. Essentially, that is the essence of negligence. If you cannot show that, you cannot get into court. This is not about somebody being punished or imposed upon for the actions of others. It goes right to the actions of the individuals—the seller, manufacturer or, in this case, trade associations.

There is a perception also, I think, that has been given that the legislation as drafted actually provides exceptions that will cover the meritorious suits, the ones that should be before the court and eliminate the frivolous suits. In fact, that is not the case. As Senator DURBIN pointed out in the situation with respect to the Washington, DC snipers, there a gun dealer in Washington State was grossly negligent. He had 230 unaccounted for weapons and they should have been accounted for. He allowed a teenage boy to walk in and pick up a sniper rifle off the counter and walk out and didn't know it was missing until it was discovered to be the weapon of the assassins here in Washington, DC. That suit would have been barred by this legislation if it had passed. The two police officers—Lemongello and his partner—responded to a call and they were in a shootout. They were seriously hurt, both of them. It turns out that the criminal firing that gun got it from a gun trafficker who walked into a store, a gun dealership, with another woman as a straw purchaser and acquired 12 weapons for cash and walked out the door. In fact, they were so obvious that the gun dealer called ATF and said he sold them the weapons, but watch out for them, which is negligent to me. Both cases were settled. Those cases would be thrown out.

The lives of all of the families in Washington, DC, have already been totally changed because of the loss of their loved ones. Conrad Johnson was a bus driver, waiting to go on his bus run, and he was shot, leaving a wife and children. They would have been out of luck because they could not have brought a suit like this. And there were others. We all lived in fear ourselves. We drove around here looking over our shoulders wondering

whether the assassins were out here in Washington, DC. One woman who was an employee of the FBI and was walking in the parking lot of Home Depot in suburban Virginia was shot. Those families, those victims, could not have come to the court of justice if this bill passed.

There are other suits that are pending today. There is a case in Massachusetts, where a young man, Danny Guzman, an innocent bystander, was shot and killed in front of a nightclub in Worcester. Six days later, police recovered a 9 mm Kahr Arms handgun without a serial number behind an apartment building, near where Mr. Guzman was shot. In fact, I am told a 4-year-old child discovered the weapon first. Ballistic tests determined that the gun was the one used to kill Danny Guzman.

This gun was one of about 50 guns that disappeared from Kahr Arms' manufacturing plant. Some of the guns were removed from the plant by employees that Kahr Arms hired despite criminal records and histories of drug addiction. The case is being pursued now. The issue is not what Mr. Guzman did. It is what this company failed to do. They failed to have background checks on employees who handled weapons. They failed to have security devices that would monitor if these weapons would be taken out of Kahr Arms. I am told, interestingly enough, Kahr Arms is owned by a holding company for the benefit of the Reverend Sun Myung Moon's Unification Church. So one of the beneficiaries of this bill, if it passes, will be Reverend Moon's financial enterprises because they will be protected from allegations of recklessness, not just negligence.

Now, the first exception to the bill is title 18 United States Code section 924(h). This simply permits cases against sellers who sell guns they know will be used to commit a violent or drug trafficking crime. First, in the Kahr case, the guns were not sold; they were taken surreptitiously out of the factory. This exception would not apply.

Second, you have to show they knew that the guns would be used to commit a violent or drug trafficking crime—not that they were negligent in allowing guns in circulation, but that they had to know they would be used in a violent or drug trafficking crime.

The next exception is negligent entrustment. This applies where a gun dealer knows, or should know, that a purchaser will shoot someone with the gun, and that individual shoots a person. This exception only applies to a gun ''seller.'' Once again, Kahr Arms was not, in this situation, a seller. Moreover, Kahr Arms did not entrust its guns to its employees. Rather, Kahr's employees removed the guns from the plant because of Kahr's negligent security, inventory tracking, and hiring of employees with histories of criminal conduct and drug addiction. So that exception doesn't apply.

There is another exception, negligence per se. Under this provision, gun sellers whose negligence causes injury could not be liable unless, at a minimum, they also violated a law or regulation which the court found an ''appropriate basis'' for a negligence per se claim and which proximately caused the injury. The exception only applies to a gun seller, and the bill defines sellers to include only importers or dealers, not manufacturers.

Moreover, in many States—and Massachusetts is one—negligence per se claims are not allowed under their practice and, therefore, the exception would not apply.

Knowing violation of the law exception: This exception applies where a gun seller or manufacturer knowingly violates a State or Federal statute when it makes a sale that leads to an injury. Here, Kahr Arms did not violate statutes related to the sale or manufacturing of a gun. Rather, Kahr's employees surreptitiously took the guns out.

Breach of contract or warranty exceptions once again do not apply. It merely allows gun purchasers to sue if the seller or manufacturer did not provide the product or service it promised in its sales contract. This exception clearly does not apply.

Defective design is a narrow exception for actions for some deceptive design or manufacturing cases. But that exception does not apply.

Rather than being legislation that allows the good suits through and the frivolous ones out, this legislation effectively denies people, such as the family of Danny Guzman, their day in court, and many others. It would have denied the two police officers from New Jersey their day in court. It would have denied the victims of the snipers their day in court.

For these reasons and many others, I am opposed to the legislation and join others who are and look forward to continuing our discussions in the hours and days ahead.

Mr. SESSIONS. Mr. President, I thank my able colleague and will say, it is such a state we are in America that a company whose employees steal the guns and go out and shoot somebody with them gets sued for it. That is a fact of what my friend is saying, that these companies ought to be sued as a result of the theft of a gun by their employees.

If the law required them to do a background check and they failed to do so, they clearly would be liable under this act. The fact of filing off a serial number is, in fact, a criminal offense for which I have prosecuted quite a number of criminals. In addition, it would trigger, of course, a civil liability.

Gosh, we can talk about it a lot, and I will be glad to continue to discuss it, but the basic fact is a lot of these lawsuits are claiming that if they know, if manufacturers or distributors or sellers either know or should know that some guns will be used illegally, they should be responsible for it. That is not good law. This is against what we are about in this country.

All this legislation does is say if you sell the firearm according to law, if you manufacture it according to law and somebody commits an intervening criminal act with it and shoots somebody, you should not be sued. But we have this anti-gun crowd which doesn't care about general principles of law that have stood us in good stead for hundreds of years. They have learned to manipulate the matter as effectively as they can to maintain lawsuits. The letter from Beretta I read earlier indicates that in the District of Columbia, the gun manufacturers who sold a gun in Minnesota and it was transported some way to Washington, DC, and was used in a crime and somebody was shot, the gun manufacturer is liable for that. And, in fact, that one jurisdiction that allows that kind of lawsuit can be enough to take down every gun manufacturing company in the United States. They have had some tough years and a lot of litigation going on.

Mr. President, I have spoken again, and unless my colleague would like to reply, we will close. It has been a good debate, and I have enjoyed it.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO MAJOR GENERAL JOHN W. HOLLY

Mr. STEVENS. Mr. President, I come to the floor today to recognize the service of an outstanding leader and public servant. After more than 32 years in uniform, MG John W. Holly will soon retire and move into private life.

Four years ago, Major General Holly was appointed Program Director of the Joint Program Office of Ground-Based Midcourse Defense. For the past year he has also served as the Deputy Director of the Missile Defense Agency, overseeing the direction of all other ballistic missile defense programs in the agency.

The Ground-Based Midcourse Defense System is not your run-of-the-mill weapons program. It is virtually global in scope, spanning 12 time zones, from the United Kingdom to the outer reaches of the Aleutian Islands. It has required upgrades to early warning radars from the Cold War era and the development of the most advanced seagoing X-band radar ever built; this equipment was then linked with communication centers throughout the United States and firing sites in Alaska and California. This effort has also

involved the development, testing, and deployment of an interceptor-and-kill vehicle that closes in on its target at speeds of up to 18,000 miles an hour and hits within centimeters of its aim point.

Each of the major systems involved in this effort and many of their component parts were built under different contracts, often by different manufacturers, at different times, and with different technologies. The entire system is being developed and acquired by nontraditional methods, which ensure we deploy effective defensive capabilities to our troops as fast as possible. And, of course, all of these pieces must work together as one, flawlessly, every time and on very short notice.

Since the 1960s, Americans have dreamed of having this type of capability, and in the past 3 years we have made remarkable progress. None of this would have been possible if President Bush had not withdrawn the United States from the Anti-Ballistic Missile Treaty in June 2002. And much of our success can be attributed to the dedication and leadership of Major General Holly.

Major General Holly was ideally prepared for his responsibilities at the Missile Defense Agency. His experiences at the platoon through corps levels gave him an understanding of what it means to support our men and women in uniform. His management experience in research, development, and acquisition—especially in rocket propulsion and guidance—honed his ability to integrate complex systems and move all of the essential parts through development at the same time.

In short, Major General Holly was the right man, in the right place, at the right time for our missile defense needs. Americans are deeply indebted to him for answering the call to serve.

Like many of my Senate colleagues, I often had the opportunity to meet with Major General Holly. Many of those visits took place in Alaska. And like many of my Senate colleagues, I have always been impressed with his integrity, commitment, and leadership skills.

Under Major General Holly's leadership, we have cut a new path through uncharted territory. He personally oversaw the emplacement of silos and interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California. He showed what could be done if you provided the right guidance, tools, and motivation.

Americans owe Major General Holly a debt of gratitude for a lifetime of selfless service and for his profound contributions to our Nation and our security. Those of us in the Senate will miss his leadership and his counsel. We wish him and his family all the best in the years ahead.

DEMOCRACY IN ETHIOPIA

Mr. MCCONNELL. Mr. President, I want to bring to the attention of my colleagues an op-ed in today's edition of the Taipei Times by Berhanu Nega, the chairman of Ethiopia's main opposition political party.

While the op-ed sheds light on the opposition's viewpoint throughout the controversial elections, I want to second the author's call for everyone in Ethiopia to commit themselves to a peaceful resolution of this crisis. Simply put, such a commitment is in the national interests of that country.

Let me close by indicating that the Senate continues to follow events in Ethiopia. I ask that a copy of the op-ed be printed in the RECORD following my remarks.

[From the Taipei Times, July 22, 2005]

ETHIOPIA IS STRUGGLING FOR DEMOCRACY

(By Berhanu Nega)

When we in Ethiopia's political opposition agreed to participate in the election that the government called in June, we were under no illusion that the process would be faultless. After all, Ethiopia has never known democracy. The dictatorship of Mengistu Haile Mariam was Africa's most blood-curdling Marxist regime, and was replaced by today's ruling EPRDF, whose ''Revolutionary Democracy'' is but a more subtle variation on the same theme.

So we knew that there would be problems with the election, that voting would not be clean in the way Western countries take for granted. Yet we nonetheless believed that the opposition, led by the Coalition for Unity and Democracy (CUD), would have room to maneuver and campaign, owing to the government's desire for international legitimacy. So we decided to test the waters and push for a real political opening and a genuinely competitive vote. Many Ethiopians appear to have agreed with this strategy.

The government did make some media available and engaged in more than 10 live televised debates. So, at least at first, there seemed to have been some intention on the government's part to open up the process—if not completely, then somewhat.

Now, however, it appears that the authorities wanted only a small, managed opening, on the assumption that they could control the outcome.

About a month before the election, the government began to shut down the political space it had opened. Its election campaign took on a vilifying tone, charging that the opposition was bent on destroying ethnic groups through genocide. Indeed, it called the opposition ''interahamwe,'' invoking the memory of the Hutu militia that slaughtered 800,000 Rwandan Tutsis in 1994. The government also began to harass opposition parties, especially in rural areas.

This was unpleasant, but tolerable. So we continued campaigning. But things became nastier a week before the vote. Attendance at an official pro-government rally in the capital, Addis Ababa, was dwarfed by our rally the following day, when millions of demonstrators peacefully demanded change and showed their support for us. At that point, the government realized that its democratic opening was slipping out of its control.

Two days before the vote, our poll watchers and supporters were searched, arrested, and given one-day trials, with most sentenced to one or two months in jail. We feared that the voting would take place without the presence of our poll watchers. So we gave a press conference—all the opposition parties together—the day before the vote, demanding that the government release our party workers and allow people to vote freely.

Although the government met neither of these demands, the early results clearly showed that the opposition was gaining a large number of seats. It became obvious that we were winning in many constituencies and that we had won in Addis Ababa, as well as in most of the major cities and the rural areas.

What was surprising was the magnitude of the victory. In Addis Ababa, top government officials, including the ministers of education and capacity building, lost, as did the speaker of the House of People's Representatives. In rural constituencies, opposition candidates defeated such EPRDF heavyweights as the ministers of defense, information, and infrastructure, along with the presidents of the two largest regions, Oromia and Amhara.

The government wasted little time in responding: the next day, it declared itself the winner, with not even half of the constituencies reporting their results.

No surprise, then, that the public erupted in anger. When university students protested, the police moved in, killing one. In demonstrations the following day, 36 more people were killed. Soon after, our office workers were detained, and Hailu Shawel, Chairman of the CUD, and senior CUD official Lidetu Ayalew were put under house arrest. One hundred staff members were taken from our head office in Addis Ababa alone, and many more from regional offices. Up to 6,000 people were jailed—CUD members and even ordinary citizens.

My fear is that the will of Ethiopia's people will be stifled by government hard-liners. Doubts about the authenticity of the final results will create a danger of instability. Everyone—the government, the opposition, and the public—must commit themselves to a peaceful resolution.

To restore calm before a recount can be held, confidence-building measures are needed. The military must be taken off the streets. The ban on public demonstrations must be lifted. Those in jail must be released or given a fair trial. Those held simply because they do not support the government must be freed and allowed to participate in the democratic process. The government-controlled media must be open to diverse opinions; in particular, opposition access must be guaranteed.

Equally important, the international community must send observers—and thus a clear signal to the government that any attempt to maintain power by force or intimidation is unacceptable. The world must keep watching, just as it watched in Georgia, Ukraine, Lebanon, and Palestine.

For the first time in our ancient history, we Ethiopians have voted our conscience. Our people have played their part with courage and discipline. They deserve the opportunity to build a genuine democratic political system. That is their only guarantee to live in peace and to achieve prosperity.

ASEAN AND BURMA

Mr. MCCONNELL. Mr. President, I welcome the good news from Southeast Asia this morning that the illegitimate Burmese junta—the misnamed State Peace and Development Council, SPDC—has deferred its 2006 chairmanship of the Association of Southeast Asian Nations, ASEAN.

I appreciate and recognize the individual and collective efforts of certain ASEAN member states for their support of substantive political reform in Burma.

This deferral serves as evidence that the illegitimate military junta does indeed respond to international pressure, particularly from its neighbors. In the wake of this news, I renew my calls for countries in the region to pressure the junta to immediately and unconditionally release Aung San Suu Kyi and all prisoners of conscience in Burma and to continue their calls for political reform in that country; the United Nations Security Council to discuss and debate the threat the junta poses to its own people and the entire region; and the community of democracies to continue to keep freedom in Burma a top priority.

The assertion by the SPDC that the deferral will allow the generals to focus on the ''democratization process'' in Burma is as hollow as it is false.

The international community—especially the United States and the United Kingdom—must be clear that the junta will be judged not by what it says but by what it does. So long as Suu Kyi and other innocent Burmese remain imprisoned and without a voice in the political deliberations in Burma, there simply can be no credible democratization process in Rangoon.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

ADA'S 15TH ANNIVERSARY

Mr. ROCKEFELLER. Mr. President, I was not able to make the roll call vote on this resolution commemorating the 15th anniversary of the Americans with Disabilities Act. I had a family commitment that I had to keep, and I knew that this resolution would pass overwhelmingly, and I needed to be with my family.

I did want to take time to hail this special occasion and I want to reaffirm my strong support for the Americans with Disability Act. This historic legislation has helped to ensure that people with disabilities can have access to a wide range of programs and policies to help them fully participate in public life and culture. Over the years, I am proud of the progress our country has made in including people with disabilities in public places and events. This sweeping legislation is perhaps one of the most significant pieces of legislation since the 1964 Civil Rights Act. Under this bold law, people with disabilities were ensured nondiscrimination in employment and public accommodations, including transportation and telecommunications. Implementation has not been easy, and it is still ongoing. While meaningful progress has been made, there is still a great deal of work to do to achieve the bold goal of the Americans with Disability Act.

We must continue to push hard to end discrimination and fully embrace inclusion, but today we should also celebrate the strides made since 1990 on behalf of people with disabilities.

15TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. KENNEDY. Mr. President, today we celebrate the enactment of the Americans with Disabilities Act in 1990—one of the greatest civil rights laws in our history. Fifteen years ago, the Nation adopted the fundamental principle that people should be measured by what they can do, not what they can't. The Americans with Disabilities Act began a new era of opportunity for millions of disabled citizens who had been denied full and fair participation in society.

For generations, people with disabilities were pitied as people who needed charity, not opportunity. Out of ignorance, the Nation accepted discrimination for decades, and yielded to fear and prejudice. The passage of the ADA finally ended these condescending and suffocating attitudes—and widened the doors of opportunity for all people with disabilities.

The 15th anniversary of this landmark legislation is a time to reflect on how far we have come in improving the ''real life'' possibilities for the Nation's 56 million people with disabilities. In fact, the seeds were planted long before 1990.

In 1932, the United States elected a disabled person to the highest office in the land. He became one of the greatest Presidents in our history. But even Franklin Roosevelt felt compelled by the prejudice of his times and hid his disability as much as possible. The World War II generation began to change all that.

The 1940s and the 1950s introduced the Nation to a new class of Americans with disabilities—wounded and disabled veterans returning from war to an inaccessible society. Even before the war ended, rehabilitation medicine had been born. Disability advocacy organizations began to rise. Disability benefits were added to Social Security. Each decade since then has brought significant new progress and more change.

In the 1960s, Congress responded with new architectural standards, so we could have a society everyone could be a part of. No one would have to wait outside a new building because they were disabled.

The 1970s convinced us that greater opportunities for fuller participation in society were possible for the disabled. Congress responded with a range of steps to improve the lives of people with mental retardation, to support the right of children with disabilities to attend public schools, to guarantee the right of people with disabilities to vote in elections, and to insist on greater access to cultural and recreational programs in their communities.

The 1980s brought a new realization, however, that when we talk about helping people with disabilities, we can't just rely on government programs. We need to involve private industry as well. Congress guaranteed fair housing opportunities for people with disabilities, required fair access to air travel, and made telecommunications advances available for people hard of hearing or deaf.

The crowning achievement in these decades of progress was passage of the Americans with Disabilities Act in 1990 and its promise of a new and better life to every disabled citizen, in which their disabilities would no longer put an end to their dreams.

As one eloquent citizen with a disability has said, ''I do not wish to be a kept citizen, humbled and dulled by having the State look after me. I want to take the calculated risk, to dream and to build, to fail and to succeed. I want to enjoy the benefits of my creations and face the world boldly, and say, this is what I have done.''

Our families, our neighbors, and our friends with disabilities have taught us in ways no books can teach. The inclusion of people with disabilities enriches all our lives. My son Teddy continues to teach me every day the greatest lesson of all that disabled does not mean unable.

As the saying goes, when people are excluded from the social fabric of a community, it creates a hole—and when there is a hole, the entire fabric is weaker. It lacks richness, texture, and the strength that diversity brings. The fabric of our Nation is stronger today than it was 15 years ago, because people with disabilities are no longer left out and left behind. And because of that, America is a greater and better and fairer nation.

Today in this country we see the signs of the progress that mean so much in our ongoing efforts to include persons with disabilities in every aspect of life—the ramps beside the steps, the sidewalks with curb-cuts to accommodate wheelchairs, the lifts for helping disabled people to take buses to work or the store or to a movie.

Disabled students are no longer barred from schools and denied an education. They are learning and achieving at levels once thought impossible. They are graduating from high schools, enrolling in universities, joining the workforce, achieving their goals, enriching their communities and their country.

They have greater access than ever to the rehabilitation and training they need to be successfully employed and become productive, contributing members of their communities.

With the Ticket to Work and Work Incentives Improvement Act, we finally linked civil rights closely to health care. It isn't civil and it isn't right to send a disabled person to work without the health care they need and deserve.

These milestones show us that we are well on the way to fulfilling the promise of a new, better, and more inclusive

life for citizens with disabilities—but we still have a way to go. Today, as we rightly look back with pride, we also need to look ahead.

We still face many challenges, especially in areas such as health care and in home-based and community-based services and supports. Many people with disabilities still do not have the health care they need.

A strong Medicare prescription drug benefit is essential for all people with disabilities. Today, about one in six Medicare beneficiaries—over six million people—are people with disabilities under age 65. Over the next 10 years that number is expected to increase to 8 million.

These persons are much less likely to be able to obtain or afford private insurance coverage. Many of them are forced to choose between buying groceries, paying their mortgage, or paying for their medication.

Families raising children with significant disabilities deserve health care for their children. No family should be forced to go bankrupt, stay in poverty, or give up custody of their child in order to get needed health care for their disabled child. They deserve the right to buy in to Medicaid, so that their family can stay together and stay employed.

People with disabilities and older Americans need community-based assistance as well, so they can live at home with their families and in their communities. We need to find a way to ensure this support is available, without forcing families into poverty. This is today's challenge to the Nation, and we need to work together to meet it.

The Americans with Disabilities Act was an extraordinary milestone in the pursuit of the American dream. Many disability and civil rights leaders in communities throughout the country worked long and hard and well to achieve it.

To each of you, I say thank you. It is all of you who are the true heroes of this achievement, and who will lead us in the fight to keep the ADA strong in the years ahead.

Sadly, the Supreme Court is not on our side. In the past 15 years, it has restricted the intended scope of the ADA. Imagine you are a person with epilepsy in a job you love and you get excellent personnel reviews. You are taking medicine that controls the seizures and you have no symptoms. But your employer finds out you have epilepsy and fires you. Should you be able to sue your employer for discrimination? Congress intended you should—but the Supreme Court ruled you can't.

The Court continues to carve out exception after exception in the ADA. But discrimination is discrimination, and no attempt to blur that line or write out exceptions into the law should be tolerated. Congress wouldn't do it and it is wrong for the Supreme Court to do it.

The ADA was a spectacular example of bipartisan cooperation and success. Passed by overwhelming majorities in both the House and the Senate, Republicans and Democrats alike took rightful pride in the goals of the law and its many accomplishments.

I know that the first President Bush, Senator Bob Dole, and many Members of Congress from both sides of the aisle consider their work on the ADA to be among their finest accomplishments in public service. It is widely regarded today as one of the true giant steps in our ongoing two-centuries-old civil rights revolution.

The need for that kind of bipartisan cooperation is especially critical today, as the Senate considers the nomination of John Roberts to fill Justice O'Connor's vacancy on the Supreme Court. Many people are generally aware of Justice O'Connor's role in a number of landmark decisions on reproductive and civil rights. Few know, though, that she cast the deciding vote in Lane v. Tennessee in 2004, the 5–4 ruling on the constitutionality of the ADA and whether Congress has the power to prohibit the exclusion of people with disabilities from public facilities in communities across the country.

The four dissenting Justices, in the name of States' rights, believed that Congress had no authority to do so. The case was brought by a paraplegic who complained that he was forced to crawl up the steps of the local courthouse to gain entry to the building. Justice O'Connor's swing vote upheld the ADA and the right of Congress under the Constitution to pass this landmark law to protect persons with such disabilities and guarantee their access to courts and other public facilities.

The Senate's decision on the confirmation of Judge Roberts to the Supreme Court may very well determine whether the ADA will survive as we know it. His views on a wide range of issues are little known, but some of his views raise serious questions about his position on the rights of those with disabilities, and Senators have a clear responsibility in the coming hearings to determine his views on these basic issues.

Hopefully, the new Supreme Court will continue to support the right of Congress to act in this important area, so that the extraordinary progress of the past 15 years will be sustained, not undermined. I intend to do all I can to see that it is.

Today, more than ever, disability need no longer mean the end of the American dream. Our goal is to banish stereotypes and discrimination, so that every disabled person can realize the dream of working and living independently, and being a productive and contributing member of our community.

That goal should be the birthright of every American—and the ADA opened the door for every disabled American to achieve it.

A story from the debate on the ADA eloquently made the point. A postmaster in a town was told to make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, ''I've been here for 35 years, and in all that time, I've yet to see a single customer come in here in a wheelchair.'' As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams.

So let's ramp up our own efforts across the country. We need to keep building those ramps, no matter how many steps stand in the way. We will not stop today or tomorrow or next month or next year. We will not ever stop until America works for all Americans.

I ask all Senators to join me today in committing to keep the ADA strong. It is an act of conscience, an act of community, and above all, an act of continued hope for the future.

Mr. CORZINE. Mr. President, I rise today to speak on a topic that has great importance to me and to the citizens of New Jersey. Fifteen years ago, Congress passed historic civil rights legislation based on the fundamental principle that this great Nation of ours benefits from the talents of every citizen. The passage of the Americans with Disabilities Act (ADA) began an era of opportunity for 54 million Americans. In the 15 years since, this landmark legislation has thrown open doors and provided equal opportunities for people with disabilities. The ADA has brought the American dream within reach of millions of Americans.

I regret that I was unable to mark the fifteenth anniversary of the ADA with my Senate colleagues. Last night, I joined the family of Dwayne Reeves, a Newark school police officer killed in the line of duty, for the officer's wake. My deepest sympathies and my prayers are with his family as they grieve this senseless and tragic loss.

In the 15 years since the passage of the ADA, we have witnessed dramatic changes throughout the Nation—from greater public accommodation at places of business and commercial establishments to the expansion of government services for disabled citizens and the stunning advances in transportation and telecommunications technology. Citizens who could not fully participate in their communities are now able to go to the park, visit a movie theater, or attend a ballgame. In my home State of New Jersey, beach communities from Sandy Hook to Cape May have installed wheelchair access ramps and provide beach wheelchairs for disabled individuals, ensuring that all citizens can join family and friends for a relaxing day at the beach. These steps have enabled many citizens to contribute to their communities, make the most of their abilities, and live their lives to the fullest.

Yet we must not be content to stop here. There is still much work to be

done to ensure that all Americans, especially those who were discriminated against until 15 years ago, are given an equal chance at using all of America's tools for success. This is why I, along with my colleague Senator HARKIN and so many others, have worked to improve and expand the Ticket to Work, Workforce Investment Act, and Vocational Rehabilitation programs. These programs provide unparalleled opportunity to Americans with disabilities by equipping them with the skill sets necessary to work in education, science, business, government and other fields that weren't previously accessible. In addition, I plan to continue my efforts to defend and strengthen the Individuals with Disabilities Education Act because equal opportunity does not exist without equal access to education.

The ADA is about ensuring that every American can participate fully in all of the daily activities that many of us take for granted. Whether it is using the phone, going out to dinner, or commuting to work on public transportation, the ADA ensures that all citizens have the ability to carry on their personal affairs. Fifteen years ago, we said yes to inclusion, yes to independence, and yes to integration into every aspect of society for people with disabilities. We have made a lot of progress since that day. Let us make sure we continue down this path by providing equal opportunity and ensuring that our Nation benefits from the unique abilities of all Americans.

Mr. HARKIN. Mr. President, today marks the 15th anniversary of the Americans with Disabilities Act, a truly momentous occasion that the Senate marked yesterday by voting 87–0 in support of a resolution recognizing and honoring this anniversary. On this anniversary, we celebrate one of the great, landmark civil rights laws of the 20th century—a long overdue emancipation proclamation for people with disabilities.

We also celebrate the men and women, from all across America, whose daily acts of protest, persistence and courage moved this law forward to passage 15 years ago.

We have made great progress in America in the last 15 years, and evidence of that progress can be found all around us. It has changed lives—and changed our Nation. It has made the American dream possible for tens of millions of people with disabilities.

But, our work is not yet complete in fulfilling the four great goals of the Americans with Disabilities Act: equal opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities. I cannot think of a better way to celebrate the anniversary of the ADA than by rededicating ourselves to these goals. I look forward to working with my fellow Senators and the disability community to building on the progress that we have made over the past 15 years. Toward that end, I ask unanimous consent to print in the RECORD a ''Statement of Solidarity'' from over 700 disability rights and civil rights organizations, led by the American Association of Persons with Disabilities and the National Council on Independent Living, that highlights the many challenges we face as we continue on the path that leads to liberty and justice for all. I hope that my fellow Senators will review this document carefully, as I believe it raises a number of important issues that we should consider as we once again rededicate ourselves to realizing the full promise of the ADA.

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

STATEMENT OF SOLIDARITY ON 15TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT JULY 26, 2005

Fifteen years ago today, with bipartisan support in Congress and broad endorsements from the civil rights coalition, President George H. W. Bush signed into law the Americans with Disabilities Act (ADA), calling for the ''shameful wall of exclusion'' to come tumbling down. As we mark this significant anniversary, we celebrate improvements in access to polling places and the secret ballot, government services and programs, transportation, public places, communication and information technology. Parents pushing strollers, workers delivering packages, and travelers pulling roller bags have grown accustomed to curb cuts, ramps, and other accessibility features less common in 1990. Our country is more accessible today thanks to the ADA, and all Americans are better off.

Although substantial progress has been made, we are reminded every day of the significant remnants of the ''shameful wall of exclusion'' that continue to prevent this great country from realizing the full promise of the ADA.

The majority of Americans with disabilities continue to live in poverty and unnecessary isolation.

Most adults with disabilities are either not working or not working to their full potential, robbing the economy of the contributions of tens of millions of would-be workers.

Children and youth in special education continue to drop out of school in alarming numbers before obtaining a regular high school diploma.

The promises of higher education, accessible and affordable housing and transportation, quality affordable healthcare, and a living wage continue to elude many adults with disabilities and their families.

The ADA is slowly driving policy changes that have enabled more people with significant mental and physical disabilities to live independently in the community, but the ongoing institutional bias in the Medicaid program keeps too many people trapped in nursing homes and other institutions, unable to enjoy the freedoms and personal choices about where and how to live that other Americans take for granted.

New technologies are increasing the independence and productivity of many Americans. Yet, advances in technology alone are not guaranteed to improve the lives of people with disabilities. As we develop applications like Voice-over-Internet-Protocol (VOIP) telephony, wireless telecommunications, widespread broadband internet connectivity, new medical devices, new computer applications, and a plethora of new genetic tests, it is critical that these technologies be designed and used in a way that increases the inclusion, independence, and empowerment of Americans with disabilities as well as America's growing senior population.

The ADA has begun to change the landscape of our cities and towns, but a civil rights law alone does not create the kind of transformation of attitudes that Americans with disabilities, their families, and allies are fighting to achieve. This kind of change requires widespread discussion, education, and consciousness-raising.

In 2005, how do fears, myths, and stereotypes continue to artificially limit understanding and acceptance of disability as a form of human diversity?

What role do the mass media and entertainment industries play in forming public perceptions of disability, and how can decision makers in these important fields be influenced to produce more content that depicts the actual life experience and first person perspectives of people with disabilities?

What can be done to further improve accessibility at the design stage of new products and programs?

How can disability awareness and disability-friendly practices create more productive places of business and learning?

What concrete actions can worship communities and sports and recreation programs take to foster full participation of children, youth, and adults with disabilities in these activities?

Why do so many Americans continue to view disability as a fate worse than death, and how do these views affect surrogate medical decisionmaking and the application of new genetic testing technologies?

These questions form the basis of an American conversation that still needs to take place.

Widespread social change cannot simply be legislated, and it will not occur without bold leadership from all sectors of American society.

Public and private employers, in particular, must make a serious, concerted effort to recruit and advance qualified workers with disabilities within their labor force.

Election officials must take the necessary actions to ensure that every adult is able to enter his or her polling place and cast a secret and independent vote.

School administrators and university presidents must embrace their responsibility to deliver a world-class education to all their students.

It is time for leaders across America—business owners, little league coaches, moms and dads, sheriffs and clergy—to reject exclusion, paternalism, and segregation and to take personal responsibility for removing barriers to full participation that still exist in every community in this country.

With the aim of making America work better for everyone, the undersigned organizations pledge to build on the progress of the last 15 years and join together to promote the full participation and self-determination of the more than 50 million U.S. children and adults with disabilities. We believe that disability is a natural part of the human experience that in no way should limit the right of all people to make choices, pursue meaningful careers, live independently, and participate fully in all aspects of society. We encourage every American to join us in this cause, so that our country may continue on the path that leads to liberty and justice for all.

Signed by 743 organizations.

Mr. BROWNBACK. Mr. President, I rise today to remember an important occasion that represents 15 years in our Nation's history and welcome the opportunity to speak on these issues which are near and dear to my heart. On July 26, 1990, President George H.W. Bush signed into law the Americans

with Disabilities Act, ADA, with bipartisan support in Congress under the leadership of then-Senate Minority Leader Bob Dole, my predecessor from Kansas, and thanks in large part to the dedication and hard work of my current colleague, the good Senator from Iowa, TOM HARKIN, as well as current Senators CHARLES GRASSLEY of Iowa and DANIEL INOUYE of Hawaii.

Today we must continue to dismantle, brick by brick, the ''shameful wall of exclusion'' that existed in the United States previous to the existence of the ADA. And, building on our 15 years of experiences in tearing down the wall of exclusion, we must continue to bring to realization the full promise of the ideas entailed in the ADA. To carry on this significant legacy, we must recognize that, today, we face new challenges and new policy considerations.

It is estimated that there are now in America 50 million citizens with some sort of disability. An amazing individual from Kansas who visited D.C. last week to tell his story is 7-year-old Matthew Whaley. Matthew was denied access to the local recreation department's baseball league because he happened to have cerebral palsy. However, because of the Americans with Disabilities Act, he is now showing off his All-Star baseball skills as an outfielder.

When I think about what Congress needs to accomplish for people with disabilities over the next few years, to continue to achieve the dream that should have been, and that the ADA began to make possible, I consider what policies we need to change to ensure that Matthew, and others with disabilities, can continue to make a positive difference in this world.

We must consider America's aging population. According to the U.S. Census, by the year 2050, 21 percent of America's total population will be age 65 and over. It is understood that the probability of having a disability increases with age. This means that America's population with disabilities will continue to grow.

It is imperative that we look for ways to meet the needs of this population and ensure that they can continue to live independent, fulfilling lives. Just recently, I spent time with a constituent of mine who embodies this idea—a man named Rick Davidson from Olathe, KS. Rick is a motivational speaker for at-risk youth, has traveled across the country meeting with lawmakers on disabilities' policy issues, and is attending college for an associates degree in Web design. Rick has lived a healthy and active life as a quadriplegic for almost 18 years—doctors initially estimated that Rick had just 16 years to live.

Another way we can make a positive impact for the future is through supporting endeavors such as the New Freedom Initiative—a comprehensive program to promote the full participation of people with disabilities in all areas of society by increasing access to assistive technologies, expanding educational and employment opportunities, and promoting increased access to daily community life.

In the context of changing public policy, we must also examine how effectively government programs, such as Medicare and Medicaid, are serving the needs of individuals with disabilities. For example, the Medicare Program's benefit for mobility devices has an ''in the home'' restriction which limits coverage to only those mobility devices that are necessary within a patient's home. Unfortunately, this does not address the needs of a patient who would use this device to obtain access to his or her community, work, school, physician's office, pharmacy, or place of worship. In view of this, I recently signed on a letter requesting that Medicare's mobility device ''in the home'' restriction be modified to improve community access for Medicare recipients with disabilities. I am also a cosponsor of legislation that would offer lower income families who have children with disabilities the opportunity to acquire health care coverage through the Medicaid Program.

Along these lines, Congress must address the issue of accessibility to long-term care for the elderly and those with disabilities. Currently, we have a Medicaid system that spends approximately two-thirds of its dollars on institutional care and approximately one-third on community services. This antiquated policy effectively removes disabled and elderly individuals from their community, family, and friends. Even from a cost perspective, this system does not make sense. According to the National Association of Insurance Commissioners, the cost of nursing home care ranges from $30,000 to $80,000 per year, while the annual cost of home and community care is much lower.

The bottom line is that Congress must work to align the Medicare and Medicaid Programs with goals of the Americans with Disabilities Act. After all, we live in America and in this country we celebrate independence, self-determination, uniqueness, and a sense of community. We must maintain these ideals for our children as well. This year, I introduced the Prenatally Diagnosed Conditions Awareness Act. For some conditions that can be detected in the womb, we are aborting 80 percent or more of the babies who test positive. The effect of this type of ''weeding out'' is the creation of a sort of new eugenics, a form of systematic, disability-based discrimination. The latter process is to the detriment of our society.

In addition to the many abilities that persons with disabilities have, these individuals so often have a perspective the rest of us don't have. We learn compassion, heroism, humility, courage, and self-sacrifice from these special individuals—and their gift to us is to inspire us, by their example, to achieve these virtues ourselves.

In our discussion of fostering independence, we must keep in mind the importance of guaranteeing all individuals their right to vote. Our citizens with disabilities deserve equal access and an equal voice in our democratic process. Initiatives such as the Help America Vote Act, enacted in 2002, created vital grant programs ensuring electoral participation by persons with disabilities and making polling places accessible to persons with disabilities. Congress must continue to look for ways to expand access to our electoral system for persons with disabilities.

While we can change public policy to reflect the ideas embodied in the ADA, it is just as important to seek change at the individual level. Every human being has the ability to change their own ideas and actions in their daily life as they meet an elderly person or a person with disabilities. As Americans, we have a God-given duty to love each and every person, and treat them, not as a means to an end, but as an end in and of themselves. As a Nation, we are so blessed with the presence of individuals who are different than us, and who have the ability to teach us; to teach us about love, about compassion, and about what it means to have strength and courage from within.

My vision for America is to continue to build on the momentous legacy of the ADA, where we as citizens continue to celebrate the breadth of experience and life lessons that persons with disabilities offer us.

Over 137,000 individuals with disabilities reside in my State of Kansas. My hope for them is the same as my hope for all Americans who have disabilities: that we as a society and as a government do everything in our power to foster their independence, to nurture their soul and to embrace their contributions to society.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. JOHNSON. Mr. President, I rise today in support of Senate amendment No. 1389 to postpone the current round of domestic military base closures.

The threats confronting the United States today are vastly different from those during the Cold War, and we must shift our defense posture to address new and emerging enemies. I do not dispute that closing and realigning excess military capacity is critical to that endeavor. However, I fear we are rushing to conclude this process before having all pertinent national security information to make a well-informed decision. In short, I believe we have put the cart before the horse.

While I support delaying this base closure round, I do not dismiss the important work of the Base Realignment and Closure Commission. The Commissioners and their staff should be commended for their diligent efforts to carefully review and evaluate each recommendation made by the Pentagon.

Having said that, I believe closing military installations without thoughtful consideration is short-

sighted. Before implementing this round of base closures critical issues should be resolved to ensure we have not irrevocably damaged our ability to confront threats at home and abroad. The amendment requires specific benchmarks be fulfilled before the current round of domestic base closures is completed. I believe these requirements are logical and necessary in light of the threats facing the United States.

The ongoing conflicts in Iraq and Afghanistan are our most urgent national security concern, but the United States must be prepared to address other potential enemies. According to a recent Defense Department report, China has expanded its military reach enabling them to threaten Taiwan, Japan, and the U.S. military in the Pacific. Furthermore, China continues to both improve and expand its nuclear arsenal and has the capacity to field advanced missiles able to strike the United States.

China is not our only national security concern, as both Iran and North Korea have refused to relinquish their nuclear weapons programs. U.S. intelligence experts agree North Korea has developed multiple nuclear weapons, while Iran, an active state sponsor of terrorism, continues to pursue chemical and biological weapons.

Before completing this round of base closures, I believe it is prudent and sound policy to analyze all pertinent information that may impact our national security. For instance, the Department of Defense is undertaking a monumental shift in overseas deployments, which is long overdue. However, the Commission on Review of Overseas Military Facility Structure of the United States, commonly referred to as the Overseas Basing Commission, has indicated the Pentagon's plan to rotate soldiers back to the United States from overseas installations may be flawed. The Overseas Basing Commission argues if a crisis arises abroad, the military does not have enough sea and air transportation to rotate forces rapidly enough to respond. Furthermore, the Commission believes the Pentagon has understated the costs to redeploy troops to American soil. Finally, and most troubling, the Commission argues the plan could result in extended and more frequent rotations, which could strain U.S. military personnel and their families to the point where the United States is incapable of maintaining an all-volunteer force.

In addition, currently tens of thousands of brave men and women are serving in Iraq and Afghanistan, and like all Americans, it is my sincere hope that these soldiers return home as soon as possible. Having said that, I recognize immediately withdrawing American troops from Iraq could result in chaos and undermine the tremendous efforts made by all our service members. However, I question the timing of this round of base closures given that our Nation is at war and so many of our soldiers are supporting this effort. Until these troops have finished their important mission, and have returned home safely, it does not make sense to close military installations at home.

Finally, we should not move forward with this round of base closures until the Defense Department completes the Quadrennial Defense Review and presents its findings to the President and Congress. The QDR is integral to U.S. military strategy as it assesses our future military capabilities and identifies emerging threats. It makes little sense to restructure our defenses until Congress has access to this vital piece of information.

I believe that these questions must be answered before we proceed with closing domestic military installations. We must reorganize our military force in order to respond to the threats of the 21st century. The challenge is to do so in a manner that is not detrimental to our national security and the men and women who proudly serve our country.

Mrs. FEINSTEIN. Mr. President, I rise today in support of an amendment to the fiscal year 06 National Defense Authorization Act, S. 1042, that authorizes the Navy to convey approximately 230 acres of open space land along the eastern boundary of Marine Corps Air Station Miramar to the county of San Diego in order to provide access to the historic Stowe Trail.

The Stowe Trail at one time functioned as the primary road leading to the historic town of Stowe, and now links the Goodan Ranch and Sycamore Canyon Preserves in the north with the Mission Trails Regional Park and Santee Lakes Regional Recreation Area further south.

According to county records, up until the 1930s when access to this portion became restricted for military use, the Stowe Trail had served for some 80 years as the principle thoroughfare between the towns of Santee and Poway.

The 230 acres of land that would be conveyed by the Navy under this provision include diverse plant and animal life and environmentally-sensitive habitats and would provide a natural wildlife corridor between the two preserves, as well as with the Santee Lakes Recreation Area.

Under the control of the County of San Diego, this land will become part of an extensive open space trail system that will not only increase recreational opportunities in the region, but will also provide a buffer zone that will mitigate against potential encroachment that could impact the essential military missions at Marine Corps Air Station Miramar.

It is important to point out that this proposed land conveyance is the fruition of a process set in motion jointly by the San Diego County Board of Supervisors and Marine Corps Air Station Miramar in 2002.

Both sides have worked together closely since that time to ensure that the result will be a win-win situation for both county and the Marines.

For example, as part of the land conveyance process, the County of San Diego has fully committed to compensate the Navy by paying the full fair market value for this property.

I would therefore ask unanimous consent that it be in order for the Senate to consider this amendment, and that the amendment be agreed to.

I would also ask that this statement and the relevant amendment be placed together in the CONGRESSIONAL RECORD.

AMENDMENT NO. 1406

Mr. LUGAR. Mr. President, I rise in support of amendment No. 1406 that authorizes the Secretary of Defense, in the event of an overseas emergency, to transfer $200 million in defense articles, services, training and other support to the State Department to address the crisis. The funding would be used by the Office of Stabilization and Reconstruction at the State Department, a new office that has been created to organize the civilian side of the military/civilian response in post-conflict situations. The authority provided is permissive. It does not require such a transfer.

The Secretary of Defense requested the authority contained in this amendment in his submission of legislation to be considered by the Congress. The Department of Defense needs a capable civilian partner that is prepared to go into hostile environments to assist the military in stabilizing a post-conflict situation. It also needs to be able to hand off a stabilized situation to civilian leadership. Without such a capacity, the military ends up performing tasks that civilians could and should be carrying out. As a consequence, the resources of the Armed Services are stretched thin and deployments of military personnel have to be extended beyond expectations.

The Senate Foreign Relations Committee has for some time been deeply involved in building the capacity of the State Department to play a leadership role in this area. Through legislation, hearings, and meetings of a policy advisory group of experts, we have called for the organization of a corps of civilians who are willing and able to undertake difficult missions in wartorn countries. The Office of Stabilization and Reconstruction, led by a Coordinator, Ambassador Carlos Pascual, is now up and running and doing an excellent job.

My amendment reflects continued Senate Foreign Relations Committee attention to the issue. On June 16, we held a hearing on stabilization and reconstruction entitled ''Building Peace in a Hostile Environment.'' Ambassador Pascual participated as did two witnesses from the Defense Department, Ryan Henry, Principal Deputy in the Office of the Under Secretary of Defense for Policy and LTG Walter Sharp, Director of Strategic Plans and Policy at the Joint Staff. James

Kunder, Assistant Administrator for Asia and the Near East, testified on behalf of USAID.

Both Defense Department witnesses urged the committee to support the transfer authority contained in my amendment. Mr. Henry stated that it is in the Defense Department's interest to help the Stabilization and Reconstruction office ''fill the gap in its ability to deploy in a crisis.'' General Sharp said that General Myers, the Chairman of the Joint Chiefs, supports such a request because it would ''greatly improve Ambassador Pascual's ability to rapidly deploy in a crisis.''

As most Members know, the foreign affairs budget is under considerable pressure. The Senate has just finished debating H.R. 3057, the State-Foreign Operations Appropriations bill. The 302(b) allocations for this bill were some $1 billion below the President's request. On the House side, the corresponding amount is some $3 billion below the President's request. When conferenced, the appropriated funding levels for foreign affairs will once again fall short of the amount that the President of the United States says he needs to conduct a strong foreign policy at a time of great complexity and danger.

Tight budgets yield painful compromises. During consideration of H.R. 3057, Senators CORZINE and DEWINE offered an amendment to appropriate $50 million to support African Union peacekeeping efforts in Sudan. They took the funding from the Conflict Response Fund that is to be used in emergencies by the new Office of Stabilization and Reconstruction. The amendment was accepted.

That development has made the passage of this amendment to the Department of Defense bill even more crucial. The amendment does not make the transfer of services and other support automatic. Rather, the Secretary of Defense is authorized to transfer the support only if he determines that an emergency exists that requires the immediate provision of such assistance. He must also determine that such assistance is in the national security interests of the United States.

The Department of Defense has asked for the authority. It recognizes that coordination between the State Department and USAID during international emergencies can actually save money and lives. It reflects a new kind of cooperation between the military and the civilian component of our Government that a number of Members have spent much time and effort trying to promote. I urge my colleagues to vote in favor of the amendment.

AMENDMENT NO. 1407

Mr. President, I rise in support of amendment 1407 that strikes section 1008 from the bill under consideration.

The purpose of the amendment is to allow the Defense Department to pay its fair share of the costs of building safer embassies. Section 1008 allows Defense Department participation in the program only to the extent that unreimbursed services provided by State to DOD exceed unreimbursed services provided by DOD to State. It is a complicated formula that, in the end, will probably result in no contributions from the Department of Defense. There is no other agency that has similar legislation.

More than 61,000 American Government employees from 30 agencies work at our embassies and consulates. The Departments of Justice, Homeland Security, Commerce, Treasury, Health & Human Services, Agriculture, and every other agency that has personnel overseas are contributing to the cost-sharing program. After an interagency negotiation, all executive branch departments, including the Defense Department, agreed to contribute to the cost-sharing program. But section 1008 would essentially vitiate that agreement on the part of the Department of Defense.

The Senate has a deep interest in the safety and well-being of our citizens working overseas. Defense Department employees are second in number only to the State Department in many of our embassies. We all know that U.S. facilities are a prime target for terrorists. The 1998 bombings of two American embassies in Africa made it clear that the threat can erupt in unexpected places.

The United States has some 251 embassies and consulates overseas. Many of them do not meet security standards. They are not set far enough back from busily traveled streets, and they are not constructed to minimize damage if attacked. The capital construction program focuses on replacing 150 embassies, prioritized according to a formula that encompasses the threat they face. New embassy compounds are being built on a construction schedule that can be cut almost in half if the cost-sharing program is fully implemented.

The cost-sharing program allocates construction expenses among agencies on the basis of future occupancy and the need for space specially designed for security purposes. After the State Department, the military ranks among the top contributors expected to participate in the program. Defense Department nonparticipation would stretch the embassy construction timetable by several years, prolonging the risks to embassy workers from all agencies.

President Bush has designed an interagency cost-sharing program with a rapid construction timetable. He understands the risks and is working to address them. The cost-sharing program has been embraced by all Cabinet officers, including Secretary Rumsfeld. We in the Congress should not agree to a measure that will disrupt this timetable. We should not slow a process that directly addresses the threat of terrorism toward embassies, which are the most visible and accessible U.S. targets overseas.

I ask my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, our military is first in the world, because of the quality and training of our personnel and because of the technological sophistication of our equipment and weaponry. A large portion of the best civilian scientific minds in the Defense Department are nearing retirement age—yet the legislation before us cuts funding for the military's basic research in math and science.

Amendment No. 1401 that I am offering with the Senator from Maine and others will ensure that the Department maintains its support for scientific research and development. It includes $10 million, to double the funding for the Department's current ''SMART Scholars'' program, which is essentially an ROTC program for the agency's civilian scientists. It increases by $40 million the Department's funding of basic research in science and technology, to ensure that its investment in this field is maintained and our military technology remains the best in the world. The $50 million total cost of the amendment is offset by a $50 million reduction in Department-wide administrative funding.

Our amendment provides sufficient funding for the full cost of college scholarships and graduate fellowships for approximately 100 science, technology, engineering, and math students. It increases basic research on an equal basis in the Army, Navy, Air Force, DARPA, and National Defense Education Program. It is supported by more than 60 of the most prestigious institutions of higher education in America.

Defense Department-sponsored research has resulted in stunningly sophisticated spy satellites, precision-guided munitions, stealth equipment, and advanced radar. The research has also generated new applications in the civilian economy. The best known example is the Internet, originally a DARPA project.

Advances in military technology often have their source in the work of civilian scientists in Department of Defense laboratories. Unfortunately, a large percentage of these scientists are nearing retirement. Today, nearly one in three DOD civilian science, technical, engineering, and mathematical employees is eligible to retire. In 7 years, 70 percent will be of retirement age.

Another distressing fact is that the number of new scientists being produced by our major universities at the doctoral level each year has declined by 4 percent over the last decade. Many of those who do graduate are ineligible to work on sensitive defense matters, since more than a third of all science and engineering doctorate degrees awarded at American universities go to foreign students.

It is unlikely that retiring DOD scientists will be replaced by current private industry employees. According to

the National Defense Industrial Association, over 5,000 science and engineering positions are unfilled in private industry in defense-related fields.

The Nation confronts a major math and science challenge in elementary and secondary education and in higher education as well. We are tied with Latvia for 28th in the industrialized world today in math performance, and that is far from good enough. We have fallen from 3rd in the world to 15th in producing scientists and engineers. Clearly, we need a new National Defense Education Act of the size and scope passed nearly 50 years ago.

At the very least, however, the legislation before us needs to do more to maintain our military's technological advantage. The pending bill irresponsibly cuts science and technology research by 17 percent. It increases funding for the SMART civilian ROTC science program but to only one-third of the Defense Department's request. Last year, over 100 ''highly rated'' SMART Scholar applications were turned down because of insufficient funding. Our amendment has sufficient funds to support every one of those talented young people who want to learn and serve.

It also increases the investment in basic research in science and technology. Investments by DOD in science and technology through the 1980s helped the United States win the Cold War. But funding for basic research in the physical sciences, math and engineering has not kept pace with research in other areas. Federal funding for life sciences has risen four-fold since the 1980s. Over the same period, appropriations for the physical sciences, engineering, and mathematics have remained essentially flat. Funding for basic research fell from fiscal year 1993 to fiscal year 2004 by more than 10 percent in real terms.

The Defense Science Board has recommended that funding for Science and Technology reach 3 percent of total defense spending, and the administration and Congress have adopted this goal in the past. The Board also recommended that 20 percent of that amount be dedicated to basic research, but the pending bill would cut funding for such research by 17 percent. We must do better, and this amendment does that.

The amendment's offset reduces the defensewide administrative fund under the Secretary of Defense. It does not affect operations and maintenance funding for the Army, Navy, or Air Force. For example, it would reduce by 2½ percent the $2 billion that the bill gives the Secretary for his ''business and financial management'' transformation proposal—an area that the Government Accountability Office has deemed at ''high-risk'' for waste.

We can't afford not to pass this amendment, and I urge my colleagues to support it.

ASSOCIATION HEALTH PLANS

Mr. KENNEDY. An important new study issued last week finds that exempting association health plans from State oversight will lead to increased health insurance fraud against small businesses and their workers.

The author of the study, Assistant Professor Mila Kofman at Georgetown University, is one of the Nation's leading experts on private health insurance fraud, and the report provides evidence of the potential harm that the pending association health plan legislation will have on patients and working families.

It finds that exempting association health plans from State oversight will ''create a regulatory vacuum'' and have the ''unintended consequence of widespread fraud threatening the coverage and financial security of millions of Americans.''

The report notes the 30-year history of health insurance scams involving associations and multiemployer arrangements after the Congress exempted such arrangements from State oversight in 1974. Widespread fraud resulted from the exemption, and Congress acted to restore State authority and oversight in 1982. In the years when the Federal Government was responsible for oversight of the plans, widespread fraud took place and large numbers of businesses and workers victimized.

Insurance fraud involving such plans continues, but without State oversight and enforcement, the numbers would have been much worse. States have shut down many illegal arrangements, and saved millions of dollars for consumers in recent years. We can't afford to take away State authority now, and give plans broad exemptions from oversight.

According to a study by the Government Accountability Office, the most common way for insurance scams to proliferate is by selling coverage through associations—many of which are the same bona-fide professional and business associations that would be shielded from oversight under this legislation.

The pending bill would create large loopholes and shield plans from oversight. It relies largely on self-reporting and self-regulation, and makes it far more difficult for regulators to shut down fraudulent plans.

The bill's convoluted regulatory structure would also create widespread confusion about who actually regulates association plans—the Federal Government or States, and this confusion will invite scams to proliferate.

We need to make affordable health insurance for working families a top priority, but this study shows the serious consequences of exempting association health plans from State and oversight and enforcement. The result is predictable: mounting medical bills, greater bankruptcy, medical care denied or delayed, and coverage lost. It is wrong for Congress to turn back the clock to the days of widespread fraud against small businesses and their employees by exempting association plans from appropriate oversight and enforcement, and I urge my colleagues not to take this damaging step.

MEDICAL DEVICE USER FEE STABILIZATION ACT OF 2005

Mr. KENNEDY. Mr. President, I strongly support the Medical Device User Fee Stabilization Act of 2005.

The bill makes needed corrections in the Device User Fee Act we passed in 2002. Most important, it extends this worthwhile program beyond September 30. It ensures stable growth for individual user fees by limiting increases to 8.5 percent a year in 2006 and 2007, and it raises the threshold for businesses to be eligible for the reduced small business fees from $30 million to $100 million.

The user fee program has provided much needed support for the Food and Drug Administration over the past 3 years to expedite its review of medical devices. The FDA has improved its ability to review devices more quickly, and laid the groundwork for further progress as well. Unfortunately, however, fees on individual applications have climbed rapidly in the past 3 years—much faster than anticipated.

Our bill maintains this valuable program and limits the rate of growth in fees. It strikes a fair balance between the competing interests of FDA and the various industries. The agency is not guaranteed the growth in fees that it received under the original legislation to meet the need to expedite its reviews. It makes sense to limit fee increases in response to the concern that the fees have climbed too quickly and are discouraging innovation in these valuable devices. That is why we call the bill the User Fee Stabilization Act.

The bill also clarifies the provision in current law on the identification of the makers of single-use medical devices. Adverse event reports should not be inaccurately attributed to the wrong company, and doctors should not be misled about the source of the device.

Since many so-called single-use devices are often reprocessed and used again, the legislation requires reprocessors of single-use devices to identify their role in preparing the device. When the manufacturer of the original device is identified on the device, the reprocessor must do so as well. When the manufacturer of the original device has not done so, the bill permits the use of detachable labels on the package of the reprocessed device, so that the label can be placed in the patient's medical chart.

These provisions will become effective 12 months after the date of enactment, and they are a reasonable compromise of the interests of the FDA, the original manufacturers, and the reprocessors.

I commend Chairman ENZI for his leadership in producing this much-needed legislation, and I welcome the strong, bipartisan support for the bill

in our Health Committee. I urge all my colleagues to support this important legislation, so that this valuable medical device program can continue effectively beyond September 30.

CHANGING LIVES: THE IMPACT OF SPECIAL OLYMPICS

Ms. LANDRIEU. Mr. President, I rise today to say a few words on the impact of Special Olympics. As many of you know, individuals with intellectual disability face an array of challenges in their efforts to secure opportunities to lead quality lives. These challenges affect every aspect of their lives, including their ability to participate in a meaningful way in their communities and society at large.

The Special Olympics were created to address the use of sports as a vehicle for demonstrating the dignity and capability individuals with intellectual disability can achieve. Over the 37 years of Special Olympics history, there is extensive documentation of competition waged, medals won, and barriers overcome around the world. Athletes, families, coaches, volunteers, and spectators have witnessed many small and large miracles through Special Olympics.

One such miracle is Rose Marie Garrett of Baton Rouge, a three-time participant in Special Olympics World games who in 2001 was named Louisiana's Special Olympian of the Year. At age 49, Rose Marie was diagnosed with Dandy-Walker syndrome, a congenital brain malformation that impairs motor development due to a blockage of spinal fluid to the brain. Despite her lifetime of struggle with the physical problems caused by Dandy-Walker syndrome, Rose Marie was able to rise above this barrier and take charge of her life. Not only did she successfully participate in the Special Olympics, but did so while holding a job at the YMCA. However, Rose Marie did not stop her lifetime of hard work with her achievements in the Special Olympics. She has become a strong advocate for this valuable program, and teaches bowling to children, disabled and nondisabled alike. Her message to those working to overcome difficult hurdles is ''Work hard and go for your goal. If at first you don't succeed, try, try again. Never give up. I didn't.

Rose Marie is just one of the many success stories in the Special Olympics. In 2004, they commissioned a study of the impact of Special Olympics programs on the lives of its athletes in the United States. This study included survey research of current and former athletes, coaches, and family members from a representative sample of U.S. athletes and coaches. It is the most comprehensive assessment to date of the impact of the Special Olympics experience on the lives of people with intellectual disabilities. In the Special Olympics Impact Study and the Special Olympics Athlete Participation Survey, we see that Special Olympics has enabled athletes to not only train for sporting events, but also train for life. Through their voices, U.S. Special Olympics athletes have provided Special Olympics with a very positive report card on the impact that Special Olympics has on their lives.

It is my hope that every person faced with intellectual disabilities will have the opportunity some time in their life to participate in the Special Olympics. As exemplified by Rose Marie's experience, overcoming athletic challenges can lead to a successful life. Special Olympics is a program that supports an inclusive and productive society and I look forward to watching what all these individuals will accomplish in the future.

RETIREMENT OF J.J. HAMILTON

Mr. LEAHY. Mr. President, I would like to take this opportunity to publicly congratulate J.J. Hamilton on his retirement as Director of Aviation at the Burlington International Airport.

J.J. and I have been friends since our days together at St. Michael's College, and it has been a great pleasure working with him over the years on aviation, expansion, and economic development issues at the airport in Burlington.

J.J. has been with the airport for 21 years, serving for the past 15 as its top manager. Under his direction, the Burlington airport has been transformed from a sleepy, one-gate operation into an award-winning, 10-gate facility that is a wonderful gateway to our great State of Vermont. The airport has grown to become an important engine in our State's economy.

Perhaps the best words to describe J.J.'s leadership in Burlington are ''measured and responsible.'' As head of Vermont's largest airport, and one that is municipally owned, he has had to delicately balance the urge for large-scale expansion with his financial responsibility to the citizens of Burlington. When opportunities have arisen to attract new air service, J.J. has been careful to make sure that it is sustainable and that the airport grows appropriately to meet the new demand. And when the airport has sought to expand its business offerings, he has worked cooperatively with the neighbors, the National Guard, and the businesses that are based at the airport or that rely on the airport to outline the significance of the development.

I am proud to have worked with J.J. and others to bring the innovative, low-cost air service to Burlington that has fueled record passenger growth at the airport. From JetBlue and Independence Air to the parking expansions to the new gates, J.J. has diligently moved forward not just to compete with the Albanys and Manchesters of the world for passengers, but to make Burlington a destination unto itself.

I ask unanimous consent that a May 11, 2005, Burlington Free Press editorial on J.J.'s accomplishments in Burlington be included at this point in the RECORD.

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

[The Burlington Free Press, May 11, 2005]

BUILDING AN AIRPORT

J.J. Hamilton has a solid 21-year record at the Burlington International Airport, 16 of them as director, transforming a one-gate operation into today's 10-gate facility that generates $12 million in revenues.

The growth at the airport has occurred gradually over the years, at a pace that has met Vermont's needs and changing lifestyles. Along the way, Hamilton has been there to make a public pitch for significant improvements such as expanding the parking garage.

Hamilton has presided over one of the most welcoming and attractive small airports U.S. travelers will ever find. Where else do you find comfortable rocking chairs set up in front of picture windows that look out onto runways and spectacular mountain views? Long lines are rare, and visitors are treated to a taste of Vermont with displays of local art, scenic murals and a well-stocked souvenir shop.

In 1997, the airport's garage was built and main terminal expanded for $19.9 million; a $25 million expansion was launched five years later. The improvements have encouraged additional airlines to use the facility, securing Burlington International's 2002 distinction as the second-fastest-growing airport in the nation.

Decisions by airlines such as People Express in the 1980s and JetBlue and Independence Air in recent years have added to Burlington International Airport's luster.

For many years, Vermonters drove to Manchester, N.H., Albany, N.Y., or Boston for cheaper flights out of New England. Today, with several low-cost carriers operating out of Burlington, the expanded 1,651–space garage is often crowded with travelers choosing their home airport.

This is especially important for a relatively small state like Vermont, where a healthy business climate requires easy, affordable air service—not to mention the revenues linked directly and indirectly to air travel.

Hamilton's decision to step down as director leaves a void at the airport that might be tough to fill for several reasons.

First, his careful stewardship has established a high bar. The airport set a record for the most significant growth period in the airport's history during Hamilton's tenure, with nearly 635,000 people boarding flights last year.

Second, Hamilton's annual salary of $85,885 isn't highly competitive with many similar positions elsewhere in the United States, making it that much harder to recruit the best and brightest to fill his shoes. The director of the Albany International Airport in New York, for example, earns $106,000 annually.

That is not an unusual problem in Vermont, where salaries tend to lag behind those of more urban areas. More often than not, people accept the lower salary in exchange for a higher quality of life. In some cases, out-of-state applicants argue—successfully—for more money.

The city ought to be somewhat flexible with the incoming director's salary, but cautiously so. A high wage doesn't guarantee competence.

Hamilton, 64, has agreed to stay on until his job is filled, and possibly longer. But Vermonters wish him well as he moves on.

Mr. LEAHY. Again, Mr. President, I want to thank J.J. for his many years

of dedicated service to the City of Burlington and its airport. Marcelle and I wish him and Janet all the best in retirement.

PRESIDENTIAL SCHOLARS

Mr. OBAMA. Mr. President, on May 3, 2005, Secretary of Education Margaret Spellings announced the selection of 141 outstanding American high school seniors as the 2005 Presidential Scholars. The Presidential Scholars Program serves to honor outstanding students for their accomplishments in academics or the arts, as well as for their leadership, character and civic contributions to their schools and communities.

The United States Presidential Scholars Program was established in 1964 by Executive order of President Lyndon B. Johnson. The Presidential Scholars Program annually selects one male and one female student from each of the 50 States, the District of Columbia, Puerto Rico, American students living abroad, 15 at-large students, and up to 20 students in the arts. The students are selected on the basis of outstanding scholarship, service, leadership, and creativity through a rigorous selection and review process administered by the Department of Education. Over 5,000 of the Nation's top students have been honored as Presidential Scholars since this prestigious program's founding.

Of the 141 exceptional students recognized from across the United States for 2005, I would especially like to recognize three students from the great State of Illinois for their accomplishments.

I send my congratulations to the following students for their accomplishments in academics: Kelly A. Zalocusky from Belleville High School East in Belleville, IL, and her teacher Philip C. Short; and Edgar P. Woznica from Fenwick High School in Oak Park, IL, and his teacher Ramzi Farran. For her accomplishments in the arts, I would like to congratulate Marcella J. Capron from Loyola Academy in Wilmette, IL, and her teacher Leslie Yatabe.

Please join me in congratulating the 2005 Presidential Scholars for their accomplishments in academics and the arts. I wish them all the best in their future endeavors.

WORLD VETERINARY ASSOCIATION

Mr. BAUCUS. I ask unanimous consent that Senator JEFFORDS'S speech before the World Veterinary Association be printed in the RECORD.

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

Members of the House of Delegates, the World Veterinary Association, other international guests, friends and colleagues . . . I'm honored to be a part of this historic gathering. I'm especially pleased to welcome my fellow veterinarians from around the world and to be addressing those participating in the first gathering of the World Veterinary Association in the United States since 1934.

Seventy-one years ago, the AVMA and the World Veterinary Association met to discuss the hot issues of the day . . . poultry diseases, advances in food animal medicine, food safety and global disease surveillance. Today we are meeting once again and discussing the issues of our day . . . poultry diseases, advances in food animal medicine, food safety and global disease surveillance.

Thre thousand nine hundred seventeen veterinarians attended that 1934 meeting in New York City at the Waldorf Astoria hotel; many from the same countries that are joining us today. To each I extend our most sincere welcome . . . especially to our colleagues from Afghanistan and Iraq . . . I hope that you find this experience to be one of the most memorable of your career.

Well, here we are, 71 years later. And while we may have different languages and customs, different ways communicating with our clients and treating our patients, we have come together once again precisely because we have more in common than ever before. We are united in our quest for a better world and better medicine for both animals and humans. We are united in our concerns, we are unified in our challenges and we are unified in the celebration of our achievements. We are what veterinary medicine is all about.

When I told my wife, Pat, that I was giving this speech, she reminded me of something Muriel Humphrey once told her husband, Hubert, this country's vice president and a favorite son from this great state. She said, ''Hubert, a speech doesn't have to be eternal to be immortal.'' I'll try to remember that.

I come before you today slightly imperfect. As many of you know, I just had a knee replacement.

My recent surgery got me thinking . . . do any of us truly appreciate our knees? Really appreciate the foundation they provide? I know I didn't . . . not until both gave out on me. I quickly came to realize, however, that my knees must work together in unity in order for me to complete the tasks I take for granted. I just assumed they'd provide a solid foundation without much attention from me. I was sadly mistaken.

Paying attention to our profession's basic principles is what I'd like to talk to you about today. We all assume that our professional unity and our rock solid foundation are perpetual. They're not. Without attention and care, our foundation can slowly begin to erode. That's why I am dedicating my presidency to the care and nurturing of our professional unity . . . the essential cornerstone of our great profession.

Traditionally, past AVMA presidents have used this time to present you with a roster of very specific recommendations for new programs and initiatives.Many of those recommendations have resulted in impressive and important changes within the AVMA.

But different times call for different approaches. I come before you today with a total commitment to spending my year at the helm of this great organization working to reaffirm our unity.

As president elect, I've spent much of the past year speaking to a wide variety of veterinary associations and student organizations. In May, when I gave the commencement address at Auburn, I was reminded of my own graduation. I was reminded of my classmates and my professors. Of the long hours and challenges that we faced and survived. I think back to the unity we felt as a class and our coordinated effort to help each other. Doing whatever it took to ensure that each individual met the challenges of the curriculum and graduated.

Unity got us through school . . . and a C+ mean average didn't hurt.

And on our graduation day, we became veterinarians. Not equine veterinarians. Not bovine veterinarians. Not small animal veterinarians. We became veterinarians . . . members of a select group of professionals that dedicate their lives to ensuring the highest standards in animal and public health.

Why is unity more important today than ever before? Aesop said it better than I ever could . . . ''we often give our enemies the means for our own destruction.''

Today our profession is facing challenges, the likes of which we've never seen before. From town hall to Capitol Hill . . . from the classroom to the laboratory . . . from the farm to the dinner table . . . our attention is being pulled in a myriad of directions. In light of those challenges, we must remain focused . . . we must stay united. While we may practice in different disciplines involving different species of animals, we must be one vision, one voice. We must maintain the highest standards in medicine and public health, encouraging and assisting others in accomplishing the same. While we may practice in different parts of the world, we must foster unity with our fellow veterinarians from around the globe. Good medicine knows no boundaries . . . knows no borders. We must cooperate and collaborate with our fellow veterinarians worldwide . . . to make this world a better place for animals and humans, alike.

Has there always been perfect unity within the profession? If you look back in the annals of our convention or in the Journal of the American Veterinary Medical Association, you will see many instances where we did not all agree. We are a diverse profession and there are bound to be differences in opinion. But I would argue that the French essayist, Joubert, was right when he said, ''the aim of argument, or of discussion, should not be victory, but progress.''

Some of the differences our profession is experiencing today may just be a reflection of what is happening to society as a whole.

For example, we've moved away from an agricultural society. In the past 20 years, many of our colleagues have chosen a metropolitan setting, where they concentrate on companion animals. As a result, the number of food animal graduates has slowed to a trickle. The reality, however, is that food animal practitioners are more important to society than ever before. There is an acute shortage of food animal veterinarians during a time when the world is threatened by zoonotic and foreign animal diseases. At the same time, we are experiencing the same crisis level shortages of public health veterinarians. Most new graduates are not choosing a career in this essential segment of veterinary medicine. The profession must find ways to encourage undergraduates to enter food animal and public health practice.

In an attempt to resolve the critical food animal veterinary shortage, AVMA has been working on a number of strategies and initiatives.

For example, as many of you know, the AVMA helped fund a study to estimate the future demand and availability of food supply veterinarians and to investigate the means for maintaining the required numbers.

AVMA also approved and financially supported the development of benchmarking tools for production animal practitioners by the National Commission on Veterinary Economic Issues. These benchmarking tools are designed to provide our current practitioners with help in ensuring that their practices are financially successful. That, in turn, will assist in attracting future veterinarians to food animal practice.

The government relations division of the AVMA is diligently working to convince Congress to provide federal funding for the National Veterinary Medical Service Act. If fully funded, that act could go a long way toward encouraging recent graduates to practice food animal medicine in under-served areas and provide veterinary services to the federal government in emergency situations. Just last month, the Senate Agriculture Appropriations Subcommittee approved $750,000 for a pilot program. We applaud the efforts of Representatives Pickering and Turner . . . and Senators Cochran and Harkin . . . all of whom sponsored the original bill. And I want to thank the Appropriations Subcommittee, especially Senator Brownback for his kind words and commitment to veterinary medicine.

AVMA is also lobbying our federal legislators to pass the Veterinary Workforce Expansion Act . . . an important piece of legislation that will provide us with sorely needed public health and public practice veterinarians. Today's public health practitioners play an invaluable role in U.S. agriculture, food safety, zoonotic disease control, animal welfare, homeland security and international standards and trade. Without an adequate number of public health veterinarians, the wellbeing of our nation—yes, even the world—is at risk. Senator Allard has been invaluable and unwavering in his dedication to moving this act forward through the complicated legislative process. I intend to do everything I can as president to provide support to Senator ALLARD's effort to pass the veterinary workforce expansion act.

On the international education level, AVMA has been committed to the global unity of the profession for decades. The AVMA Council on Education has partnered with Canada since the accreditation system was developed and has accredited six foreign veterinary colleges. We are working with six additional schools. We're extremely proud of those colleges. As more inquiries come forward, it's self evident that the world looks to us as the gold standard in educational goals and expectations.

At the same time, I will be supporting the efforts of our specialty organizations to attract and train the new practitioners they need. Currently, there are 20 veterinary specialty organizations comprising 37 distinct areas of expertise under the AVMA umbrella.

The AVMA economic report on veterinarians and veterinary practices has revealed a substantial difference between the incomes of specialists and non-specialists practicing in similar disciplines. I will, as president, encourage the development of additional in-depth financial surveys that, hopefully, will motivate our undergraduates to further their education and achieve specialty status . . . thus helping ensure that public demand for advanced veterinary medical services are being met while, at the same time, increasing our economic base.

Hopefully, these additional specialists will serve as a resource for our veterinary colleges who are becoming increasingly understaffed.

In the past fifteen years, we've seen a shift in the demographics of our profession. I'll bet there were plenty of raised eyebrows when McKillips College, in 1903, and the Chicago Veterinary College, in 1910, graduated our country's first female veterinarians. It's hard to believe that as recently as 1963 the profession included only 277 female veterinarians.

We're proud of the fact than an increasing number of our graduates are women. Their contributions and leadership have strengthened our profession. However, the recent AVMA-Pfizer study confirmed lower mean female incomes within the profession. Now is the time to explore solutions to that problem, and I will do everything in my power to ensure that this issue is thoroughly investigated and addressed.

To achieve unity, I firmly believe that we must be inclusive, not exclusive. The public has always been well served by the diversity in our practice areas. Now, we must diversify our membership. The AVMA . . . with more than 72,000 members representing 68 constituent organizations in the House of Delegates . . . must now seek to represent every race, creed and color. As a profession, we must mirror the public, and they us. We must become a profession more reflective of the population we serve.

Over thirty years ago, Dr. H.J. Magrane, then president of the AVMA, spoke often and passionately about the need for inclusion and equality in our profession. As a profession, we have still not made the advances in diversity that are necessary.

As the great social scientist Margaret Mead said . . . . ''in diversity . . . we will add to our strength.''

In order to achieve our diversity goals, we must initiate both practical and creative ideas to arrive at an enriched membership. It's up to us . . . all of us . . . to reach out to young people and to nurture their interests and talents so that we become the shining example of professional diversity. We need to be involved in youth groups, in churches, and in our public schools . . . and united in our quest, so that others say, ''we must emulate the AVMA.''

Once in veterinary school, our students . . . all our students . . . need to know that we, as a profession, are there to mentor and to help them through the special challenges they face. None of us got to where we are today without at least one special person . . . one special veterinarian . . . who took us under his or her wing and proved to be our own, personal cornerstone. We can do no less for those who are striving today to become members of our profession.

In what programs is the AVMA currently involved concerning diversity? First, at its April 2005 meeting, the Board approved the establishment of a Task Force on Diversity. That task force will recommend steps that we must take to meet our goals in diversity.

But here's something you can do in the immediate future. Tomorrow, our convention will offer a full day diversity symposium, including an appearance by Doctor Debbye Turner, veterinarian, former Miss America and contributor to the CBS early show. I hope many of you will plan on spending part of your day attending these important meetings, if time permits.

Diversity will also be an integral part of the 2006 Veterinary Leadership Conference. Each of these opportunities is designed to help us achieve the diversity we've talked about for so long.

So what's on our want list for 2005? As I've mentioned, critical shortages exist in food animal and public health veterinarians. But we also are desperately in need of teachers and researchers. We need policy experts and homeland security professionals. We need legislative leaders, and we need veterinarians who are visionaries and who can lead us in this era of globalization. There exists such critical shortages in so many areas that some days I wonder if our small numbers can, in fact, make a difference.

But then I am asked to speak somewhere. And I look at the enthusiastic faces in my audience . . . established veterinarians who are deeply involved in their state and local associations, students who live and breathe only to count off the days until they can touch their dream, high school students with straight A's who are anxious to know what else they have to do to make it into veterinary school, third graders with a commitment to animals that rivals the grit and determination of a Jack Russell terrier . . . and I know that we will not only survive . . . but thrive.

As I've said, my presidency will be dedicated to re-energizing the unity that has always been our strength and foundation. As another president from the northeast, John F. Kennedy, once said, ''Let us not be blind to our differences—but let us also direct attention to our common interests.''

Ladies and gentlemen, our common interests are so much greater than our differences. Like the society and world around us, we are changing. And change is never easy. But with your help, and our combined dedication and attention to preserving and protecting our unity of purpose, we will thrive and remain one of the most admired and respected professions in the world.

During the coming year, I will be looking to you for help. I will listen . . . and I will participate. I will follow your lead . . . and I will lead to enlighten. I implore each of you to participate in this great organization and make it your own. For you are the teachers . . . you are the visionaries . . . you are veterinary medicine.

Thank you.

NATIONAL HERITAGE FELLOWSHIP

Mr. OBAMA. Mr. President, today I rise to congratulate an Illinois resident who has received national recognition for her contributions to the American artistic community. Ms. Albertina Walker of Chicago, the ''Queen of Gospel Music,'' has been selected to receive a National Heritage Fellowship by the National Endowment for the Arts, NEA.

The highest honor in the field of folk and traditional arts, these fellowships are awarded to 12 outstanding artists each year to recognize their contributions to their fields. They are selected based on their artistic excellence and cultural authencity.

National Heritage Fellowships are not open to application but are based on nominations from members of the public. Begun in 1982, these fellowships consist of a $20,000 grant and are part of the NEA's mission of supporting excellence in the arts, both new and traditional. Previous National Heritage Fellowship recipients have included such artists as B.B. King and John Lee Hooker.

The Grammy-award winning Ms. Walker is a native of Chicago and has been involved in gospel music for over 70 years. She has recorded over 60 albums and is an active member of West Point Missionary Baptist Church.

I thank the National Endowment for the Arts for its recognition of Ms. Walker's outstanding work and once again applaud Ms. Walker for her achievement.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF BUFFALO, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in

North Dakota that will be celebrating its 125th anniversary. On July 14–17, the residents of Buffalo gathered to celebrate their community's history and founding.

Buffalo is a vibrant and active community in eastern North Dakota with a population of more than 200 people. Despite its small size, Buffalo holds an important place in North Dakota's history. Buffalo, like most small towns in North Dakota, got its start when the railroad stretched throughout the State. In 1883, the postmaster, Charles A. Wilder, named the community Buffalo in honor of the secretary of the Northern Pacific Railway, who was born in Buffalo, NY.

Buffalo has a very active historical society that has worked to restore two unique properties, the Old Stone Church and the 1916 High School, both of which are listed on the National Register of Historic Places. The restoration of the Old Stone Church, in particular, has received national attention. In 1999, it was awarded a National Trust for Historic Preservation Honor Award. Buffalo is the only community in North Dakota to ever receive the award, and it is the smallest community in the Nation to ever receive the award. The restoration of this prairie church united the community and preserved an important piece of our State's history. The residents of Buffalo can be extremely proud of their efforts to preserve these historic places.

For those who call Buffalo home, it is a comfortable place to live, work, and play. Today, Buffalo is home to a café, gas station and repair shop, bank, day care, heritage museum and much more. The community had a wonderful celebration that included an all school reunion, parade, car show, street dance, fireworks, and games.

I ask the Senate to join in me congratulating Buffalo, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Buffalo and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Buffalo that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Buffalo has a proud past and a bright future.●

TRIBUTE TO THE TOWNS OF MOORESTOWN AND CHATHAM, NEW JERSEY

● Mr. CORZINE. Mr. President, I rise today to pay tribute to Moorestown and Chatham, NJ, on being named two of the best places in the country to live. It is only fitting that an acclaimed national magazine recognized what I have always known—New Jersey is a great State in which to live.

Moorestown and Chatham received these top honors based upon the following criteria: business climate, economic well being, quality of life, and a positive environment in which to work and raise a family. New Jersey's tourism industry, scenic beauty, low crime rate, high-quality education, community spirit, parks and recreation, make my State attractive for many families and businesses.

Moorestown, a 15-square-mile, tree-lined, suburban town, was named the No. 1 place to live in America. This lovely little hamlet, located in Burlington County, prides itself on its historic buildings, charming customs, and social conscience. One of its nicest traditions is its ''Random Act of Kindness Week,'' a time when its citizens are encouraged to practice the virtue of good deeds, not only for the neediest, but for their next-door neighbors as well. Only moments away from Philadelphia, it has a booming economy with numerous manufacturing facilities, high-tech firms, and defense contractors. Moorestown is also home to many cultural arts venues and recreational facilities. As many of the families that have lived there for generations will tell you, this town is truly the perfect place to raise a family and call home.

One of our other great towns, Chatham, NJ, was ranked the ninth most desirable place to live in the country. This small wonder of Morris County, sits on the banks of the Passaic River, and is home to many of the historic manufacturing plants of the late 1800s and early 1900s. Today, Chatham relies on many major technology and communications firms to help boost this small metropolis to the forefront of the Nation. Chatham is a great place to raise a family as well, with its many fine schools and close proximity to New York City. It is also home to a national wildlife refuge, which residents fought to protect from developers.

It is no surprise that my home State of New Jersey is the only place with two towns in the top 10 list. Moorestown and Chatham both deserve these high honors. I applaud the local officials, enterprising business men and women, and the committed citizens of these great towns. I am proud to represent them in the U.S. Senate, and wish them all the best in the future.●

A TRIBUTE TO THE AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. BROWNBACK. Mr. President, it gives me great pleasure to rise today and to honor the work of the Women's Missionary Society of the African Methodist Episcopal Church, whose annual conference will be held in my home State of Kansas. As you may know, the African Methodist Episcopal Church has a magnificent and marvelous history in this country. The A.M.E. Church was the first African American Church founded in this Nation. Borne out of the struggle to worship our almighty and benevolent Father without persecution, the A.M.E. Church was founded in order that African Americans could worship freely. And unlike the churches of their time, the co-founder, Bishop Richard Allen, insured that any person regardless of race, creed, or color could worship in church.

It is with that spirit and the spirit of benevolence toward one another that the Women's Missionary Society was formed. Through the vision of Mrs. Sarah Allen, the wife of Bishop Richard Allen, there was formed the Women's Missionary Society of the African Methodist Episcopal Church in an effort to mobilize and encourage women in the area of missions. Today the missionary society is still committed to spreading the principles of Christian love and boasts a membership of over 800,000 worldwide. It is their charge and duty to serve God in all they do and to assist in the progression of serving all people worldwide.

Indeed, the Women's Missionary Society has a wonderful 130 year history within the A.M.E. Church. In early 1900s the Kansas/Nebraska Conference Branch Women's Missionary Society was formed. At this time, Kansas/Nebraska conference began to serve and meet the needs of the church and the community. During their 130 year history, the Missionary Society encountered many social challenges. And holding true to their legacy, they learned to adjust, adapt, and to be of service to the A.M.E. Church and the African American community. As a conference, they sponsor and hold workshops and seminars to educate the A.M.E. Church and the community on social issues that affect the Black community daily.

The Kansas/Nebraska Missionary Society has had several Episcopal supervisors who met the challenges of mission with the A.M.E. Church and the African American community in general. Today, the missionary society has opened a new chapter of missions with a Supervisor who has a global mission to serve abroad as well as at home, Reverend Dr. Cecelia Williams Bryant, who is affectionately known as ''Rev. C.''

Holding true to the A.M.E. Church legacy, Rev ''C'' is a true visionary. Under the direction of Rev. ''C,'' the missionary society will create opportunities for those in need, obtain resources for the changing needs and work to address the concerns of people throughout the world. They will also offer aid and assistance to women's organizations throughout the world as well. They also plan to pray and enthusiastically send the message throughout the Nation and the world that prayer will and can make a difference.

On the evening of September 6, 2005, at St. John African Methodist Episcopal Church, Topeka, KS, the Kansas/Nebraska Conference Branch Women's Missionary Society of the African Methodist Episcopal Church will proclaim ''The Healing of the Nations'' as they explore and tell the story of the women in the Democratic Republic of the Congo, India and the Boothheel of Missouri.

Mr. President, it is quite evident that the Kansas/Nebraska Women's Missionary Society is ready to accept the challenges to move forward and continue to serve this Nation and the world in the areas of missions.●

HONORING THE COMMUNITY OF COLMAN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 125th anniversary of the founding of the town of Colman, South Dakota. On August 13, 2005, Colman citizens celebrate their community's proud past as well as their hope for a promising future.

Located in Moody County, Colman is a small community nestled amongst the fertile farmland of eastern South Dakota. The town got its start with the help of the railroad, specifically the Milwaukee line, as it made its way into the western United States. Platted in 1880, Colman was originally named Allenson, in honor of the Allen family who donated the town site in 1880. Not long thereafter, however, it was renamed Colman, honoring the town's prosperous Colman Lumber Company.

Colman experienced a great deal of economic prosperity in the early 20th century. Although only a fraction of the businesses Main Street once boasted are still in operation, it is clear Colman was a lively, self-sufficient city with a variety of goods and services to offer. The bustling community included a grain elevator, a flourishing mill, both a dairy and dairy delivery service, a trucking service, a doctor, a weekly newspaper, and a theater that showed movies every night of the week. One of Colman's oldest businesses is the Farmers Cooperative Elevator, which is still in use today. Although it was established in 1898, the structure was destroyed and had to be rebuilt in 1941. Additionally, Colman's first school was a one-room building near the western outskirts of the town.

On January 28, 1901, the first issue of The Colman Argus was published by Bert H. Berry. In April of that year, Berry sold the weekly paper to F.F. French, who owned and edited it until his death in 1931. French's son, F. Philo French, continued to print the publication for the next 26 years, and then passed it on in 1957 to his widow, Lulu French, who eventually sold the paper in 1971, upon her retirement.

In the last three decades, Colman has evolved into a peaceful and quiet community that is great for retirees, those raising children, and everyone in between. The curtailment of the railroad, in addition to the improvement of roads and alternate routes that sidestepped Colman, caused people to travel to larger towns in the State to conduct their business. Nevertheless, technology and progress can never touch the firm resolve and remarkable work ethic that is characteristic of the great people of this country's heartland. The innovation and determination of the individuals who had the courage to make a home for themselves on the plains of the Dakotas serves as inspiration to all those who believe in the honest pursuit of their dreams. Colman's proud 560 residents celebrate their city's vibrant 125 year history and the legacy of the pioneer spirit on August 13th, 2005.●

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1797. An act to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

H.J. Res. 59. Joint resolution expressing the sense of Congress with respect to the women suffragists who fought for and won the right of women to vote in the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 181. Concurrent resolution supporting the goals and ideals of National Life Insurance Awareness Month, and for other purposes.

At 1:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the ''Brian P. Parrello Post Office Building''.

The message also announced that the House disagree to the amendments of the Senate to the bill H.R. 2985 making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. KINGSTON, Ms. GRANGER, Mr. DOOLITTLE, Mr. LAHOOD, Mr. OBEY, Mr. HOYER, and Mr. MORAN of Virginia.

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 2361 making appropriations for the Department of the Interior, environment, and related agencies for fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. TAYLOR of North Carolina, Mr. LEWIS of California, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. ISTOOK, Mr. ADERHOLT, Mr. DOOLITTLE, Mr. SIMPSON, Mr. DICKS, Mr. OBEY, Mr. MORAN of Virginia, Mr HINCHEY, Mr. OLVER, and Mr. MOLLOHAN.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 181. Concurrent resolution supporting the goals and ideals of National Life Insurance Awareness Month, and for other purposes; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1797. An act to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3177. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2004 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

EC–3178. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of the American Legion as of December 31, 2004; to the Committee on the Judiciary.

EC–3179. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Authority for Practitioners To Dispense or Prescribe Approved Narcotic (Opioid) Controlled Substances for Maintenance or Detoxification Treatment'' (RIN1117–AA68) received on July 21, 2005; to the Committee on the Judiciary.

EC–3180. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Clarification of the Exemption of Sales by Retail Distributors of Pseudoephedrine and Phenylpropanolamine Products'' (Docket No. DEA–239T) received on July 21, 2005; to the Committee on the Judiciary.

EC–3181. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the High Valley Viticultural Area (2003R–361P)'' ((RIN1513–AA79)(T.D. TTB–30)) received on July 21, 2005; to the Committee on the Judiciary.

EC–3182. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Alexandria

Lakes Viticultural Area (2002R–152R)'' ((RIN1513–AA45)(T.D. TTB–29)) received on July 21, 2005; to the Committee on the Judiciary.

EC–3183. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Horse Heaven Hills Viticultural Area (2002R–103P)'' ((RIN1513–AA91)(T.D. TTB–28)) received on July 21, 2005; to the Committee on the Judiciary.

EC–3184. A communication from the Deputy Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Administrator for Administration and Resources Management, received on July 21, 2005; to the Committee on Environment and Public Works.

EC–3185. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Water, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3186. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3187. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Administrator, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3188. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Enforcement and Compliance Assurance, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3189. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Administrator, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3190. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously reported information and the discontinuation of service in the acting role for the position of Assistant Administrator for Solid Waste and Emergency Response, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3191. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of the designation of an acting officer and a change in previously submitted reported information for the position of Assistant Administrator for Research and Development, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3192. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information and the discontinuation of service in the acting role for the position of Assistant Administrator for Prevention, Pesticides and Toxic Substances, received July 21, 2005; to the Committee on Environment and Public Works.

EC–3193. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite'' (RIN3150–AH51) received on July 21, 2005; to the Committee on Environment and Public Works.

EC–3194. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: VSC–24 Revision'' (RIN3150–AH70) received on July 21, 2005; to the Committee on Environment and Public Works.

EC–3195. A communication from the Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year 2006, and revisions to the Fiscal Year 2005 AMP; also included are AMPs for Fiscal Years 2007 through 2010; to the Committee on Armed Services.

EC–3196. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–3197. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–3198. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–3199. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–3200. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''Inquiry Response on Rock Island Questions and Request for Clarification'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3201. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (8 subjects on 1 disc beginning with ''DoD Response to BRAC Commission's Questions for the Record Resulting from the July 18, 2005, Hearing'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3202. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Geographic Use of the Term 'United States' '' (DFARS Case 2001–D003) received on July 21, 2005; to the Committee on Armed Services.

EC–3203. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Contractor Access to Sensitive Information'' (RIN2700–AC60) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3204. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States'' (RIN0651–AB84) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3205. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Requirements to Receive a Reduced Fee for Filing an Application through the Trademark Electronic Application System'' (RIN0651–AB88) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3206. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Licensing Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau'' (RIN0694–AD24) received on July 21 2005; to the Committee on Commerce, Science, and Transportation.

EC–3207. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery, Final Rule Amending the PSP Emergency Closure'' (RIN0648–AT51) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3208. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 15'' (RIN0648–AS53) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3209. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 10 to Alaska Scallop FMP'' (RIN0648–AS90) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3210. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on July 21,

2005; to the Committee on Commerce, Science, and Transportation.

EC–3211. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Halibut Fisheries; Oregon Sport Fisheries; Temporary Rule; Inseason Adjustment'' (I.D. No. 061605B) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3212. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments'' (I.D. No. 062705B) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3213. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment of the Quarter III Quota Allocation for Loligo Squid'' (I.D. No. 062205A) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3214. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2005 Trip Authorization for Closed Area II Yellowtail Flounder Special Access Program'' (I.D. No. 030705D) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3215. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Fulltime Tier 2 Permit Category for the Tilefish Fishery for Fishing Year 2005'' (I.D. No. 061705B) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3216. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Directed Fishing for Rock Sole in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 062705A) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3217. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder; Summer Flounder Fishery; Commercial Summer Flounder Quota Transfer from Rhode Island to Other States'' (I.D. No. 061505C) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3218. A communication from the Fishery Policy Analyst, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement 2005 Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries'' (RIN0648–AS21) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3219. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2005 Management Measures'' ((RIN0648–AS58) (I.D. No. 042505B)) received on July 21 2005; to the Committee on Commerce, Science, and Transportation.

EC–3220. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Sardine Fishery'' ((RIN0648–AS17) (I.D. No. 112404B)) received on July 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010 (Rept. No. 109–108).

By Mr. BOND, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3058. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–109).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Henrietta Holsman Fore, of Nevada, to be an Under Secretary of State (Management).

*Josette Sheeran Shiner, of Virginia, to be an Under Secretary of State (Economic, Business, and Agricultural Affairs).

*Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador.

*Kristen Silverberg, of Texas, to be an Assistant Secretary of State (International Organization Affairs).

*Jendayi Elizabeth Frazer, of Virginia, to be an Assistant Secretary of State (African Affairs).

*Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

*James Cain, of North Carolina, to be Ambassador to Denmark.

Nominee: James Palmer Cain.

Post: U.S. Ambassador to the Kingdom of Denmark.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. James P. Cain: $865.00, 1/2005, N.C. Republican Party; $300.00, 7/2004, N.C. Republican Party; $199.00, 3/32004, N.C. Republican Party; $500.00, 11/2003, N.C. Republican Party; $2,000.00, 7/2003, Bush/Cheney '04; $1,0000.00, 4/2003, N.C. Republican Party; $1,000.00, 4/2003, Burr for U.S. Senate; $1,000.00, 11/2002, N.C. Republican Party; $1,000.00, 11/2002, Dole N.C. Victory Committee; $1,000.00, 11/2002, Dole for U.S. Senate; $250.00, 10/2002, Grant for Congress; $100.00, 2/2002, Grant for Congress; $1,000.00, 1/2002, Dole for U.S. Senate; $500.00, 10/2001, N.C. Republican Party; $100.000, 11/2000, Bush Cheney Recount Fund; $1,000.00, 6/2000, Shuster for Congress.

2. Helen R. Cain—wife of nominee: $1,000.00, 5/2004, Broyhill for Congress; $2,000.00, 7/2003, Bush/Cheney '04; 1,000.00, 6/2000, Shuster for Congress.

3. Anne C. Cain—Age 15, N/A; Laura M. Cain—Age 12, N/A.

4. E. Lee and Patricia L. Cain—parents of nominee: $100.00, 11/2004, Richard Burr—Victory '04; $500.00, 92004, N.C. Republican Party; $10.00, 9/2004, NRCC; $15.00, 8/2004, NRCC; $25.00, 7/2004, NRSC; $15.00, 7/2004, New Republican Majority Fund; $2,000.00, 7/2004, RNC Presidential Trust; $25.00, 6/2004, Republican National Committee; $25.00, 6/2004, NRSC; $20.00, 6/2004, ARMPAC; $25.00, 2/2004, NRCC; $50.00, 2/2004, Republican National Committee; $25.00, 2/2004, N.C. Republican Executive Committee; $50.00, 2/2004, Republican National Committee; $25.00, 12/2003, Republican National Committee; $1,000.00, 10/2003, Bush/Cheney '04; $250.00, 10/2003, Ed Broyhill for Congress; $250.00, 10/2003, Jay Helvey for Congress; $1,000.00, 7/2003, Bush/Cheney '04; $25.00, 10/2002, Friends of Katherine Harris; $25.00, 10/2002, Republican Party of Florida; $1,000.00, 9/2002, Dole for Senate; $15.00, 12/2001, Republican National Committee; $1,000.00, 12/2001, Dole for Senate; $50.00, 10/2001, Republican National Committee; $25.00, 8/2001, Republican Presidential Task Force; $35.00, 7/2000, Bush for President; $25.00, 7/2000, Republican National Committee.

5. Arthur and Ethel Jones (maternal)—deceased; Palmer Dewey and Aretha Cain (paternal)—deceased.

6. Charles and Anne (Archibald) Cain: $2,000.00, 11/2003, Bush/Cheney '04.

Patrick and Sarah (Cross) Cain: none.

7. Nominee does not have any sisters: n/a.

*Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of Malawi.

Nominee: Alan W. Eastham Jr.

Post: Lilongwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Carolyn L. Eastham: none.

3. Children and Spouses: Mark A. Eastham: none.

Michael S.G. Eastham: none.

4. Parents: Alan W. Eastham—deceased; Ruth C. Eastham—deceased, 7/2004, none.

5. Grandparents: Thomas W. Eastham—deceased; Annie J. Eastham—deceased; Dewey T. Clayton—deceased—; Ruby P. Clayton—deceased.

6. Brothers and Spouses: Thomas C. Eastham—none; Jenny Lea Eastham—none; Craig L. Eastham—none; Dawn Deane—none.

7. Sisters and Spouses: none.

*Katherine Hubay Peterson, of California, to be Ambassador to Republic of Botswana.

Nominee: Katherine Hubay Peterson.

Post: Gaborone, Botswana.

The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: (Not applicable).

3. Children and Spouses: (Not applicable).

4. Parents: Paul Hubay (father)—deceased, 1/93; Ruth Davey Hubay (mother)—none.

5. Grandparents: Frederick Norton Davey and Ruth Johnson (both deceased); Joseph Hubay and Katherine Melnyk Hubay (both deceased).

6. Brothers and Spouses: (Not applicable).

7. Sisters and Spouses: Davey Hubay (divorced) $50.00, October 2004, Democratic National Committee.

*Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania.

Nominee: Michael L. Retzer.

Post: Ambassador to the Republic of Tanzania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $4,000, 4/1/05, Mississippi Republican Party; $25,000, 5/2/05, Republican National Party (RNC); $5,000; 5/21/05, Haley Barbour for Governor; $200, 5/31/05, Trent Lott for Mississippi.

Nominee: Michael L. Retzer.

Post: Ambassador to the Republic of Tanzania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Donee, date, and amount:

1. Self: $78,310.00: Ashcroft 2000, 08/27/2000, $1,000.00; Responsibility and Freedom Work PAC (RFWPAC); 10/11/2002, $1,000.00; 07/14/2003, $1,000.00; Trent Lott for Mississippi, 11/23/2004, $2,000.00; 11/23/2004, $2,000.00; John Thune for U.S. Senate, 09/30/2004, $2,000.00; Martinez for Senate, 10/01/2004, $2,000.00; Lisa Murkowski for U.S. Senate, 10/08/2004, $2,000.00; David Vitter for U.S. Senate, 09/30/2004, $2,000.00; Mississippi Republican Party, 02/02/2000, $1,000.00; 08/09/2000, $210.00; 11/29/2000, $850.00; 03/21/2001, $1,000.00; 09/18/2001, $4,000.00; 02/24/2003, $1,000.00; 05/16/2003, $2,000.00; 06/06/2003, $1,000.00; 06/18/2004, $5,000.00; Dunn Lampton for Congress, 03/25/2000, $1,000.00; 03/25/2000, $1,000.00; Committee to Elect Clinton B. Lesueur, 09/28/2001, $250.00; 05/04/2002, $500.00.

2. Spouse: N/A

3. Children and Spouses: Michael Jr., Bush-Cheney '04 INC, 6/20/2003, $2,000.00.

Kathryn, Alexander for Senate, 9/05/2002, $1,000.00.

4. Parents: Karl & Betty Retzer.

5. Grandparents: All deceased—Ruth Retzer, 1995; William Retzer, 1960; C.L. Crider, 1956; Ruth Crider, 1971.

6. Brothers and Spouses: Bill Retzer, Doug OSE for Congress, 5/16/2000, $1,000.00.

Jere Retzer.

7. Sisters and Spouses: none.

*Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Macedonia.

Nominee: Gillian Arlette Milovanovic.

Post: Ambassador to Macedonia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Zlatibor Radmilo Milovanovic—none other than IRS form one dollar check off.

3. Children and Spouses: Alexandra Helene Milovanovic—none.

Anna Michele Milovanovic—none.

4. Parents: Andre Pesche—deceased, none.

Annette Roussel-Pesche—deceased, may have given something but I don't have any information.

5. Grandparents: Mary and Meyer Rosenson—deceased, none I know of.

Germaine and Robert Pesche—deceased, none.

Brothers and Spouses: no brothers.

Sisters and Spouses: no sisters.

By Mr. ROBERTS for the Select Committee of Intelligence.

*Janice B. Gardner, of Virginia, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury.

*Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

*John S. Redd, of Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1480. A bill to establish the treatment of actual rental proceeds from leases of land acquired under an Act providing for loans to Indian tribes and tribal corporations; considered and passed.

By Mr. MCCAIN:

S. 1481. A bill to amend the Indian Land Consolidation Act to provide for probate reform; considered and passed.

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

S. 1482. A bill to amend the Act of August 9, 1955, to provide for binding arbitration for Gila River Indian Community Reservation Contracts; considered and passed.

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

S. 1483. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to modify the definition of ''Indian student count''; considered and passed.

By Mr. REID (for himself and Mr. DORGAN):

S. 1484. A bill to amend the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990; considered and passed.

By Ms. CANTWELL (for herself and Mr. DORGAN):

S. 1485. A bill to amend the Act of August 9, 1955, to extend the authorization of certain leases; considered and passed.

By Mr. SANTORUM:

S. 1486. A bill to extend the suspension of duty on Baytron M; to the Committee on Finance.

By Mr. SANTORUM:

S. 1487. A bill to suspend temporarily the duty on Sorafenib; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. COBURN, Mr. INHOFE, Mr. CRAPO, Mr. THUNE, Mr. LOTT, Mr. BUNNING, Mr. BURNS, and Mr. ENSIGN):

S. 1488. A bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself and Mr. DEWINE):

S. 1489. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ALLEN, and Mr. WARNER):

S. 1490. A bill to amend the Federal Water Pollution Control Act to require environmental accountability and reporting and to reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SANTORUM):

S. 1491. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1492. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay Watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SANTORUM):

S. 1493. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1494. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to establish programs to enhance protection of the Chesapeake Bay, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 1495. A bill to prohibit Federal agencies from obligating funds for appropriations earmarks included only in congressional reports, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. LOTT, and Mr. NELSON of Nebraska):

S. 1496. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Environment and Public Works.

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

S. 1497. A bill to require the Secretary of the Interior to provide incidental take permits to public electric utilities that adopt

avian protection plans; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1498. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. 1499. A bill to amend the Federal Power Act to provide for competitive and reliable electricity transmission in the Commonwealth of Kentucky; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1500. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and to conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 1501. A bill to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORZINE:

S. 1502. A bill to clarify the applicability of State law to national banks and Federal savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. MCCONNELL, Mr. GREGG, Mr. ENZI, Ms. MURKOWSKI, and Mr. DEMINT):

S. 1503. A bill to reduce healthcare costs, expand access to affordable healthcare coverage, and improve healthcare and strengthen the healthcare safety net, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. SCHUMER, and Ms. SNOWE):

S.J. Res. 21. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU:

S. Res. 211. A resolution designating August 19, 2005, as ''National Dyspraxia Awareness Day'' and expressing the sense of the Senate that all Americans should be more informed of dyspraxia; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. Res. 212. A resolution expressing the sense of the Senate that the Federal Trade Commission should investigate the publication of the video game ''Grand Theft Auto: San Andreas'' to determine if the publisher deceived the Entertainment Software Ratings Board to avoid an ''Adults Only'' rating; to the Committee on Commerce, Science, and Transportation.

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

S. Res. 213. A resolution to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al; considered and agreed to.

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

S. Res. 214. A resolution to authorize representation by the Senate Legal Counsel in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al; considered and agreed to.

By Ms. LANDRIEU:

S. Con. Res. 47. A concurrent resolution paying tribute to the Africa-America Institute for its more than 50 years of dedicated service, nurturing and unleashing the productive capacities of knowledgeable, capable, and effective African leaders through education; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 258

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 385

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 385, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. DAYTON) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 397

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 485

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 485, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 516

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 516, a bill to advance and strengthen democracy globally through peaceful means and to assist foreign countries to implement democratic forms of government, to strengthen respect for individual freedom, religious freedom, and human rights in foreign countries through increased United States advocacy, to strengthen alliances of democratic countries, to increase funding for programs of nongovernmental organizations, individuals, and private groups that promote democracy, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 627

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. OBAMA) and the Senator from Maine (Ms. COLLINS) 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. 749

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 749, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 781

At the request of Mr. CRAPO, the names of the Senator from Montana (Mr. BURNS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 781, a bill to preserve the use and access of pack and saddle stock animals on land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals, and for other purposes.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 969

At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH), the Senator from Hawaii (Mr. INOUYE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of 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.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Missouri (Mr. TALENT) 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. 1126

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1126, a bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1183

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1183, a bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages.

S. 1289

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1289, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1343

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1355

At the request of Mr. ENZI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1355, a bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1367, supra.

S. 1411

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1411, a bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1418

At the request of Mr. ENZI, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1418, a bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1419

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1419, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. CON. RES. 44

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

S. RES. 177

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 177, a resolution encouraging the protection of the rights of refugees.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1348

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1348 proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1349

At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1349 proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1401

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Rhode Island (Mr. REED), the Senator from Alabama (Mr. SESSIONS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of

amendment No. 1401 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1410

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1410 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1435

At the request of Ms. STABENOW, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 1435 proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1437

At the request of Mr. MCCAIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 1437 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1444

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of amendment No. 1444 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1453

At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1453 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1477

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 1477 proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1529

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 1529 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1557

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1557 proposed to S. 1042, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ALLEN, and MR. WARNER):

S. 1490. A bill to amend the Federal Water Pollution Control Act to require environmental—accountability and reporting and to reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SANTORUM):

S. 1491. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1492. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay Watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SANTORUM):

S. 1493. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1494. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to establish programs to enhance protection of the Chesapeake Bay, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SARBANES. Mr. President, today I am introducing a package of five measures to sustain and indeed renew the Federal commitment to restoring the water quality and living resources of the Chesapeake Bay watershed. Joining me in sponsoring one or more of these measures are my colleagues from Virginia, Pennsylvania, and Maryland, Senators WARNER, ALLEN, MIKULSKI, and SANTORUM.

In his 1984 State of the Union message, President Ronald Reagan called the Chesapeake Bay a ''special national resource'' and pledged $10 million a year for 4 years to ''begin the long, necessary effort to clean up'' the Bay. Today, despite more than 2 decades of effort and the investment of hundreds of millions of dollars on the part of Federal, State, and local governments and the private sector, the goal of a clean, restored Bay appears elusive. For the past 3 years, the Chesapeake Bay Foundation has given the Chesapeake Bay a failing grade of 27 out of 100 on its annual report card—far short of the ''70'' level believed necessary for the Bay to be declared ''saved.'' The continued flood of sediments and nutrient pollution from sewage treatment plants, farms, urban runoff, and air deposition, combined with continued rapid growth in population and development in the watershed, is offsetting the progress that has been made to date in restoring the Bay. The Bay remains an ''impaired water body'' under the Clean Water Act, and Chesapeake Bay Program scientists are forecasting another summer of very low oxygen levels in the deep waters of the Bay, further stressing oysters, crabs, and other living resources. As author and naturalist Tom Horton points out in a recent National Geographic article,

''No one had illusions that the work of the Chesapeake Bay Program, a massive Federal-State restoration effort, begun in 1983 and unmatched anywhere in the world, would be quick or easy. But no one anticipated that 22 years later we would still be struggling.''

If the Bay is to be restored, we must redouble our efforts. Nitrogen pollution from all sources will have to be substantially reduced, thousands of acres of watershed property must be preserved, significant efforts must be made to restore living resources, and buffer zones to protect rivers and streams need to be created. Likewise, assistance to community organizations, local governments, and educational institutions at all levels must be expanded dramatically to help foster local stewardship and entice more of the 16 million residents who live in the watershed to play active roles in the efforts to restore the Bay.

The five measures that we are introducing are an important part of, but by no means the entire, solution for addressing the Bay's problems. Earlier in this Congress, Members from the Bay-area States, from both parties, joined with me in a letter to President Bush, urging him to make restoration of Chesapeake Bay a top environmental priority and to commit $1 billion in his budget as a down-payment towards restoring the Bay's water quality. We called upon the Secretary of Agriculture to release $100 million provided under the 2002 Farm Bill for farmers to test new, innovative techniques for reducing agricultural nutrient pollution in the Chesapeake Bay watershed. Under Senator WARNER's leadership, we succeeded in getting a provision in the Senate-passed SAFETEA legislation, which would provide more than $70 million for the Bay area States and local governments to mitigate the impacts of storm-water runoff from highways and related impervious surfaces. We have fought to prevent a significant cut in funding for the Clean Water State Revolving Fund. And we have continued to press the Administrator of the Environmental Protection Agency to ensure that the Clean Water Act is fully enforced. All these are critical components of a more comprehensive effort on the part of the Federal, State and local governments and the private sector that will be needed over the course of the next few years to restore the health of the Chesapeake Bay.

The first measure, the Chesapeake Bay Program Reauthorization and Environmental Accountability Act of 2005, would reauthorize and enhance EPA's Chesapeake Bay Program and would increase the program's accountability for improving the health of the Bay. The Chesapeake Bay Program, which has guided the clean-up effort for the past two decades, expires this year and must be reauthorized. Originally authorized in the Water Quality Act of 1987 and reauthorized in the Estuaries and Clean Water Act of 2000, the Chesapeake Bay Program provides support and coordination for Federal, State, and local efforts in developing strategies and action plans, conducting system-wide monitoring and assessment, implementing projects to restore and protect the Bay and its living resources, and communicating with the public about the Bay and efforts to restore and protect it.

Last year, Senator MIKULSKI, Senator WARNER, and I asked the Government Accountability Office to conduct a review of the Bay Program that would assess the overall restoration progress reported for the Bay; determine how progress is measured in the Bay watershed; and evaluate the effectiveness of Chesapeake Bay Program efforts to ensure that proper measures are being used. That study is nearing completion. Its preliminary findings recommend a number of improvements to the Program, which we have incorporated in this measure. The Chesapeake 2000 Agreement provides goals for the Bay, but the GAO found that EPA has not developed a plan to achieve these goals. Bay restoration has also been hampered by a lack of interim goals and time frames against which progress can be assessed. The legislation we are introducing today requires the EPA Administrator to develop an implementation plan for reaching the goals of the Chesapeake 2000 Agreement, including a timeline with specific annual goals for nutrient and sediment reduction, associated costs, and measures for assessing progress, and to prepare an annual report for Congress that describes the accomplishments of the previous year and the reductions likely to occur in the future. The legislation also directs the Administrator to publish and widely circulate annual ''tributary report cards'' that describe the progress made in achieving the nutrient and sediment reduction goals for each major tributary or tributary segment in the Bay watershed. These ''report cards'' will provide the public with a clear and accurate picture of the progress toward restoring the Bay, which is currently lacking. In addition, the Director of the Office of Management and Budget is to submit an annual report on Chesapeake Bay Program funding.

The second measure, the Chesapeake Bay Watershed Nutrient Removal Assistance Act, would establish a grants program in the Environmental Protection Agency to support the installation of nutrient reduction technologies at major wastewater treatment facilities in the Chesapeake Bay watershed. I first introduced this measure during the 107th Congress, and provisions of the legislation were included as part of S. 1961, the Water Investment Act of 2002, reported favorably by the Senate Environment and Public Works Committee. Unfortunately, no further action was taken on that legislation.

Despite important water quality improvements over the past decade, the overabundance of the nutrients nitrogen and phosphorus continues to rob the Bay of life-sustaining oxygen. Recent modeling of EPA's Bay Program has found that total nutrient discharges must be reduced by more than 40 percent from current levels to restore the Chesapeake Bay and its major tributaries to health. To do so, nitrogen discharges from all sources must be reduced drastically below current levels. Annual nitrogen discharges into the Bay will need to be cut by at least 100 million pounds from the current 275 million pounds to less than 175 million pounds. Municipal wastewater treatment plants, in particular, will have to reduce nitrogen discharges by nearly 75 percent.

In December 2004, the Chesapeake Bay Commission issued a report entitled ''Cost-Effective Strategies for the Bay''; of the six most cost-effective strategies listed in that report, upgrading wastewater treatment plants is Number One. There are more than 300 significant municipal wastewater treatment plants in the Chesapeake Bay watershed. These plants contribute almost 60 million pounds of nitrogen per year—one-fifth—of the total load of nitrogen to the Bay. Upgrading these plants with nutrient removal technologies to achieve nitrogen levels of 3 mg/liter would remove as much as 30 million pounds of nitrogen in the Bay each year, or 30 percent of the total nitrogen reductions needed. Nutrient removal technologies have other benefits, as well. They provide significant savings in energy usage, 20–30 percent, in chemical usage, more than 50 percent, and in the amount of sludge produced, 5–15 percent. Furthermore, the benefits from upgrading sewage treatment plants have an immediate result on the Bay's water quality, unlike other methods that primarily affect nutrients in ground water and may take years to produce results. This legislation would provide grants for 55 percent of the capital cost of upgrading the plants with state-of-the-art nutrient removal technologies capable of achieving nitrogen levels of 3 mg/liter. Any publicly owned wastewater treatment plant which has a permitted design capacity to treat an annual average of 0.5 million gallons per day within the Chesapeake Bay watershed portion of New York, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia would be eligible to receive these grants. As a signatory to the Chesapeake Bay Agreement, the EPA has an important responsibility to assist the states with financing these water infrastructure needs.

The third measure, the Chesapeake Bay Environmental Education Pilot Program Act, would establish a new environmental education program in the U.S. Department of Education for elementary and secondary school students and teachers within the Chesapeake Bay watershed. There is a growing consensus that a major commitment to education to promoting an ethic of responsible stewardship and

citizenship among the 16 million people who live in the watershed is necessary if all of the other efforts to save the Bay are to succeed. Expanding environmental education and training opportunities will lead not only to a healthier Chesapeake Bay ecosystem but also to a more educated and informed citizenry, with a deeper understanding of and appreciation for the environment, their community, and their role in society as responsible citizens.

One of the principal commitments of the Chesapeake 2000 Agreement is to ''provide a meaningful Bay or stream outdoor experience for every school student in the watershed before graduation from high school'' beginning with the class of 2005. There are more than 3.3 million K–12 students in the watershed, and despite important efforts by Bay area states and not-for-profit organizations, only a very small percentage of these students have had the opportunity to engage in meaningful outdoor experiences or receive classroom environmental instruction. Many of the school systems in the Bay watershed are only at the beginning stages in developing and implementing environmental education into their curriculum, let alone exposing students to outdoor watershed experiences. What's lacking is not the desire or will, but the resources and training to undertake more comprehensive environmental education programs.

This legislation would authorize $6 million a year over the next four years in Federal grant assistance to help close the resource and training gap for students in the elementary and secondary levels in the Chesapeake Bay watershed. It would require a 50 percent non-Federal match, thus leveraging $12 million in assistance. The funding could be used to help design, demonstrate or disseminate environmental curricula and field practices, train teachers or other educational personnel, and support on-the-ground activities or Chesapeake Bay or stream outdoor educational experiences involving students and teachers, among other things. The program would complement the NOAA Bay Watershed Education and Training Program that we established several years ago.

The fourth measure, the Chesapeake Bay Watershed Forestry Act, would continue and enhance the USDA Forest Service's role in the restoration of the Chesapeake Bay watershed. Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resources Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987 and 1997—almost 100 acres per day. More and more rural areas are being converted to suburban developments, resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, is less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecological benefits, such as controlling stormwater runoff, erosion and air pollution. Restoring and conserving forests is essential to sustaining the Bay ecosystem.

Since 1990, the USDA Forest Service has been an important part of the Chesapeake Bay Program. The Service has worked closely with Federal, State, and local partners in the six-state Chesapeake Bay region to demonstrate how forest protection, restoration, and stewardship activities can contribute to achieving the Bay restoration goals. With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this Agreement requires the signatories to conserve existing forests along all streams and shoreline; to promote the expansion and connection of contiguous forests; to assess the Bay's forest lands; and to provide technical and financial assistance to local governments to plan for or revise plans, ordinances, and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands.

This legislation codifies the role and responsibilities of the USDA Forest Service to the Bay restoration effort. It requires an evaluation of the urban and rural forests in the watershed. It strengthens existing coordination, technical assistance, forest resource assessment, and planning efforts for urban, suburban and rural areas of the Chesapeake Bay watershed. It authorizes a small grants program to support local agencies, watershed associations, and citizen groups in conducting on-the-ground conservation projects. It establishes a regional applied forestry research and training program to enhance urban, suburban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-State, 64,000-square-mile watershed.

The fifth measure, the NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act, would enhance the authorities of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, NOAA, to address the goals and commitments of the Chesapeake 2000 Agreement with regard to living-resource restoration and education and training. It builds upon provisions contained in the Hydrographic Services Improvement Act Amendments of 2002, and addresses several urgent and unmet needs in the watershed. To help meet Bay-wide living resource education and training goals, it codifies the Bay Watershed Education and Training, or B-WET, Program—the first federally funded environmental education program focused solely on the Chesapeake Bay watershed—that we initiated in the Fiscal 2002 Commerce, Justice, State Appropriations bill; it establishes an aquaculture education program to assist with oyster and blue crab hatchery production; and it codifies the ongoing oyster restoration program and authorizes a new restoration program for submerged aquatic vegetation.

To better coordinate and organize the substantial amounts of weather, tide, habitat, water-quality and other data collected and compiled by Federal, State, and local government agencies and academic institutions and to make this information more useful to resource managers, scientists, and the public, this bill also establishes an integrated observing system for the Chesapeake Bay. This system will build on and coordinate existing monitoring and observing activities in the Bay and its watershed, and will include development of an internet-based system for integrating and disseminating the vast amounts of information available.

These measures would provide an important boost to our efforts to restore the Chesapeake Bay. They are strongly supported by the Chesapeake Bay Commission and the Chesapeake Bay Foundation. I ask unanimous consent that the text of the bills and supporting letters be printed in the RECORD. I urge my colleagues to join with us in supporting the measures and continue the momentum contributing to the improvement and enhancement of our Nation's most valuable and treasured natural resource.

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

S. 1490

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 ''Chesapeake Bay Program Reauthorization and Environmental Accountability Act of 2005''.

SEC. 2. CHESAPEAKE BAY ENVIRONMENTAL ACCOUNTABILITY AND REPORTING REQUIREMENTS.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended—

(1) by redesignating subsection (j) as subsection (l);

(2) in subsection (e)(7), by inserting ''by the Federal Government or a State government'' after ''funded'' each place it appears; and

(3) by inserting after subsection (i) the following:

''(j) ENVIRONMENTAL ACCOUNTABILITY.—

''(1) IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall complete a plan for achieving the nutrient and sediment reduction goals described in the agreement entered into by the Chesapeake Executive Council entitled 'Chesapeake 2000' and dated June 28, 2000.

''(B) INCLUSIONS.—The plan shall include—

''(i) a timeline identifying—

''(I) annual goals for achieving the overall nutrient and sediment reduction goals; and

''(II) the estimated annual costs of reaching the annual goals identified under subclause (I);

''(ii) a description of any measure, including monitoring or modeling, that the Administrator will use to assess progress made toward achieving a goal described in subparagraph (A) in—

''(I) each jurisdictional tributary strategy basin of the Chesapeake Bay; and

''(II) the Chesapeake Bay watershed as a whole; and

''(iii) a description of any Federal or non-Federal activity necessary to achieve the nutrient and sediment reduction goals, including an identification of any party that is responsible for carrying out the activity.

''(2) ANNUAL TRIBUTARY HEALTH REPORT CARD.—

''(A) IN GENERAL.—Not later than January 31 of each year, the Administrator shall publish and widely circulate a 'tributary health report card' to evaluate, based on monitoring and modeling data, progress made during the preceding year (including any practice implemented during the year), and overall progress made, in achieving and maintaining nutrient and sediment reduction goals for each major tributary of the Chesapeake Bay and each separable segment of such a tributary.

''(B) BASELINE.—The baseline for the report card (referred to in this paragraph as the 'baseline') shall be the tributary cap load allocation agreement numbered EPA 903–R–03–007, dated December 2003, and entitled 'Setting and Allocating the Chesapeake Bay Basin Nutrient and Sediment Loads: The Collaborative Process, Technical Tools and Innovative Approaches'.

''(C) INCLUSIONS.—The report card shall include, for each jurisdictional tributary strategy basin of the Chesapeake Bay—

''(i) an identification of the total allocation of nutrients and sediments under the baseline;

''(ii) the monitored and modeled quantities of nitrogen, phosphorus, and sediment reductions achieved during the preceding year, expressed numerically and as a percentage of reduction;

''(iii) a list (organized from least to most progress made) that ranks the comparative progress made, based on the percentage of reduction under clause (ii), by each jurisdictional tributary strategy basin toward meeting the annual allocation goal of that jurisdictional tributary strategy basin for nitrogen, phosphorus, and sediment; and

''(iv) to the maximum extent practicable, an identification of the principal sources of pollutants of the tributaries, including airborne sources of pollutants.

''(D) USE OF DATA; CONSIDERATION.—In preparing the report, the Administrator shall—

''(i) use monitoring data and data submitted under paragraph (3)(A); and

''(ii) take into consideration drought and wet weather conditions.

''(3) ACTIONS BY STATES.—

''(A) SUBMISSION OF INFORMATION.—Not later than December 31 of each year, each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the District of Columbia shall submit to the Administrator information describing, for each jurisdictional tributary strategy basin of the Chesapeake Bay located in the State or District, for the preceding year—

''(i) the nutrient and sediment cap load allocation of the jurisdictional tributary strategy basin;

''(ii) the principal sources of nutrients and sediment in the jurisdictional tributary strategy basin, by category;

''(iii) for each category of pollutant source, the technologies or practices used to achieve reductions, including levels of best management practices implementation and sewage treatment plant upgrades; and

''(iv) any Federal, State, or non-Federal funding used to implement a technology or practice described in clause (iii).

''(B) AUDIT.—Not later than 1 year after the date of enactment of this subparagraph, and triennially thereafter, the Inspector General of the Environmental Protection Agency shall audit the information submitted by States under subparagraph (A) for accuracy.

''(C) FAILURE TO ACT.—The Administrator shall not make a grant to a State under this Act if the State fails to submit any information in accordance with subparagraph (A).

''(k) REPORTING REQUIREMENTS.—

''(1) OFFICE OF MANAGEMENT AND BUDGET.—

''(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this subsection, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Senate and the House of Representatives a report describing the feasibility and advisability of—

''(i) combining into a single fund certain or all funds (including formula and grant funds) made available to each Federal agency to carry out restoration activities relating to the Chesapeake Bay; and

''(ii) notwithstanding any issue relating to jurisdiction, distributing amounts from that fund in accordance with the priority of water quality improvement activities identified under the Chesapeake Bay Program.

''(B) ANNUAL REPORT.—Not later than February 15 of each year, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Senate and the House of Representatives a report containing—

''(i) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Chesapeake Bay for the following fiscal year; and

''(ii) a detailed accounting of all funds received and obligated by Federal and State governments (including formula and grant funds, such as State revolving loan funds and agriculture conservation funds) to achieve the objectives of the Chesapeake Bay Program during the preceding fiscal year.

''(2) ENVIRONMENTAL PROTECTION AGENCY.—Not later than April 15 of each year, the Administrator, in cooperation with appropriate Federal agencies, as determined by the Administrator, shall submit to the appropriate committees of the Senate and the House of Representatives a report containing—

''(A)(i) an estimate of the reduction in levels of nutrients and sediments in the Chesapeake Bay and its tributaries; and

''(ii) a comparison of each estimated reduction under clause (i) and the appropriate annual goal described in the implementation plan under subsection (j)(1);

''(B) based on review by the Administrator of the budget and implementation plans of each Federal agency, and any tributary strategy of an appropriate State agency—

''(i) an estimate of the reductions in pollutants likely to occur as a result of each program of an agency under this section during the subsequent 1-year and 5-year periods, including—

''(I) an analysis of the success or failure of each program in achieving nutrient and sediment reduction; and

''(II) an estimated timeline during which a reduction in nutrient and sediment pollution will occur; and

''(ii) accounting for other trend data, an estimate of the actual reduction in the quantities of nutrients and sediments in the Chesapeake Bay and its tributaries from all sources that has occurred over the preceding 1-year and 5-year periods; and

''(C) the technical basis and reliability of each estimate under this paragraph.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended by striking subsection (l) (as redesignated by section 2) and inserting the following:

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.''.

S. 1491

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 ''Chesapeake Bay Watershed Nutrient Removal Assistance Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) nutrient pollution from point sources and nonpoint sources continues to be the most significant water quality problem in the Chesapeake Bay watershed;

(2) a key commitment of the Chesapeake 2000 agreement, an interstate agreement among the Administrator, the Chesapeake Bay Commission, the District of Columbia, and the States of Maryland, Virginia, and Pennsylvania, is to achieve the goal of correcting the nutrient-related problems in the Chesapeake Bay by 2010;

(3) by correcting those problems, the Chesapeake Bay and its tidal tributaries may be removed from the list of impaired bodies of water designated by the Administrator of the Environmental Protection Agency under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d));

(4) more than 300 major sewage treatment plants located in the Chesapeake Bay watershed annually discharge approximately 60,000,000 pounds of nitrogen, or the equivalent of 20 percent of the total nitrogen load, into the Chesapeake Bay; and

(5) nutrient removal technology is 1 of the most reliable, cost-effective, and direct methods for reducing the flow of nitrogen from point sources into the Chesapeake Bay.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Administrator of the Environmental Protection Agency to provide financial assistance to States and municipalities for use in upgrading publicly-owned wastewater treatment plants in the Chesapeake Bay watershed with nutrient removal technologies; and

(2) to further the goal of restoring the water quality of the Chesapeake Bay to conditions that are protective of human health and aquatic living resources.

SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''TITLE VII—MISCELLANEOUS

''SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

''(a) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term 'eligible facility' means a municipal wastewater treatment plant that—

''(1) as of the date of enactment of this title, has a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day; and

''(2) is located within the Chesapeake Bay watershed in any of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, or West Virginia or in the District of Columbia.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this title, the

Administrator shall establish a program within the Environmental Protection Agency to provide grants to States and municipalities to upgrade eligible facilities with nutrient removal technologies.

''(2) PRIORITY.—In providing a grant under paragraph (1), the Administrator shall—

''(A) consult with the Chesapeake Bay Program Office;

''(B) give priority to eligible facilities at which nutrient removal upgrades would—

''(i) produce the greatest nutrient load reductions at points of discharge; or

''(ii) result in the greatest environmental benefits to local bodies of water surrounding, and the main stem of, the Chesapeake Bay; and

''(iii) take into consideration the geographic distribution of the grants.

''(3) APPLICATION.—

''(A) IN GENERAL.—On receipt of an application from a State or municipality for a grant under this section, if the Administrator approves the request, the Administrator shall transfer to the State or municipality the amount of assistance requested.

''(B) FORM.—An application submitted by a State or municipality under subparagraph (A) shall be in such form and shall include such information as the Administrator may prescribe.

''(4) USE OF FUNDS.—A State or municipality that receives a grant under this section shall use the grant to upgrade eligible facilities with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter.

''(5) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of upgrading any eligible facility as described in paragraph (1) using funds provided under this section shall not exceed 55 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of upgrading any eligible facility as described in paragraph (1) using funds provided under this section may be provided in the form of funds made available to a State or municipality under—

''(i) any provision of this Act other than this section (including funds made available from a State revolving fund established under title VI); or

''(ii) any other Federal or State law.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $132,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—The Administrator may use not to exceed 4 percent of any amount made available under paragraph (1) to pay administrative costs incurred in carrying out this section.''.

S. 1492

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 ''Chesapeake Bay Environmental Education Pilot Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) increasing public environmental awareness and understanding through formal environmental education and meaningful bay or stream field experiences are vital parts of the effort to protect and restore the Chesapeake Bay ecosystem;

(2) using the Chesapeake Bay watershed as an integrating context for learning can help—

(A) advance student learning skills;

(B) improve academic achievement in core academic subjects; and

(C)(i) encourage positive behavior of students in school; and

(ii) encourage environmental stewardship in school and in the community; and

(3) the Federal Government, acting through the Secretary of Education, should work with the Under Secretary for Oceans and Atmosphere, the Chesapeake Executive Council, State educational agencies, elementary schools and secondary schools, and nonprofit educational and environmental organizations to support development of curricula, teacher training, special projects, and other activities, to increase understanding of the Chesapeake Bay watershed and to improve awareness of environmental problems.

SEC. 3. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''PART D—CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM

''SEC. 4401. DEFINITIONS.

''In this part:

''(1) BAY WATERSHED STATE.—The term 'Bay Watershed State' means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

''(2) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' has the meaning given the term in section 307(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(d)).

''(3) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) a public elementary school or secondary school located in a Bay Watershed State; and

''(B) a nonprofit environmental or educational organization located in a Bay Watershed State.

''(4) PROGRAM.—The term 'Program' means the Chesapeake Bay Environmental Education and Training Grant Pilot Program established under section 4402.

''SEC. 4402. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a grant program, to be known as the 'Chesapeake Bay Environmental Education and Training Grant Pilot Program', to make grants to eligible institutions to pay the Federal share of the cost of developing, demonstrating, or disseminating information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed.

''(b) FEDERAL SHARE.—The Federal share referred to in subsection (a) shall be 50 percent.

''(c) ADMINISTRATION.—The Secretary may offer to enter into a cooperative agreement or contract with the National Fish and Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), the Under Secretary for Oceans and Atmosphere, a State educational agency, or a nonprofit organization that carries out environmental education and training programs, for administration of the Program.

''(d) USE OF FUNDS.—An eligible institution that receives a grant under the Program shall use the funds made available through the grant to carry out a project consisting of—

''(1) design, demonstration, or dissemination of environmental curricula, including development of educational tools or materials;

''(2) design or demonstration of field practices, methods, or techniques, including—

''(A) assessments of environmental or ecological conditions; and

''(B) analyses of environmental pollution or other natural resource problems;

''(3) understanding and assessment of a specific environmental issue or a specific environmental problem;

''(4) provision of training or related education for teachers or other educational personnel, including provision of programs or curricula to meet the needs of students in various age groups or at various grade levels;

''(5) provision of an environmental education seminar, teleconference, or workshop for environmental education professionals or environmental education students, or provision of a computer network for such professionals and students;

''(6) provision of on-the-ground activities involving students and teachers, such as—

''(A) riparian forest buffer restoration; and

''(B) volunteer water quality monitoring at schools;

''(7) provision of a Chesapeake Bay or stream outdoor educational experience; or

''(8) development of distance learning or other courses or workshops that are acceptable in all Bay Watershed States and apply throughout the Chesapeake Bay watershed.

''(e) REQUIRED ELEMENTS OF PROGRAM.—In carrying out the Program, the Secretary shall—

''(1) solicit applications for projects;

''(2) select suitable projects from among the projects proposed;

''(3) supervise projects;

''(4) evaluate the results of projects; and

''(5) disseminate information on the effectiveness and feasibility of the practices, methods, and techniques addressed by the projects.

''(f) SOLICITATION OF APPLICATIONS.—Not later than 90 days after the date on which amounts are first made available to carry out this part, and each year thereafter, the Secretary shall publish a notice of solicitation for applications for grants under the Program that specifies the information to be included in each application.

''(g) APPLICATIONS.—To be eligible to receive a grant under the Program, an eligible institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(h) PRIORITY IN SELECTION OF PROJECTS.—In making grants under the Program, the Secretary shall give priority to an applicant that proposes a project that will develop—

''(1) a new or significantly improved environmental education practice, method, or technique, in multiple disciplines, or a program that assists appropriate entities and individuals in meeting Federal or State academic standards relating to environmental education;

''(2) an environmental education practice, method, or technique that may have wide application; and

''(3) an environmental education practice, method, or technique that addresses a skill or scientific field identified as a priority by the Chesapeake Executive Council.

''(i) MAXIMUM AMOUNT OF GRANTS.—Under the Program, the maximum amount of a grant shall be $50,000.

''(j) NOTIFICATION.—Not later than 3 days before making a grant under this part, the Secretary shall provide notification of the grant to the appropriate committees of Congress.

''(k) REGULATIONS.—Not later than 1 year after the date of enactment of the Chesapeake Bay Environmental Education Pilot Program Act, the Secretary shall promulgate regulations concerning implementation of the Program.

''SEC. 4403. EVALUATION AND REPORT.

''(a) EVALUATION.—Not later than December 31, 2009, the Secretary shall enter into a contract with an entity that is not the recipient of a grant under this part to conduct a detailed evaluation of the Program. In conducting the evaluation, the Secretary shall determine whether the quality of content, delivery, and outcome of the Program warrant continued support of the Program.

''(b) REPORT.—Not later than December 31, 2010, the Secretary shall submit a report to the appropriate committees of Congress containing the results of the evaluation.

''SEC. 4404. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $6,000,000 for each of fiscal years 2006 through 2009.

''(b) ADMINISTRATIVE EXPENSES.—Of the amounts made available under subsection (a) for each fiscal year, not more than 10 percent may be used for administrative expenses.''.

S. 1493

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 ''Chesapeake Bay Watershed Forestry Program Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) trees and forests are critical to the long-term health and proper ecological functioning of the Chesapeake Bay and the Chesapeake Bay watershed;

(2) the Chesapeake Bay States are losing forest land to urban and suburban growth at a rate of nearly 100 acres per day;

(3) the Forest Service has a vital role to play in assisting States, local governments, and nonprofit organizations in carrying out forest conservation, restoration, and stewardship projects and activities; and

(4) existing programs do not ensure the support necessary to meet Chesapeake Bay forest goals.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to protect, restore, and manage forests in the Chesapeake Bay watershed; and

(2) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHESAPEAKE BAY AGREEMENT.—The term ''Chesapeake Bay Agreement'' means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem; and

(B) signed by the Council.

(2) CHESAPEAKE BAY STATE.—The term ''Chesapeake Bay State'' means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the District of Columbia.

(3) COORDINATOR.—The term ''Coordinator'' means the Coordinator of the program designated under section 4(b)(1)(B).

(4) COUNCIL.—The term ''Council'' means the Chesapeake Bay Executive Council.

(5) PROGRAM.—The term ''program'' means the Chesapeake Bay watershed forestry program carried out under section 4(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service and the Coordinator.

SEC. 4. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a Chesapeake Bay watershed forestry program under which the Secretary shall make grants and provide technical assistance to eligible entities to restore and conserve forests in the Chesapeake Bay watershed, including grants and assistance—

(1) to promote forest conservation, restoration, and stewardship efforts in urban, suburban, and rural areas of the Chesapeake Bay watershed;

(2) to accelerate the restoration of riparian forest buffers in the Chesapeake Bay watershed;

(3) to assist in developing and carrying out projects and partnerships in the Chesapeake Bay watershed;

(4) to promote the protection and sustainable management of forests in the Chesapeake Bay watershed;

(5) to develop communication and education resources that enhance public understanding of the value of forests in the Chesapeake Bay watershed;

(6) to conduct research, assessment, and planning activities to restore and protect forest land in the Chesapeake Bay watershed; and

(7) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

(b) OFFICE; COORDINATOR.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain an office within the Forest Service to carry out the program; and

(B) designate an employee of the Forest Service as Coordinator of the program.

(2) DUTIES.—As part of the program, the Coordinator, in cooperation with the Secretary and the Chesapeake Bay Program, shall—

(A) provide grants and technical assistance to restore and protect forests in the Chesapeake Bay watershed;

(B) enter into partnerships to carry out forest restoration and conservation activities at a watershed scale using the resources and programs of the Forest Service;

(C) in collaboration with other units of the Forest Service, other Federal agencies, and State forestry agencies, carry out activities that contribute to the goals of the Chesapeake Bay Agreement;

(D) work with units of the National Forest System in the Chesapeake Bay watershed to ensure that the units are managed in a manner that—

(i) protects water quality; and

(ii) sustains watershed health;

(E) represent the Forest Service in deliberations of the Chesapeake Bay Program; and

(F) support and collaborate with the Forestry Work Group for the Chesapeake Bay Program in planning and implementing program activities.

(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the program, an entity shall be—

(1) a Chesapeake Bay State;

(2) a political subdivision of a Chesapeake Bay State;

(3) a university or other institution of higher education;

(4) an organization operating in the Chesapeake Bay watershed that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; or

(5) any other person in the Chesapeake Bay watershed that the Secretary determines to be eligible.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible entities under the program to carry out projects to protect, restore, and manage forests in the Chesapeake Bay watershed.

(2) FEDERAL SHARE.—The Federal share of a grant made under the program shall not exceed 75 percent, as determined by the Secretary.

(3) TYPES OF PROJECTS.—The Secretary may make a grant to an eligible entity for a project in the Chesapeake Bay watershed that—

(A) improves habitat and water quality through the establishment, protection, or stewardship of riparian or wetland forests or stream corridors;

(B) builds the capacity of State forestry agencies and local organizations to implement forest conservation, restoration, and stewardship actions;

(C) develops and implements watershed management plans that—

(i) address forest conservation needs; and

(ii) reduce urban and suburban runoff;

(D) provides outreach and assistance to private landowners and communities to restore or conserve forests in the watershed;

(E) implements communication, education, or technology transfer programs that broaden public understanding of the value of trees and forests in sustaining and restoring the Chesapeake Bay watershed;

(F) coordinates and implements community-based watershed partnerships and initiatives that—

(i) focus on—

(I) the expansion of the urban tree canopy; and

(II) the restoration or protection of forest land; or

(ii) integrate the delivery of Forest Service programs for restoring or protecting watersheds;

(G) provides enhanced forest resource data to support watershed management;

(H) enhances upland forest health to reduce risks to watershed function and water quality; or

(I) conducts inventory assessment or monitoring activities to measure environmental change associated with projects carried out under the program.

(4) CHESAPEAKE BAY WATERSHED FORESTERS.—Funds made available under section 6 may be used by a Chesapeake Bay State to employ a State watershed forester to work with the Coordinator to carry out activities and watershed projects relating to the program.

(e) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Council, shall conduct a study of urban and rural forests in the Chesapeake Bay watershed, including—

(A) an evaluation of the state, and threats to the sustainability, of forests in the Chesapeake Bay watershed;

(B) an assessment of forest loss and fragmentation in the Chesapeake Bay watershed;

(C) an identification of forest land within the Chesapeake Bay watershed that should be restored or protected; and

(D) recommendations for expanded and targeted actions or programs needed to achieve the goals of the Chesapeake Bay Agreement.

(2) REPORT.—Not later than 1 year after amounts are first made available under section 6, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 5. WATERSHED FORESTRY RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with the Council, shall establish a watershed forestry research program for the Chesapeake Bay watershed.

(b) ADMINISTRATION.—In carrying out the watershed forestry research program established under subsection (a), the Secretary shall—

(1) use a combination of applied research, modeling, demonstration projects, implementation guidance, strategies for adaptive management, training, and education to meet the needs of the residents of the Chesapeake Bay States for managing forests in urban, developing, and rural areas;

(2) solicit input from local managers and Federal, State, and private researchers, with respect to air and water quality, social and economic implications, environmental change, and other Chesapeake Bay watershed forestry issues in urban and rural areas;

(3) collaborate with the Chesapeake Bay Program Scientific and Technical Advisory Committee and universities in the Chesapeake Bay States to—

(A) address issues in the Chesapeake Bay Agreement; and

(B) support modeling and informational needs of the Chesapeake Bay program; and

(4) manage activities of the watershed forestry research program in partnership with the Coordinator.

(c) WATERSHED FORESTRY RESEARCH STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in collaboration with the Northeastern Forest Research Station and the Southern Forest Research Station, shall submit to Congress a strategy for research to address Chesapeake Bay watershed goals, including recommendations for implementation and leadership of the program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the program $3,500,000 for each of fiscal years 2006 through 2012, of which—

(1) not more than $500,000 shall be used to conduct the study required under section 4(e); and

(2) not more than $1,000,000 for any fiscal year shall be used to carry out the watershed forestry research program under section 5.

SEC. 7. REPORT.

Not later than December 31, 2007, and annually thereafter, the Secretary shall submit to Congress a comprehensive report that describes the costs, accomplishments, and outcomes of the activities carried out under the program.

S. 1494

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 ''NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act''.

SEC. 2. CHESAPEAKE BAY OFFICE PROGRAMS.

Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—

(1) by redesignating subsections (d) and (e), as subsections (h) and (i), respectively; and

(2) by inserting after subsection (c), the following new subsections:

''(d) CHESAPEAKE BAY INTEGRATED OBSERVING SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act, the Director shall collaborate with scientific and academic institutions, Federal agencies, State and nongovernmental organizations, and other constituents located in the Chesapeake Bay watershed to establish a Chesapeake Bay Integrated Observing System (in this section referred to as the 'System').

''(B) PURPOSE.—The purpose of the System is to provide information needed to restore the health of the Chesapeake Bay, on such topics as land use, environmental quality of the Bay and its shoreline, coastal erosion, ecosystem health and performance, aquatic living resources and habitat conditions, and weather, tides, currents, and circulation.

''(C) ELEMENTS OF SYSTEM.—The System shall coordinate existing monitoring and observing activities in the Chesapeake Bay watershed, identify new data collection needs, and deploy new technologies to provide a complete set of environmental information for the Chesapeake Bay, including the following activities:

''(i) Collecting and analyzing the scientific information related to the Chesapeake Bay that is necessary for the management of living marine resources and the marine habitat associated with such resources.

''(ii) Managing and interpreting the information described in clause (i).

''(iii) Organizing the information described in clause (i) into products that are useful to policy makers, resource managers, scientists, and the public.

''(iv) Developing or supporting the development of an Internet-based information system for integrating, interpreting, and disseminating coastal information, products, and forecasts concerning the Chesapeake Bay watershed related to—

''(I) climate;

''(II) land use;

''(III) coastal pollution and environmental quality;

''(IV) coastal hazards;

''(V) ecosystem health and performance;

''(VI) aquatic living resources and habitat conditions and management;

''(VII) economic and recreational uses; and

''(VIII) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, organisms, coastline erosion, and related physical and chemical events and processes.

''(D) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other Federal, State, or local government agencies, academic institutions, or organizations described in subsection (e)(2)(A)(i) to provide and interpret data and information, and may provide appropriate support to such agencies, institutions, or organizations to fulfill the purposes of the System.

''(E) AGREEMENTS RELATING TO INFORMATION PRODUCTS.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, and interpretation of data and information and for electronic publication of information products.

''(e) CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed education and training program.

''(B) PURPOSES.—The program established under subparagraph (A) shall continue and expand the Chesapeake Bay watershed education programs offered by the Chesapeake Bay Office for the purposes of—

''(i) improving the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay;

''(ii) providing community education to improve watershed protection; and

''(iii) meeting the educational goals of the Chesapeake 2000 agreement.

''(2) GRANT PROGRAM.—

''(A) AUTHORIZATION.—The Director is authorized to award grants to pay the Federal share of the cost of a project described in subparagraph (C) to—

''(i) a nongovernmental organization in the Chesapeake Bay watershed that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code;

''(ii) a consortium of institutions described in clause (i);

''(iii) an elementary or secondary school located within the Chesapeake Bay watershed;

''(iv) a teacher at a school described in clause (iii); or

''(v) a department of education of a State if any part of such State is within the Chesapeake Bay watershed.

''(B) CRITERIA.—The Director shall consider, in awarding grants under this subsection, the experience of the applicant in providing environmental education and training projects regarding the Chesapeake Bay watershed to a range of participants and in a range of settings.

''(C) FUNCTIONS AND ACTIVITIES.—Grants awarded under this subsection may be used to support education and training projects that—

''(i) provide classroom education, including the use of distance learning technologies, on the issues, science, and problems of the living resources of the Chesapeake Bay watershed;

''(ii) provide meaningful outdoor experience on the Chesapeake Bay, or on a stream or in a local watershed of the Chesapeake Bay, in the design and implementation of field studies, monitoring and assessments, or restoration techniques for living resources;

''(iii) provide professional development for teachers related to the science of the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

''(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

''(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

''(vi) develop or disseminate projects designed to—

''(I) enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or of a goal of the Chesapeake Bay Program;

''(II) protect or restore living resources of the Chesapeake Bay watershed; or

''(III) educate local land use officials and decision makers on the relationship of land use to natural resource and watershed protection.

''(D) FEDERAL SHARE.—The Federal share of the cost of a project funded with a grant awarded under this subsection shall not exceed 75 percent of the total cost of that project.

''(f) STOCK ENHANCEMENT AND HABITAT RESTORATION PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act, the Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed stock enhancement and habitat restoration program.

''(B) PURPOSE.—The purpose of the program established in subparagraph (A) is to support the restoration of oysters and submerged aquatic vegetation in the Chesapeake Bay.

''(2) ACTIVITIES.—To carry out the purpose of the program established under paragraph (1)(A), the Director is authorized to enter into grants, contracts, and cooperative agreements with an eligible entity to support—

''(A) the establishment of oyster hatcheries;

''(B) the establishment of submerged aquatic vegetation propagation programs; and

''(C) other activities that the Director determines are appropriate to carry out the purposes of such program.

''(g) CHESAPEAKE BAY AQUACULTURE EDUCATION.—The Director is authorized to make grants and enter into contracts with an institution of higher education, including a community college, for the purpose of—

''(1) supporting education in Chesapeake Bay aquaculture sciences and technologies; and

''(2) developing aquaculture processes and technologies to improve production, efficiency, and sustainability of disease-free oyster spat and submerged aquatic vegetation.''.

SEC. 3. REPORT.

Section 307(b)(7) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)(7)), is amended to read as follows:

''(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office, including—

''(A) a description of the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay;

''(B) a description of each grant awarded under this section since the submission of the most recent biennial report, including the amount of such grant and the activities funded with such grant; and

''(C) an action plan consisting of—

''(i) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

''(ii) proposals for—

''(I) continuing any new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

''(II) integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.''.

SEC. 4. DEFINITIONS.

Subsection (h) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), as redesignated by section 2(1), is amended to read as follows:

''(h) DEFINITIONS.—In this section:

''(1) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.

''(2) CHESAPEAKE 2000 AGREEMENT.—The term 'Chesapeake 2000 agreement' means the agreement between the United States, Maryland, Pennsylvania, Virginia, the District of Columbia, and the Chesapeake Bay Commission entered into on June 28, 2000.

''(3) ELIGIBLE ENTITY.—Except as provided in subsection (c), the term 'eligible entity' means—

''(A) the government of a State in the Chesapeake Bay watershed or the government of the District of Columbia;

''(B) the government of a political subdivision of a State in the Chesapeake Bay watershed, or a political subdivision of the government of the District of Columbia;

''(C) an institution of higher education, including a community college;

''(D) a nongovernmental organization in the Chesapeake Bay watershed that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; or

''(E) a private entity that the Director determines to be appropriate.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Subsection (i) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), as redesignated by section 2(1), is amended to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FY 2002 THROUGH 2005.—There are authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of the fiscal years 2002 through 2005.

''(2) FY 2006 THROUGH 2010.—There are authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $26,000,000 for each of the fiscal years 2006 through 2010. Of the amount appropriated pursuant to such authorization of appropriations—

''(A) for each of the fiscal years 2006 through 2010, $1,000,000 is authorized to be made available to carry out the provisions of subsection (d);

''(B) for each of the fiscal years 2006 through 2010, $6,000,000 is authorized to be made available to carry out the provisions of subsection (e);

''(C) for each of the fiscal years 2006 through 2010, $10,000,000 is authorized to be made available to carry out the provisions of subsection (f);

''(D) for each of the fiscal years 2006 through 2010, $1,000,000 to carry out the provisions of subsection (g).''.

CHESAPEAKE BAY FOUNDATION,
June 28, 2005.

Senator PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: The Chesapeake Bay Foundation (CBF) wishes to submit this letter in support of the package of proposed legislation that you have prepared to further the ongoing efforts to restore the Chesapeake Bay and the tributaries that feed it. We believe that the series of legislative proposals you are submitting, in conjunction with the infusion of new and critical federal funding support, are key elements of reinvigorating the Bay restoration effort.

The bills we have reviewed and support are the following:

The Chesapeake Bay Watershed Nutrient Removal Assistance Act. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

Nitrogen and phosphorus pollution are the two largest problems threatening the water quality of the Chesapeake Bay and its rivers and streams. Consequently, in the Chesapeake 2000 Agreement (C2K), the Bay states committed to reduce nutrient pollution (nitrogen and phosphorus pollution) by millions of pounds each year. One of the most effective tools in reducing this pollution is upgrading sewage treatment plants with modern, nutrient pollution removal technologies. Pennsylvania, Maryland and Virginia have all provided new and additional funding to assist in the implementation of these technologies; however, proposed cuts to existing federal funds designated for wastewater treatment upgrades jeopardizes the success of these state initiatives.

The federal government must make a greater commitment to funding. Grant funding, as proposed in this bill, to assist in the design, construction, and operation of these technologies is a critical part of successfully achieving the C2K pollution reduction goals and restoring the Bay.

The Chesapeake Bay Program Reauthorization and Environmental Accountability Act of 2005. A bill to amend the Federal Water Pollution Control Act to require environmental accountability and reporting and to reauthorize the Chesapeake Bay Program.

There has been much criticism and questioning in recent years about the implementation of the multijurisdictional Chesapeake Bay Program. There is no doubt that the members of the Program, from state partners to the federal Environmental Protection Agency (EPA), have not moved forward as aggressively as the resource demands, failing to meet deadlines for water quality improvement actions that the signatories themselves established in C2K. In contrast, the Program has provided essential technical data and the underlying science critical to our understanding of the problems facing the Bay and the watershed rivers and streams. The Chesapeake Bay Program Reauthorization and Environmental Accountability Act of 2005 places a clear mandate on EPA to develop and implement a plan for achieving the nutrient pollution reduction goals of C2K and measure progress through actual water quality improvements. The legislation also requires Bay watershed states to report annually on their progress implementing the plan. Finally, the legislation provides for a much needed assessment by the Office of Management and Budget on the potential benefits of federal monies dedicated to the restoration effort combining into a single fund. This assessment complements the current financing authority efforts of the C2K signatories, an effort looking to develop a vehicle to not only better leverage state and federal monies, but also obtain additional funds. Absent a substantial increase in investment in the Bay, restoration efforts are likely to fail.

The Chesapeake Bay Environmental Education Pilot Program Act: A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed.

We cannot expect the next generation to be responsible stewards of the Bay and the rivers and streams that crisscross its watershed unless we invest in education. We must provide our youth with the knowledge and tools that enable them to choose to be stewards of our natural resources. C2K recognized this need and set a goal of providing every student in the Bay watershed a meaningful field experience before he or she graduates from high school. One single experience alone with the Bay or a river or stream, however, is not adequate to educate students on environmental issues and instill in them a sense of stewardship. The Chesapeake Bay Environmental Education Pilot Program Act will help to accomplish this goal by providing much needed funding for designing and implementing environmental curricula, participation in on-the-ground restoration projects, interactive opportunities with among students, and outdoor educational experiences. These tools and others are key to increasing public environmental awareness and developing educated and responsible stewards of the Bay.

The NOAA Chesapeake Bay Watershed Monitoring, Education, Training and Restoration Act. A bill to establish programs to enhance protection of the Chesapeake Bay, and for other purposes.

This legislation proposes a series of important initiatives from the integration of data

to the establishment of an oyster and submerged aquatic vegetation restoration program. In addition, a critical element is the establishment of the watershed education and training program, which complements the initiatives contained in the Chesapeake Bay Environmental Education Pilot Program Act.

The Chesapeake Bay Watershed Forestry Program Act of 2005. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes.

Forests provide habitat for wildlife, filter polluted runoff, and help moderate stream water temperature. Because of their importance in improving water quality, the Bay states have committed to restoring thousands of acres of forested buffers in the watershed. In addition, they are one of the most cost-effective ways to reduce nitrogen and phosphorus pollutions. Yet, the Chesapeake Bay watershed is continuing to lose forests, in both urban and rural areas, at alarming rates. Preservation and restoration of forests and forest buffers, as encouraged by this legislation, are critical elements in Bay restoration efforts.

This package of legislative initiatives will do much to strengthen and reinvigorate our efforts to Save the Bay. CBF is grateful to you, Senator, for your constant and unwavering commitment to the restoration of waters of the Bay watershed and for your long and distinguished leadership on these issues.

If CBF can provide you with any additional assistance with the important initiatives evidenced by these bills, please let me know.

With sincere appreciation for all you have done for the Bay, I am,

Very truly yours,

ROY A. HOAGLAND,
Vice President, Environmental Protection & Restoration.

CHESAPEAKE BAY COMMISSION,
July 5, 2005.

Hon. PAUL SARBANES,
Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: Federal funding has played a crucial role in supporting the Chesapeake Bay restoration. Thanks in large part to your efforts, federal funds have supported nearly one-fifth of the pojects currently underway and served as a catalyst for countless more.

In October 2004, the Chesapeake Bay Watershed Blue Ribbon Finance Panel issued a report that underscored the enormous challenge facing the Chesapeake and concluded, ''. . . restoring the Chesapeake Bay will require a large-scale national and regional approach, capitalized by federal and state governments and directed according to a watershed-wide strategy.'' The report called for a $15 billion federal and state investment over the next four years to restore the Bay. While $15 billion is an enormous sum, failure to take action and to make the investments needed to restore the health of our nation's largest and most productive estuary will be even more costly. A commitment of this size will require the substantial involvement of all partners, including the federal, state, and local governments and the private sector.

With this financial need firmly in focus, we are writing to convey our tri-state Commission's strong support for your Chesapeake Bay legislative package. Together, these five bills promote the kinds of enhanced funding and technical assistance that are needed to meet the goals of the, Chesapeake 2000 agreement (C2K) and restore the Bay. We hope that the 109th Congress will join us in our support of:

1. The Chesapeake Bay Program Reauthorization and Environmental Accountability Act.
2. The Chesapeake Bay Watershed Nutrient Removal Assistance Act
3. The Chesapeake Bay Environmental Education Pilot Program Act
4. The Chesapeake Bay Watershed Forestry Act
5. The NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act

The Chesapeake Bay Watershed Nutrient Removal Assistance Act is of particular interest to this Commission. As a signatory to C2K, we have committed to reducing the Bay's nitrogen loads by 110 million pounds. Meeting this goal will restore the Bay waters to conditions that are clean, clear, and productive. Last December, the Commission issued a report entitled ''Cost-Effective Strategies for the Bay''; of the six most cost-effective strategies listed in that report, upgrading wastewater treatment plants is Number One. The Act provides grants to upgrade the major wastewater treatment plants in the Bay's six-state watershed with modern nutrient removal technologies. It will allow the region to demonstrate that state-of-the-art nutrient removal is possible on a large scale. It will result in the removal of as much as 30 million pounds of nitrogen each year, or 30 percent of the reduction that is needed. Furthermore, the benefits from upgrading sewage treatment plants have an immediate result on the Bay's water quality, unlike other methods that primarily affect nutrients in ground water and may take years to produce results in the Bay. Only the Federal government is in the position to trigger such remarkable reductions. It is an opportunity that must not be ignored.

Reauthorizing the Environmental Protection Agency's Chesapeake Bay Program is critical to the success of efforts to restore the Bay. This program provides support and coordination for Federal, state, and local efforts developing strategies and actions plans, assessing progress throughout the watershed, implementing projects to protect the Bay and its living resources, and communicating with the public.

The Chesapeake Bay Watershed Forestry Act will help to control pollution by establishing forests and riparian buffers that can filter and absorb sediment and nutrient runoff while providing valuable habitat for animals and birds and food and shelter for fish. Enhanced support for the Bay Program of the Forest Service will ramp up its ability to provide interstate coordination, technical assistance, and forest assessment and planning services that are otherwise limited or unavailable in our region.

Finally, let us emphasize the important support for education that this package provides. Sustaining our hard-won progress in the restoration of the Bay will ultimately rest in the hands of citizens and communities throughout the watershed. Expanding environmental education and training opportunities for a variety of ages, from kindergarten to adult community education and outreach, will lead to a healthier Bay and to a more educated and informed citizenry, yet these kinds of activities are woefully underfunded. The monies provided by the Chesapeake Bay Environmental Education Pilot Program Act and the NOAA Chesapeake Bay Watershed Monitoring, Education, Training, and Restoration Act will substantially improve our ability to keep our commitments on track and reach the C2K goals.

The federal government has been a strong partner in efforts to restore the Bay, and your five-bill package maintains and enhances the federal commitment to the Bay. The Commission commends your dedication now and over the past two decades to the health of the Chesapeake Bay. Please instruct us as to how we can further support these measures.

Sincerely,

SENATOR MIKE WAUGH,
Chairman.

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

S. 1495. A bill to prohibit Federal agencies from obligating funds for appropriations earmarks included only in congressional reports, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, the bill I am introducing today, along with my friend from Oklahoma, Mr. COBURN, is very simple. The Obligation of Funds Transparency Act of 2005 would prohibit Federal agencies from obligating funds which have been earmarked only in congressional reports. This legislation is designed to help reign in unauthorized, unrequested, run-of-the-mill pork barrel projects.

As my colleagues may know, report language does not have the force of law. That fact has been lost when it comes to appropriations bills and reports. It has become a standard practice to load up committee reports with literally billions of dollars in unrequested, unauthorized, and wasteful pork barrel projects.

According to information compiled from the Congressional Research Service (CRS), the total number of earmarks has grown from 4,126 in fiscal year 1994 to 14,040 in fiscal year 2004. That's an increase of 240 percent. In terms of dollars, the earmarking has gone from $26.6 billion to $47.9 billion over the same period. The practice of earmarking funds in appropriations bills has simply lurched out of control.

At a conference in February, 2005, David Walker, the Comptroller General of the United States, said this: ''If we continue on our present path, we'll see pressure for deep spending cuts or dramatic tax increases. GAO's long-term budget simulations paint a chilling picture. If we do nothing, by 2040 we may have to cut federal spending by more than half or raise federal taxes by more than two and a half times to balance the budget. Clearly, the status quo is both unsustainable and difficult choices are unavoidable. And the longer we wait, the more onerous our options will become and the less transition time we will have.''

Is that really the kind of legacy we should leave to future generations of Americans?

Referring to our economic outlook, Federal Reserve Chairman Alan Greenspan testified before Congress that: ''(T)he dimension of the challenge is enormous. The one certainty is that the resolution of this situation will require difficult choices and that the future performance of the economy will depend on those choices. No changes will be easy, as they all will involve lowering claims on resources or raising

financial obligations. It falls on the Congress to determine how best to address the competing claims.''

It falls on the Congress my friends. The head of the U.S. Government's chief watchdog agency and the Nation's chief economist agree—we are in real trouble.

We simply must start making some very tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken a pass each and every time. We can't put off the inevitable any longer.

Here is the stark reality of our fiscal situation. According to the Government Accountability Office, the unfunded federal financial burden, such as public debt, future Social Security, Medicare, and Medicaid payments, totals more than $40 trillion or $140,000 per man, woman and child. To put this in perspective, the average mortgage, which is often a family's largest liability, is $124,000—and that is often borne by the family breadwinners, not the children too. But, instead of fixing the problem, and fixing it will not be easy, we only succeeded in making it bigger, more unstable, more complicated, and much, much more expensive.

The Committee for Economic Development, the Concord Coalition, and the Center on Budget and Policy Priorities jointly stated that, ''without a change in current (fiscal) policies, the federal government can expect to run a cumulative deficit of $5 trillion over the next 10 years.'' They also stated that, ''after the baby boom generation starts to retire in 2008, the combination of demographic pressures and rising health care costs will result in the costs of Medicare, Medicaid and Social Security growing faster than the economy. We project that by the time today's newborns reach 40 years of age, the cost of these three programs as a percentage of the economy will more than double—from 8.5 percent of the GDP to over 17 percent.

Additionally, the Congressional Budget Office has issued warnings about the dangers that lie ahead if we continue to spend in this manner. In a report issued at the beginning of the year, CBO stated that, because of rising health care costs and an aging population, ''spending on entitlement programs—especially Medicare, Medicaid and Social Security—will claim a sharply increasing share ofthe nation's economic output over the coming decades.'' The report went on to say that, ''unless taxation reaches levels that are unprecedented in the United States, current spending policies will probably be financially unsustainable over the next 50 years. An ever-growing burden of federal debt held by the public would have a corrosive. . . effect on the economy.''

Where is it going to end? We have to face the facts, and one fact is that we can't continue to spend taxpayer's dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won't stand for it, and they shouldn't—they deserve better treatment from us. I urge my colleagues to support this important legislation.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1498. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, the Northern Colorado Water Conservancy District has contacted me, along with other members of the Colorado Congressional Delegation, seeking the introduction and passage of Federal legislation authorizing the title transfer of specific features of the Colorado-Big Thompson Project from the Untied States to Northern. This title transfer will be similar to a bill that I carried during the 106th Congress, which transferred other Bureau of Rec facilities to Northern. The projects involved in the proposed title transfer are those single-purpose water conveyance facilities used for the distribution of water released from Carter Lake Reservoir: the St. Vrain Supply Canal; the Boulder Feed Canal; the Boulder Creek Supply Canal; and the South Platte Supply Canal.

The entire project, called the Colorado-Big Thompson Project, was built from 1938 to 1957, and provides supplemental water to more than 30 cities and towns. The water is used to help irrigate over 600,000 acres of northeastern Colorado farmland.

The proposed legislation will divest Reclamation of all present and future responsibility for and cost associated with the management, operation, maintenance, repair, rehabilitation and replacement of, and liability for the transferred facilities. This responsibility will become that of the Northern Colorado Water Conservancy District.

The legislation will eliminate the duplication of efforts between the District and Reclamation in issuing and administering crossing licenses and other forms of permission to utilize the land on which the facilities are located. Finally, the legislation will provide for enhanced local control over water facilities that are not of national importance, and allow these facilities to be used for more efficient and effective water management. Local control, especially in the case of matters in relation to water, has always been a major component of my philosophy. I am proud to introduce this bill which will serve to further that intent.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. 1499. A bill to amend the Federal Power Act to provide for competitive and reliable electricity transmission in the Commonwealth of Kentucky; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I rise to introduce the Kentucky Competitive Access Program (KCAP) bill that would allow Kentucky electric distribution companies to purchase cheaper power. This means lower rates for many Kentucky consumers served by the Tennessee Valley Authority (TVA). I am pleased Senator MCCONNELL has joined me in introducing this bill.

Kentucky has some of the cheapest electric power available in the Nation. However, some Kentucky consumers in TVA are paying higher electricity rates than Kentucky consumers outside of TVA.

Kentucky electric distribution companies served by the TVA can not provide their customers with access to Kentucky's inexpensive power. This is because under existing federal law the Federal Energy Regulatory Commission (FERC) has limited authority over TVA and can not require it to transmit the cheaper power to most, if not all, of the Kentucky distributors. The legislation removes this restriction and provides the FERC with the authority to require TVA to transmit power to all Kentucky distributors.

In addition to allowing Kentucky customers to access less expensive power, the legislation would not harm TVA or result in higher rates to TVA's remaining customers. The Kentucky distributors, in total, constitute only about 6 percent of TVA's revenues and load. Further, TVA is experiencing load growth of about 3 percent per year which should quickly result in the replacement of any load lost in Kentucky. Thus, the departure of some portion of the Kentucky distributors should not result in any significant cost shift to remaining TVA system customers.

All Kentuckians deserve to choose where they receive their power. This bill will not only give them that choice, but it will also create a more competitive environment among Kentucky distributors and allow our businesses and residential consumers to keep more money in their pockets.

By Mr. CORZINE:

S. 1502. A bill to clarify the applicability of State law to national banks and Federal savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Preservation of Federalism in Banking Act, to clarify the relationship between

State consumer protection laws and national banks.

This legislation responds to a sweeping new rule issued by the Office of the Comptroller of the Currency, the agency that regulates national banks. The OCC's new rule gives the agency unprecedented authority to pre-empt state laws, thereby shielding national banks and their non-bank and state-chartered bank affiliates from many important consumer protections. It also potentially limits the ability of states to enforce many related laws. The most important immediate consequence of the OCC rule has been the preemption of state anti-predatory lending laws.

I feel strongly about the need to address predatory lending, which can trap people in endless cycles of debt and escalating fees. Many States, such as my own state of New Jersey, have enacted tough laws to deal with the problem. Unfortunately, the OCC's ruling substantially undermines these laws by regulatory fiat. That will leave many consumers unprotected, and it shifts too many responsibilities to a single agency here in Washington that is not equipped to handle them. After all, according to its own website, the OCC ''does not have the mandate to engage in consumer advocacy''.

Although the OCC has a long and successful record of regulating for safety and soundness, it has little experience dealing with abusive local practices, such as predatory lending. Believe it or not, the OCC actually is proposing to handle all consumer complaints through a single, lightly staffed call center in Houston. This is totally unrealistic. Each year, State officials receive thousands of related complaints, which usually are very local in nature. These officials are at the forefront of the enforcement effort, identifying and combating new practices as they arise. The OCC's system simply could not fill this role without major changes.

The OCC rule also raises concerns about regulatory charter competition, the viability of a broad range of State laws, and the ability of consumers and State officials to seek remedies in court. This concern is only reinforced by two other developments.

First is a general counsel opinion by the Office of Thrift Supervision that attempts to extend federal preemption beyond a thrift's corporate family. That effort would nullify the application of state consumer protection laws over independent, third-party agents of federal thrifts, and is particularly threatening to state insurance and securities efforts.

And second is the FDIC's consideration of a rule that would allow State-chartered banks the same preemptive privileges for out-of-State branches as those of national banks. These two recent developments only reinforce concerns of a ''race to the bottom'' scenario.

The OCC rule has provoked strong opposition from governors, attorneys general, banking supervisors, and many consumer advocacy groups, not to mention the public. The OCC received over 2,600 letters in response to its rules, and more than 90 percent opposed them.

The Preservation of Federalism in Banking Act is a reasonable response to the OCC rule. The bill will clarify that national banks must comply with certain state consumer protection laws, such as anti-predatory lending laws and privacy acts.

While the OCC has long had the statutory responsibility to regulate the activities of national banks, it has never denied the ability of States to protect their citizens. The OCC historically has used its authority under the National Bank Act in a reasonable way to shield national banks from State banking laws that intrude on the OCC's congressionally-granted powers. While we should continue to support the appropriate use of the agency's authority, it is important that we immediately intervene to reverse the OCC's regulatory overreach and prevent the agency from preemption all state consumer protection laws and State authority to enforce related laws.

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

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

S. 1502

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 ''Preservation of Federalism in Banking Act''.

TITLE I—NATIONAL BANKS

SEC. 101. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS CLARIFIED.

(a) IN GENERAL.—Chapter One of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

''SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

''(a) STATE CONSUMER LAWS OF GENERAL APPLICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, any consumer protection in State consumer law of general application (including any law relating to unfair or deceptive acts or practices, any consumer fraud law and repossession, foreclosure, and collection) shall apply to any national bank.

''(2) NATIONAL BANK DEFINED.—For purposes of this section, the term 'national bank' includes any Federal branch established in accordance with the International Banking Act of 1978.

''(b) STATE LAWS RELATED TO LAWS USED BY NATIONAL BANKS FOR THEIR BENEFIT.—When a national bank avails itself of a State law for its benefit, all related consumer protections in State law shall apply.

''(c) STATE BANKING LAWS ENACTED PURSUANT TO FEDERAL LAW.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law and except as provided in paragraph (2), any State law that—

''(A) is applicable to State banks; and

''(B) was enacted pursuant to or in accordance with, and is not inconsistent with, an Act of Congress, including the Gramm-Leach-Bliley Act, the Consumer Credit Protection Act, and the Real Estate Settlement Procedures Act, that explicitly or by implication, permits States to exceed or supplement the requirements of any comparable Federal law,

shall apply to any national bank.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to any State law if—

''(A) the State law discriminates against national banks; or

''(B) State law is inconsistent with provisions of Federal law other than this title LXII, but only to the extent of the inconsistency (as determined in accordance with the provision of the other Federal Law).

''(d) STATE LAWS PROTECTING AGAINST PREDATORY MORTGAGE LOANS.—To the extent not otherwise addressed in this section, State laws providing greater protection in high cost mortgage loans, however denominated, both in coverage and content, than is provided under the Truth in Lending Act (including the provisions amended by the Home Ownership and Equity Protection Act of 1994) shall apply to any national bank.

''(e) COMPARABLE FEDERAL REGULATION REQUIRED.—In relation to the regulation of consumer credit and deposit transactions, the Comptroller may preempt State law pursuant to this title only when there is a comparable Federal statute, or regulations pursuant to a Federal statute other than this title, expressly governing the activity, except in relation to interest pursuant to section 5197.

''(f) NO NEGATIVE IMPLICATIONS FOR APPLICABILITY OF OTHER STATE LAWS.—No provision of this section shall be construed as altering or affecting the applicability, to national banks, of any State law which is not described in this section.

''(g) EFFECT OF TRANSFER OF TRANSACTION.—A transaction that is not entitled to preemption at the time of the origination of the transaction does not become entitled to preemption under this title by virtue of its subsequent acquisition by a national bank.

''(h) DENIAL OF PREEMPTION NOT A DEPRIVATION OF A CIVIL RIGHT.—The preemption of any provision of the law of any State with respect to any national bank shall not be treated as a right, privilege, or immunity for purposes of section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

''(i) DEFINITION.—For purposes of this section, the terms 'includes' and 'including' have the same meaning as in section 3(t) of the Federal Deposit Insurance Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter One of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''5136C. State law preemption standards for national banks and subsidiaries clarified''.

SEC. 102. VISITORIAL STANDARDS.

Section 5136C of the Revised Statutes of the United States (as added by section 101(a) of this Act) is amended by adding at the end the following new subsections:

''(j) VISITORIAL POWERS.—No provision of this title which relates to visitorial powers or otherwise limits or restricts the supervisory, examination, or regulatory authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction—

''(1) to enforce any applicable Federal or State law, as authorized by such law; or

''(2) on behalf of residents of such State, to enforce any applicable provision of any Federal or State law against a national bank, as

authorized by such law, or to seek relief and recover damages for such residents from any violation of any such law by any national bank.

''(k) ENFORCEMENT ACTIONS.—The ability of the Comptroller to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude private parties from enforcing rights granted under Federal or State law in the courts.''.

SEC. 103. CLARIFICATION OF LAW APPLICABLE TO STATE-CHARTERED NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 5136C of the Revised Statutes of the United States (as added by section 101(a) of this Act) is amended by inserting after subsection (k) (as added by section 102) the following new subsection:

''(l) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS; DEFINITIONS.—

''(1) IN GENERAL.—No provision of this title shall be construed as preempting the applicability of State law to any State-chartered nondepository institution, subsidiary, other affiliate, or agent of a national bank.

''(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) DEPOSITORY INSTITUTION, SUBSIDIARY, AFFILIATE.—The terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(B) NONDEPOSITORY INSTITUTION.—The term 'nondepository institution' means any entity that is not a depository institution.''.

SEC. 104. DATA COLLECTION AND REPORTING.

(a) COLLECTING AND MONITORING CONSUMER COMPLAINTS.—

(1) IN GENERAL.—The Comptroller of the Currency shall record and monitor each complaint received directly or indirectly from a consumer regarding a national bank or any subsidiary of a national bank and record the resolution of the complaint.

(2) FACTORS TO BE INCLUDED.—In carrying out the requirements of paragraph (1), the Comptroller of the Currency shall include—

(A) the date the consumer complaint was received;

(B) the nature of the complaint;

(C) when and how the complaint was resolved, including a brief description of the extent, and the results, of the investigation made by the Comptroller into the complaint, a brief description of any notices given and inquiries made to any other Federal or State officer or agency in the course of the investigation or resolution of the complaint, a summary of the enforcement action taken upon completion of the investigation, and a summary of the results of subsequent periodic reviews by the Comptroller of the extent and nature of compliance by the national bank or subsidiary with the enforcement action; and

(D) if the complaint involves any alleged violation of a State law (whether or not Federal law preempts the application of such State law to such national bank) by such bank, a cite to and a description of the State law that formed the basis of the complaint.

(b) REPORT TO THE CONGRESS.—

(1) PERIODIC REPORTS REQUIRED.—The Comptroller of the Currency shall submit a report semi-annually to the Congress on the consumer protection efforts of the Office of the Comptroller of the Currency.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include the following:

(A) The total number of consumer complaints received by the Comptroller during the period covered by the report with respect to alleged violations of consumer protection laws by national banks and subsidiaries of national banks.

(B) The total number of consumer complaints received during the reporting period that are based on each of the following:

(i) Each title of the Consumer Credit Protection Act (reported as a separate aggregate number for each such title).

(ii) The Truth in Savings Act.

(iii) The Right to Financial Privacy Act of 1978.

(iv) The Expedited Funds Availability Act.

(v) The Community Reinvestment Act of 1977.

(vi) The Bank Protection Act of 1968.

(vii) Title LXII of the Revised Statutes of the United States.

(viii) The Federal Deposit Insurance Act.

(ix) The Real Estate Settlement Procedures Act of 1974.

(x) The Home Mortgage Disclosure Act of 1975.

(xi) Any other Federal law.

(xii) State consumer protection laws (reported as a separate aggregate number for each State and each State consumer protection law).

(xiii) Any other State law (reported separately for each State and each State law).

(C) A summary description of the resolution efforts by the Comptroller for complaints received during the period covered, including—

(i) the average amount of time to resolve each complaint;

(ii) the median period of time to resolve each complaint;

(iii) the average and median time to resolve complaints in each category of complaints described in each clause of subparagraph (B); and

(iv) a summary description of the longest outstanding complaint during the reporting period and the reason for the difficulty in resolving such complaint in a more timely fashion.

(3) DISCLOSURE OF REPORT ON OCC WEBSITE.—Each report submitted to the Congress under this subsection shall be posted, by the Comptroller of the Currency, in a timely fashion and maintained on the website of the Office of the Comptroller of the Currency on the World Wide Web.

TITLE II—SAVINGS ASSOCIATIONS

SEC. 201. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

''SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND AFFILIATES CLARIFIED.

''(a) STATE CONSUMER LAWS OF GENERAL APPLICATION.—Notwithstanding any other provision of Federal law, any consumer protection in State consumer law of general application (including any law relating to unfair or deceptive acts or practices, any consumer fraud law and repossession, foreclosure, and collection) shall apply to any Federal savings association.

''(b) STATE LAWS RELATED TO LAWS USED BY FEDERAL SAVINGS ASSOCIATIONS FOR THEIR BENEFIT.—When a Federal savings association avails itself of a State law for its benefit, all related consumer protections in State law shall apply.

''(c) STATE BANKING OR THRIFT LAWS ENACTED PURSUANT TO FEDERAL LAW.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law and except as provided in paragraph (2), any State law that—

''(A) is applicable to State savings associations (as defined in section 3 of the Federal Deposit Insurance Act); and

''(B) was enacted pursuant to or in accordance with, and is not inconsistent with, an Act of Congress, including the Gramm-Leach-Bliley Act, the Consumer Credit Protection Act, and the Real Estate Settlement Procedures Act, that explicitly or by implication, permits States to exceed or supplement the requirements of any comparable Federal law,

shall apply to any Federal savings association.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to any State law if—

''(A) the State law discriminates against Federal savings associations; or

''(B) the State law is inconsistent with provisions of Federal law other than this Act, but only to the extent of the inconsistency (as determined in accordance with the provision of the other Federal law).

''(d) STATE LAWS PROTECTING AGAINST PREDATORY MORTGAGE LOANS.—To the extent not otherwise addressed in this section, State laws providing greater protection in high cost mortgage loans, however denominated, both in coverage and content, than is provided under the Truth in Lending Act (including the provisions amended by the Home Ownership and Equity Protection Act of 1994) shall apply to any Federal savings association.

''(e) COMPARABLE FEDERAL REGULATION REQUIRED.—In relation to the regulation of consumer credit and deposit transactions, the Director of the Office of Thrift Supervision may preempt State law pursuant to this Act only when there is a comparable Federal statute, or regulations pursuant to a Federal statute other than this Act, expressly governing the activity, except in relation to interest pursuant to section 4(g).

''(f) NO NEGATIVE IMPLICATIONS FOR APPLICABILITY OF OTHER STATE LAWS.—No provision of this section shall be construed as altering or affecting the applicability, to Federal savings associations, of any State law which is not described in this section.

''(g) EFFECT OF TRANSFER OF TRANSACTION.—A transaction that is not entitled to preemption at the time of the origination of the transaction does not become entitled to preemption under this Act by virtue of its subsequent acquisition by a Federal savings association.

''(h) DENIAL OF PREEMPTION NOT A DEPRIVATION OF A CIVIL RIGHT.—The preemption of any provision of the law of any State with respect to any Federal savings association shall not be treated as a right, privilege, or immunity for purposes of section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

''(i) DEFINITION.—For purposes of this section, the terms 'includes' and 'including' have the same meaning as in section 3(t) of the Federal Deposit Insurance Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''6. State law preemption standards for Federal savings associations and affiliates clarified''.

SEC. 202. VISITORIAL STANDARDS.

Section 6 of the Home Owners' Loan Act (as added by section 201(a) of this title) is amended by adding at the end the following new subsections:

''(j) VISITORIAL POWERS.—No provision of this Act shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction—

''(1) to enforce any applicable Federal or State law, as authorized by such law; or

''(2) on behalf of residents of such State, to enforce any applicable provision of any Federal or State law against a Federal savings

association, as authorized by such law, or to seek relief and recover damages for such residents from any violation of any such law by any Federal savings association.

''(k) ENFORCEMENT ACTIONS.—The ability of the Director of the Office of Thrift Supervision to bring an enforcement action under this Act or section 5 of the Federal Trade Commission Act does not preclude private parties from enforcing rights granted under Federal or State law in the courts.''.

SEC. 203. CLARIFICATION OF LAW APPLICABLE TO STATE-CHARTERED NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 6 of the Home Owners' Loan Act (as added by section 201(a) of this title) is amended by inserting after subsection (k) (as added by section 202) the following new subsection:

''(l) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION AFFILIATES OF FEDERAL SAVINGS ASSOCIATIONS.—

''(1) IN GENERAL.—No provision of this Act shall be construed as preempting the applicability of State law to any State-chartered nondepository institution, subsidiary, other affiliate, or agent of a Federal savings association.

''(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) DEPOSITORY INSTITUTION, SUBSIDIARY, AFFILIATE.—The terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(B) NONDEPOSITORY INSTITUTION.—The term 'nondepository institution' means any entity that is not a depository institution.''.

SEC. 204. DATA COLLECTION AND REPORTING.

(a) COLLECTING AND MONITORING CONSUMER COMPLAINTS.—

(1) IN GENERAL.—The Director of the Office of Thrift Supervision shall record and monitor each complaint received directly or indirectly from a consumer regarding a Federal savings association or any subsidiary of a Federal savings association and record the resolution of the complaint.

(2) FACTORS TO BE INCLUDED.—In carrying out the requirements of paragraph (1), the Director of the Office of Thrift Supervision shall include—

(A) the date the consumer complaint was received;

(B) the nature of the complaint;

(C) when and how the complaint was resolved, including a brief description of the extent, and the results, of the investigation made by the Director into the complaint, a brief description of any notices given and inquiries made to any other Federal or State officer or agency in the course of the investigation or resolution of the complaint, a summary of the enforcement action taken upon completion of the investigation, and a summary of the results of subsequent periodic reviews by the Comptroller of the extent and nature of compliance by the Federal savings association or subsidiary with the enforcement action; and

(D) if the complaint involves any alleged violation of a State law (whether or not Federal law preempts the application of such State law to such Federal savings association) by such savings association, a cite to and a description of the State law that formed the basis of the complaint.

(b) REPORT TO THE CONGRESS.—

(1) PERIODIC REPORTS REQUIRED.—The Director of the Office of Thrift Supervision shall submit a report semi-annually to the Congress on the consumer protection efforts of the Office of Thrift Supervision.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include the following:

(A) The total number of consumer complaints received by the Director during the period covered by the report with respect to alleged violations of consumer protection laws by Federal savings associations and subsidiaries of Federal savings associations.

(B) The total number of consumer complaints received during the reporting period that are based on each of the following:

(i) Each title of the Consumer Credit Protection Act (reported as a separate aggregate number for each such title).

(ii) The Truth in Savings Act.

(iii) The Right to Financial Privacy Act of 1978.

(iv) The Expedited Funds Availability Act.

(v) The Community Reinvestment Act of 1977.

(vi) The Bank Protection Act of 1968.

(vii) Title LXII of the Revised Statutes of the United States.

(viii) The Federal Deposit Insurance Act.

(ix) The Real Estate Settlement Procedures Act of 1974.

(x) The Home Mortgage Disclosure Act of 1975.

(xi) Any other Federal law.

(xii) State consumer protection laws (reported as a separate aggregate number for each State and each State consumer protection law).

(xiii) Any other State law (reported separately for each State and each State law).

(C) A summary description of the resolution efforts by the Director for complaints received during the period covered, including—

(i) the average amount of time to resolve each complaint;

(ii) the median period of time to resolve each complaint;

(iii) the average and median time to resolve complaints in each category of complaints described in each clause of subparagraph (B); and

(iv) a summary description of the longest outstanding complaint during the reporting period and the reason for the difficulty in resolving such complaint in a more timely fashion.

(3) DISCLOSURE OF REPORT ON OTS WEBSITE.—Each report submitted to the Congress under this subsection shall be posted, by the Director of the Office of Thrift Supervision, in a timely fashion and maintained on the website of the Office of Thrift Supervision on the World Wide Web.

By Mr. FRIST (for himself, Mr. MCCONNELL, Mr. GREGG, Mr. ENZI, Ms. MURKOWSKI, and Mr. DEMINT):

S. 1503. A bill to reduce healthcare costs, expand access to affordable healthcare coverage, and improve healthcare and strengthen the health care safety net, and for other purposes; to the Committee on Finance.

Mr. FRIST. Mr. President, wherever I travel, Americans tell me the same things about our health care system: it costs too much, leaves too many without insurance, and does too little to help those in need.

America has the world's best hospitals, doctors, nurses, and medical research labs. But we do not always provide the best care. And we certainly do not provide it at an affordable price. We face real problems. And we need to act.

Two years ago, I appointed a task force to investigate what Congress could do. Under the leadership of Senator JUDD GREGG, the task force reported back with a series of comprehensive recommendations. The President has also proposed some very constructive policy initiatives. We took all of these proposals into account when we wrote this bill.

The legislation we propose today will build upon our record of accomplishment on health care. The Republican Congress has created a Medicare drug benefit for seniors, made tax-free, portable Health Savings Accounts available to all Americans, and has begun the process of moving our medical system into the information age.

This week, we will pass and send to the President a long-overdue measure to encourage doctors and hospitals to report medical errors voluntarily. The measure will save lives, and it will improve health care quality.

But we still have more to do.

The legislation we are proposing today focuses on three broad areas: reducing costs, expanding health coverage, and improving the quality of care. In this bill—''The Healthy America Act of 2005''—we provide comprehensive solutions that will improve health care for every American.

Let me begin by speaking about cost. Every year, Americans see their health care costs soar. Just 15 years ago, less than 1 out of every 10 dollars Americans spent went for health care. In 10 years, almost one out of every five dollars you spend will go towards health care.

Rising life expectancies and the cost of new technologies, treatments, and medical procedures all drive up costs. But we can do more to hold them in check. And we must.

Rapidly rising health costs threaten our Nation's small business owners, and our largest corporations. They can harm our economy; cost jobs, and hurt Americans from all walks of life. During the past few years, for example, health care costs have grown three to four times more quickly than wages.

First, we need to reform our broken medical liability system. Under our current medical system, doctors face enormous incentives to order unnecessary tests and procedures simply to avoid the risk of lawsuits.

It's expensive, it's wasteful, and unnecessary, and, most of all, it's dangerous. It needs to change and, under this bill, it will.

Hospitals, doctors, patients, and insurers all shoulder some responsibility for rising costs. To keep costs down, we need to put the patient at the heart of health care. That's why we propose reforms to let patients own and control privacy-protected electronic medical records, cut down on fraud in our Medicare and Medicaid programs, reduce medical errors, and reduce unnecessary regulations and mandates.

Lower costs alone will help many Americans get the care they need and deserve. But we also have to look at ways to cover more Americans who would still find themselves left behind.

Through changes to tax laws, we can make it easier for lower-income individuals and small businesses to purchase affordable, high quality health insurance.

And we can also provide more options for those who take charge of their own health care by making flexible spending accounts more flexible and health savings accounts even more affordable for individuals and small businesses.

Finally, the Federal Government can help support State high-risk pools that help provide health coverage to individuals who couldn't otherwise afford care.

America is a caring Nation and we must recognize that not everyone has equal ability to take care of his or her own health. That's why we need to expand our safety net for the truly needy.

Many of those without health insurance—particularly children—qualify for benefits under existing programs but do not receive them. By providing grants to faith-based and community organizations, we can help more families sign up their children for available health coverage.

We also need to expand the availability of health care services to individuals in need by expanding Community Health Centers and Rural Health Clinics to more rural areas and poor counties.

We should also act to make prescription drugs more affordable for low-income Americans and provide legal protections and loan forbearance that will make it easier for health care practitioners who volunteer their time and services to provide needed care in community health centers and free clinics.

Every American should have health care that's available, affordable, and always there.

And we must hold fast to this principle: patients should sit at the center of the health care system, not the government, not insurance companies, and certainly not predatory trial lawyers.

The system should free providers to focus on caring for their patients: not dealing with regulations, bureaucrats, or lawyers.

Today, we've put forward a plan that will take a major step towards centering America's health care system on the patient.

We have the vision for what American health care should look like. Now we only need the courage to make it happen.

I want to thank Senator GREGG, and all of the members of the Task Force who worked so diligently on this legislation. I also want to recognize the contributions of the other cosponsors of this legislation: Senators MITCH MCCONNELL, MIKE ENZI, LISA MURKOWSKI, and JIM DEMINT, I urge all of my colleagues to join us in supporting this bill. 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. 1503

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy America Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Health care costs are growing rapidly, putting health insurance and needed care out of reach for too many Americans.

(2) Rapidly growing health care costs pose a threat to the United States economy, as they make American businesses less competitive and make it more difficult to create new jobs.

(3) Growing health care costs are compromising the stability of health care safety net and entitlement programs.

(4) There are a series of steps Congress can and should take to slow the growth of health care costs, expand access to health coverage, and improve access to quality health care for millions of Americans.

TITLE I—MAKING HEALTH CARE MORE AFFORDABLE

Subtitle A—Medical Liability Reform

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Patients First Act of 2005''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the current health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this subtitle to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals;

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 103. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following:

(1) Upon proof of fraud;

(2) Intentional concealment; or

(3) The presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 104. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, the full amount of a claimant's economic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages recovered may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit, an award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 105. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 106. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 107. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PENALTIES FOR PROVIDERS IN COMPLIANCE WITH FDA STANDARDS.—A health care provider who prescribes a medical product approved or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product.

SEC. 108. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 109. DEFINITIONS.

In this subtitle:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug or device intended for humans, and the terms ''drug'' and ''device'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food,

Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 110. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this subtitle does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subtitle in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this subtitle or otherwise applicable law (as determined under this subtitle) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this subtitle shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 111. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this subtitle preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this subtitle. The provisions governing health care lawsuits set forth in this subtitle supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this subtitle; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS.—Any issue that is not governed by any provision of law established by or under this subtitle (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This subtitle does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) for health care providers and health care organizations from liability, loss, or damages than those provided by this subtitle.

(c) STATE FLEXIBILITY.—No provision of this subtitle shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this subtitle) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this subtitle, notwithstanding section 104(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 112. APPLICABILITY; EFFECTIVE DATE.

This subtitle shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

Subtitle B—Health Information Technology

CHAPTER 1—GENERAL PROVISIONS

SEC. 121. IMPROVING HEALTH CARE, QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

''SEC. 2901. DEFINITIONS.

''In this title:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

''(2) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

''(3) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means—

''(A) a health insurance issuer (as defined in section 2791(b)(2));

''(B) a group health plan (as defined in section 2791(a)(1)); and

''(C) a health maintenance organization (as defined in section 2791(b)(3)).

''(4) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

''(5) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

''(6) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

''(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary, in consultation with the President, and shall report directly to the Secretary.

''(b) Purpose.—It shall be the purpose of the Office to coordinate with relevant Federal agencies and oversee programs and activities to develop a nationwide interoperable health information technology infrastructure that—

''(1) ensures that patients' individually identifiable health information is secure and protected;

''(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

''(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

''(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

''(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes; and

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—The National Coordinator shall—

''(1) provide support to the public-private American Health Information Collaborative established under section 2903;

''(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

''(3) facilitate the adoption of a nationwide, interoperable system for the electronic exchange of health information;

''(4) ensure the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve health care quality;

''(5) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

''(6) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other health care providers, physicians, community health centers, laboratories, vendors and other stakeholders;

''(7) advise the President regarding specific Federal health information technology programs; and

''(8) submit the reports described under section 2903(i) (excluding paragraph (4) of such section).

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Office, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"SEC. 2903. AMERICAN HEALTH INFORMATION COLLABORATIVE.

''(a) PURPOSE.—The Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the 'Collaborative') to—

''(1) advise the Secretary and recommend specific actions to achieve a nationwide interoperable health information technology infrastructure;

''(2) serve as a forum for the participation of a broad range of stakeholders to provide input on achieving the interoperability of health information technology; and

''(3) recommend standards (including content, communication, and security standards) for the electronic exchange of health information for adoption by the Federal Government and voluntary adoption by private entities.

''(b) COMPOSITION.—

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

''(A) the Secretary, who shall serve as the chairperson of the Collaborative;

''(B) the Secretary of Defense, or his or her designee;

''(C) the Secretary of Veterans Affairs, or his or her designee;

''(D) the Secretary of Commerce, or his or her designee;

''(E) representatives of other relevant Federal agencies, as determined appropriate by the Secretary; and

''(F) representatives from among the following categories to be appointed by the Secretary from nominations submitted by the public—

''(i) consumer and patient organizations;

''(ii) experts in health information privacy and security;

''(iii) health care providers;

''(iv) health insurance plans or other third party payors;

''(v) standards development organizations;

''(vi) information technology vendors;

''(vii) purchasers or employers; and

''(viii) State or local government agencies or Indian tribe or tribal organizations.

''(2) CONSIDERATIONS.—In appointing members under paragraph (1)(F), the Secretary shall select individuals with expertise in—

''(A) health information privacy;

''(B) health information security;

''(C) health care quality and patient safety, including those individuals with experience in utilizing health information technology to improve health care quality and patient safety;

''(D) data exchange; and

''(E) developing health information technology standards and new health information technology.

''(3) TERMS.—Members appointed under paragraph (1)(G) shall serve for 2 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve for not to exceed 180 days after the expiration of such member's term or until a successor has been appointed.

''(c) RECOMMENDATIONS AND POLICIES.—The Collaborative shall make recommendations to identify uniform national policies for adoption by the Federal Government and voluntary adoption by private entities to support the widespread adoption of health information technology, including—

''(1) protection of individually identifiable health information through privacy and security practices;

''(2) measures to prevent unauthorized access to health information;

''(3) methods to facilitate secure patient access to health information;

''(4) the ongoing harmonization of industry-wide health information technology standards;

''(5) recommendations for a nationwide interoperable health information technology infrastructure;

''(6) the identification and prioritization of specific use cases for which health information technology is valuable, beneficial, and feasible;

''(7) recommendations for the establishment of an entity to ensure the continuation of the functions of the Collaborative; and

''(8) other policies determined to be necessary by the Collaborative.

''(d) STANDARDS.—

''(1) EXISTING STANDARDS.—The standards adopted by the Consolidated Health Informatics Initiative shall be deemed to have been recommended by the Collaborative under this section.

''(2) FIRST YEAR REVIEW.—Not later than 1 year after the date of enactment of this title, the Collaborative shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

''(B) identify deficiencies and omissions in such existing standards; and

''(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

''(3) ONGOING REVIEW.—Beginning 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

''(B) identify deficiencies and omissions in such existing standards; and

''(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

''(4) LIMITATION.—The standards described in this section shall be consistent with any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

''(e) FEDERAL ACTION.—Not later than 60 days after the issuance of a recommendation from the Collaborative under subsection (d)(2), the Secretary of Health and Human Services, in consultation with the Secretary of Veterans Affairs, the Secretary of Defense, and representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall review such recommendations. The Secretary shall provide for the adoption by the Federal Government of any standard or standards contained in such recommendation.

''(f) COORDINATION OF FEDERAL SPENDING.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of any form of health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

''(g) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary shall comply with standards adopted under subsection (e).

''(h) VOLUNTARY ADOPTION.—

''(1) IN GENERAL.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private entity that enters into a contract with the Federal Government adopt the standards adopted by the Federal Government under section 2903 with respect to activities not related to the contract.

''(3) LIMITATION.—Private entities that enter into a contract with the Federal Government shall adopt the standards adopted under section 2903 for the purpose of activities under such Federal contract.

''(i) EFFECT ON OTHER PROVISIONS.—Nothing in this title shall be construed to effect the scope or substance of—

''(1) section 264 of the Health Insurance Portability and Accountability Act of 1996;

''(2) sections 1171 through 1179 of the Social Security Act; and

''(3) any regulation issued pursuant to any such section;

and such sections shall remain in effect and shall apply to the implementation of standards, programs and activities under this title.

''(j) REPORTS.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

''(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of an interoperable nationwide system for the electronic exchange of health information;

''(2) describes barriers to the adoption of such a nationwide system;

''(3) contains recommendations to achieve full implementation of such a nationwide system; and

''(4) contains a plan and progress toward the establishment of an entity to ensure the continuation of the functions of the Collaborative.

''(k) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

''(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Collaborative, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

''(a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

''(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under

this title using the criteria developed by the Secretary under this section.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

''(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1) using the criteria developed by the Secretary under this section.

''(c) DELEGATION AUTHORITY.—The Secretary, through consultation with the Collaborative, may delegate the development of the criteria under subsections (a) and (b) to a private entity.

''SEC. 2905. STUDY OF STATE HEALTH INFORMATION LAWS AND PRACTICES.

''(a) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

''(1) the variation among State laws and practices that relate to the privacy, confidentiality, and security of health information;

''(2) how such variation among State laws and practices may impact the electronic exchange of health information—

''(A) among the States;

''(B) between the States and the Federal Government; and

''(C) among private entities; and

''(3) how such laws and practices may be harmonized to permit the secure electronic exchange of health information.

''(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary shall submit to Congress a report that—

''(1) describes the results of the study carried out under subsection (a); and

''(2) makes recommendations based on the results of such study.

''SEC. 2906. SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to States to carry out programs under which such States cooperate with other States to develop and implement State policies that will facilitate the secure electronic exchange of health information utilizing the standards adopted under section 2903—

''(1) among the States;

''(2) between the States and the Federal Government; and

''(3) among private entities.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to States that provide assurance that any funding awarded under such a grant shall be used to harmonize privacy laws and practices between the States, the States and the Federal Government, and among private entities related to the privacy, confidentiality, and security of health information.

''(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information regarding the efficacy of efforts of a recipient of a grant under this section.

''(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to recipients of a grant under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

''SEC. 2907. LICENSURE AND THE ELECTRONIC EXCHANGE OF HEALTH INFORMATION.

''(a) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

''(1) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

''(2) how such variation among State laws impacts the secure electronic exchange of health information—

''(A) among the States; and

''(B) between the States and the Federal Government.

''(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary shall publish a report that—

''(1) describes the results of the study carried out under subsection (a); and

''(2) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

''SEC. 2908. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this title, there is authorized to be appropriated $125,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.

''(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available through fiscal year 2010.''.

SEC. 122. HIPAA REPORT.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines the integration of the standards adopted under the amendments made by this subtitle with the standards adopted under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(b) PLAN; REPORT.—

(1) PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall, based on the results of the study carried out under subsection (a), develop a plan for the integration of the standards described under such subsection and submit a report to Congress describing such plan.

(2) PERIODIC REPORTS.—The Secretary shall submit periodic reports to Congress that describe the progress of the integration described under paragraph (1).

SEC. 123. STUDY OF REIMBURSEMENT INCENTIVES.

The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

SEC. 124. REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.

Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c–18(b)) is amended by striking ''2002 through 2006'' and inserting ''2006 through 2010''.

SEC. 125. SENSE OF THE SENATE ON PHYSICIAN PAYMENT.

It is the sense of the Senate that modifications to the medicare fee schedule for physicians' services under section 1848 of the Social Security Act (42 U.S.C. 1394w–4) should include provisions based on the reporting of quality measures pursuant to those adopted in section 2909 of the Public Health Service Act (as added by section 121) and the overall improvement of healthcare quality through the use of the electronic exchange of health information pursuant to the standards adopted under section 2903 of such Act (as added by section 121).

SEC. 126. ESTABLISHMENT OF QUALITY MEASUREMENT SYSTEMS FOR MEDICARE VALUE-BASED PURCHASING PROGRAMS.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

''PART E—VALUE-BASED PURCHASING

''QUALITY MEASUREMENT SYSTEMS FOR VALUE-BASED PURCHASING PROGRAMS

''SEC. 1860E–1. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall develop quality measurement systems for purposes of providing value-based payments to—

''(A) hospitals pursuant to section 1860E–2;

''(B) physicians and practitioners pursuant to section 1860E–3;

''(C) plans pursuant to section 1860E–4;

''(D) end stage renal disease providers and facilities pursuant to section 1860E–5; and

''(E) home health agencies pursuant to section 1860E–6.

''(2) QUALITY.—The systems developed under paragraph (1) shall measure the quality of the care furnished by the provider involved.

''(3) HIGH QUALITY HEALTH CARE DEFINED.—In this part, the term 'high quality health care' means health care that is safe, effective, patient-centered, timely, equitable, efficient, necessary, and appropriate.

''(b) REQUIREMENTS FOR SYSTEMS.—Under each quality measurement system described in subsection (a)(1), the Secretary shall do the following:

''(1) MEASURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall select measures of quality to be used by the Secretary under each system.

''(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretary shall, to the extent feasible, ensure that—

''(i) such measures are evidence-based, reliable and valid, and feasible to collect and report;

''(ii) measures of process, structure, outcomes, beneficiary experience, efficiency, and equity are included;

''(iii) measures of overuse and underuse of health care items and services are included;

''(iv)(I) at least 1 measure of health information technology infrastructure that enables the provision of high quality health care and facilitates the exchange of health information, such as the use of one or more elements of a qualified health information system (as defined in subparagraph (E)), is included during the first year each system is implemented; and

''(II) additional measures of health information technology infrastructure are included in subsequent years;

''(v) in the case of the system that is used to provide value-based payments to hospitals under section 1860E–2, by not later than January 1, 2008, at least 5 measures that take into account the unique characteristics of small hospitals located in rural areas and frontier areas are included; and

''(vi) measures that assess the quality of care furnished to frail individuals over the age of 75 and to individuals with multiple complex chronic conditions are included.

''(C) REQUIREMENT FOR COLLECTION OF DATA ON A MEASURE FOR 1 YEAR PRIOR TO USE UNDER THE SYSTEMS.—Data on any measure selected by the Secretary under subparagraph (A) must be collected by the Secretary for at least a 12-month period before such measure may be used to determine whether a provider receives a value-based payment under a program described in subsection (a)(1).

''(D) AUTHORITY TO VARY MEASURES.—

''(i) UNDER SYSTEM APPLICABLE TO HOSPITALS.—In the case of the system applicable to hospitals under section 1860E–2, the Secretary may vary the measures selected under subparagraph (A) by hospital depending on the size of, and the scope of services provided by, the hospital.

''(ii) UNDER SYSTEM APPLICABLE TO PHYSICIANS AND PRACTITIONERS.—In the case of the system applicable to physicians and practitioners under section 1860E–3, the Secretary may vary the measures selected under subparagraph (A) by physician or practitioner depending on the specialty of the physician, the type of practitioner, or the volume of services furnished to beneficiaries by the physician or practitioner.

''(iii) UNDER SYSTEM APPLICABLE TO ESRD PROVIDERS AND FACILITIES.—In the case of the system applicable to providers of services and renal dialysis facilities under section 1860E–5, the Secretary may vary the measures selected under subparagraph (A) by provider or facility depending on the type of, the size of, and the scope of services provided by, the provider or facility.

''(iv) UNDER SYSTEM APPLICABLE TO HOME HEALTH AGENCIES.—In the case of the system applicable to home health agencies under section 1860E–6, the Secretary may vary the measures selected under subparagraph (A) by agency depending on the size of, and the scope of services provided by, the agency.

''(E) QUALIFIED HEALTH INFORMATION SYSTEM DEFINED.—For purposes of subparagraph (B)(iv)(I), the term 'qualified health information system' means a computerized system (including hardware, software, and training) that—

''(i) protects the privacy and security of health information and properly encrypts such health information;

''(ii) maintains and provides access to patients' health records in an electronic format;

''(iii) incorporates decision support software to reduce medical errors and enhance health care quality;

''(iv) is consistent with data standards and certification processes recommended by the Secretary;

''(v) allows for the reporting of quality measures; and

''(vi) includes other features determined appropriate by the Secretary.

''(2) WEIGHTS OF MEASURES.—

''(A) IN GENERAL.—The Secretary shall assign weights to the measures used by the Secretary under each system.

''(B) CONSIDERATION.—If the Secretary determines appropriate, in assigning the weights under subparagraph (A)—

''(i) measures of clinical effectiveness shall be weighted more heavily than measures of beneficiary experience; and

''(ii) measures of risk adjusted outcomes shall be weighted more heavily than measures of process; and

''(3) RISK ADJUSTMENT.—The Secretary shall establish procedures, as appropriate, to control for differences in beneficiary health status and beneficiary characteristics. To the extent feasible, such procedures may be based on existing models for controlling for such differences.

''(4) MAINTENANCE.—

''(A) IN GENERAL.—The Secretary shall, as determined appropriate, but not more often than once each 12-month period, update each system, including through—

''(i) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the system;

''(ii) the refinement of the weights assigned to measures under the system; and

''(iii) the refinement of the risk adjustment procedures established pursuant to paragraph (3) under the system.

''(B) UPDATE SHALL ALLOW FOR COMPARISON OF DATA.—Each update under subparagraph (A) of a quality measurement system shall allow for the comparison of data from one year to the next for purposes of providing value-based payments under the programs described in subsection (a)(1).

''(5) USE OF MOST RECENT QUALITY DATA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use the most recent quality data with respect to the provider involved that is available to the Secretary.

''(B) INSUFFICIENT DATA DUE TO LOW VOLUME.—If the Secretary determines that there is insufficient data with respect to a measure or measures because of a low number of services provided, the Secretary may aggregate data across more than 1 fiscal or calendar year, as the case may be.

''(c) REQUIREMENTS FOR DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating each quality measurement system under this section, the Secretary shall—

''(1) take into account the quality measures developed by nationally recognized quality measurement organizations, researchers, health care provider organizations, and other appropriate groups;

''(2) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e);

''(3) consult with provider-based groups and clinical specialty societies;

''(4) take into account existing quality measurement systems that have been developed through a rigorous process of validation and with the involvement of entities and persons described in subsection (e)(2)(B); and

''(5) take into account—

''(A) each of the reports by the Medicare Payment Advisory Commission that are required under the Medicare Value Purchasing Act of 2005;

''(B) the results of—

''(i) the demonstrations required under such Act;

''(ii) the demonstration program under section 1866A;

''(iii) the demonstration program under section 1866C; and

''(iv) any other demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care; and

''(C) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

''(d) REQUIREMENTS FOR IMPLEMENTING THE SYSTEMS.—In implementing each quality measurement system under this section, the Secretary shall consult with entities—

''(1) that have joined together to develop strategies for quality measurement and reporting, including the feasibility of collecting and reporting meaningful data on quality measures; and

''(2) that involve representatives of health care providers, health plans, consumers, employers, purchasers, quality experts, government agencies, and other individuals and groups that are interested in quality of care.

''(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

''(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

''(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

''(A) The entity is a private nonprofit entity governed by an executive director and a board.

''(B) The members of the entity include representatives of—

''(i)(I) health plans and providers receiving reimbursement under this title for the provision of items and services, including health plans and providers with experience in the care of the frail elderly and individuals with multiple complex chronic conditions; or

''(II) groups representing such health plans and providers;

''(ii) groups representing individuals receiving benefits under this title;

''(iii) purchasers and employers or groups representing purchasers or employers;

''(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

''(v) State government health programs;

''(vi) persons skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

''(vii) persons or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

''(C) The membership of the entity is representative of individuals with experience with—

''(i) urban health care issues;

''(ii) safety net health care issues; and

''(iii) rural and frontier health care issues.

''(D) The entity does not charge a fee for membership for participation in the work of the entity related to the arrangement with the Secretary under paragraph (1). If the entity does require a fee for membership for participation in other functions of the entity, there shall be no linkage between such fee and participation in the work of the entity related to such arrangement with the Secretary.

''(E) The entity—

''(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

''(ii) ensures that such members have an equal vote on such matters .

''(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

''(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).''.

(b) CONFORMING REFERENCES TO PREVIOUS PART E.—Any reference in law (in effect before the date of the enactment of this Act) to part E of title XVIII of the Social Security Act is deemed a reference to part F of such title (as in effect after such date).

SEC. 127. EXCEPTION TO FEDERAL ANTI-KICKBACK AND PHYSICIAN SELF REFERRAL LAWS FOR THE PROVISION OF PERMITTED SUPPORT.

(a) ANTI-KICKBACK.—Section 1128B(b) (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), as added by section 237(d) of the Medicare Prescription

Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(D) in subparagraph (I), as so redesignated—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting ''; and''; and

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

''(J) during the 5-year period beginning on the date the Secretary issues the interim final rule under section 801(c)(1) of the Medicare Value Purchasing Act of 2005, the provision, with or without charge, of any permitted support (as defined in paragraph (4)).''; and

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

''(4) PERMITTED SUPPORT.—

''(A) DEFINITION OF PERMITTED SUPPORT.—Subject to subparagraph (B), in this section, the term 'permitted support' means the provision of any equipment, item, information, right, license, intellectual property, software, training, or service used for developing, implementing, operating, or facilitating the use of systems designed to improve the quality of health care and to promote the electronic exchange of health information.

''(B) EXCEPTION.—The term 'permitted support' shall not include the provision of—

''(i) any support that is determined in a manner that is related to the volume or value of any referrals or other business generated between the parties for which payment may be made in whole or in part under a Federal health care program;

''(ii) any support that has more than incidental utility or value to the recipient beyond the exchange of health care information; or

''(iii) any health information technology system, product, or service that is not capable of exchanging health care information in compliance with data standards consistent with interoperability.

''(C) DETERMINATION.—In establishing regulations with respect to the requirement under subparagraph (B)(iii), the Secretary shall take in account—

''(I) whether the health information technology system, product, or service is widely accepted within the industry and whether there is sufficient industry experience to ensure successful implementation of the system, product, or service; and

''(II) whether the health information technology system, product, or service improves quality of care, enhances patient safety, or provides greater administrative efficiencies.''.

(b) PHYSICIAN SELF-REFERRAL.—Section 1877(e) (42 U.S.C. 1395nn(e)) is amended by adding at the end the following new paragraph:

''(9) PERMITTED SUPPORT.—During the 5-year period beginning on the date the Secretary issues the interim final rule under section 801(c)(1) of the Medicare Value Purchasing Act of 2005, the provision, with or without charge, of any permitted support (as defined in section 1128B(b)(4)).''.

(c) REGULATIONS.—In order to carry out the amendments made by this section—

(1) the Secretary shall issue an interim final rule with comment period by not later than the date that is 180 days after the date of enactment of this Act;

(2) the Secretary shall issue a final rule by not later than the date that is 180 days after the date that the interim final rule under paragraph (1) is issued.

CHAPTER 2—VALUE BASED PURCHASING

SEC. 131. VALUE BASED PURCHASING PROGRAMS; SENSE OF THE SENATE.

(a) MEDICARE VALUE BASED PURCHASING PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) a value based purchasing pilot program based on the reporting of quality measures pursuant to those adopted in section 1860E-1 of the Social Security Act (as added by section 126). Such pilot program should be based on experience gained through previous demonstration projects conducted by the Secretary, including demonstration projects conducted under sections 1866A and 1866C of the Social Security Act (42 U.S.C. 1395cc–1; 1395cc–3), section 649 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2322), and other relevant work conducted by private entities.

(2) EXPANSION.—Not later than 2 years after conducting the pilot program under paragraph (1), the Secretary shall transition and implement such program on a national basis.

(3) INFORMATION TECHNOLOGY.—Providers reporting quality measurement data electronically under this section shall report such data pursuant to the standards adopted under title XXIX of the Public Health Service Act (as added by section 121).

(4) FUNDING.—The Secretary shall ensure that the total amount of expenditures under this Act in a year does not exceed the total amount of expenditures that would have been expended in such year under this Act if this subsection had not been enacted.

(b) MEDICAID VALUE BASED PURCHASING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall authorize waivers under section 1115 of the Social Security Act (42 U.S.C. 1315) for States to establish value based purchasing programs for State medicaid programs established under title XIX of such Act (42 U.S.C. 1396 et seq.). Such programs shall be based on the reporting of quality measures pursuant to those adopted in section 1860E-1 of the Social Security Act (as added by section 126).

(2) INFORMATION TECHNOLOGY.—Providers reporting quality measurement data electronically under this section shall report such data pursuant to the standards adopted under title XXIX of the Public Health Service Act (as added by section 121).

(3) WAIVER.—In authorizing such waivers, the Secretary shall waive any provisions of title XI or XIX of the Social Security Act that would otherwise prevent a State from establishing a value based purchasing program in accordance with paragraph (1).

Subtitle C—Patient Safety and Quality Improvement

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''Patient Safety and Quality Improvement Act of 2005''.

SEC. 142. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this subtitle to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 143. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: ''Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.'';

(5) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(6) by inserting after part B the following:

''PART C—PATIENT SAFETY IMPROVEMENT

''SEC. 921. DEFINITIONS.

''In this part:

''(1) NON-IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—The term 'non-identifiable information' means, with respect to information, that the information is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

''(B) IDENTIFIABILITY OF PATIENT.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

''(2) PATIENT SAFETY DATA.—

''(A) IN GENERAL.—The term 'patient safety data' means—

''(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements that are—

''(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within 60 days;

''(II) requested by a patient safety organization (including the contents of such request), if they are reported to the patient safety organization within 60 days;

''(III) reported to a provider by a patient safety organization; or

''(IV) collected by a patient safety organization from another patient safety organization, or developed by a patient safety organization;

that could result in improved patient safety, health care quality, or health care outcomes; or

''(ii) any deliberative work or process with respect to any patient safety data described in clause (i).

''(B) LIMITATION.—

''(i) COLLECTION.—If the original material from which any data, reports, records, memoranda, analyses (such as root case analyses), or written or oral statements referred to in subclause (I) or (IV) of subparagraph (A)(i) are collected and is not patient safety data, the act of such collection shall not make such original material patient safety data for purposes of this part.

''(ii) SEPARATE DATA.—The term 'patient safety data' shall not include information (including a patient's medical record, billing and discharge information or any other patient or provider record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data. Nothing in this part, except for section 922(f)(1), shall be construed to limit—

''(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

''(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

''(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

''(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public entity or component thereof that is currently listed by the Secretary pursuant to section 924(c).

''(4) PATIENT SAFETY ORGANIZATION ACTIVITIES.—The term 'patient safety organization activities' means the following activities, which are deemed to be necessary for the proper management and administration of a patient safety organization:

''(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

''(B) The collection and analysis of patient safety data that are submitted by more than one provider.

''(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

''(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

''(E) The maintenance of procedures to preserve confidentiality with respect to patient safety data.

''(F) The provision of appropriate security measures with respect to patient safety data.

''(G) The utilization of qualified staff.

''(5) PERSON.—The term 'person' includes Federal, State, and local government agencies.

''(6) PROVIDER.—The term 'provider' means—

''(A) a person licensed or otherwise authorized under State law to provide health care services, including—

''(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

''(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

''(B) any other person specified in regulations promulgated by the Secretary.

''SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

''(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c)(1), shall not be—

''(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

''(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

''(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

''(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

''(5) utilized in a disciplinary proceeding against a provider.

''(b) CONFIDENTIALITY.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

''(c) EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of a wanton and criminal act to directly harm the patient.

''(2) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

''(d) PROTECTED DISCLOSURE AND USE OF INFORMATION.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure of patient safety data by a person that is a provider, a patient safety organization, or a contractor of a provider or patient safety organization, to another such person, to carry out patient safety organization activities.

''(2) Disclosure of patient safety data by a provider or patient safety organization to grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

''(3) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

''(4) Voluntary disclosure of patient safety data by a patient safety organization to the Secretary for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(5) Voluntary disclosure of patient safety data by a patient safety organization to State of local government agencies for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(e) CONTINUED PROTECTION OF INFORMATION AFTER DISCLOSURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), patient safety data that is used or disclosed shall continue to be privileged and confidential as provided for in subsections (a) and (b), and the provisions of such subsections shall apply to such data in the possession or control of—

''(A) a provider or patient safety organization that possessed such data before the use or disclosure; or

''(B) a person to whom such data was disclosed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), and subject to paragraph (3)—

''(A) if patient safety data is used or disclosed as provided for in subsection (c)(1), and such use or disclosure is in open court, the confidentiality protections provided for in subsection (b) shall no longer apply to such data; and

''(B) if patient safety data is used or disclosed as provided for in subsection (c)(2), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such data.

''(3) CONSTRUCTION.—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to data other than the specific data used or disclosed as provided for in subsection (c).

''(f) LIMITATION ON ACTIONS.—

''(1) PATIENT SAFETY ORGANIZATIONS.—Except to enforce disclosures pursuant to subsection (c)(1), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data unless such information is specifically identified, is not patient safety data, and cannot otherwise be obtained.

''(2) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

''(g) REPORTER PROTECTION.—

''(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

''(A) to the provider with the intention of having the information reported to a patient safety organization; or

''(B) directly to a patient safety organization.

''(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

''(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

''(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

''(h) ENFORCEMENT.—

''(1) PROHIBITION.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data, and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

''(2) RELATION TO HIPAA.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d–5) for the same disclosure.

''(3) EQUITABLE RELIEF.—

''(A) IN GENERAL.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (g) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

''(B) AGAINST STATE EMPLOYEES.—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action as described by this paragraph, and that consent has remained in effect.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

''(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

''(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d–5), or any regulation promulgated under such sections;

''(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

''(5) prohibit a provider from reporting a crime to law enforcement authorities, regardless of whether knowledge of the existence of, or the description of, the crime is based on patient safety data, so long as the provider does not disclose patient safety data in making such report.

''SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

''(a) IN GENERAL.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

''(b) NETWORK OF DATABASE STANDARDS.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of Part C of title XI of the Social Security Act.

''SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

''(a) CERTIFICATION.—

''(1) INITIAL CERTIFICATION.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the patient safety organization activities.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—An entity that seeks to be a patient safety organization may—

''(A) submit an initial certification that it intends to perform patient safety organization activities other than the activities described in subparagraph (B) of section 921(4); and

''(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the patient safety organization activities described in subparagraphs (A) through (F) of section 921(4).

''(3) EXPIRATION AND RENEWAL.—

''(A) EXPIRATION.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

''(B) RENEWAL.—

''(i) IN GENERAL.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity performs the patient safety organization activities described in section 921(4).

''(ii) TERM OF RENEWAL.—A renewal certification under clause (i) shall expire on the date that is 3 years after the date on which it is submitted, and may be renewed in the same manner as an initial certification.

''(b) ACCEPTANCE OF CERTIFICATION.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection (a)(3)(B), the Secretary shall review such certification and—

''(1) if such certification meets the requirements of subsection (a)(1), (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

''(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefor.

''(c) LISTING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

''(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

''(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

''(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

''(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

''(d) REVOCATION OF ACCEPTANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines (through a review of patient safety organization activities) that a patient safety organization does not perform one of the patient safety organization activities described in subparagraph (A) through (F) of section 921(4), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(4)(B) if—

''(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

''(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

''(C) the 2-year period described in subsection (a)(2)(B) has not expired.

''(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

''(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is

collected or analyzed by the organization of such revocation.

''(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

''(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

''(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

''(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

''(g) DISPOSITION OF DATA.—If the Secretary removes an organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

''(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

''(2) return such data to the person that submitted the data; or

''(3) if returning such data to such person is not practicable, destroy such data.

''SEC. 925. TECHNICAL ASSISTANCE.

''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

''SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

''(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2005, the Secretary shall develop or adopt voluntary standards that promote the electronic exchange of health care information.

''(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

''(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

''SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 144. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

Subtitle D—Fraud and Abuse

SEC. 151. NATIONAL EXPANSION OF THE MEDICARE-MEDICAID DATA MATCH PILOT PROGRAM.

(a) REQUIREMENT OF THE MEDICARE INTEGRITY PROGRAM.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended—

(1) in subsection (b), by adding at the end the following:

''(6) The Medicare-Medicaid data match program in accordance with subsection (g).''; and

(2) by adding at the end the following:

''(g) MEDICARE-MEDICAID DATA MATCH PROGRAM.—

''(1) EXPANSION OF PROGRAM.—

''(A) IN GENERAL.—The Secretary shall enter into contracts with eligible entities for the purpose of ensuring that, beginning with 2006, the Medicare-Medicaid data match program (commonly referred to as the 'Medi-Medi Program') is conducted with respect to the program established under this title and the applicable number of State Medicaid programs under title XIX for the purpose of—

''(i) identifying vulnerabilities in both such programs;

''(ii) assisting States, as appropriate, to take action to protect the Federal share of expenditures under the Medicaid program; and

''(iii) increasing the effectiveness and efficiency of both such programs through cost avoidance, savings, and recoupments of fraudulent, wasteful, or abusive expenditures.

''(B) APPLICABLE NUMBER.—For purposes of subparagraph (A), the term 'applicable number' means—

''(i) in the case of fiscal year 2006, 10 State Medicaid programs;

''(ii) in the case of fiscal year 2007, 12 State Medicaid programs; and

''(iii) in the case of fiscal year 2008, 15 State Medicaid programs.

''(2) LIMITED WAIVER AUTHORITY.—The Secretary shall waive only such requirements of this section and of titles XI and XIX as are necessary to carry out paragraph (1).''.

(b) FUNDING.—Section 1817(k)(4) of the Social Security Act (42 U.S.C. 1395i(k)(4)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(2) by adding at the end the following:

''(C) EXPANSION OF THE MEDICARE-MEDICAID DATA MATCH PROGRAM.—Of the amount appropriated under subparagraph (A) for a fiscal year, the following amounts shall be used to carry out section 1893(b)(6) for that year:

''(i) $10,000,000 of the amount appropriated for fiscal year 2006.

''(ii) $12,200,000 of the amount appropriated for fiscal year 2007.

''(iii) $15,800,000 of the amount appropriated for fiscal year 2008.''.

Subtitle E—Miscellaneous Provisions

SEC. 161. SENSE OF THE SENATE ON ESTABLISHING A MANDATED BENEFITS COMMISSION.

It is the Sense of the Senate that—

(1) there should be established an independent Federal entity to study and provide advice to Congress on existing and proposed federally mandated health insurance benefits offered by employer-sponsored health plans and insurance issuers; and

(2) advice provided under paragraph (1) should be evidence- and actuarially-based, and take into consideration the population costs and benefits, including the health, financial, and social impact on affected populations, safety and medical efficacy, the impact on costs and access to insurance generally, and to different types of insurance products, the impact on labor costs and jobs, and any other relevant factors.

SEC. 162. ENFORCEMENT OF REIMBURSEMENT PROVISIONS BY FIDUCIARIES.

Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(3)) is amended by inserting before the semicolon the following: ''(which may include the recovery of amounts on behalf of the plan by a fiduciary enforcing the terms of the plan that provide a right of recovery by reimbursement or subrogation with respect to benefits provided to a participant or beneficiary)''.

TITLE II—EXPANDING ACCESS TO AFFORDABLE HEALTH COVERAGE THROUGH TAX INCENTIVES AND OTHER INITIATIVES

Subtitle A—Refundable Health Insurance Credit

SEC. 201. REFUNDABLE HEALTH INSURANCE COSTS CREDIT.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. HEALTH INSURANCE COSTS FOR UNINSURED INDIVIDUALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the amount paid by the taxpayer during such taxable year for qualified health insurance for the taxpayer and the taxpayer's spouse and dependents.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the lesser of—

''(A) 90 percent of the sum of the amounts paid by the taxpayer for qualified health insurance for each individual referred to in subsection (a) for coverage months of the individual during the taxable year, or

''(B) $3,000.

''(2) MONTHLY LIMITATION.—

''(A) IN GENERAL.—For purposes of paragraph (1), amounts paid by the taxpayer for qualified health insurance for an individual for any coverage month of such individual during the taxable year shall not be taken into account to the extent such amounts exceed the amount equal to 1/12 of—

''(i) $1,111 if such individual is the taxpayer,

''(ii) $1,111 if—

''(I) such individual is the spouse of the taxpayer,

''(II) the taxpayer and such spouse are married as of the first day of such month, and

''(III) the taxpayer files a joint return for the taxable year,

''(iii) $1,111 if such individual has attained the age of 24 as of the close of the taxable year and is a dependent of the taxpayer for such taxable year, and

''(iv) one-half of the amount described in clause (i) if such individual has not attained the age of 24 as of the close of the taxable year and is a dependent of the taxpayer for such taxable year.

''(B) LIMITATION TO 2 YOUNG DEPENDENTS.—If there are more than 2 individuals described in subparagraph (A)(iv) with respect to the taxpayer for any coverage month, the aggregate amounts paid by the taxpayer for qualified health insurance for such individuals which may be taken into account under paragraph (1) shall not exceed 1/12 of the dollar amount in effect under subparagraph (A)(i) for the coverage month.

''(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—In the case of a taxpayer—

''(i) who is married (within the meaning of section 7703) as of the close of the taxable year but does not file a joint return for such year, and

''(ii) who does not live apart from such taxpayer's spouse at all times during the taxable year,

any dollar limitation imposed under this paragraph on amounts paid for qualified health insurance for individuals described in subparagraph (A)(iv) shall be divided equally between the taxpayer and the taxpayer's spouse unless they agree on a different division.

''(3) INCOME PHASEOUT OF CREDIT PERCENTAGE FOR ONE-PERSON COVERAGE.—

''(A) PHASEOUT FOR UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—In the case of an individual (other than a surviving spouse, the head of a household, or a married individual) with one-person coverage, if such individual has modified adjusted gross income—

''(i) in excess of $15,000 for a taxable year but not in excess of $20,000, the 90 percent under paragraph (1)(B) shall be reduced by the number of percentage points which bears the same ratio to 40 percentage points as—

''(I) the excess of modified adjusted gross income in excess of $15,000, bears to

''(II) $5,000, or

''(ii) in excess of $20,000 for a taxable year, the 90 percent under paragraph (1)(B) shall be reduced by the sum of 40 percentage points plus the number of percentage points which bears the same ratio to 50 percentage points as—

''(I) the excess of modified adjusted gross income in excess of $20,000, bears to

''(II) $10,000.

''(B) PHASEOUT FOR OTHER INDIVIDUALS.—In the case of a taxpayer (other than an individual described in subparagraph (A) or (C)) with one-person coverage, if the taxpayer has modified adjusted gross income in excess of $25,000 for a taxable year, the 90 percent under paragraph (1)(B) shall be reduced by the number of percentage points which bears the same ratio to 90 percentage points as—

''(i) the excess of modified adjusted gross income in excess of $25,000, bears to

''(ii) $15,000.

''(C) MARRIED FILING SEPARATE RETURN.—In the case of a taxpayer who is married filing a separate return for the taxable year and who has one-person coverage, if the taxpayer has modified adjusted gross income in excess of $12,500 for the taxable year, the 90 percent under paragraph (1)(B) shall be reduced by the number of percentage points which bears the same ratio to 90 percentage points as—

''(i) the excess of modified adjusted gross income in excess of $12,500, bears to

''(ii) $7,500.

''(4) INCOME PHASEOUT OF CREDIT PERCENTAGE FOR COVERAGE OF MORE THAN ONE PERSON.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a taxpayer with coverage of more than one person, if the taxpayer has modified adjusted gross income in excess of $25,000 for a taxable year, the 90 percent under paragraph (1)(B) shall be reduced by the number of percentage points which bears the same ratio to 90 percentage points as—

''(i) the excess of modified adjusted gross income in excess of $25,000, bears to

''(ii) $35,000.

''(B) MARRIED FILING SEPARATE RETURN.—In the case of a taxpayer who is married filing a separate return for the taxable year and who has coverage of more than one person, if the taxpayer has modified adjusted gross income in excess of $12,500 for the taxable year, the 90 percent under paragraph (1)(B) shall be reduced by the number of percentage points which bears the same ratio to 90 percentage points as—

''(i) the excess of modified adjusted gross income in excess of $12,500, bears to

''(ii) $17,500.

''(5) ROUNDING.—Any percentage resulting from a reduction under paragraphs (3) and (4) shall be rounded to the nearest one-tenth of a percent.

''(6) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined—

''(A) without regard to this section and sections 911, 931, and 933, and

''(B) after application of sections 86, 135, 137, 219, 221, and 469.

''(c) COVERAGE MONTH.—For purposes of this section—

''(1) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

''(A) as of the first day of such month such individual is covered by qualified health insurance, and

''(B) the premium for coverage under such insurance for such month is paid by the taxpayer.

''(2) GROUP HEALTH PLAN COVERAGE.—

''(A) IN GENERAL.—The term 'coverage month' shall not include any month for which if, as of the first day of the month, the individual participates in any group health plan (within the meaning of section 5000 without regard to section 5000(d)).

''(B) EXCEPTION FOR CERTAIN PERMITTED COVERAGE.—Subparagraph (A) shall not apply to an individual if the individual's only coverage for a month is coverage described in clause (i) or (ii) of section 223(c)(1)(B).

''(3) EMPLOYER-PROVIDED COVERAGE.—The term 'coverage month' shall not include any month during a taxable year if any amount is not includible in the gross income of the taxpayer for such year under section 106 (other than coverage described in clause (i) or (ii) of section 223(c)(1)(B)).

''(4) MEDICARE, MEDICAID, AND SCHIP.—The term 'coverage month' shall not include any month with respect to an individual if, as of the first day of such month, such individual—

''(A) is entitled to any benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

''(B) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928 of such Act).

''(5) CERTAIN OTHER COVERAGE.—The term 'coverage month' shall not include any month during a taxable year with respect to an individual if, as of the first day of such month at any time during such month, such individual is enrolled in a program under—

''(A) chapter 89 of title 5, United States Code, or

''(B) chapter 55 of title 10, United States Code.

''(6) PRISONERS.—The term 'coverage month' shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

''(7) INSUFFICIENT PRESENCE IN UNITED STATES.—The term 'coverage month' shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

''(d) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified health insurance' means health insurance coverage (as defined in section 9832(b)(1)) which—

''(A) is coverage described in paragraph (2), and

''(B) meets the requirements of paragraph (3).

''(2) ELIGIBLE COVERAGE.—Coverage described in this paragraph is the following:

''(A) Coverage under individual health insurance.

''(B) Coverage through a private sector health care coverage purchasing pool.

''(C) Coverage through a State care coverage purchasing pool.

''(D) Coverage under a State high-risk pool described in subparagraph (C) of section 35(e)(1).

''(E) Coverage after December 31, 2006, under an eligible State buy in program.

''(3) REQUIREMENTS.—The requirements of this paragraph are as follows:

''(A) COST LIMITS.—The coverage meets the requirements of section 223(c)(2)(A)(ii).

''(B) MAXIMUM BENEFITS.—Under the coverage, the annual and lifetime maximum benefits are not less than $700,000.

''(C) BROAD COVERAGE.—The coverage includes inpatient and outpatient care, emergency benefits, and physician care.

''(D) GUARANTEED RENEWABILITY.—Such coverage is guaranteed renewable by the provider.

''(4) ELIGIBLE STATE BUY IN PROGRAM.—For purposes of paragraph (2)(E)—

''(A) IN GENERAL.—The term 'eligible State buy in program' means a State program under which an individual who—

''(i) is not eligible for assistance under the State medicaid program under title XIX of the Social Security Act,

''(ii) is not eligible for assistance under the State children's health insurance program under title XXI of such Act, or

''(iii) is not a State employee,

is able to buy health insurance coverage through a purchasing arrangement entered into between the State and a private sector health care purchasing group or health plan.

''(B) REQUIREMENTS.—Subparagraph (A) shall only apply to a State program if—

''(i) the program uses private sector health care purchasing groups or health plans, and

''(ii) the State maintains separate risk pools for participants under the State buy in program and other participants.

''(C) SUBSIDIES.—

''(i) IN GENERAL.—A State program shall not fail to be treated as an eligible State buy in program merely because the State subsidizes the costs of an individual in buying health insurance coverage under the program.

''(ii) EXCEPTION.—Clause (i) shall not apply if the State subsidy under the program for any adult for any consecutive 12-month period exceeds the applicable dollar amount.

''(iii) APPLICABLE DOLLAR AMOUNT.—

''(I) IN GENERAL.—For purposes of clause (ii), the applicable dollar amount is $2,000.

''(II) REDUCTION.—In the case of a family with annual income in excess of 133 percent of the applicable poverty line (as determined in accordance with criteria established by the Director of the Office of Management and Budget) but not in excess of 200 percent of such line, the dollar amount under clause (i) shall be ratably reduced (but not below zero) for each dollar of such excess. In the case of a family with annual income in excess of 200 percent of such line, the applicable dollar amount shall be zero.

''(e) ARRANGEMENTS UNDER WHICH INSURERS CONTRIBUTE TO HSA.—

''(1) IN GENERAL.—For purposes of this section, health insurance shall not be treated as qualified health insurance if the insurer makes contributions to a health savings account of the taxpayer unless such insurance is provided under an arrangement described in paragraph (2).

''(2) ARRANGEMENTS DESCRIBED.—

''(A) AMOUNTS PAID FOR COVERAGE EXCEED MONTHLY LIMITATION.—In the case of amounts paid under an arrangement for health insurance for a coverage month in excess of the amount in effect under subsection (b)(2)(A) for such month, an arrangement is described in this subparagraph if under the arrangement—

''(i) the aggregate amount contributed by the insurer to any health savings account of the taxpayer does not exceed 90 percent of the excess of—

''(I) the amount paid by the taxpayer for qualified health insurance under such arrangement for such month, over

''(II) the amount in effect under subsection (b)(2)(A) for such month, and

''(ii) the amount contributed by the insurer to a qualified health savings account of the taxpayer, reduced by the amount of the excess under clause (i), does not exceed 27 percent of the amount in effect under subsection (b)(2)(A) for such month.

''(B) AMOUNTS PAID FOR COVERAGE LESS THAN MONTHLY LIMITATION.—In the case of an arrangement under which the amount paid for qualified health insurance for a coverage month does not exceed the amount in effect under subsection (b)(2)(A) for such month, an arrangement is described in this subparagraph if—

''(i) under the arrangement the value of the insured benefits (excluding overhead) exceeds 65 percent of the amount paid for qualified health insurance for such month, and

''(ii) the amount contributed by the insurer to a qualified health savings account of the taxpayer does not exceed 27 percent of the amount in effect under subsection (b)(2)(A) for such month.

''(3) QUALIFIED HEALTH SAVINGS ACCOUNT.—

''(A) IN GENERAL.—The term 'qualified health savings account' means a health savings account (as defined in section 223(d))—

''(i) which is designated (in such form as the Secretary may prescribe) as a qualified account for purposes of this section,

''(ii) which may not include any amount other than contributions described in this subsection and earnings on such contributions, and

''(iii) with respect to which section 223(f)(4)(A) is applied by substituting '100 percent' for '10 percent'.

''(B) SUBACCOUNTS AND SEPARATE ACCOUNTING.—The Secretary may prescribe rules under which a subaccount within a health savings account, or separate accounting with respect to contributions and earnings described in subparagraph (A)(ii), may be treated in the same manner as a qualified health savings account.

''(C) ROLLOVERS.—A contribution of a distribution from a qualified health savings account to another health savings account shall be treated as a rollover contribution for purposes of section 223(f)(5) only if the other account is a qualified health savings account.

''(f) DEPENDENTS.—For purposes of this section—

''(1) DEPENDENT DEFINED.—The term 'dependent' has the meaning given such term by section 152 (determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof).

''(2) SPECIAL RULE FOR DEPENDENT CHILD OF DIVORCED PARENTS.—An individual who is a child to whom section 152(e) applies shall be treated as a dependent of the custodial parent for a coverage month unless the custodial and noncustodial parent provide otherwise.

''(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151(c) is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(g) INFLATION ADJUSTMENTS.—

''(1) CREDIT AND HEALTH INSURANCE AMOUNTS.—In the case of any taxable year beginning after 2006, each dollar amount referred to in subsections (b)(1)(B), (b)(2)(A), (d)(3)(B), and (d)(4)(C)(iii)(I) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins, determined by substituting '2005' for '1996' in subclause (II) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(2) INCOME PHASEOUT AMOUNTS.—In the case of any taxable year beginning after 2006, each dollar amount referred to in paragraph (3) and (4) of subsection (b) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

''(h) ARCHER MSA CONTRIBUTIONS; HSA CONTRIBUTIONS.—If a deduction would be allowed under section 220 to the taxpayer for a payment for the taxable year to the Archer MSA of an individual or under section 223 to the taxpayer for a payment for the taxable year to the Health Savings Account of such individual, subsection (a) shall not apply to the taxpayer for any month during such taxable year for which the taxpayer, spouse, or dependent is an eligible individual for purposes of either such section.

''(i) OTHER RULES.—For purposes of this section—

''(1) COORDINATION WITH MEDICAL EXPENSE AND PREMIUM DEDUCTIONS FOR HIGH DEDUCTIBLE HEALTH PLANS.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 or 224 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(2) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—No credit shall be allowable under this section for a taxable year if a deduction is allowed under section 162(l) for the taxable year.

''(3) COORDINATION WITH ADVANCE PAYMENT.—Rules similar to the rules of section 35(g)(1) shall apply to any credit to which this section applies.

''(4) COORDINATION WITH SECTION 35.—If a taxpayer is eligible for the credit allowed under this section and section 35 for any taxable year, the taxpayer shall elect which credit is to be allowed.

''(j) EXPENSES MUST BE SUBSTANTIATED.—A payment for insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050T the following:

''SEC. 6050U. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

''(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage,

''(C) the aggregate amount of payments described in subsection (a), and

''(D) such other information as the Secretary may reasonably prescribe.

''(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(d)).

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

''(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

''(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the

calendar year for which the return under subsection (a) is required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xiii) through (xviii) as clauses (xiv) through (xix), respectively, and by inserting after clause (xii) the following:

''(xiii) section 6050U (relating to returns relating to payments for qualified health insurance),''.

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of subparagraph (AA), by striking the period at the end of the subparagraph (BB) and inserting '', or'', and by adding at the end the following:

''(CC) section 6050U(d) (relating to returns relating to payments for qualified health insurance).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050T the following:

''Sec. 6050U. Returns relating to payments for qualified health insurance.''.

(c) CRIMINAL PENALTY FOR FRAUD.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

''SEC. 7276. PENALTIES FOR OFFENSES RELATING TO HEALTH INSURANCE TAX CREDIT.

''Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for health insurance costs under section 36 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 162(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(6) ELECTION TO HAVE SUBSECTION APPLY.—No deduction shall be allowed under paragraph (1) for a taxable year unless the taxpayer elects to have this subsection apply for such year.''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking ''35'' and inserting ''36'' and by inserting after the item relating to section 35 the following:

''Sec. 36. Health insurance costs for uninsured individuals.''.

(4) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

''Sec. 7276. Penalties for offenses relating to health insurance tax credit.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(2) PENALTIES.—The amendments made by subsections (c) and (d)(4) shall take effect on the date of the enactment of this Act.

SEC. 202. ADVANCE PAYMENT OF CREDIT TO ISSUERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following:

''SEC. 7529. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

''Not later than July 1, 2007, the Secretary shall establish a program for making payments to providers of qualified health insurance (as defined in section 36(d)) on behalf of individuals eligible for the credit under section 36. Such payments shall be made on the basis of modified adjusted gross income of eligible individuals for the preceding taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 7529. Advance payment of health insurance credit for purchasers of qualified health insurance.''.

Subtitle B—High Deductible Health Plans and Health Savings Accounts

SEC. 211. DEDUCTION OF PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

''SEC. 224. PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

''(a) DEDUCTION ALLOWED.—In the case of an individual, there shall be allowed as a deduction for the taxable year the aggregate amount paid by or on behalf of such individual as premiums under a high deductible health plan with respect to months during such year for which such individual is an eligible individual with respect to such health plan.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

''(2) HIGH DEDUCTIBLE HEALTH PLAN.—The term 'high deductible health plan' has the meaning given such term by section 223(c)(2).

''(c) SPECIAL RULES.—

''(1) DEDUCTION ALLOWABLE FOR ONLY 1 PLAN.—For purposes of this section, in the case of an individual covered by more than 1 high deductible health plan for any month, the individual may only take into account amounts paid for 1 of such plans for such month.

''(2) GROUP HEALTH PLAN COVERAGE.—

''(A) IN GENERAL.—No deduction shall be allowed to an individual under subsection (a) for any amount paid for coverage under a high deductible health plan for a month if, as of the first day of that month, that individual participates in any coverage under a group health plan (within the meaning of section 5000 without regard to section 5000(d)).

''(B) EXCEPTION FOR CERTAIN PERMITTED COVERAGE.—Subparagraph (A) shall not apply to an individual if the individual's only coverage under a group health plan for a month is coverage described in clause (i) or (ii) of section 223(c)(1)(B).

''(3) MEDICARE ELIGIBLE INDIVIDUALS.—No deduction shall be allowed under subsection (a) with respect to any individual for any month if the individual is entitled to benefits under title XVIII of the Social Security Act for the month.

''(4) HEALTH SAVINGS ACCOUNT REQUIRED.—A deduction shall not be allowed under subsection (a) for a taxable year with respect to an individual unless the individual is an account beneficiary of a health savings account during a portion of the taxable year.

''(5) MEDICAL AND HEALTH SAVINGS ACCOUNTS.—Subsection (a) shall not apply with respect to any amount which is paid or distributed out of an Archer MSA or a health savings account which is not included in gross income under section 220(f) or 223(f), as the case may be.

''(6) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

''(7) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting before the last sentence at the end the following new paragraph:

''(21) PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.—The deduction allowed by section 224.''.

(c) COORDINATION WITH HEALTH INSURANCE COSTS CREDIT.—Section 35(g)(2) of the Internal Revenue Code of 1986 is amended by striking ''or 213'' and inserting '',213, or 224''.

(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and by inserting before such item the following new item:

''Sec. 224. Premiums for high deductible health plans.''.

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

SEC. 212. REFUNDABLE CREDIT FOR CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS OF SMALL BUSINESS EMPLOYEES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by subtitle A, is amended by inserting after section 36 the following new section:

''SEC. 36A. SMALL EMPLOYER CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

''(a) GENERAL RULE.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the lesser of—

''(1) the amount contributed by such employer to any qualified health savings account of any employee who is an eligible individual (as defined in section 223(c)(1)) during the taxable year, or

''(2) an amount equal to the product of—

''(A) $200 ($500 if coverage for all months described in subparagraph (B)(i) is family coverage), and

''(B) a fraction—

''(i) the numerator of which is the number of months that the employee was covered under a high deductible health plan maintained by the employer, and

''(ii) the denominator of which is the number of months in the taxable year.

''(b) ELIGIBLE EMPLOYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible employer' means, with respect to any taxable year, an employer which—

''(A) is a small employer, and

''(B) maintains a high deductible health plan under which all employees of the employer reasonably expected to receive at least $5,000 of compensation during the taxable year are eligible to participate.

An employer may exclude from consideration under subparagraph (B) employees who are covered by an agreement described in section 410(b)(3)(A) if there is evidence that health benefits were the subject of good faith bargaining.

''(2) EXCEPTION FOR GOVERNMENTAL AND TAX-EXEMPT EMPLOYERS.—The term 'eligible employer' shall not include the Federal Government or any employer described in section 457(e)(1).

''(3) SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'small employer' means, with respect to any calendar year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding calendar years. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the 1st preceding calendar year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) SPECIAL RULE.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(c) DEFINITIONS.—For purposes of this section—

''(1) HIGH DEDUCTIBLE HEALTH PLAN.—The term 'high deductible health plan' has the meaning given such term by section 223(c)(2).

''(2) QUALIFIED HEALTH SAVINGS ACCOUNT.—

''(A) IN GENERAL.—The term 'qualified health savings account' means a health savings account (as defined in section 223(d))—

''(i) which is designated (in such form as the Secretary may prescribe) as a qualified account for purposes of this section,

''(ii) which may not include any amount other than contributions described in subsection (a) and earnings on such contributions, and

''(iii) with respect to which section 223(f)(4)(A) is applied by substituting '100 percent' for '10 percent'.

''(B) SUBACCOUNTS AND SEPARATE ACCOUNTING.—The Secretary may prescribe rules under which a subaccount within a health savings account, or separate accounting with respect to contributions and earnings described in subparagraph (A)(ii), may be treated in the same manner as a qualified health savings account.

''(C) ROLLOVERS.—A contribution of a distribution from a qualified health savings account to another health savings account shall be treated as a rollover contribution for purposes of section 223(f)(5) only if the other account is a qualified health savings account.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

''(2) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of contributions to any health savings accounts for the taxable year which is equal to the credit determined under subsection (a).

''(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36A of such Code''.

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986, as amended by subtitle A, is amended by inserting after the item relating to section 36 the following new item:

''Sec. 36A. Small employer contributions to health savings accounts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2005.

Subtitle C—Improvement of the Health Coverage Tax Credit

SEC. 221. CHANGE IN STATE-BASED COVERAGE RULES RELATED TO PREEXISTING CONDITIONS.

(a) IN GENERAL.—Section 35(e)(2) of the Internal Revenue Code of 1986 (relating to requirements for State-based coverage) is amended by adding at the end the following:

''(C) LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD.—The term 'qualified health insurance' does not include any coverage described in subparagraphs (C) through (H) of paragraph (1) that imposes a pre-existing condition exclusion with respect to any individual unless—

''(i) such exclusion relates to a physical or mental condition, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the date the individual seeks to enroll in the coverage,

''(ii) such exclusion extends for a period of not more than 12 months after the individual seeks to enroll in the coverage,

''(iii) the period of any such preexisting condition exclusion is reduced by the length of the aggregate of the periods of creditable coverage (as defined in section 9801(c)) applicable to the individual as of the enrollment date, and

''(iv) such exclusion is not an exclusion described in section 9801(d).''.

(b) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 35(e)(2) of such Code is amended—

(A) by striking clause (ii); and

(B) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(2) WORKFORCE INVESTMENT ACT OF 1998 AMENDMENTS.—Section 173(f)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking subclause (II); and

(ii) by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively; and

(B) by adding at the end the following:

''(iii) LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD.—The term 'qualified health insurance' does not include any coverage described in clauses (iii) through (ix) of subparagraph (A) that imposes a pre-existing condition exclusion with respect to any individual unless—

''(I) such exclusion relates to a physical or mental condition, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the date the individual seeks to enroll in the coverage;

''(II) such exclusion extends for a period of not more than 12 months after the individual seeks to enroll in the coverage;

''(III) the period of any such preexisting condition exclusion is reduced by the length of the aggregate of the periods of creditable coverage (as defined in section 9801(c) of the Internal Revenue Code of 1986) applicable to the individual as of the enrollment date; and

''(IV) such exclusion is not an exclusion described in section 9801(d) of such Code.''.

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

SEC. 222. ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of such Code (defining eligible coverage month) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer, provided the spouse has attained age 55 and meets the requirements of clauses (ii), (iii), and (iv) of paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to taxable years beginning after December 31, 2005.

SEC. 223. ELIGIBLE PBGC PENSION RECIPIENT.

(a) IN GENERAL.—Subparagraph (B) of section 35(c)(4) of such Code (relating to eligible PBGC pension recipients) is amended by inserting before the period the following '', or, after August 6, 2002, received from such Corporation a one-time single-sum pension payment in lieu of an annuity''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 201 of the Trade Act of 2002 (Public Law 107–210, 116 Stat. 954).

SEC. 224. APPLICATION OF OPTION TO OFFER STATE-BASED COVERAGE TO PUERTO RICO, NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, GUAM, AND THE UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—Section 35(e) of such Code (relating to requirements for qualified health insurance) is amended by adding at the end the following:

''(4) APPLICATION TO PUERTO RICO, NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, GUAM, AND THE UNITED STATES VIRGIN ISLANDS.—For purposes of this section, Puerto Rico, Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands shall be considered States.''.

(b) CONFORMING AMENDMENT.—Section 173(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)) is amended by adding at the end the following:

''(D) APPLICATION TO NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, GUAM, AND THE UNITED STATES VIRGIN ISLANDS.—For purposes of subsection (a)(4)(A) and this subsection, the term 'State' shall include the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.''.

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

SEC. 225. CLARIFICATION OF DISCLOSURE RULES.

(a) IN GENERAL.—Subsection (k) of section 6103 of such Code (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following:

''(10) DISCLOSURE OF CERTAIN RETURN INFORMATION FOR PURPOSES OF CARRYING OUT A PROGRAM FOR ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.—The Secretary may disclose to providers of health insurance, administrators of health plans, or contractors of such

providers or administrators, for any certified individual (as defined in section 7527(c)) the taxpayer identity and health insurance member and group numbers of the certified individual (and any qualifying family member as defined in section 35(d), if applicable) and the amount and period of the payment, to the extent the Secretary deems necessary for the administration of the program established by section 7527 (relating to advance payment of credit for health insurance costs of eligible individuals).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6103 of such Code (relating to confidentiality and disclosure of returns and return information) is amended—

(A) in subsection (a)(3), by inserting ''(k)(10),'' after ''(e)(1)(D)(iii),'';

(B) in subsection (l), by striking paragraph (18); and

(C) in subsection (p)—

(i) in paragraph (3)(A)—

(I) by striking ''or (9)'' and inserting ''(9), or (10)''; and

(II) by striking ''(17), or (18)'' and inserting ''or (17)''; and

(ii) in paragraph (4), by striking ''(18)'' after ''(l)(16)'' each place it appears.

(2) Section 7213(a)(2) of such Code (relating to unauthorized disclosure of information) is amended by inserting ''(k)(10)'' before ''(l)(6)''.

(3) Section 7213A(a)(1)(B) of such Code (relating to unauthorized inspection of returns or return information) is amended by striking ''subsection (l)(18) or (n) of section 6103'' and inserting ''section 6103(n)''.

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

SEC. 226. CLARIFICATION THAT STATE-BASED COBRA CONTINUATION COVERAGE IS SUBJECT TO SAME RULES AS FEDERAL COBRA.

(a) IN GENERAL.—Section 35(e)(2) of such Code (relating to state-based coverage requirements) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''(B)'' and inserting ''(C)''; and

(2) in subparagraph(B)(i), by striking ''(B)'' and inserting ''(C)''.

(b) CONFORMING AMENDMENTS.—Section 173(f)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(B)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking ''(ii)'' and inserting ''(iii)''; and

(2) in clause (ii)(I), by striking ''(ii)'' and inserting ''(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of sections 201 and 203, respectively, of the Trade Act of 2002 (Public Law 107–210, 116 Stat. 954).

SEC. 227. APPLICATION OF RULES FOR OTHER SPECIFIED COVERAGE TO ELIGIBLE ALTERNATIVE TAA RECIPIENTS CONSISTENT WITH RULES FOR OTHER ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 35(f)(1) of such Code (relating to subsidized coverage) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(b) CONFORMING AMENDMENTS.—Section 173(f)(7)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(7)(A)) is amended by striking clause (ii) and redesignating clause (iii) as clause (ii).

Subtitle D—Long-Term Care Insurance

SEC. 231. SENSE OF THE SENATE CONCERNING LONG-TERM CARE.

It is the sense of the Senate that Congress should take steps to make long-term care more affordable by providing tax incentives for the purchase of long-term care insurance, support for family caregivers, and making necessary public program reforms.

Subtitle E—Other Provisions

SEC. 241. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

''(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

''(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

''(B) to the extent permitted by section 106(c), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

''(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

''(B) FLEXIBLE SPENDING ARRANGEMENT.—A flexible spending arrangement is a benefit program which provides employees with coverage under which—

''(i) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

''(ii) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.

''(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

''(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

''(B) the actual amount of reimbursement for such year under such arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2004.

SEC. 242. MICROENTREPRENEURS.

Section 404(8) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by adding at the end the following:

''(F) HIGH DEDUCTIBLE HEALTH INSURANCE.—

''(i) IN GENERAL.—The eligible individual's contribution (as an employer or employee) for coverage under a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986).

''(ii) DEFINITION OF EMPLOYEE.—For purposes of clause (i), the term 'employee' includes an individual described in section 401(c)(1) of the Internal Revenue Code of 1986.''.

SEC. 243. STUDY ON ACCESS TO AFFORDABLE HEALTH INSURANCE FOR FULL-TIME COLLEGE AND UNIVERSITY STUDENTS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, because a considerable number of the United States' uninsured population are young adults who are enrolled full-time at an institution of higher education, Congress should determine whether health care coverage proposals targeting this population would be effective.

(b) STUDY REQUIRED.—The Government Accountability Office shall provide for the conduct of a study to evaluate existing and potential sources of affordable health insurance coverage for graduate and undergraduate students enrolled at an institution of higher education (as defined in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141)).

(c) REQUIRED ELEMENTS OF STUDY.—In conducting the study under subsection (b), the Government Accountability Office shall, at a minimum, examine the following:

(1) STUDENT DEMOGRAPHICS.—

(A) IN GENERAL.—The size and characteristics of the insured and uninsured population of undergraduate and graduate students enrolled at institutions of higher education. Such data shall be differentiated as provided for in subparagraphs (B) and (C).

(B) STATISTICAL BREAKDOWN.—The data concerning the uninsured student population collected under subparagraph (A) shall be differentiated by—

(i) the full-time, full-time equivalent, and part-time enrollment status of the students involved;

(ii) the type of institution involved (such as a public, private, non-profit, or community institution);

(iii) the length and type of educational program involved (such as a certificate or diploma program, a 2-year or 4-year degree program, a masters degree program, or a doctoral degree program); and

(iv) the undergraduate and graduate student populations involved.

(C) COVERAGE.—The data concerning the insured student population collected under subparagraph (A) shall be differentiated by the sources of coverage for such students, including the number and percentage of such insured students who lose parental (or other) coverage during the course of their enrollment at such institutions and the age at which such coverage is lost.

(2) IMPACT ANALYSIS.—The financial and other impact of uninsured students at such institutions, as compared to insured students, on—

(A) the health of students;

(B) the student's family;

(C) the student's educational progress; and

(D) education and health care institutions and facilities.

(3) ASSESSMENT OF EXISTING PROGRAMS.—The effect of mandatory and voluntary programs on the access of students to health insurance coverage, including—

(A) the level and type of coverage provided through mandatory and voluntary State and institutionally-sponsored health care programs currently providing health care insurance coverage to students;

(B) the average premium paid with respect to students covered under such plans;

(C) the extent to which any State or institutional health insurance plan may serve as a model for the expansion of access to health insurance for all full-time undergraduate and graduate students attending an institution of higher education; and

(D) whether such programs targeted to the student population would be more effective in reducing the overall rate of uninsured relative to proposals targeted to broader populations.

(4) INCENTIVES AND DISINCENTIVES.—The existence of incentives and disincentives offered to institutions of higher education to expand access to health care coverage for students, including—

(A) an assessment of the types of incentives and disincentives that may be used to encourage or require an institution of higher education to include health care coverage for all of its students on a mandatory basis, including financial, regulatory, administrative, and other incentives or disincentives;

(B) a list of burdensome regulatory or administrative reporting and other requirements (from the Department of Education or other governmental agencies) that could be waived without compromising program integrity as a means of encouraging institutions of higher education to provide uninsured students with access to health care coverage;

(C) other incentives or disincentives that would increase the level of institutional participation in health care coverage programs; and

(D) an analysis of the costs and effectiveness (to reduce the number of uninsured students) of including the cost of health insurance as an allowable cost of attendance under the Higher Education Act of 1965, and the impact of such inclusion on the student's financial aid package.

(e) CONSULTATION WITH CONGRESS.—In carrying out the study under subsection (b), the Government Accountability Office shall consult on a regular basis with the Secretary of Education, the Secretary of Health and Human Services, the Committee on the Budget of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives.

(f) REPORT.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the Committee on the Budget and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results of the study conducted under this section.

SEC. 244. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended to read as follows:

"SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

''(a) EXTENSION OF SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of this section for the State's costs of creation and initial operation of such a pool.

''(b) GRANTS FOR OPERATIONAL LOSSES.—

''(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

''(A) restricts premiums charged under the pool to no more than 150 percent of the premium for applicable standard risk rates;

''(B) offers a choice of two or more coverage options through the pool; and

''(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State after the end of fiscal year 2004 in connection with operation of the pool;

the Secretary shall provide, from the funds appropriated under subsection (d)(1)(B)(i) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

''(2) ALLOTMENT.—The amounts appropriated under subsection (d)(1)(B)(i) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

''(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

''(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals in all States (as determined by the Secretary).

''(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary).

''(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

''(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool, the Secretary shall provide, from the funds appropriated under subsection (d)(1)(B)(ii) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

''(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

''(A) Low-income premium subsidies.

''(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

''(C) An expansion or broadening of the pool of individuals eligible for coverage, including eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

''(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

''(E) Increased benefits.

''(F) The establishment of disease management programs.

''(3) LIMITATION.—In allotting amounts under this subsection, the Secretary shall ensure that no State receives an amount that exceeds 10 percent of the amount appropriated for the fiscal year involved under subsection (d)(1)(B)(ii).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit States that, on the date of enactment of the State High Risk Pool Funding Extension Act of 2005, are in the process of implementing programs to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

''(d) FUNDING.—

''(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are authorized and appropriated—

''(A) $15,000,000 for the period of fiscal years 2005 and 2006 to carry out subsection (a); and

''(B) $75,000,000 for each of fiscal years 2005 through 2009, of which—

''(i) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

''(ii) one-third of the amount appropriated for a fiscal year shall be made available for allotments under subsection (c)(2).

''(2) AVAILABILITY.—Funds appropriated under this subsection for a fiscal year shall remain available for obligation through the end of the following fiscal year.

''(3) REALLOTMENT.—If, on June 30 of each fiscal year, the Secretary determines that all amounts appropriated under paragraph (1)(B)(ii) for the fiscal year are not allotted, such remaining amounts shall be allotted among States receiving grants under subsection (b) for the fiscal year in amounts determined appropriate by the Secretary.

''(4) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

''(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(f) DEFINITIONS.—In this section:

''(1) QUALIFIED HIGH RISK POOL.—

''(A) IN GENERAL.—The term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2), except that with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through—

''(i) a combination of a qualified high risk pool and an acceptable alternative mechanism; or

''(ii) other health insurance coverage described in subparagraph (B).

''(B) HEALTH INSURANCE COVERAGE.—Health insurance coverage described in this subparagraph is individual health insurance coverage—

''(i) that meets the requirements of section 2741;

''(ii) that is subject to limits on the rates charged to individuals;

''(iii) that is available to all individuals eligible for health insurance coverage under this title who are not able to participate in a qualified high risk pool; and

''(iv) the defined rate limit of which does not exceed the limit allowed for a qualified risk pool that is otherwise eligible to receive assistance under a grant under this section.

''(C) OTHER COVERAGE.—In addition to coverage described in subparagraph (B), a State may provide for the offering of health insurance coverage that provides first dollar coverage, limits on cost-sharing, and comprehensive medical, hospital and surgical coverage, if the limits on rates for such coverage do not exceed 125 percent of the limit described in subparagraph (B)(iv).

''(2) STANDARD RISK RATE.—The term 'standard risk rate' means a rate—

''(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

''(B) that is established using reasonable actuarial techniques; and

''(C) that reflects anticipated claims experience and expenses for the coverage involved.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.''.

SEC. 245. SENSE OF THE SENATE ON AFFORDABLE HEALTH COVERAGE FOR SMALL EMPLOYERS.

It is the sense of the Senate that Congress should pass legislation to support expanded, affordable health coverage options for individuals, particularly those who work for small businesses, by streamlining and reducing regulations and expanding the role of associations and other group purchasing arrangements.

Subtitle F—Covering Kids

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Covering Kids Act of 2005''.

SEC. 252. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP.

(a) GRANTS FOR EXPANDED OUTREACH ACTIVITIES.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 2111. EXPANDED OUTREACH ACTIVITIES.

''(a) GRANTS TO CONDUCT INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to—

''(A) conduct innovative outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX; and

''(B) promote understanding of the importance of health insurance coverage for prenatal care and children.

''(2) PERFORMANCE BONUSES.—The Secretary may reserve a portion of the funds appropriated under subsection (g) for a fiscal year for the purpose of awarding performance bonuses during the succeeding fiscal year to eligible entities that meet enrollment goals or other criteria established by the Secretary.

''(b) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In making grants under subsection (a)(1), the Secretary shall give priority to—

''(A) eligible entities that propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

''(i) Federal health safety net organizations; or

''(ii) faith-based organizations or consortia.

''(2) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

''(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

''(1) quality and outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section to ensure that the activities are meeting their goals; and

''(2) an assurance that the entity shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of enrollment data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

''(1) disseminate to eligible entities and make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(2)(B); and

''(2) submit an annual report to Congress on the outreach activities funded by grants awarded under this section.

''(e) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) A State or local government.

''(B) A Federal health safety net organization.

''(C) A national, local, or community-based public or nonprofit private organization.

''(D) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

''(E) An elementary or secondary school.

''(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

''(B) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

''(C) a hospital defined as a disproportionate share hospital for purposes of section 1923;

''(D) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

''(E) any other entity or a consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2006 and 2007 for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsection (a)(1)(D)(iii) of that section.''.

(b) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT TITLE XXI APPLICATIONS.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended by striking ''or (a)(10)(A)(ii)(IX)'' and inserting ''(a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XIV), and applications for child health assistance under title XXI''.

SEC. 253. STATE OPTION TO PROVIDE FOR SIMPLIFIED DETERMINATIONS OF A CHILD'S FINANCIAL ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER MEDICAID OR CHILD HEALTH ASSISTANCE UNDER SCHIP.

(a) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13)(A) At the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for a child who is under an age specified by the State (not to exceed 21 years of age) by using a determination made within a reasonable period (as determined by the State) before its use for this purpose, of the child's family or household income, or if applicable for purposes of determining eligibility under this title or title XXI, assets or resources, by a Federal or State agency, or a public or private entity making such determination on behalf of such agency, specified by the plan, including (but not limited to) an agency administering the State program funded under part A of title IV, the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, or the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

''(i) the agency has fiscal liabilities or responsibilities affected or potentially affected by such determination; and

''(ii) any information furnished by the agency pursuant to this subparagraph is used solely for purposes of determining financial eligibility for medical assistance under this title or for child health assistance under title XXI.

''(B) Nothing in subparagraph (A) shall be construed—

''(i) to authorize the denial of medical assistance under this title or of child health assistance under title XXI to a child who, without the application of this paragraph, would qualify for such assistance;

''(ii) to relieve a State of the obligation under subsection (a)(8) to furnish medical assistance with reasonable promptness after the submission of an initial application that is evaluated or for which evaluation is requested pursuant to this paragraph;

''(iii) to relieve a State of the obligation to determine eligibility for medical assistance under this title or for child health assistance under title XXI on a basis other than family or household income (or, if applicable, assets or resources) if a child is determined ineligible for such assistance on the basis of information furnished pursuant to this paragraph; or

''(iv) as affecting the applicability of any non-financial requirements for eligibility for medical assistance under this title or child health assistance under title XXI.''.

(b) SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1902(e)(13) (relating to the State option to base a determination of child's financial eligibility for assistance on financial determinations made by a program providing nutrition or other public assistance).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

TITLE III—IMPROVING CARE AND STRENGTHENING THE SAFETY NET

Subtitle A—High Needs Areas

SEC. 301. PURPOSE.

It is the purpose of this subtitle to enhance the quality of life of residents of high need areas by increasing their access to the preventive and primary healthcare services provided by community health centers and rural health centers.

SEC. 302. HIGH NEED COMMUNITY HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) by redesignating subsections (k) through (r) as subsections (l) through (s), respectively;

(2) by inserting after subsection (j), the following:

''(k) PRIORITY FOR RESIDENTS OF HIGH NEED AREAS.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to eligible health centers in high need areas.

''(2) ELIGIBLE HEALTH CENTERS.—A health center is described in this paragraph if such health center—

''(A) is a health center as defined under subsection (a) or a rural health clinic that receives funds under section 330A;

''(B) agrees to use grant funds to provide preventive and primary healthcare services to residents of high need areas;

''(C) specifically requests such priority in the grant application;

''(D) describes how the community to be served meets the definition of high need area; and

''(E) otherwise meets all other grant requirements.

''(3) HIGH NEED AREA.—

''(A) IN GENERAL.—In this subsection, the term 'high need area' means a county or a regional area identified by the Secretary pursuant to the regulations promulgated under subparagraph (B).

''(B) REGULATIONS.—The Secretary shall promulgate regulations that define the term 'high need area' for purposes of this subsection. Such regulations shall specify procedures that the Department shall follow in determining estimates on a periodic basis in the United States of the number of medically uninsured persons and the national percentage of medically uninsured persons served by health centers (referred to in this subsection as the 'ENP') and for the designation of an area as a 'high need area' if the estimated percentage of medically uninsured individuals in the area is higher than the national average and the estimated percentage of medically uninsured individuals in the area served by health centers in the area is below the ENP.

''(C) MEDICALLY UNDERSERVED AREA.—The Secretary shall designate residents of high need areas as medically underserved for purposes of this section.

''(4) FUNDING PREFERENCE.—The Secretary may limit the amount of grants awarded to applicants from high need areas as provided for in this subsection to not less than 25 percent of the total amount of grants awarded under this subsection for each grant category for each grant period.'';

(3) in subsection (e)(1)(B), by striking ''subsection (k)(3)'' and inserting ''subsection (l)(3)'';

(4) in subsection (l)(3)(H)(iii) (as so redesignated), by striking ''or (p)'' and inserting ''or (q)'';

(5) in subsection (m) (as so redesignated), by striking ''subsection (k)(3)'' and inserting ''subsection (l)(3)'';

(6) in subsection (q) (as so redesignated), by striking ''subsection (k)(3)(G)'' and inserting ''subsection (l)(3)(G)''; and

(7) in subsection (s)(2)(A) (as so redesignated), by striking ''subsection (k)'' each place that such appears and inserting ''subsection (l)''.

SEC. 303. GRANT APPLICATION PROCESS.

Section 330(k) of the Public Health Service Act (42 U.S.C. 254b(k)) is amended by adding at the end the following:

''(5) ECONOMIC VIABILITY OF APPLICANTS.—

''(A) IN GENERAL.—In considering applications under this section, the Secretary shall ensure that an application that demonstrates economic viability, consistent with funding guidelines established by the Secretary for purposes of this section, is not disadvantaged in the evaluation process on the basis that it relies solely on Federal funding.

''(B) QUALIFICATION OF INDIVIDUALS REVIEWING APPLICATIONS.—The Secretary shall require verification that all individuals who are evaluating community health center grant applications have completed within the 3-year period ending on the date on which the application is being evaluated a training course on the community health center program which addresses the purposes served by community health centers, the critical role of community health centers in the safety net, expectations for the evaluation of applications, and the criteria for awarding grant funding.

''(C) MEDICALLY UNDERSERVED DESIGNATIONS.—Not later than 6 months after the date of enactment of this paragraph, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the process for designating an area or population as medically underserved. Such report shall contain recommendations for ensuring that such designations are current within the last 3 years. The report shall also detail plans for ensuring subsequent review to maintain an accurate reflection of community needs in areas and populations designated as medically underserved. Not later than 1 year after such date of enactment, the Secretary shall promulgate regulations based on the recommendations contained in the report.''.

Subtitle B—Qualified Integrated Health Care systems

SEC. 321. GRANTS TO QUALIFIED INTEGRATED HEALTH CARE SYSTEMS.

(a) ELIGIBILITY FOR GRANTS UNDER PHSA.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new subpart:

''Subpart XI—Promotion of Integrated Health Care Systems Serving Medically Underserved Populations

''SEC. 340H. GRANTS TO QUALIFIED INTEGRATED HEALTH CARE SYSTEMS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED INTEGRATED HEALTH CARE SYSTEM.—The term 'qualified integrated health care system' means an integrated health care system that—

''(A) has a demonstrated capacity and commitment to provide a full range of primary, specialty, and hospital care to a medically underserved population in both inpatient and outpatient settings, as appropriate;

''(B) is organized to provide such care in a coordinated fashion;

''(C) operates one or more integrated health centers meeting the requirements of section 340I;

''(D) meets the requirements of subsection (c)(3); and

''(E) agrees to use any funds received under this section to supplement and not to supplant amounts received from other sources for the provision of such care.

''(2) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given such term in section 330(b)(3).

''(b) OPERATING GRANTS.—

''(1) AUTHORITY.—The Secretary may make grants to private nonprofit entities for the costs of the operation of qualified integrated health care systems that provide primary, specialty, and hospital care to medically underserved populations.

''(2) AMOUNT.—

''(A) IN GENERAL.—The amount of any grant made in any fiscal year under paragraph (1) to an integrated health care system shall be determined by the Secretary (taking into account the full range of care, including specialty services, provided by the system), but may not exceed the amount by which the costs of operation of the system in such fiscal year exceed the total of—

''(i) State, local, and other operational funding provided to the system; and

''(ii) the fees, premiums, and third-party reimbursements which the system may reasonably be expected to receive for its operations in such fiscal year.

''(B) PAYMENTS.—Payments under grants under paragraph (1) shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary and adjustments may be made for overpayments or underpayments.

''(C) USE OF NONGRANT FUNDS.—Nongrant funds described in clauses (i) and (ii) of subparagraph (A), including any such funds in excess of those originally expected, shall be used as permitted under this section, and may be used for such other purposes as are not specifically prohibited under this section if such use furthers the objectives of the project.

''(c) APPLICATIONS.—

''(1) SUBMISSION.—No grant may be made under this section unless an application therefore is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

''(2) DESCRIPTION OF NEED.—

''(A) IN GENERAL.—An application for a grant under subsection (b)(1) for an integrated health care system shall include—

''(i) a description of the need for health care services in the area served by the integrated health care system;

''(ii) a demonstration by the applicant that the area or the population group to be served by the applicant has a shortage of personal health services; and

''(iii) a demonstration that the health care system will be located so that it will provide services to the greatest number of individuals residing in such area or included in such population group.

''(B) DEMONSTRATIONS.—A demonstration shall be made under clauses (ii) or (iii) of subparagraph (A) on the basis of the criteria prescribed by the Secretary under section 330(b)(3) or on the basis of any other criteria which the Secretary may prescribe to determine if the area or population group to be served by the applicant has a shortage of personal health services.

''(C) CONDITION OF APPROVAL.—In considering an application for a grant under subsection (b)(1), the Secretary may require as a condition to the approval of such application an assurance that any integrated health center operated by the applicant will provide any required primary health services and any additional health services (as defined in section 340I) that the Secretary finds are needed to meet specific health needs of the area to be served by the applicant. Such a finding shall be made in writing and a copy shall be provided to the applicant.

''(3) REQUIREMENTS.—The Secretary shall approve an application for a grant under subsection (b)(1) if the Secretary determines that the entity for which the application is submitted is an integrated health care system (within the meaning of subsection (a)) and that—

''(A) the primary, specialty, and hospital care provided by the system will be available

and accessible in the service area of the system promptly, as appropriate, and in a manner which assures continuity;

''(B) the system is participating (or will participate) in a community consortium of safety net providers serving such area (unless other such safety net providers do not exist in a community, decline or refuse to participate, or place unreasonable conditions on their participation);

''(C) all of the centers operated by the system are accredited by a national accreditation body recognized by the Secretary;

''(D) the system will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

''(E) the system provides or will provide services to individuals who are eligible for medical assistance under title XIX of the Social Security Act and to individuals who are eligible for assistance under title XXI of such Act;

''(F) the system—

''(i) has prepared a schedule of fees or payments for the provision of its services consistent with locally prevailing rates or charges and designed to cover its reasonable costs of operation and has prepared a corresponding schedule of discounts to be applied to the payment of such fees or payments, and which discounts are adjusted on the basis of the patient's ability to pay;

''(ii)(I) will assure that no patient will be denied health care services due to an individual's inability to pay for such services; and

''(II) will assure that any fees or payments required by the system for such services will be reduced or waived to enable the system to fulfill the assurance described in subclause (I); and

''(iii) has submitted to the Secretary such reports as the Secretary may require to determine compliance with this subparagraph;

''(G) the system has established a governing board that selects the services to be provided by the center, approves the center's annual budget, approves the selection of a director for the center, and establishes general policies for the center;

''(H) the system has developed—

''(i) an overall plan and budget that meets the requirements of the Secretary; and

''(ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to—

''(I) the costs of its operations;

''(II) the patterns of use of its services;

''(III) the availability, accessibility, and acceptability of its services; and

''(IV) such other matters relating to operations of the applicant as the Secretary may require;

''(I) the system will review periodically its service area to—

''(i) ensure that the size of such area is such that the services to be provided through the system (including any satellite) are available and accessible to the residents of the area promptly and as appropriate;

''(ii) ensure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs; and

''(iii) ensure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the system, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social grouping, and available transportation;

''(J) in the case of a system which serves a substantial proportion of individuals of limited English-speaking ability, the system has—

''(i) developed a plan and made arrangements for providing services, to the extent practicable, in the predominant language or languages of such individuals and in the cultural context most appropriate to such individuals; and

''(ii) identified one or more individuals on its staff who are fluent in such predominant language or languages and in English and whose responsibilities shall include providing guidance to such individuals and to other appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

''(K) the system maintains appropriate referral relationships between its hospitals, its physicians with hospital privileges, and any integrated health center operated by the system so that primary, specialty care, and hospital care is provided in a continuous and coordinated way; and

''(L) the system encourages persons receiving or seeking health services from the system to participate in any public or private (including employer-offered) health programs or plans for which the persons are eligible, so long as the center, in complying with this paragraph, does not violate the requirements of subparagraph (F)(ii)(I).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2010.

''(2) FUNDING REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress a report concerning the distribution of funds under this section that are provided to meet the health care needs of medically underserved populations, and the appropriateness of the delivery systems involved in responding to the needs of the particular populations. Such report shall include an assessment of the relative health care access needs of the targeted populations and the rationale for any substantial changes in the distribution of funds.

''(e) RECORDS.—

''(1) IN GENERAL.—Each entity which receives a grant under subsection (b)(1) shall establish and maintain such records as the Secretary shall require.

''(2) AVAILABILITY.—Each entity which is required to establish and maintain records under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

''(f) AUDITS.—

''(1) IN GENERAL.—Each entity which receives a grant under this section shall provide for an independent annual financial audit of any books, accounts, financial records, files, and other papers and property which relate to the disposition or use of the funds received under such grant and such other funds received by or allocated to the project for which such grant was made. For purposes of assuring accurate, current, and complete disclosure of the disposition or use of the funds received, each such audit shall be conducted in accordance with generally accepted accounting principles. Each audit shall evaluate—

''(A) the entity's implementation of the guidelines established by the Secretary respecting cost accounting;

''(B) the processes used by the entity to meet the financial and program reporting requirements of the Secretary; and

''(C) the billing and collection procedures of the entity and the relation of the procedures to its fee schedule and schedule of discounts and to the availability of health insurance and public programs to pay for the health services it provides.

A report of each such audit shall be filed with the Secretary at such time and in such manner as the Secretary may require.

''(2) RECORDS.—Each entity which receives a grant under this section shall establish and maintain such records as the Secretary shall by regulation require to facilitate the audit required by paragraph (1). The Secretary may specify by regulation the form and manner in which such records shall be established and maintained.

''(3) AVAILABILITY OF RECORDS.—Each entity which is required to establish and maintain records or to provide for an audit under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

''(4) WAIVER.—The Secretary may, under appropriate circumstances, waive the application of all or part of the requirements of this subsection with respect to an entity.

''SEC. 340I. INTEGRATED HEALTH CENTER.

''(a) INTEGRATED HEALTH CENTER .—The term 'integrated health center' means an health center that is operated by an integrated health care system and that serves a medically underserved population (as defined for purposes of section 330(b)(3)) by providing, either through the staff and supporting resources of the center or through contracts or cooperative arrangements—

''(1) required primary health services (as defined in subsection (b)(1)); and

''(2) as may be appropriate for particular centers additional health services (as defined in subsection (b)(2)) necessary for the adequate support of the primary health services required under paragraph (1);

for all residents of the area served by the center.

''(b) DEFINITIONS.—For purposes of this section:

''(1) REQUIRED PRIMARY HEALTH SERVICES.—The term 'required primary health services' means—

''(A) basic health services which, for purposes of this section, shall consist of—

''(i) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physician assistants, nurse practitioners, and nurse midwives;

''(ii) diagnostic laboratory and radiologic services;

''(iii) preventive health services, including—

''(I) prenatal and perinatal services;

''(II) appropriate cancer screening;

''(III) well-child services;

''(IV) immunizations against vaccine-preventable diseases;

''(V) screenings for elevated blood lead levels, communicable diseases, and cholesterol;

''(VI) pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care;

''(VII) voluntary family planning services; and

''(VIII) preventive dental services;

''(iv) emergency medical services; and

''(v) pharmaceutical services and medication therapy management services as may be appropriate for particular centers;

''(B) referrals to providers of medical services (including specialty and hospital care referrals when medically indicated) and other health-related services (including substance abuse and mental health services);

''(C) patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to Federal, State, and local programs that provide or financially support the provision of medical, social, housing, educational, or other related services;

''(D) services that enable individuals to use the services of the center (including outreach and transportation services and, if a substantial number of the individuals in the population served by a center are of limited English-speaking ability, the services of appropriate personnel fluent in the languages spoken by a predominant number of such individuals); and

''(E) education of patients and the general population served by the center regarding the availability and proper use of health services.

''(2) ADDITIONAL HEALTH SERVICES.—The term 'additional health services' means services that are not included as required primary health services and that are appropriate to meet the health needs of the population served by the center involved. Such term may include—

''(A) behavioral and mental health and substance abuse services;

''(B) recuperative care services; and

''(C) environmental health services.

(b) COVERAGE UNDER THE MEDICARE PROGRAM.—

(1) PART B BENEFIT.—Section 1861(s)(2)(E) of the Social Security Act (42 U.S.C. 1395x(s)(2)(E)) is amended—

(A) by striking ''services and'' and inserting ''services,''; and

(B) by striking ''services'' the second place it appears and inserting ''services, and integrated health center services''.

(2) DEFINITIONS.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)) is amended—

(A) in the heading—

(i) by striking ''SERVICES AND'' and inserting ''SERVICES,''; and

(ii) by striking ''SERVICES'' the second place it appears and inserting ''SERVICES, AND INTEGRATED HEALTH CENTER SERVICES'';

(B) in paragraph (1)(B), by striking ''paragraph (5))'' and inserting ''paragraph (7));

(C) by redesignating paragraphs (5), (6), and (7) as paragraphs (7), (8), and (9), respectively; and

(D) by inserting after paragraph (4) the following new paragraph:

''(5) The term 'integrated health center services' means—

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1); and

''(B) preventive primary health services that a center is required to provide under section 340I of the Public Health Service Act,

when furnished to an individual as an outpatient of an integrated health center, and for this purpose, any reference to a rural health clinic or a physician described in paragraph (2)(B) is deemed a reference to an integrated health center or a physician at the center, respectively.

''(6) The term 'integrated health center' means a center that is operated by a qualified integrated health care system (as defined in section 340H(a)(1) of the Public Health Service Act that—

''(A) is receiving a grant under section 340H of such Act; or

''(B) is determined by the Secretary to meet the requirements for receiving such a grant.''.

(3) PAYMENT.—

(A) IN GENERAL.—Section 1832(a)(2)(D) of the Social Security Act (42 U.S.C. 1395k(a)(2)(D)) is amended—

(i) by striking ''and (ii)'' and inserting '', (ii)''; and

(ii) by striking ''services'' the second place it appears and inserting ''services, and (iii) integrated health center services.''.

(B) PART B DEDUCTIBLE DOES NOT APPLY.—Section 1833(b)(4) of the Social Security Act (42 U.S.C. 13951(b)(4)) is amended by inserting ''or integrated health center services'' after ''Federally qualified health center services''.

(C) EXCLUSION FROM PAYMENT REMOVED.—The second sentence of section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended by inserting ''or integrated health center services described in section 1861(aa)(5)(B)'' after ''section 1861(aa)(3)(B)''.

(D) WAIVER OF ANTI-KICKBACK RESTRICTION.—Section 1128B(b)(3)(D) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)(D)) is amended by inserting ''or by an integrated health center'' after ''Federally qualified health center''.

(4) CONFORMING AMENDMENTS.—(A) Clauses (ii) and (iv) of section 1834(a)(1)(E) of the Social Security Act (42 U.S.C. 1395m(a)(1)(E)) are each amended by striking ''section 1861(aa)(5)'' and inserting ''section 1861(aa)(7)''.

(B) Section 1842(b)(18)(C)(i) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)(i)) is amended by striking ''section 1861(aa)(5)'' and inserting ''section 1861(aa)(7)''.

(C) Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(i) in subparagraph (H)(i), by striking ''subsection (aa)(5)'' and inserting ''subsection (aa)(7)''; and

(ii) in subparagraph (K)—

(I) by striking ''subsection (aa)(5)'' each place it appears and inserting ''subsection (aa)(7)''; and

(II) by striking ''subsection (aa)(6)'' and inserting ''subsection (aa)(8)''.

(D) Section 1861(dd)(3)(B) of the Social Security Act (42 U.S.C. 1395x(dd)(3)(B)) is amended by striking ''subsection (aa)(5)'' and inserting ''subsection (aa)(7)''.

(c) RECOGNITION UNDER MEDICAID.—

(1) COVERAGE.—Section 1905(a)(2) of the Social Security Act (42 U.S.C. 1396d(a)(2)) is amended—

(A) by striking ''and (C)'' and inserting '', (C)''; and

(B) by inserting '', and

''(D) integrated health center services (as defined in subsection (1)(3)(A)) and any other ambulatory services offered by the integrated health center and which are otherwise included in the plan.'' after ''included in the plan'' the second place it appears.

(2) DEFINITIONS.—Section 1905(l) of such Act (42 U.S.C. 1396d(l)) is amended by adding at the end the following:

''(3)(A) The term 'integrated health center services' means services of the type described in subparagraphs (A) through (C) of section 1861(aa) when furnished to an individual as a patient of an integrated health center and, for this purpose, any reference to a rural health clinic or a physician described in section 1861(aa)(2)(B) is deemed a reference to an integrated health center or a physician at the center, respectively.

''(B) The term 'integrated health center' means a center that is operated by a qualified integrated health care system that—

''(i) is receiving a grant under section 340H of the Public Health Service Act; or

''(ii) is determined by the Secretary, based on the recommendations of the Administrator of the Centers for Medicare & Medicaid Services, to meet the requirements for receiving such a grant.''.

(3) PAYMENT.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (15), by inserting ''and for services described in clause (D) of section 1905(a)(2) in accordance with the provisions of subsection (cc)'' after ''subsection (bb)''; and

(B) by adding at the end the following:

''(cc) PAYMENT FOR SERVICES PROVIDED BY INTEGRATED HEALTH CENTERS.—

''(1) IN GENERAL.—Beginning with fiscal year 2006 with respect to services furnished on or after January 1, 2006, and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(D) furnished by an integrated health center in accordance with the provisions of this subsection.

''(2) FISCAL YEAR 2006.—Subject to paragraph (4), for services furnished on and after January 1, 2006, during fiscal year 2006, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during fiscal years 2004 and 2005 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase or decrease in the scope of such services furnished by the center during fiscal years 2004 and 2005.

''(3) FISCAL YEAR 2007 AND SUCCEEDING FISCAL YEARS.—Subject to paragraph (4), for services furnished during fiscal year 2007 or a succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

''(A) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for that fiscal year; and

''(B) adjusted to take into account any increase or decrease in the scope of such services furnished by the center during that fiscal year.

''(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS.—In any case in which an entity first qualifies as an integrated health center after fiscal year 2006, the State plan shall provide for payment for services described in section 1905(a)(2)(D) furnished by the center in the first fiscal year in which the center so qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year based on the rates established under this subsection for the fiscal year for other such centers located in the same or adjacent area with a similar case load or, in the absence of such a center, in accordance with the regulations and methodology referred to in paragraph (2) or based on such other tests of reasonableness as the Secretary may specify. For each fiscal year following the fiscal year in which the entity first qualifies as an integrated health center, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3).

''(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—

''(A) IN GENERAL.—In the case of services furnished by an integrated health center pursuant to a contract between the center and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) exceeds the amount of the payments provided under the contract.

''(B) PAYMENT SCHEDULE.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the integrated health center, but in no case less frequently than every 4 months.

''(6) ALTERNATIVE PAYMENT METHODOLOGIES.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to an integrated health center for services described in section 1905(a)(2)(D) in an amount which is determined under an alternative payment methodology that—

''(A) is agreed to by the State and the center; and

''(B) results in payment to the center of an amount which is at least equal to the amount otherwise required to be paid to the center under this section.''.

(4) WAIVER PROHIBITED.—Section 1915(b) of the Social Security Act (42 U.S.C.1396n(b)) is amended in the matter preceding paragraph (1), by inserting ''1902(cc),'' after ''1902(bb),''.

(d) PROTECTION AGAINST LIABILITY.—Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—

(1) In paragraph (4), by striking ''An entity'' and inserting ''Subject to paragraph (6), an entity''; and

(2) by adding at the end the following:

''(6) For purposes of this section—

''(A) a qualified integrated health care system receiving a grant under section 340H and any integrated health center operated by such system shall be considered to be an entity described in paragraph (4); and

''(B) the provisions of this section shall apply to such system and centers in the same manner as such provisions apply to an entity described in such paragraph (4), except that—

''(i) notwithstanding paragraph (1)(B), the deeming of any system or center, or of an officer, governing board member, employee, or contractor of such system or center, to be an employee of the Public Health Service for purposes of this section shall apply only with respect to items and services that are furnished to a member of the underserved population served by the entity;

''(ii) notwithstanding paragraph (3), this paragraph shall apply only with respect to causes of action arising from acts or omissions that occur on or after January 1, 2006; and

''(iii) the Secretary shall make separate estimates under subsection (k)(1) with respect to such systems and centers and entities described in paragraph (4) (other than such systems and centers), establish separate funds under subsection (k)(2) with respect to such groups of entities, and any appropriations under this subsection for such systems and centers shall be separate from the amounts authorized by subsection (k)(2).''.

(e) EFFECTIVE DATE.—The amendments made subsections (b) and (c) shall apply to items and services furnished on or after October 1, 2005.

Subtitle C—Miscellaneous Provisions

SEC. 331. COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following:

''(s) MISCELLANEOUS PROVISIONS.—

''(1) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

''(A) IN GENERAL.—Nothing in this section shall be construed to prevent a community health center from contracting with a federally certified rural health clinic (as defined by section 1861(aa)(2) of the Social Security Act) for the delivery of primary health care services that are available at the rural health clinic to individuals who would otherwise be eligible for free or reduced cost care if that individual were able to obtain that care at the community health center. Such services may be limited in scope to those primary health care services available in that rural health clinic.

''(B) ASSURANCES.—In order for a rural health clinic to receive funds under this section through a contract with a community health center under paragraph (1), such rural health clinic shall establish policies to ensure—

''(i) nondiscrimination based upon the ability of a patient to pay; and

''(ii) the establishment of a sliding fee scale for low-income patients.''.

SEC. 332. IMPROVEMENTS TO SECTION 340B PROGRAM.

(a) ELIMINATION OF GROUP PURCHASING PROHIBITION FOR CERTAIN HOSPITALS.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by adding ''and'' at the end;

(2) in clause (ii), by striking ''; and'' and inserting a period; and

(3) by striking clause (iii).

(b) PERMITTING USE OF MULTIPLE CONTRACT PHARMACIES.—Section 340B f the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following:

''(e) PERMITTING USE OF MULTIPLE CONTRACT PHARMACIES.—Nothing in this section shall be construed as prohibiting a covered entity from entering into contracts with more than one pharmacy for the provision of covered drugs, including a contract that—

''(1) supplements the use of an in-house pharmacy arrangement; or

''(2) requires the approval of the Secretary.''.

(c) IMPROVEMENTS IN PROGRAM ADMINISTRATION.—Section 340B of the Public Health Service Act (42 U.S.C. 256b), as amended by subsection (b), is further amended by adding at the end the following:

''(f) IMPROVEMENTS IN PROGRAM ADMINISTRATION.—

''(1) IN GENERAL.—The Secretary shall provide, from funds appropriated under paragraph (2), for improvements in the integrity and administration of the program under this section in order to prevent abuse and misuse of discounted prices made available under this section. Such improvements shall include the following:

''(A) The development of a system to verify the accuracy of information regarding covered entities that is listed on the Internet website of the Department of Health and Human Services relating to this section.

''(B) The establishment of a third-party auditing system by which covered entities and manufacturers are regularly audited to ensure compliance with the requirements of this section.

''(C) The conduct of such audits under subsection (a)(5)(C) that supplement the audits conducted under subparagraph (B) as the Secretary determines appropriate and the implementation of dispute resolution guidelines and other compliance programs.

''(D) The development of more detailed guidance regarding the definition of section 340B patients and describing options for billing under the medicaid program under title XIX of the Social Security Act in order to avoid duplicative discounts.

''(E) The issuance of advisory opinions within defined time periods in response to questions from manufacturers or covered entities regarding the application of the requirements of this section in specific factual circumstances.

''(F) Insofar as the Secretary determines feasible, providing access through the Internet website of the Department of Health and Human Services on the prices for covered drugs made available under this section, but only in a manner (such as through the use of password protection) that limits such access to covered entities.

''(G) The improved dissemination of educational materials regarding the program under this section to covered entities that are not currently participating in such programs including regional educational sessions.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2006 and each succeeding fiscal year.''.

SEC. 333. FORBEARANCE FOR STUDENT LOANS FOR PHYSICIANS PROVIDING SERVICES IN FREE CLINICS.

(a) IN GENERAL.—Section 428(c)(3)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(3)(A)) is amended—

(1) in clause (i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (V), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(V) is volunteering without pay for at least 80 hours per month at a free clinic as defined under section 224 of the Public Health Service Act;''; and

(2) in clause (ii)(III), by inserting ''or (i)(V)'' after ''clause (i)(III)''.

(b) PERKINS PROGRAM.—Section 464(e) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(e)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(3) the borrower is volunteering without pay for at least 80 hours per month at a free clinic as defined under section 224 of the Public Health Service Act.''.

SEC. 334. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO LIABILITY.

Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended—

(1) in subsection (g)(1)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''or employee'' and inserting ''employee, or (subject to subsection (k)(4)) volunteer practitioner''; and

(ii) in the second sentence, by inserting ''and subsection (k)(4)'' after ''subject to paragraph (5)''; and

(B) by adding at the end the following:

''(I) For purposes of this subsection, the term 'employee' shall include a health professional who volunteers to provide health-related services for an entity described in paragraph (4).'';

(2) in subsection (k), by adding at the end the following:

''(4)(A) Subsections (g) through (m) apply with respect to volunteer practitioners beginning with the first fiscal year for which an appropriations Act provides that amounts in the fund under paragraph (2) are available with respect to such practitioners.

''(B) For purposes of subsections (g) through (m), the term 'volunteer practitioner' means a practitioner who, with respect to an entity described in subsection (g)(4), meets the following conditions:

''(i) The practitioner is a licensed physician or a licensed clinical psychologist.

''(ii) At the request of such entity, the practitioner provides services to patients of the entity, at a site at which the entity operates or at a site designated by the entity. The weekly number of hours of services provided to the patients by the practitioner is not a factor with respect to meeting conditions under this subparagraph.

''(iii) The practitioner does not for the provision of such services receive any compensation from such patients, from the entity, or from third-party payors (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program).'';

(3) in subsection (o)(2)—

(A) in subparagraph (D), by striking clause (i) and inserting the following:

''(i) The health care practitioner may provide the services involved as an employee of the free clinic, or may receive repayment from the free clinic only for reasonable expenses incurred by the health care practitioner in the provision of the services to the individual.''; and

(B) by adding at the end the following:

''(G) The health care practitioner is providing the services involved as a paid employee of the free clinic.''; and

(4) in each of subsections (g), (i), (j), (k), (l), and (m), by striking ''employee, or contractor'' each place such term appears and inserting ''employee, volunteer practitioner, or contractor'';

SEC. 335. SENSE OF THE SENATE CONCERNING HEALTH DISPARITIES.

It is the sense of the Senate that additional measures are needed to reduce or eliminate disparities in health care related to race, ethnicity, socioeconomic status, and geography that affect access to quality health care.

By Mr. SPECTER (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. SCHUMER, and Ms. SNOWE):

S.J. Res. 21. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 21

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the Lexington, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign;

Whereas the quality and effectiveness of Captain John Barry's service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: ''Not the value and command of the whole British fleet can lure me from the cause of my country.'';

Whereas Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea;

Whereas when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation's infant Navy, the successor to the Continental Navy of the War for Independence;

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. United States;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with ''Commission No. 1'', United States Navy, dated June 7, 1794;

Whereas John Barry served as the senior officer of the United States Navy, with the title of ''Commodore'' (in official correspondence), under Presidents Washington, John Adams, and Jefferson;

Whereas as commander of the first United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution (''Old Ironsides''), John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

Whereas in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—DESIGNATING AUGUST 19, 2005, AS ''NATIONAL DYSPRAXIA AWARENESS DAY'' AND EXPRESSING THE SENSE OF THE SENATE THAT ALL AMERICANS SHOULD BE MORE INFORMED OF DYSPRAXIA

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 211

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chance of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as ''slow'' or ''clumsy'' and are therefore not properly diagnosed;

Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to detection and treatment; and

Whereas the Senate as an institution, and Members of the Senate as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

Resolved, That—

(1) the Senate designates August 19, 2005, as ''National Dyspraxia Awareness Day''; and

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

(A) all Americans should be more informed of dyspraxia, its easily recognizable symptoms, and its proper treatment;

(B) the Secretary of Education should establish and promote a campaign in elementary and secondary schools across the Nation to encourage the social acceptance of dyspraxic children; and

(C) the Federal Government has a responsibility to—

(i) endeavor to raise awareness about dyspraxia;

(ii) consider ways to increase the knowledge of possible therapy and access to health care services for people with dyspraxia; and

(iii) endeavor to inform educators on how to recognize dyspraxic symptoms and to appropriately handle this disorder.

Ms. LANDRIEU. Mr. President, I rise today to say just a few words on the resolution I have submitted concerning dyspraxia, a developmental disorder that affects 1 in 20 American children each year. My intent is to increase the public's awareness of this disability and to encourage each of my colleagues to do the same.

Let me share a few facts with you. Dyspraxia is caused by the malformation of the neurons of the brain, resulting in the inability of one's senses to respond efficiently to outside stimuli. It may manifest itself in various areas, such as movement, language, perception, and thought, causing difficulty in both work and play. One in twenty children suffers from this disorder. Seventy percent of those affected are male, and in children suffering from extreme emotional and behavioral difficulties, the incidence is likely to be more than 50 percent. Dyspraxic children fail to achieve the expected levels of development. Due to difficulties, these kids are often shunned from their peer groups because they do not fit in. There is no cure for dyspraxia, but the earlier a child is diagnosed the greater the chance of developmental maturation. However, many times these children are dismissed as ''clumsy'' and ''slow'' and are never given a chance to improve, finding it hard to succeed under such harsh speculations. The public's unawareness of dyspraxia is the chief reason that children and young adults go undiagnosed, unable to recognize a cause for their struggles. More than 50 percent of our educators are unaware that this disability even exists. With such alarming statistics, the number of children recognized cannot be expected to increase.

One of my former interns has a younger brother that suffers from this disorder. Borden Wilson is actually a success story. At age 4, Borden's parents noted that he was not able to perform tasks appropriate for his age. His

speaking ability was limited, even with encouragement. After going through a battery of tests performed by various specialists, the problem was identified as dyspraxia. While working with speech and occupational therapists, Borden's parents became familiar with techniques geared to improve his motor capabilities. Though advancements were seen, Borden still lagged behind his peers and low self-esteem soon set in. Borden is 17 years old now and through the hard work of teachers, therapists, and family, he has overcome many of his problems and is successful in both school and extracurricular activities. I am pleased to announce that Borden now maintains a 4.5 grade point average, has received his school's Scholar Athlete Award for the last 2 years, and placed in the 97th percentile on his California Achievement Test. Additionally, he has received All-District honors in both football and track.

Borden's superior achievements should serve as our inspiration to promote awareness of dyspraxia. With proper diagnosis and treatment, all of these children can experience the same level of success that Borden has been able to achieve. I hope that my colleagues will come together in support of this important legislation to raise consciousness of this disability.

SENATE RESOLUTION 212—EXPRESSING THE SENSE OF THE SENATE THAT THE FEDERAL TRADE COMMISSION SHOULD INVESTIGATE THE PUBLICATION OF THE VIDEO GAME ''GRAND THEFT AUTO: SAN ANDREAS'' TO DETERMINE IF THE PUBLISHER DECEIVED THE ENTERTAINMENT SOFTWARE RATINGS BOARD TO AVOID AN ''ADULTS ONLY'' RATING

Mr. BROWNBACK submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 212

Whereas the Entertainment Software Ratings Board gave the video game ''Grand Theft Auto: San Andreas'' a rating of ''Mature'';

Whereas the video game ''Grand Theft Auto: San Andreas'' contains sexually explicit content that consumers are able to access but that appears to have been hidden from the Entertainment Software Ratings Board in order to avoid a rating of ''Adults Only'';

Whereas the Entertainment Software Ratings Board took swift action in investigating the matter and revoked the ''Mature'' rating, ensuring that any future sales of the video game ''Grand Theft Auto: San Andreas'' will be under an ''Adults Only'' rating; and

Whereas Rockstar Games, the publisher of the video game ''Grand Theft Auto: San Andreas'', may have deceived the Entertainment Software Ratings Board and consumers: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Trade Commission should investigate the publication of the video game ''Grand Theft Auto: San Andreas'' to determine if the publisher, Rockstar Games, deceived the Entertainment Software Ratings Board to avoid an ''Adults Only'' rating; and

(2) if the Federal Trade Commission determines that Rockstar Games committed such deception, the Commission should impose the maximum penalty possible.

SENATE RESOLUTION 213—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF KEYTER V. MCCAIN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas, in the case of Keyter v. McCain, et al., Civ. No. 05–1923, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(l), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved,That the Senate Legal Counsel is authorized to represent Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al.

SENATE RESOLUTION 214—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JONES V. SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas, in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al., Civ. No. 05–1944, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators John McCain, Jon Kyl, and other unnamed Members of the Senate in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al.

SENATE CONCURRENT RESOLUTION 47—PAYING TRIBUTE TO THE AFRICA-AMERICA INSTITUTE FOR ITS MORE THAN 50 YEARS OF DEDICATED SERVICE, NURTURING AND UNLEASHING THE PRODUCTIVE CAPACITIES OF KNOWLEDGEABLE, CAPABLE, AND EFFECTIVE AFRICAN LEADERS THROUGH EDUCATION

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 47

Whereas the Africa-America Institute (in this resolution referred to as the ''AAI'') was founded in 1953, to help build human and institutional capacity in Africa and to promote mutually beneficial relations between the United States and Africa through education;

Whereas 2 of the most prominent founders of AAI were leading African-American educators and intellectuals, Horace Mann Bond, the first Black president of Lincoln University, and Leo Hansberry, the Howard University scholar and historian renowned today as the ''father of African studies'';

Whereas with funding from the government, the private sector, and philanthropic sources, AAI has advanced its mission on the dual premises that higher education is the highest leveraging point for achieving sustainable gains all along the education pipeline, and that investments in education generate high rates of return by multiplying the impact of development achievements across sectors of global importance, such as health, education, trade, investment, peace, and security;

Whereas the 22,000 education program alumni of AAI come from 52 African countries, including extraordinary individuals such as Wangari Maathai, recipient of the 2004 Nobel Peace Prize;

Whereas alumni of AAI are leaders in African education, business, government, and nongovernmental organizations working to change economic and social structures in African communities, societies, and nations for the better;

Whereas a 2004 impact assessment commissioned by the United States Agency for International Development (in this resolution referred to as ''USAID'') found ''USAID's multi-million dollar investment in long-term training'' programs that were managed and run by AAI ''for over 40 years produced significant and sustained changes that furthered African development in measurable ways'';

Whereas, as a corollary to its work aimed at expanding educational opportunities for Africans, AAI has also served as a source of reliable and balanced information on Africa for American public and private sector leaders;

Whereas Members of Congress and their staff are among those who have helped achieve and continue to build on this legacy, fulfilling the education mission of AAI by working with partners in Africa, the United States, and other parts of the world on behalf of Africa;

Whereas competing in the information age requires high levels of technical knowledge and skills, but the level of need and demand for higher education and technical training in Africa exceeds the capacities of education sectors in most African countries;

Whereas, consistent with the aspirations and goals of the African Union's ''New Partnership for Africa's Development'', AAI has stepped up to meet these new challenges with the creation of the ''African Technology for Education and Workforce Development'' initiative (in this resolution referred to as ''AFTECH''), a collaborative effort designed to harness the power of information technologies to deliver the highest quality global educational content to Africans where they live;

Whereas, in order to improve and expand upon the reach and impact of AFTECH, and to raise awareness in the United States of the converging global interests that warrant greater United States public and private engagement with, and investment in Africa, AAI used the occasion of its 50th anniversary in 2003, to launch the AAI ''Education Partnership Campaign: 50,000 New Leaders in

Five Years'', with a goal of raising $25,000,000 in private and public sector support to educate and train 50,000 Africans during the 5-year campaign;

Whereas, with the Republic of Namibia in the vanguard, a growing number of African nations are choosing to invest in their people by directly supporting the advanced education, professional training programs, and other education resources that AAI has to offer;

Whereas AAI works with sponsoring African governments to identify and leverage additional funding wherever feasible, and assists countries with making the case to multinational companies doing business within their borders that investing in the human capital of African countries through education is in their mutual interest; and

Whereas AAI can boast of a remarkable history and unparalleled program track record, and is building on its past to meet current and future challenges facing Africa as well as the United States: Now, therefore be it

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

(1) pays tribute to the Africa-American Institute for its more than 50 years of dedicated service, nurturing and unleashing the productive capacities of knowledgeable, capable, and effective African leaders through education;

(2) embraces the mission and supports the work of AAI; and

(3) urges Members of Congress and others to join the AAI ''Education Partnership Campaign: 50,000 New Leaders in Five Years'', a major initiative toward achieving closer United States-Africa relations that advance mutual national and global interests and a high yield investment in Africa's capacity to build a future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1580. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1537 submitted by Ms. Snowe and intended to be proposed 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.

SA 1581. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1556 proposed by Mr. MCCAIN (for himself, Mr. WARNER, Mr. GRAHAM, and Ms. COLLINS) to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1582. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1527 submitted by Mrs. BOXER (for herself and Ms. SNOWE) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1583. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 203, to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

SA 1584. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 203, supra.

SA 1585. Ms. COLLINS (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 214, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

SA 1586. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 243, to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

SA 1587. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

SA 1588. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 128, to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

SA 1589. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 136, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

SA 1590. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 136, supra.

SA 1591. Ms. COLLINS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 279, to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

SA 1592. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1505 submitted by Mr. GRAHAM (for himself, Mr. WARNER, and Mr. MCCAIN) 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.

SA 1593. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1522 submitted by Mrs. DOLE and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1594. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1499 submitted by Mr. KERRY and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1595. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 1505 submitted by Mr. GRAHAM (for himself, Mr. WARNER, and Mr. MCCAIN) to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1596. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 762 proposed by Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR) to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1597. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1524 submitted by Mrs. DOLE (for herself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DEWINE, Ms. LANDRIEU, Mr. CHAFEE, Ms. MIKULSKI, Mr. CHAMBLISS, and Mr. DURBIN) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1598. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 762 proposed by Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR) to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1599. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1366 submitted by Mr. FEINGOLD and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1600. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1406 submitted by Mr. LUGAR and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1601. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1602. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1567 submitted by Mr. WARNER and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1603. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1604. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1580. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1537 submitted by Ms. SNOWE and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 815. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 shall be available for Civilian Manpower and Personnel for a Human Resources Benefit Call Center in Machias, Maine.

SA 1581. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1556 proposed by Mr. MCCAIN (for himself, Mr. WARNER, Mr. GRAHAM, and Ms. COLLINS) 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:

On page 2, strike lines 3 through 11.

SA 1582. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1527 submitted by Mrs. BOXER (for herself and Ms. SNOWE) and intended to be proposed 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:

Insert before the closing quotation marks the following: ''but only if the identity of the perpetrator of such act of incest is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities, or, in the case of rape, only if the identity of the perpetrator of that act of rape, if known to the victim, is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities''.

SA 1583. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 203, to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Areas Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—SODA ASH ROYALTY REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Soda Ash Royalty Reduction Act of 2005''.

SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

SEC. 103. STUDY.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 202. FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term ''heritage area'' means the Northern Rio Grande National Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) LOCAL COORDINATING ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the local coordinating entity for the heritage area.

(2) The Board of Directors for the local coordinating entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 205. AUTHORITY AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The local coordinating entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the local coordinating entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The local coordinating entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The local coordinating entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The local coordinating entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the local coordinating entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The local coordinating entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the local coordinating entity.

(2) The local coordinating entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The local coordinating entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 207. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this subtitle shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the local coordinating entity any authority to regulate the use of privately owned lands.

(b) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) AUTHORITY OF GOVERNMENTS.—Nothing in this subtitle shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the local coordinating entity to assume any management authorities over such lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle

$10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 209. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Atchafalaya National Heritage Area

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Atchafalaya National Heritage Area Act''.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 215.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Louisiana.

SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

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

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

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

SEC. 215. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

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

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

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

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

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

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

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

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

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

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

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

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 218. EFFECT OF SUBTITLE.

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 219. REPORTS.

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

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

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 221. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Arabia Mountain National Heritage Area

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Arabia Mountain National Heritage Area Act''.

SEC. 232. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 233. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''heritage area'' means the Arabia Mountain National Heritage Area established by section 234(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 236.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Georgia.

SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled ''Arabia Mountain National Heritage Area'', numbered AMNHA–80,000, and dated October 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) AUDIT.—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 236. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

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

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

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

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle D—Mormon Pioneer National Heritage Area

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Mormon Pioneer National Heritage Area Act''.

SEC. 252. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400–mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 253. DEFINITIONS.

In this subtitle:

(1) ALLIANCE.—The term ''Alliance'' means the Utah Heritage Highway 89 Alliance.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 256(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Utah.

SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State —

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panquitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) PRIORITIES.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

(2) the expenses and income of the local coordinating entity; and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 258. NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.

(a) NO EFFECT ON LAND USE AUTHORITY.—Nothing in this subtitle modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land under any other law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this subtitle grants powers of zoning or land use control to the local coordinating entity.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this subtitle affects or authorizes the local coordinating entity to interfere with—

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State or a political subdivision of the State.

SEC. 259. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 260. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle E—Bleeding Kansas National Heritage Area

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Bleeding Kansas National Heritage Area Act''.

SEC. 262. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Bleeding Kansas National Heritage Area is a cohesive assemblage of natural, historic, cultural, and recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(B) are best managed through partnerships between private and public entities; and

(C) will build upon the Kansas rural development policy and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(2) The Bleeding Kansas National Heritage Area reflects traditions, customs, beliefs, folk life, or some combination thereof, that are a valuable part of the heritage of the United States.

(3) The Bleeding Kansas National Heritage Area provides outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) The Bleeding Kansas National Heritage Area provides outstanding recreational and interpretive opportunities.

(5) The Bleeding Kansas National Heritage Area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) Residents, nonprofit organizations, other private entities, and units of local government throughout the Bleeding Kansas National Heritage Area demonstrate support for designation of the Bleeding Kansas National Heritage Area as a national heritage area and for management of the Bleeding Kansas National Heritage Area as appropriate for such designation.

(7) Capturing these interconnected stories through partnerships with National Park Service sites, Kansas State Historical Society sites, local organizations, and citizens will augment the story opportunities within the prospective boundary for the educational and recreational benefit of this and future generations of Americans.

(8) Communities throughout this region know the value of their Bleeding Kansas legacy, but require expansion of the existing cooperative framework to achieve key preservation, education, and other significant goals by working more closely together.

(9) The State of Kansas officially recognized the national significance of the Bleeding Kansas story when it designated the heritage area development as a significant strategic goal within the statewide economic development plan.

(10) Territorial Kansas Heritage Alliance is a nonprofit corporation created for the purposes of preserving, interpreting, developing, promoting and, making available to the public the story and resources related to the story of Bleeding Kansas and the Enduring Struggle for Freedom.

(11) Territorial Kansas Heritage Alliance has completed a study that—

(A) describes in detail the role, operation, financing, and functions of Territorial Kansas Heritage Alliance, the local coordinating entity; and

(B) provides adequate assurances that Territorial Kansas Heritage Alliance, the local coordinating entity, is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants.

(12) There are at least 7 National Historic Landmarks, 32 National Register properties, 3 Kansas Register properties, and 7 properties listed on the National Underground Railroad Network to Freedom that contribute to the Heritage Area as well as other significant properties that have not been designated at this time.

(13) There is an interest in interpreting all sides of the Bleeding Kansas story that requires further work with several counties in Missouri interested in joining the area.

(14) In 2004, the State of Kansas commemorated the Sesquicentennial of the signing of the Kansas-Nebraska Act, opening the territory to settlement.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To designate a region in eastern Kansas and western Missouri containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as the Bleeding Kansas National Heritage Area.

(2) To strengthen, complement, and support the Fort Scott, Brown v. Board of Education, Nicodemus and Tallgrass Prairie sites through the interpretation and conservation of the associated living landscapes outside of the boundaries of these units of the National Park System.

(3) To describe the extent of Federal responsibilities and duties in regard to the Heritage Area.

(4) To further collaboration and partnerships among Federal, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage the resources and opportunities in the Heritage Area through grants, technical assistance, training and other means.

(5) To authorize Federal financial and technical assistance to the local coordinating entity to assist in the conservation and interpretation of the Heritage Area.

(6) To empower communities and organizations in Kansas to preserve the special historic identity of Bleeding Kansas and with it the identity of the Nation.

(7) To provide for the management, preservation, protection, and interpretation of the natural, historical, and cultural resources within the region for the educational and inspirational benefit of current and future generations.

(8) To provide greater community capacity through inter-local cooperation.

(9) To provide a vehicle, particularly in the four counties with high out-migration of population, to recognize that self-reliance and resilience will be the keys to their economic future.

(10) To build upon the Kansas rural development policy, the Kansas agritourism initiative and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(11) To educate and cultivate among its citizens, particularly its youth, the stories and cultural resources of the region's legacy that—

(A) reflect the popular phrase ''Bleeding Kansas'' describing the conflict over slavery that became nationally prominent in Kansas just before and during the American Civil War;

(B) reflect the commitment of American settlers who first fought and killed to uphold their different and irreconcilable principles of freedom and equality during the years of the Kansas Conflict;

(C) reflect the struggle for freedom, experienced during the ''Bleeding Kansas'' era, that continues to be a vital and pressing issue associated with the real problem of democratic nation building; and

(D) recreate the physical environment revealing its impact on agriculture, transportation, trade and business, and social and cultural patterns in urban and rural settings.

(12) To interpret the effect of the era's democratic ethos on the development of America's distinctive political culture.

SEC. 263. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area in eastern Kansas and western Missouri.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 264(e).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means each of the States of Kansas and Missouri.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 264. BLEEDING KANSAS AND THE ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.

(b) BOUNDARIES.—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chantauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and Jasper Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) MAP.—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the mangement plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

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

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local

coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be governed by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such inclusion to the local coordinating entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area, and not notified under paragraph (1), shall have their property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 269. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle F—Upper Housatonic Valley National Heritage Area

SEC. 271. SHORT TITLE.

This subtitle may be cited as the ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 272. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) 5 National Historic Landmarks, including—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) 4 National Natural Landmarks, including—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years, and Mohicans had a formative role in contact with Europeans during the 17th and 18th centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established by section 274.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area, as depicted on the map.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut;

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge,

Tyringham, Washington, and West Stockbridge in Massachusetts; and

(4) the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the local coordinating entity for the Heritage Area.

SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political jurisdictions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source, including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 276. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical, and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic, and recreational resources;

(7) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for ways in which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—Not later than 3 years after funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the local coordinating entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the local coordinating entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan, the Secretary shall approve or disapprove the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the local coordinating entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. Not later than 60 days after the date a proposed revision is submitted, the Secretary shall approve or disapprove the proposed revision.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out the duties of the Federal agency under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner that the local coordinating entity determines will not have an adverse effect on the Heritage Area.

SEC. 279. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the total cost of any activity assisted under this subtitle shall not be more than 50 percent.

SEC. 280. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle G—Champlain Valley National Heritage Partnership

SEC. 281. SHORT TITLE.

This subtitle may be cited as the ''Champlain Valley National Heritage Partnership Act of 2005''.

SEC. 282. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme ''The Making of Nations and Corridors of Commerce'';

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', ''the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in U.S. history''; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(4) to provide financial and technical assistance for the purposes described in paragraphs (1) through (3).

SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term ''Heritage Partnership'' means the Champlain Valley National Heritage Partnership established by section 284(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 284(b)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term ''region'' means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term ''region'' includes

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—the term ''State'' means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term ''theme'' means the theme ''The Making of Nations and Corridors of Commerce'', as the term is used in the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The local coordinating entity shall implement the subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the local coordinating entity may implement the provisions of this subtitle based on its federally authorized plan ''Opportunities for Action, an Evolving Plan For Lake Champlain''.

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

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the local coordinating entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this title.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the local coordinating entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the local coordinating entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the local coordinating entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any amendments to the management plan that the local coordinating entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any amendment proposed by

the local coordinating entity under subclause (I)(bb) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the local coordinating entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the local coordinating entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the local coordinating entity.

SEC. 285. EFFECT.

Nothing in this subtitle—

(1) grants powers of zoning or land use to the local coordinating entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

SEC. 286. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title not more than a total of $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) NON-FEDERAL SHARE.—The Federal share of the total cost of any activity assisted under this subtitle shall not be more than 50 percent.

SEC. 287. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle H—Great Basin National Heritage Route

SEC. 291. SHORT TITLE.

This subtitle may be cited as the ''Great Basin National Heritage Route Act''.

SEC. 291A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 291B. DEFINITIONS.

In this subtitle:

(1) GREAT BASIN.—The term ''Great Basin'' means the North American Great Basin.

(2) HERITAGE ROUTE.—The term ''Heritage Route'' means the Great Basin National Heritage Route established by section 291C(a).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 291E(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) BOUNDARIES.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 291D. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291E. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind

contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 291J. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the ''Gullah/Geechee Cultural Heritage Act''.

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) HERITAGE CORRIDOR.—The term ''Heritage Corridor'' means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

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

SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled ''Gullah/Geechee Cultural Heritage Corridor'' numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the ''Gullah/Geechee Cultural Heritage Corridor Commission'' whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 295F. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

SEC. 295I. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 295J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) COST SHARE.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

SEC. 295L. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle J—Crossroads of the American Revolution National Heritage Area

SEC. 297. SHORT TITLE.

This subtitle may be cited as the ''Crossroads of the American Revolution National Heritage Area Act of 2005''.

SEC. 297A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as ''the times that try men's souls'';

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term ''map'' means the map entitled ''Crossroads of the American Revolution National Heritage Area'', numbered CRRE/80,000, and dated April 2002.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of New Jersey.

SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

SEC. 297D. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 297H. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Western Reserve Heritage Areas Study Act''.

SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government,

and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage Area Study

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''St. Croix National Heritage Area Study Act''.

SEC. 312. STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Southern Campaign of the Revolution Heritage Area Study Act''.

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2005''.

SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking ''and'';

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).''.

(2) By adding at the end of section 112 the following new paragraph:

''(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.''.

(3) By adding at the end the following new sections:

''SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

''Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

''SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

''For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

''(1) to make grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''SEC. 121. DUTIES OF THE ASSOCIATION.

''The Association shall—

''(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

''(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

''(A) in preserving the corridor;

''(B) in establishing and maintaining interpretive exhibits in the corridor;

''(C) in developing recreational resources in the corridor;

''(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

''(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

''(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

''(4) consider the interests of diverse governmental, business, and other groups within the corridor;

''(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

''(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

''(7) for any year in which Federal funds have been received under this title—

''(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which grants were made during the year for which the report is made;

''(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

''(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

''SEC. 122. USE OF FEDERAL FUNDS.

''(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

''(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

''SEC. 123. MANAGEMENT PLAN.

''(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 3 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

''(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

''(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

''(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

''(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

''(5) include—

''(A) identification of the geographic boundaries of the corridor;

''(B) a brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

''(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

''(D) a listing of the key resources and themes of the corridor;

''(E) identification of parties proposed to be responsible for carrying out the tasks;

''(F) a financial plan and other information on costs and sources of funds;

''(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

''(H) a mechanism and schedule for updating the plan based on actual progress;

''(I) a bibliography of documents used to develop the management plan; and

''(J) a discussion of any other relevant issues relating to the management plan.

''(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

''(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

''(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

''(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

''(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

''SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

''(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

''(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

''(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

''(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

''(1) consult with the Secretary and the Association with respect to such activities;

''(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

''(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

''(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

''SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

''(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

''SEC. 126. SUNSET.

''The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.''.

SEC. 403. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

''SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

''(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

''(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

''SEC. 128. PRIVATE PROPERTY PROTECTION.

''(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

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

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

''(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

''(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

''(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

''(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or

its viewshed by the Secretary, the National Park Service, or the Association.''.

TITLE V—REAUTHORIZATION OF APPROPRIATIONS FOR NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

SEC. 501. REAUTHORIZATION OF APPROPRIATIONS FOR NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) REAUTHORIZATION.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

''SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance; and

''(B) the design and fabrication of interpretive materials, devices, and signs.

''(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

''(A) operation, repair, or construction costs, except for the costs of constructing interpretive exhibits; or

''(B) operation, maintenance, or repair costs for any road or related structure.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

''(i) may not exceed 50 percent of the total project costs; and

''(ii) shall be provided on a matching basis.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

''(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.''.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

SA 1584. Ms. COLLINS (for Mr. DOMENICI) proposed and amendment to the bill S. 203, to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes; as follows:

Amend the title so as to read: ''A bill to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.''.

SA 1585. Ms. COLLINS (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 214, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; as follows:

On page 7, strike lines 15 through 19 and insert the following:

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico.

SA 1586. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 243, to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Areas Partnership Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote public understanding, appreciation, and enjoyment of many places, events and people that have contributed to the story of the United States;

(2) to promote innovative and partnership-driven management strategies that recognize regional values, encourage locally tailored resource stewardship and interpretation, and provide for the effective leveraging of Federal funds with other local, State, and private funding sources;

(3) to unify national standards and processes for conducting feasibility studies, designating a system of National Heritage Areas, and approving management plans for National Heritage Areas;

(4) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within National Heritage Areas; and

(5) to provide financial and technical assistance to National Heritage Area local coordinating entities that act as a catalyst for diverse regions, communities, organizations, and citizens to undertake projects and programs for collaborative resource stewardship and interpretation.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the entity designated by Congress—

(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 7.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means an area designated by Congress that is nationally important to the heritage of the United States and meets the criteria established under section 5(a).

(4) NATIONAL IMPORTANCE.—The term ''national importance'' means possession of—

(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

(5) PROPOSED NATIONAL HERITAGE AREA.—The term ''proposed National Heritage Area'' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STUDY.—The term ''study'' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 5, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

(8) SYSTEM.—The term ''system'' means the system of National Heritage Areas established under section 4(a).

SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.

(a) IN GENERAL.—In order to recognize certain areas of the United States that tell nationally important stories and to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the areas that together illustrate significant aspects of the heritage of the United States, there is established a system of National Heritage Areas through which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.

(b) SYSTEM.—The system of National Heritage Areas shall be composed of—

(1) National Heritage Areas established by Congress before or on the date of enactment of this Act; and

(2) National Heritage Areas established by Congress after the date of enactment of this Act, as provided for in this Act.

(c) RELATIONSHIP TO THE NATIONAL PARK SYSTEM.—

(1) RELATIONSHIP TO NATIONAL PARK UNITS.—The Secretary shall—

(A) ensure, to the maximum extent practicable, participation and assistance by units of the National Park System located near or encompassed by National Heritage Areas in local initiatives for National Heritage Areas that conserve and interpret resources consistent with an approved management plan; and

(B) work with National Heritage Areas to promote public enjoyment of units of the National Park System and park-related resources.

(2) APPLICABILITY OF LAWS.—National Heritage Areas shall not be—

(A) considered to be units of the National Park System; or

(B) subject to the laws applicable to units of the National Park System.

(d) DUTIES.—Under the system, the Secretary shall—

(1)(A) conduct studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

(B) review and comment on studies undertaken by other parties to make such assessment;

(2) provide technical and financial assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

(3) enter into cooperative agreements with interested parties to carry out this Act;

(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

(5) provide national oversight, analysis, coordination, and technical and financial assistance and support to ensure consistency and accountability under the system;

(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act; and

(7)(A) conduct an evaluation and prepare a report on the accomplishments, sustainability, and recommendations for the future of each designated National Heritage Area 3 years before cessation of Federal funding for the area under section 12; and

(B) submit a report on the findings of the evaluation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 5. STUDIES.

(a) CRITERIA.—In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

(1) An area—

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities; and

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(b) CONSULTATION.—In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(c) APPROVAL.—On completion or receipt of a study for a National Heritage Area, the Secretary shall—

(1) review, comment on, and determine if the study meets the criteria specified in subsection (a) for designation as a National Heritage Area;

(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and

(3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including—

(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(d) DISAPPROVAL.—If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (c)(3) a description of the reasons for the determination.

SEC. 6. DESIGNATION OF NATIONAL HERITAGE AREAS.

(a) IN GENERAL.—The designation of a National Heritage Area shall be—

(1) by Act of Congress; and

(2) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under section 5(a).

(b) COMPONENT OF THE SYSTEM.—Any National Heritage Area designated under subsection (a) shall be a component of the system.

SEC. 7. MANAGEMENT PLANS.

(a) REQUIREMENTS.—The management plan for any National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 8. LOCAL COORDINATING ENTITIES.

(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 7;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 10. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 11. PARTNERSHIP SUPPORT.

(a) TECHNICAL ASSISTANCE.—On termination of the 15-year period for which assistance is provided under section 12, the Secretary may, on request of a local coordinating entity, continue to provide technical assistance to a National Heritage Area under section 4.

(b) GRANT ASSISTANCE.—

(1) IN GENERAL.—The Secretary may establish a grant program under which the Secretary provides grants, on a competitive basis, to local coordinating entities for the conduct of individual projects at National Heritage Areas for which financial assistance has terminated under section 12.

(2) CONDITIONS.—The provision of a grant under paragraph (1) shall be subject to the condition that—

(A) a project must be approved by the local coordinating entity as promoting the purposes of the management plan required under section 7;

(B) a project may receive only 1 grant of no more than $250,000 in any 1 fiscal year;

(C) a maximum of $250,000 may be received by a local coordinating entity for projects funded under this subsection in any 1 fiscal year; and

(D) a project shall not be eligible for funding under this section in any fiscal year that a local coordinating entity receives an appropriation through the National Park Service (excluding technical assistance) for the National Heritage Area at which the project is being conducted.

(c) REPORT.—For each fiscal year in which assistance is provided under this section, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a list of the projects provided assistance for the fiscal year.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDIES.—There is authorized to be appropriated to conduct and review studies under section 5 $750,000 for each fiscal year, of which not more than $250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.

(b) LOCAL COORDINATING ENTITIES.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out section 8 $25,000,000 for each fiscal year, of which not more than—

(A) $1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

(B) a total of $10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

(2) TERMINATION DATE.—

(A) IN GENERAL.—The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this section (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating entity.

(B) DESIGNATION.—A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).

(3) ADMINISTRATION.—Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

(c) HERITAGE PARTNERSHIP GRANT ASSISTANCE.—There is authorized to be appropriated to the Secretary to carry out section 11 $5,000,000 for each fiscal year.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

(2) ADMINISTRATION.—The recipient matching funds—

(A) shall be derived from non-Federal sources; and

(B) may be made in the form of in-kind contributions of goods or services fairly valued.

SA 1587. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; as follows:

On page 2, strike lines 1 through 5 and insert the following:

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108–316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

"SEC. 1638. HAWAII RECLAMATION PROJECTS.

On page 3, strike line 13 and all that follows through the matter following line 14 and insert the following:

is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108–316 (118 Stat. 1202)) and inserting the following:

''Sec. 1637. Williamson County, Texas, Water Recylcing and Reuse Project.
''Sec. 1638. Hawaii reclamation projects.''.

SA 1588. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 128, to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern California Coastal Wild Heritage Wilderness Act''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,312 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the ''Snow Mountain Wilderness'', as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest'' and dated April 21, 2005; and

(ii) the map entitled ''Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest'' and dated April 21, 2005.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled ''Sanhedrin Proposed Wilderness, Mendocino National Forest'' and dated April 21, 2005, which shall be known as the ''Sanhedrin Wilderness''.

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 53,887 acres, as generally depicted on the map entitled ''Yuki Proposed Wilderness'' and dated May 23, 2005, which shall be known as the ''Yuki Wilderness''.

(4) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 27,036 acres, as generally depicted on the map entitled ''Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition'' and dated June 7, 2005, is incorporated in and shall considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) MAD RIVER BUTTES WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 5,506 acres, as generally depicted on the map entitled ''Mad River Buttes, Mad River Proposed Wilderness'' and dated June 28, 2005, which shall be known as the ''Mad River Buttes Wilderness''.

(6) SISKIYOU WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 44,801 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest'' and dated June 28, 2005;

(ii) the map entitled ''Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated October 28, 2004;

(iii) the map entitled ''Blue Ridge Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated June 28, 2005;

(iv) the map entitled ''Broken Rib Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated June 28, 2005; and

(v) the map entitled ''Wooly Bear Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated June 28, 2005.

(7) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled ''Mt. Lassic Proposed Wilderness'' and dated June 7, 2005, which shall be known as the ''Mount Lassic Wilderness''.

(8) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'', and dated October 28, 2004;

(ii) the map entitled ''East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004;

(iii) the map entitled ''Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004; and

(iv) the map entitled ''Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated June 7, 2005.

(9) UNDERWOOD WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 2,705 acres, as generally depicted on the map entitled ''Underwood Proposed Wilderness, Six Rivers National Forest'' and dated June 28, 2005, which shall be known as the ''Underwood Wilderness''.

(10) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 31,025 acres, as generally depicted on the map entitled ''Cache Creek Wilderness Area'' and dated June 16, 2005, which shall be known as the ''Cache Creek Wilderness''.

(11) CEDAR ROUGHS WILDERNESS.—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled ''Cedar Roughs Wilderness Area'' and dated September 27, 2004, which shall be known as the ''Cedar Roughs Wilderness''.

(12) SOUTH FORK EEL RIVER WILDERNESS.—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled ''South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness'' and dated June 16, 2005, which shall be known as the ''South Fork Eel River Wilderness''.

(13) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled ''King Range Wilderness'', and dated November 12, 2004, which shall be known as the ''King Range Wilderness''.

(B) APPLICABLE LAW.—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this Act and Public Law 91–476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(14) ROCKS AND ISLANDS.—

(A) IN GENERAL.—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) APPLICABLE LAW.—In the case of a conflict between this Act and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to

be a reference to the Secretary that has jurisdiction over the wilderness.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in the wilderness areas designated by this Act as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98–40 of the 98th Congress.

(2) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this Act to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) ACCESS TO PRIVATE PROPERTY.—

(1) IN GENERAL.—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this Act adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Subject to subparagraph (B), within the wilderness designated by section 3(13), the access route depicted on the map for private landowners shall also be available for invitees of the private landowners.

(B) LIMITATION.—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or invitees beyond the access that would be available if the wilderness had not been designated.

(g) SNOW SENSORS AND STREAM GAUGES.—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this Act, nothing in this Act prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) MILITARY ACTIVITIES.—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this Act.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this Act, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this Act if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this Act affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this Act creates protective perimeters or buffer zones around any wilderness area designated by this Act.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this Act shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this Act or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughs Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this Act or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, compromising approximately 11,271 acres, as generally depicted on the map entitled ''South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness'' and dated June 16, 2005, is designated as a potential wilderness area.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness.

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may used motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(B) the date that is 5 years after the date of enactment of this Act.

(2) ADMINISTRATION.—On designation as wilderness under paragraph (1), the potential wilderness area shall be—

(A) known as the ''Elkhorn Ridge Wilderness''; and

(B) administered in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 7. WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION OF BLACK BUTTE RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(167) BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

''(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

''(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.''.

(b) PLAN; REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment under subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) TRANSMITTAL TO COUNTY.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 8. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91–476 (16 U.S.C. 460y–8) is amended by adding at the end the following:

''(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled 'King Range Wilderness' and dated November 12, 2004, is included in the Area.''.

SA 1589. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 136, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting ''and yosemite national park'' after ''zion national park'';

(2) in the first sentence—

(A) by inserting ''and Yosemite National Park'' after ''Zion National Park''; and

(B) by inserting ''for transportation systems or'' after ''appropriated funds''; and

(3) in the second sentence by striking ''facilities'' and inserting ''systems or facilities''.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking ''service contract'' and inserting ''service contract, cooperative agreement, or other contractual arrangement''.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ''The recreation area shall comprise'' and inserting the following:

''(1) INITIAL LANDS.—The recreation area shall comprise''; and

(2) by striking ''The following additional lands are also'' and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

''(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

''(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

''(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

''(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

''(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

''(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

''(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.''.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Redwood National Park Boundary Adjustment Act of 2005''.

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking ''(a) The area'' and all that follows through the period at the end and inserting the following: ''(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised

Boundary', numbered 167/60502, and dated February, 2003.'';

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

''(2) The map referred to in paragraph (1) shall be—

''(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

''(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.''; and

(3) in the second sentence—

(A) by striking ''The Secretary'' and inserting the following:

''(3) The Secretary;''and

(B) by striking ''one hundred and six thousand acres'' and inserting ''133,000 acres''.

SA 1590. Ms. COLLINS (for Mr. DOMENICI) proposed an amendment to the bill S. 136, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes; as follows:

Amend the title so as to read: ''To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.'' .

SA 1591. Ms. COLLINS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 279, to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. INDIAN PUEBLO LAND ACT AMENDMENTS.

The Act of June 7, 1924 (43 Stat. 636, chapter 331), is amended by adding at the end the following:

''SEC. 20. CRIMINAL JURISDICTION.

''(a) IN GENERAL.—Except as otherwise provided by Congress, jurisdiction over offenses committed anywhere within the exterior boundaries of any grant from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims to a Pueblo Indian tribe of New Mexico, shall be as provided in this section.

''(b) JURISDICTION OF THE PUEBLO.—The Pueblo has jurisdiction, as an act of the Pueblos' inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), or by any other Indian-owned entity.

''(c) JURISDICTION OF THE UNITED STATES.—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25, sections 1301(2) and 1301(4) or any Indian-owned entity, or that involves any Indian property or interest.

''(d) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), which offense is not subject to the jurisdiction of the United States.''.

SA 1592. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1505 submitted by Mr. GRAHAM (for himself, Mr. WARNER, and Mr. MCCAIN) 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:

On Page 4, line 15, insert

''(d) FINAL DISPOSITION.—Not later than 2 years after a determination is made that the person detained is an unlawful enemy combatant, the person must be either charged in an appropriate district court of the United States, an international criminal tribunal, a United States military tribunal, or repatriated to the country in which the person was first detained or the person's country of origin, except where there are grounds to believe that the person would be in danger of being subjected to torture. With regard to detainees currently deemed unlawful enemy combatants before the enactment of this section, the United States has 180 days to dispose of the person's case under this subsection.

SA 1593. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1522 submitted by Mrs. DOLE and intended to be proposed 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 the matter proposed to be inserted, add the following:

(c) REPORT.—Not later than September 30, 2006, the Secretary of Defense shall submit a report to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives regarding the implementation of the training programs under this section, including an assessment of the need for additional personnel in the defense acquisition workforce to carry out the requirements of this section.

SA 1594. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1499 submitted by Mr. KERRY and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

(3) REPORT.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives on an annual basis a report setting forth the research programs identified under paragraph (1) during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report, a description of—

(i) the incentives and actions taken by prime contractors and program managers to increase Phase III awards under the Small Business Innovation Research Program; and

(ii) the requirements intended to be met by each program identified in the report.

(4) FUNDING AUTHORITY.—

(A) IN GENERAL.—The Secretary of each military department is authorized to use not more than an amount equal to 1 percent of the funds available to the military department in each fiscal year for the Small Business Innovation Research Program for the accelerated process described in paragraph (1) to transition programs that have successfully completed Phase II of the Small Business Innovation Research Program to Phase III of the Program.

(B) TERM.—The funding authority under subparagraph (A) shall terminate not later than 3 years after the date on which the accelerated transition program under paragraph (1) is initiated.

(C) EXEMPTION.—The Phase III program activities authorized by this subsection shall not be subject to the limitations on the use of funds in section 9(f)(2) of the Small Business Act (15 U.S.C. 638).

SA 1595. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 1505 submitted by Mr. GRAHAM (for himself, Mr. WARNER, and Mr. MCCAIN) 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, add the following:

SEC. 1074. REVIEW OF DETENTION OF ENEMY COMBATANTS.

(a) DETENTION OF ENEMY COMBATANTS.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

''(e) No court, justice, or judge shall have jurisdiction to consider—

''(1) an application for a writ of habeas corpus filed on behalf of an alien who is detained as an enemy combatant by the United States Government; or

''(2) any other action challenging any aspect of the detention of an alien who is detained by the Secretary of Defense as an enemy combatant, if the alien has been afforded an opportunity to challenge his detention pursuant to the procedures specified in paragraphs (1) and (2) of section 1073(b) of the National Defense Authorization Act for Fiscal Year 2006, to the extent modified by the President pursuant to the authority in paragraph (3) of such section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any application or other action pending on or after the date of the enactment of this Act.

SA 1596. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 762 proposed by Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR) 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, add the following:

SEC. ___. CURTAILMENT OF WASTE UNDER DEPARTMENT OF DEFENSE WEB-BASED TRAVEL SYSTEM.

(a) PROHIBITION ON USE OF FUNDS.—No funds available to the Department of Defense may be obligated or expended after October 1, 2005, for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

(b) CONSTRUCTION OF PROHIBITION.—Nothing in subsection (a) shall be construed as restricting the ability of the Department of Defense from obtaining eTravel services from any provider under the General Services Administration eTravel contract, provided that—

(1) such provider receives no payment for such services above, or in addition to, a fixed price transaction fee; and

(2) such provider provides to the Department of Defense a written guarantee that all commercial air travel is secured at the lowest available price, consistent with Federal Travel Regulations and the mission objective of the traveler.

SA 1597. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1524 submitted by Mrs. DOLE (for herself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DEWINE, Ms. LANDRIEU, Mr. CHAFEE, Ms. MIKULSKI, Mr. CHAMBLISS, and Mr. DURBIN) and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

SA 1598. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 762 proposed by Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. CORZINE, Mr. NELSON of Nebraska, Mr. SMITH, Ms. CANTWELL, Mr. DAYTON, Mr. KERRY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, Mr. JEFFORDS, Mr. JOHNSON, and Mr. SALAZAR) 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:

In lieu of the matter proposed to be inserted, insert the following:

SECTION ___. REQUIREMENT FOR DETERMINATION BY VETERANS' DISABILITY BENEFITS COMMISSION REGARDING REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION BEFORE CHANGES TO THOSE BENEFITS MAY BE IMPLEMENTED.

(a) FINDING.—Congress finds that the Veterans' Disability Benefits Commission (in this section referred to as the ''Commission'') established by section 1501 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note) is currently performing a comprehensive review and study of the benefits provided under the laws of the United States to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service, and that the Commission should be required to make findings and submit recommendations regarding the integration of benefits under the Survivor Benefit Plan and Dependency and Indemnity Compensation prior to changes in the laws controlling those benefits are implemented.

(b) FURTHER FINDINGS.—Congress makes the following further findings:

(1) Significant changes have been enacted since 2003 in the laws affecting veterans, retiree, and survivor benefits, including—

(A) phased elimination of the bar on military retirees concurrently receiving military retired pay and veterans' disability;

(B) phased elimination of the reduction in Survivor Benefit Plan benefits when beneficiaries reach age 62;

(C) provision of Survivor Benefit Plan coverage at no cost to all military members serving on active duty;

(D) an increase in the death gratuity to $100,000; and

(E) an increase in the maximum available benefit under Servicemembers' Group Life Insurance to $400,000.

(2) In carrying out its study, the Commission is required to examine and make recommendations concerning the appropriateness of veterans' benefits under the laws in effect on November 24, 2003, and the level of such benefits.

(3) The study to be carried out by the Commission, under its legislative charter, must be a comprehensive evaluation and assessment of the benefits provided under the laws of the United States to compensate veterans and their survivors for disability or death attributable to military service together with any related issues that the commission determines are relevant to the purposes of the study.

(4) Not later than 15 months after the date on which the Commission first met on May 8, 2005, the Commission is required to submit to the President and Congress a report on the study that shall include the findings and conclusions of the Commission and recommendations of the commission for revising the benefits provided by the United States to veterans and their survivors for disability and death attributable to military service.

(c) ADDITIONAL MATTER FOR COMMISSION STUDY.—Section 1501(c) of the National Defense Authorization Act for Fiscal Year 2004 (117 Stat. 1678; 38 U.S.C. 1101 note) is amended by adding at the end the following new paragraph:

''(4) The laws and regulations for determining eligibility for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for benefits under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code.''.

SA 1599. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1366 submitted by Mr. FEINGOLD and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. REPORTS ON IMPROVEMENTS IN TRANSITION ASSISTANCE PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Comptroller General of the United States, pursuant to section 598 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1938), performed a study (GAO–05–544, entitled ''Enhanced Services Could Improve Transition Assistance for Reserves and National Guard'') on transition assistance programs for members separating from the Armed Forces.

(2) The Comptroller General found that Federal agencies, including the Department

of Defense, the Department of Veterans Affairs, and the Department of Labor, have taken actions to improve transition assistance program content and increase participation among full-time active duty military personnel.

(3) The Comptroller General found, however, that there are often significant challenges serving Reserve and National Guard members because of their rapid demobilization.

(4) The Comptroller General recommended that the Department of Defense, in conjunction with the Department of Labor and the Department of Veterans Affairs, determine what demobilizing Reserve and National Guard members need to make a smooth transition and explore options to enhance their participation in transition assistance programs.

(5) In addition, the Comptroller General recommended that the Department of Veterans Affairs take actions to determine the level of participation in disabled transition assistance programs to ensure those who may have especially complex needs are being served.

(b) REPORTS ON TRANSITION ASSISTANCE PROGRAMS.—

(1) REPORT ON EFFECTIVE FUNCTION OF ALL PROGRAMS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall submit to Congress a report on the actions that the Secretary has taken in order to ensure that Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces(including members of regular and reserve components of the Armed Forces but particularly members of the reserve components who have previously been deployed to Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations) function effectively to ensure that such members of the Armed Forces receive timely and comprehensive transition assistance.

(2) REPORT ON DEPARTMENT OF DEFENSE ACTIVITIES.—Not later than 1 March 2006, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to provide transition assistance to members of the Armed Forces.

SA 1600. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1406 submitted by Mr. LUGAR and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1205. SECURITY AND STABILIZATION ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may, upon the request of the Secretary of State, authorize the use or transfer of defense articles, services, or training to provide reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country if the Secretary of Defense determines that—

(1) an unforeseen emergency exists in that country that requires the immediate provision of such assistance; and

(2) the provision of such assistance is in the national security interests of the United States.

(b) LIMITATION.—The aggregate value of assistance provided under the authority of this section may not exceed $200,000,000.

(c) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section shall be in addition to any other authority to provide assistance to a foreign country.

(d) EXPIRATION.—The authority to provide assistance and transfer funds under this section shall expire on September 30, 2006.

SA 1601. Mr. VITTER 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 the amendment, insert the following:

SEC. ___. EFFECT OF CERTAIN PROVISIONS.

(a) COUNTERFEIT-RESISTANT TECHNOLOGIES.—

(1) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION DRUG PACKAGING.—Notwithstanding any other provision of this title (or the amendments made by this title), the Secretary of Health and Human Services shall require that the packaging of any drug subject to section 503(b) incorporate—

(A) overt optically variable counterfeit-resistant technologies that are—

(i) visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of nonvisible covert security features up to and including forensic capability. described in paragraph (2) and comply with the standards of paragraph (3); or

(B) technologies that have an equivalent function of security, as determined by the Secretary.

(2) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in paragraph (2) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

(3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this title.

(b) WEBSITE INFORMATION.—The Secretary of Health and Human Services shall publish, on the Internet website of the Food and Drug Administration described under section ___4(g) of this title, information regarding the suspension and termination of any registration of a registered importer or exporter under section 804 of the Federal Food, Drug, and Cosmetic Act (as added by this title).

(c) USER FEES.—Notwithstanding any other provisions of title (and the amendments made by this title), the Secretary may prohibit a registrant that is required to pay a user fee under section ___4(e)(9) of this title and that fails to pay such user fee within 30 days after the date on which it is due, from importing or offering for importation a prescription drug under section 804 of the Federal Food, Drug, and Cosmetic Act (as added by this title) until such fee is paid.

SA 1602. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1567 submitted by Mr. WARNER and intended to be proposed 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 appropriate place in Amendment 1567 insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) 1 of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

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

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

SA 1603. Mr. SESSIONS 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 subtitle B of title II, add the following:

SEC. 213. LASER NEUTRALIZATION SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Advanced Weapons Technology (PE #602307A) for the Laser Neutralization System (LNS).

(c) OFFSET.—The amount authorized to be appropriated by section 101(4) for procurement of ammunition for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts available for Ammunition Production Base Support, Production Base Support for the Missile Recycling Center (MRC).

SA 1604. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her 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:

On page 48, line 17, insert before the period the following: '', of which $1,500,000 shall be available for Civilian Manpower and Personnel for a Human Resources Benefit Call Center in Machias, Maine''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. 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 July 26, 2005, at 10 a.m., to conduct a hearing on the nominations of the Honorable CHRISTOPHER COX, of California, to be a member of the Securities and Exchange Commission; Mr. Roel C. Campos, of Texas, to be a member of the Securities and Exchange Commission; and Ms. Annette Nazareth, of the District of Columbia, to be a member of the Securities and Exchange Commission.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. 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 July 26, 2005, at 2:30 p.m., to conduct a hearing on the nominations of Mr. John C. Dugan, of Maryland, to be Comptroller of the Currency; Mr. John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision; and Mr. Martin J. Gruenberg, of Maryland, to be a member and vice chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

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

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, July 26, 2005, at 10 a.m., to consider an original bill entitled, ''The National Employee Savings and Trust Equity Guarantee Act of 2005.''

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 26, 2005, at 10 a.m. to hold a hearing on Energy Trends in China and India: Implications for the U.S.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 26, 2005, at 2:15 p.m. to hold a Business Meeting to markup nominations, treaties, and legislation.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 26, 2005, at 10 a.m., in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on legislation to resolve the lawsuit of Cobell v. Norton and to address a number of areas of Indian trust reform.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Comprehensive Immigration Reform'' on Tuesday, July 26, 2005, at 9:30 a.m., in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Edward Kennedy, U.S. Senator, D–MA;

The Honorable John McCain, U.S. Senator, R–AZ;

The Honorable Jon Kyl, U.S. Senator, R–AZ;

The Honorable John Cornyn, U.S. Senator, R–TX;

Panel II: The Honorable Michael Chertoff, Secretary, Department of Homeland Defense, Washington, DC;

The Honorable Elaine L. Chao, Secretary, Department of Labor, Washington, DC;

Tamar Jacoby, Senior Fellow, Manhattan Institute, New York, NY;

Gary Endelman, Author and Immigration Practitioner, Houston, TX;

Hal Daub, President and CEO, The American Health Care Association (AHCA), and testifying on behalf of the Essential Worker Immigration Coalition, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of Timothy Elliot Flanigan to be Deputy Attorney General on Tuesday, July 26, 2005, at 4 p.m., in Dirksen Senate Office Building, Room 226.

Witness List

Panel I: TBA.

Panel II: Timothy Elliott Flanigan to be Deputy Attorney General.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2005, at 2:30 p.m., to hold a business meeting.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 26, 2005, at 2:30 p.m., for a hearing regarding ''GSA—Is the Taxpayer Getting the Best Deal?''

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to conduct a hearing during the session of the Senate on Tuesday, July 26, 2005 at 10 am in SR–328A, Russell Senate Office Building. The purpose of this subcommittee hearing will be to discuss how farm bill programs can better support species conservation.

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

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Perspective on Patents: Harmonization and Other Matters'' on Tuesday, July 26, 2005 at 2:30 p.m. in Dirksen 226.

Witness List

The Honorable Gerald J. Mossinghoff, Former Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, and Senior Counsel Oblon, Spivak, McClelland, Maier & Neustadt, Alexandria, VA;

The Honorable Q. Todd Dickinson, Former Assistant Secretary of Commerce and Commissioner of Patents and Trademarks and Vice President and Chief Intellectual Property Counsel, General Electric Company, Fairfield, CT;

Christine J. Siwik, Partner, Rakoczy Molino Mazzochi Siwik LLP, on behalf of Barr Laboratories, Inc., Chicago, IL;

Marshall C. Phelps, Jr., Corporate Vice President and Deputy General Counsel for Intellectual Property Microsoft Corporation, Redmond, WA;

Charles E. Phelps, Provost, University of Rochester on behalf of the Association of American Universities, Rochester, NY;

David Beier, Senior Vice President of Global Government Affairs Amgen, Washington, DC.

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

SUBCOMMITTEE ON SUPERFUND AND WASTE MANAGEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Waste Management be authorized to hold an oversight hearing on Tuesday, July 25 at 2:30 am to discuss electronic waste.

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

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that two of my staff members, Steve Eichenauer and Elyse Wasch, be granted the privileges of the floor during the debate and pending votes.

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

The PRESIDING OFFICER. The Senator from Maine is recognized.

THE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar items en bloc: Calendar Nos. 11, 18, 20, 21, 22, 24, 27, 28, 29, 30, 32, 33, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 50, 52, 53, 54, 55, 58, 62, 63, 64, 65, 66, 95, and 106.

I ask unanimous consent that the amendments at the desk be agreed to en bloc; the committee-reported amendments, as amended, if amended, be agreed to en bloc; the bills, as amended, if amended, be read a third time and passed; the motions to reconsider be laid upon the table en bloc; the amendments to the titles, where applicable, be agreed to; and that any statements related to the bills be printed in the RECORD.

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

SODA ASH ROYALTY REDUCTION ACT OF 2005

The Senate proceeded to consider the bill (S. 203) to designate the United States courthouse located at 501 I Street in Sacramento, California, as the ''Robert T. Matsui United States Courthouse''.

S. 203

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 ''Soda Ash Royalty Reduction Act of 2005''.

SEC. 2. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 3. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

The amendment (No. 1584) was agreed to, as follows:

Amend the title so as to read: ''A bill to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.''.

The bill (S. 203) was read the third time and passed.

PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2005

The bill (S. 47) to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico was read the third time and passed, as follows:

S. 47

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 ''Pecos National Historical Park Land Exchange Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

RIM OF THE VALLEY CORRIDORS STUDY ACT

The bill (S. 153) to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes, was read the third time and passed, as follows:

S. 153

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 ''Rim of the Valley Corridor Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORRIDOR.—

(A) IN GENERAL.—The term ''Corridor'' means the land, water, and interests of the area in the State known as the ''Rim of the Valley Corridor''.

(B) INCLUSIONS.—The term ''Corridor'' includes the mountains surrounding the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo valleys in the State.

(2) RECREATION AREA.—The term ''Recreation Area'' means the Santa Monica Mountains National Recreation Area in the State.

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

(4) STATE.—The term ''State'' means the State of California.

SEC. 3. RESOURCE STUDY OF THE RIM OF THE VALLEY CORRIDOR, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a resource study of the Corridor to evaluate various alternatives for protecting the resources of the Corridor, including designating all or a portion of the Corridor as a unit of the Recreation Area.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) seek to achieve the objectives of—

(A) protecting wildlife populations in the Recreation Area by preserving habitat linkages and wildlife movement corridors between large blocks of habitat in adjoining regional open space;

(B) establishing connections along the State-designated Rim of the Valley Trail System for the purposes of—

(i) creating a single contiguous Rim of the Valley Trail; and

(ii) encompassing major feeder trails connecting adjoining communities and regional transit to the Rim of the Valley Trail System;

(C) preserving recreational opportunities;

(D) facilitating access to open space for a variety of recreational users;

(E) protecting—

(i) rare, threatened, or endangered plant and animal species; and

(ii) rare or unusual plant communities and habitats;

(F) protecting historically significant landscapes, districts, sites, and structures; and

(G) respecting the needs of communities in, or in the vicinity of, the Corridor;

(2) analyze the potential impact of each alternative on staffing and other potential costs to Federal, State, and local agencies and other organizations; and

(3) analyze the potential impact that designating all or a portion of the Corridor as a unit of the Recreation Area would have on land in or bordering the area that is privately owned as of the date on which the study is conducted.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with appropriate Federal, State, county, and local government entities.

(d) APPLICABLE LAW.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by subsection (a).

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available for the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report that describes the results of the study conducted under section 3.

(b) INCLUSION.—The report submitted under subsection 4(a) shall include the concerns of private landowners within the boundaries of the Recreation Area.

VALLES CALDERA PRESERVATION ACT OF 2005

The bill (S. 212) to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes, was read the third time and passed, as follows:

S. 212

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Valles Caldera Preservation Act of 2005''.

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking ''The acquisition'' and inserting the following:

''(1) IN GENERAL.—The acquisition'';

(2) by striking ''The Secretary'' and inserting the following:

''(2) ACQUISITION.—The Secretary'';

(3) by striking ''on a willing seller basis'';

(4) by striking ''Any such'' and inserting the following:

''(3) ADMINISTRATION.—Any such''; and

(5) by adding at the end the following:

''(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

''(5) DECLARATION OF TAKING.—

''(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

''(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.''.

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

''(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

''(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

''(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.''.

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking ''The Trust may solicit'' and inserting ''The

members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit''.

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking ''subsection (g)'' and inserting ''subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,''.

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking ''Trustees'' and inserting ''Except as provided in paragraph (3), trustees''; and

(2) in paragraph (3)—

(A) by striking ''Trustees'' and inserting the following:

''(A) SELECTION.—Trustees''; and

(B) by adding at the end the following:

''(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

''(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.''.

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking ''The Trust may not dispose'' and inserting the following:

''(A) IN GENERAL.—The Trust may not dispose'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) MAXIMUM DURATION.—The Trust'';

(3) in the last sentence, by striking ''Any such'' and inserting the following:

''(C) TERMINATION.—The''; and

(4) by adding at the end the following:

''(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.''.

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) LAW ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) FEDERAL AGENCY.—The Trust''; and

(3) by striking ''At the request of the Trust'' and all that follows through the end of the paragraph and inserting the following:

''(2) FIRE MANAGEMENT.—

''(A) NON-REIMBURSABLE SERVICES.—

''(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

''(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

''(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

''(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.''.

FEDERAL LAND RECREATIONAL VISITOR PROTECTION ACT OF 2005

The Senate proceeded to consider the bill (S. 225) to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

(Strike the part shown in black brackets and insert the part printed in italic.)

S. 225

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 ''Federal Land Recreational Visitor Protection Act of 2005''.

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) PROGRAM.—The term ''program'' means the avalanche protection program established under section 3(a).

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[SEC. 3. AVALANCHE PROTECTION PROGRAM.

[(a) ESTABLISHMENT.—The Secretary shall establish a coordinated avalanche protection program—

[(1) to provide early identification of the potential for avalanches that could endanger the safety of recreational users of public land, including skiers, backpackers, snowboarders, and campers and visitors to units of the National Park System; and

[(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

[(b) COORDINATION.—

[(1) IN GENERAL.—In developing and implementing the program, the Secretary shall consult with the Secretary of Agriculture, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

[(2) RESOURCES.—In carrying out this section, the Secretary and the Secretary of Agriculture—

[(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

[(B) may use such other resources as the Secretary has available in the development and implementation of the program.

[(c) ADVISORY COMMITTEE.—

[(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall jointly establish an advisory committee to assist in the development and implementation of the program.

[(2) MEMBERSHIP.—

[(A) IN GENERAL.—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

[(B) REPRESENTATIVES.—The membership of the Advisory Committee shall include representatives of—

[(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

[(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

[(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

[(d) CENTRAL DEPOSITORY.—The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

[(e) GRANTS.—

[(1) IN GENERAL.—The Secretary and the Secretary of Agriculture may make grants to carry out projects and activities under the program—

[(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

[(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

[(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

[(i) units of the National Park System; and

[(ii) other Federal land used for recreation purposes; and

[(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

[(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

[(2) PRIORITY.—For each fiscal year for which funds are made available under section 4, the Secretary shall give priority to projects and activities carried out in avalanche zones—

[(A) with a high frequency or severity of avalanches; or

[(B) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

[(f) SURPLUS ORDINANCE.—Section 549(c)(3) of title 40, United States Code, is amended—

[(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

[(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

[(3) by adding at the end the following:

[''(C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.''.

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this Act $15,000,000 for each of fiscal years 2006 through 2010.]

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Federal Land Recreational Visitor Protection Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the avalanche protection program established under section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. AVALANCHE PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of the Interior, shall establish a coordinated avalanche protection program—

(1) to provide early identification of the potential for avalanches that could endanger the safety of recreational users of public land, including skiers, backpackers, snowboarders, and campers and visitors to units of the National Park System; and

(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

(b) COORDINATION.—

(1) IN GENERAL.—In developing and implementing the program, the Secretary shall consult with the Secretary of the Interior, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary of the Interior, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

(2) RESOURCES.—In carrying out this section, the Secretary and the Secretary of the Interior—

(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

(B) may use such other resources as the Secretary has available in the development and implementation of the program.

(c) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary and the Secretary of the Interior shall jointly establish an advisory committee to assist in the development and implementation of the program.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

(B) REPRESENTATIVES.—The membership of the Advisory Committee shall include representatives of—

(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

(d) CENTRAL DEPOSITORY.—The Secretary, the Secretary of the Interior, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

(e) GRANTS.—

(1) IN GENERAL.—The Secretary and the Secretary of the Interior may make grants to carry out projects and activities under the program—

(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

(i) units of the National Park System; and

(ii) other Federal land used for recreation purposes; and

(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

(2) PRIORITY.—For each fiscal year for which funds are made available under section 4, the Secretary shall give priority to projects and activities carried out in avalanche zones—

(A) with a high frequency or severity of avalanches; or

(B) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

(f) SURPLUS ORDNANCE.—Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) in the case of surplus artillery ordnance that is suitable for avalanche control purposes, to a user of such ordnance.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $15,000,000 for each of fiscal years 2006 through 2010.

Amend the title so as to read: ''A bill to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.''.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 225), as amended, was read the third time and passed.

OJITO WILDERNESS ACT

The Senate proceeded to consider the bill (S. 156) to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 156

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 ''Ojito Wilderness Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Ojito Wilderness Act'' and dated October 1, 2004.

(2) PUEBLO.—The term ''Pueblo'' means the Pueblo of Zia.

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

(4) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which [comprise] *comprises* approximately 11,183 acres, as generally depicted on the map, and which shall be known as the ''Ojito Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the wilderness area designated by this Act shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the wilderness area designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the wilderness area designated by this Act.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as ''Lands to be Added'' shall become part of the wilderness area designated by this Act if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west, *New Mexico Principal Meridian*.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as ''Lands to be Released'' have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101–405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this Act, it is possible to provide

for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this Act;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term ''water resource facility''—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(j) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by this Act, the lands to be added under subsection (e), and lands identified on the map as the ''BLM Lands Authorized to be Acquired by the Pueblo of Zia'' are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the wilderness area designated by this Act.

SEC. 4. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as ''BLM Lands Authorized to be Acquired by the Pueblo of Zia'' shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary: *Provided,* That the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in ⌊subsection (f)⌋ *subsection (e)*—

(A) the land conveyed under subsection (a) shall be maintained as open space and the natural characteristics of the land shall be preserved in perpetuity; and

(B) the use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable request for rights-of-way for utilities and pipelines over the land acquired under subsection (a) that is designated as the ''Rights-of-Way corridor #1'' in the Rio Puerco Resource Management Plan that is in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of enactment of this Act located on land authorized to be acquired under this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan that is in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

The committee amendments were agreed to.

The bill (S. 156), as amended, was read the third time and passed, as follows:

S. 156

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 ''Ojito Wilderness Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Ojito Wilderness Act'' and dated October 1, 2004.

(2) PUEBLO.—The term ''Pueblo'' means the Pueblo of Zia.

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

(4) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprises approximately 11,183 acres, as generally depicted on the map, and which shall be known as the ''Ojito Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the wilderness area designated by this Act shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the wilderness area designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the wilderness area designated by this Act.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as ''Lands to be Added'' shall become part of the wilderness area designated by this Act if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as ''Lands to be Released'' have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101–405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this Act;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term ''water resource facility''—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(j) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by this Act, the lands to be added under subsection (e), and lands identified on the map as the ''BLM Lands Authorized to be Acquired by the Pueblo of Zia'' are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the wilderness area designated by this Act.

SEC. 4. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as ''BLM Lands Authorized to be Acquired by the Pueblo of Zia'' shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary: *Provided,* That the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (e)—

(A) the land conveyed under subsection (a) shall be maintained as open space and the natural characteristics of the land shall be preserved in perpetuity; and

(B) the use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable request for rights-of-way for utilities and pipelines over the land acquired under subsection (a) that is designated as the ''Rights-of-Way corridor #1'' in the Rio Puerco Resource Management Plan that is in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of enactment of this Act located on land authorized to be acquired under this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan that is in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

NEW MEXICO WATER PLANNING ASSISTANCE ACT

The bill (S. 178) to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes, was read the third time and passed, as follows:

S. 178

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 ''New Mexico Water Planning Assistance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting

through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2006 through 2010.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

The Senate proceeded to consider the bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 214

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 ''United States-Mexico Transboundary Aquifer Assessment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term ''aquifer'' means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term ''Border State'' means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2006 through 2015.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

The amendment (No. 1585) was agreed to, as follows:

(Purpose: To designate the San Pedro aquifers as priority transboundary aquifers)

On page 7, strike lines 15 through 19 and insert the following:

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico.

The bill (S. 214), as amended, was read the third time and passed, as follows:

S. 214

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 ''United States-Mexico Transboundary Aquifer Assessment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term ''aquifer'' means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term ''Border State'' means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2006 through 2015.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

ALBUQUERQUE BIOLOGICAL PARK TITLE CLARIFICATION ACT

The bill (S. 229) to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes, was read the third time and passed, as follows:

S. 229

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 ''Albuquerque Biological Park Title Clarification Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(4) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99–1320 JP/RLP–ACE, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2005

The bill (S. 55) to adjust the boundary of Rocky Mountain National Park in the State of Colorado was read the third time and passed, as follows:

S. 55

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 ''Rocky Mountain National Park Boundary Adjustment Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL PARCEL.—The term ''Federal parcel'' means the parcel of approximately 70 acres of Federal land near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(2) MAP.—The term ''map'' means the map numbered 121/80,154, dated June 2004.

(3) NON-FEDERAL PARCELS.—The term ''non-Federal parcels'' means the 3 parcels of non-Federal land comprising approximately 5.9 acres that are located near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(4) PARK.—The term ''Park'' means Rocky Mountain National Park in the State of Colorado.

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary shall accept an offer to convey all right, title, and interest in and to the non-Federal parcels to the United States in exchange for the Federal parcel.

(2) CONVEYANCE.—Not later than 60 days after the date on which the Secretary receives an offer under paragraph (1), the Secretary shall convey the Federal parcel in exchange for the non-Federal parcels.

(3) CONSERVATION EASEMENT.—As a condition of the exchange of land under paragraph (2), the Secretary shall reserve a perpetual

easement to the Federal parcel for the purposes of protecting, preserving, and enhancing the conservation values of the Federal parcel.

(b) BOUNDARY ADJUSTMENT; MANAGEMENT OF LAND.—On acquisition of the non-Federal parcels under subsection (a)(2), the Secretary shall—

(1) adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels; and

(2) manage the non-Federal parcels as part of the Park, in accordance with any laws (including regulations) applicable to the Park.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

The bill (S. 276) to revise the boundary of the Wind Cave National Park in the State of South Dakota was read the third time and passed, as follows:

S. 276

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 ''Wind Cave National Park Boundary Revision Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Wind Cave National Park Boundary Revision'', numbered 108/80,030, and dated June 2002.

(2) PARK.—The term ''Park'' means the Wind Cave National Park in the State.

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

(4) STATE.—The term ''State'' means the State of South Dakota.

SEC. 3. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 3(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as ''Bureau of Land Management land''.

SEC. 5. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

UPPER CONNECTICUT RIVER PARTNERSHIP ACT

The Senate proceeded to consider the bill (S. 301) to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, which had been reported from the Committee on Energy and Natural Resources, with amendment, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 301

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 ''Upper Connecticut River Partnership Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio O. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102–212);

(4) the demonstrated interest in stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bistate Connecticut River Scenic Byway, which will foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the ''Connecticut River Joint Commissions''—

(A) have worked together since 1989; and

(B) serve as the focal point for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bistate local river subcommittees appointed to represent riverfront towns, produced the 6-volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) this year, by Joint Legislative Resolution, the legislatures have requested that Congress provide for continuation of cooperative partnerships and support for the Connecticut River Joint Commissions from the New England Federal Partners for Natural Resources, a consortium of Federal agencies, in carrying out recommendations of the Connecticut River Corridor Management Plan;

(9) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and United States Fish and Wildlife Service; and

(10) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

SEC. 4. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Connecticut River Grants and Technical Assistance Program to provide grants and technical assistance to State and local governments, nonprofit organizations, and the private sector to carry out projects for the conservation, restoration, and interpretation of historic, cultural, recreational, and natural resources in the Connecticut River watershed.

(b) CRITERIA.—The Secretary, in consultation with the Connecticut River Joint Commissions, shall develop criteria for determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a grant project under subsection (a) shall not exceed 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project may be provided in the form of in-kind contributions of services or materials.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $1,000,000 [for each fiscal year] *for each of fiscal years 2006 through 2015.*

The committee amendment was agreed to.

The bill (S. 301), as amended, was read a third time and passed, as follows:

S. 301

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 ''Upper Connecticut River Partnership Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New

England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio O. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102–212);

(4) the demonstrated interest in stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bistate Connecticut River Scenic Byway, which will foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the ''Connecticut River Joint Commissions''—

(A) have worked together since 1989; and

(B) serve as the focal point for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bistate local river subcommittees appointed to represent riverfront towns, produced the 6-volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) this year, by Joint Legislative Resolution, the legislatures have requested that Congress provide for continuation of cooperative partnerships and support for the Connecticut River Joint Commissions from the New England Federal Partners for Natural Resources, a consortium of Federal agencies, in carrying out recommendations of the Connecticut River Corridor Management Plan;

(9) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and United States Fish and Wildlife Service; and

(10) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

SEC. 4. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Connecticut River Grants and Technical Assistance Program to provide grants and technical assistance to State and local governments, nonprofit organizations, and the private sector to carry out projects for the conservation, restoration, and interpretation of historic, cultural, recreational, and natural resources in the Connecticut River watershed.

(b) CRITERIA.—The Secretary, in consultation with the Connecticut River Joint Commissions, shall develop criteria for determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a grant project under subsection (a) shall not exceed 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project may be provided in the form of in-kind contributions of services or materials.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $1,000,000 for each fiscal year for each of fiscal years 2006 through 2015.

BUFFALO SOLDIERS COMMEMORATION ACT OF 2005

The Senate proceeded to consider the bill (S. 205) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike the part shown in black brackets and insert the part shown in italic]

S. 205

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Buffalo Soldiers [commemoration] *Commemoration* Act of 2005''.

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

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

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

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

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account (''account'') to pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

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

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 205), as amended, was read the third time and passed, as follows:

S. 205

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Buffalo Soldiers Commemoration Act of 2005''.

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

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

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

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

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account (''account'') to pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

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

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2005

The bill (S. 207) to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes, was read the third time and passed, as follows:

S. 207

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 ''Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2005''.

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

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''23,000 acres generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100, and dated August 2002,''.

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

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

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

''(B) LIMITATIONS.—

''(i) IN GENERAL.—With respect to the areas on the map identified as 'Bayou aux Carpes Addition' and 'CIT Tract Addition'—

''(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

''(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) EASEMENTS.—Any Federal land in the area identified on the map as 'CIT Tract Addition' that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.'';

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

''(2) FRENCH QUARTER.—The Secretary may'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

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

''(4) water and air quality.''; and

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

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

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

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

SEC. 3. REFERENCES IN LAW.

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

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

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

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

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

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

NATIONAL HERITAGE PARTNERSHIP ACT

The Senate proceeded to consider the bill (S. 243) to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

S. 243

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Partnership Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the entity designated by Congress—

(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 5.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means an area designated by Congress that is nationally important to the heritage of the United States and meets the criteria established under section 4(a).

(4) NATIONAL IMPORTANCE.—The term ''national importance'' means possession of—

(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

(5) PROGRAM.—The term ''program'' means the National Heritage Areas program established under section 3(a).

(6) PROPOSED NATIONAL HERITAGE AREA.—The term ''proposed National Heritage Area'' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STUDY.—The term ''study'' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 4, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a National Heritage Areas program under which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment of National Heritage Areas.

(b) DUTIES.—Under the program, the Secretary shall—

(1)(A) conduct studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

(B) review and comment on studies undertaken by other parties to make such assessment;

(2) provide technical assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

(3) enter into cooperative agreements with interested parties to carry out this Act;

(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

(5) provide national oversight, analysis, coordination, and technical assistance and support to ensure consistency and accountability under the program; and

(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act.

SEC. 4. STUDIES.

(a) CRITERIA.—In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

(1) An area—

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities; and

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(b) CONSULTATION.—In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(c) TRANSMITTAL.—On completion or receipt of a study for a National Heritage Area, the Secretary shall—

(1) review, comment, and make findings (in accordance with the criteria specified in subsection (a)) on the feasibility of designating the National Heritage Area;

(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and

(3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including—

(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(d) DISAPPROVAL.—If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (c)(3) a description of the reasons for the determination.

(e) DESIGNATION.—The designation of a National Heritage Area shall be—

(1) by Act of Congress; and

(2) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under subsection (a).

SEC. 5. MANAGEMENT PLANS.

(a) REQUIREMENTS.—The management plan for any National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 6. LOCAL COORDINATING ENTITIES.

(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 5;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating committee receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating committee;

(B) the expenses and income of the local coordinating committee;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDIES.—There is authorized to be appropriated to conduct and review studies under section 4 $750,000 for each fiscal year, of which not more than $250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.

(b) LOCAL COORDINATING ENTITIES.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out section 6 $15,000,000 for each fiscal year, of which not more than—

(A) $1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

(B) a total of $10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

(2) TERMINATION DATE.—

(A) IN GENERAL.—The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this Act (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating committee.

(B) DESIGNATION.—A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).

(3) ADMINISTRATION.—Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

(2) ADMINISTRATION.—The recipient matching funds—

(A) shall be derived from non-Federal sources; and

(B) may be made in the form of in-kind contributions of goods or services fairly valued.

The amendment (No. 1586) was agreed to as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 243), as amended, was read the third time and passed.

WILD SKY WILDERNESS ACT OF 2005

The Senate proceeded to consider the bill (S. 152) to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

[Strike the parts shown in black bracket and insert the parts shown in italic.]

S. 152

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 ''Wild Sky Wilderness Act of 2005''.

SEC. 2. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled ''Wild Sky Wilderness Proposal'', ''Map #1'', and dated January 7, 2003, which shall be known [as the Wild Sky Wilderness.] *as the ''Wild Sky Wilderness''*.

(b) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this Act with the Committee on Energy and Natural Resources of the [United States] Senate and the Committee on Resources of the [United States] House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. ADMINISTRATION PROVISIONS.

(a) IN GENERAL.—

(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) To fulfill the purposes of this Act and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this Act as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(b) NEW TRAILS.—

(1) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to [develop:] *develop*—

(A) a system of hiking and equestrian trails within the wilderness designated by this Act in a manner consistent with the Wilderness Act[, Public Law 88–577] (16 U.S.C. 1131 et seq.); and

(B) a system of trails adjacent to or to provide access to the wilderness designated by this Act.

(2) Within two years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this Act. This report shall include the identification of priority [trail] *trails* for development.

(c) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service

and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(d) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(e) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this Act shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

SEC. 4. AUTHORIZATION FOR LAND ACQUISITION.

(a) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as ''Priority Acquisition Lands'' on the map described in section 2(a)[(1)]. The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(b) ACCESS.—Consistent with section 5(a) of the Wilderness Act [(Public Law 88–577;] 16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(c) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this Act.

SEC. 5. LAND EXCHANGES.

The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a [map entitled Chelan County Public Utility District Exchange and] *map entitled ''Chelan County Public Utility District Exchange'' and* dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within ninety days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of date of enactment, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this Act shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

The committee amendments were agreed to.

The bill (S. 152), as amended, was read the third time and passed, as follows:

S. 152

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 ''Wild Sky Wilderness Act of 2005''.

SEC. 2. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled ''Wild Sky Wilderness Proposal'', ''Map #1'', and dated January 7, 2003, which shall be known as the ''Wild Sky Wilderness''.

(b) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this Act with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. ADMINISTRATION PROVISIONS.

(a) IN GENERAL.—

(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) To fulfill the purposes of this Act and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this Act as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(b) NEW TRAILS.—

(1) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(A) a system of hiking and equestrian trails within the wilderness designated by this Act in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) a system of trails adjacent to or to provide access to the wilderness designated by this Act.

(2) Within two years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this Act. This report shall include the identification of priority trail for development.

(c) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(d) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(e) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this Act shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

SEC. 4. AUTHORIZATION FOR LAND ACQUISITION.

(a) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as ''Priority Acquisition Lands'' on the map described in section 2(a). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(b) ACCESS.—Consistent with section 5(a) of the Wilderness Act 16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(c) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this Act.

SEC. 5. LAND EXCHANGES.

The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled ''Chelan County Public Utility District Exchange'' and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within ninety days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of date of enactment, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this Act shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF A HYDROELECTRIC PLANT IN THE STATE OF ALASKA

The bill (S. 176) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska was read the third time and passed, as follows:

S. 176

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11480, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

WALLOWA LAKE DAM REHABILITATION AND WATER MANAGEMENT ACT OF 2005

The bill (S. 231) to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes, was read the third time and passed, as follows:

S. 231

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wallowa Lake Dam Rehabilitation and Water Management Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) PHASE II AND PHASE III OF THE WALLOWA VALLEY WATER MANAGEMENT PLAN.—The term ''Phase II and Phase III of the Wallowa Valley Water Management Plan'' means the Phase II program for fish passage improvements and water conservation measures, and the Phase III program for implementation of water exchange infrastructure, developed for the Wallowa River watershed, as contained in the document entitled ''Wallowa Lake Dam Rehabilitation and Water Management Plan Vision Statement'', dated February 2001, and on file with the Bureau of Reclamation.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(4) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document entitled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.

(a) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program and Phase II and Phase III of the Wallowa Valley Water Management Plan.

(b) CONDITIONS.—As a condition of providing funds under subsection (a), the Secretary shall ensure that—

(1) the Wallowa Lake Dam Rehabilitation Program meets the standards of the dam safety program of the State of Oregon;

(2) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with funds provided to it under this Act; and

(3) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this Act.

(c) COST SHARING.—

(1) IN GENERAL.—The Federal share of the costs of activities authorized under this Act shall not exceed 80 percent.

(2) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(A) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(B) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(d) COMPLIANCE WITH STATE LAW.—In carrying out this Act, the Secretary shall comply with otherwise applicable State water law.

(e) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this Act.

(f) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this Act.

(g) OWNERSHIP AND OPERATION OF FISH PASSAGE FACILITY.—Any facility constructed using Federal funds authorized by this Act located at Wallowa Lake Dam for trapping and transportation of migratory adult salmon may be owned and operated only by the Nez Perce Tribe.

SEC. 4. RELATIONSHIP TO OTHER LAW.

An activity funded under this Act shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to the pay the Federal share of the costs of activities authorized under this Act $25,600,000.

FISH PASSAGE AND SCREENING FACILITIES AT NON-FEDERAL WATER PROJECTS

The bill (S. 232) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes, was read the third time and passed, as follows:

S. 232

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

SECTION 1. DEFINITIONS.

As used in this Act—

(1) ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation;

(2) ''Reclamation'' means the Bureau of Reclamation, United States Department of the Interior;

(3) ''Fish passage and screening facilities'' means ladders, collection devices, and all other kinds of facilities which enable fish to pass through, over, or around water diversion structures; facilities and other constructed works which modify, consolidate, or replace water diversion structures in order to achieve fish passage; screens and other devices which reduce or prevent entrainment and impingement of fish in a water diversion, delivery, or distribution system; and any other facilities, projects, or constructed works or strategies which are designed to provide for or improve fish passage while maintaining water deliveries and to reduce or prevent entrainment and impingement of fish in a water storage, diversion, delivery, or distribution system of a water project;

(4) ''Federal reclamation project'' means a water resources development project constructed, operated, and maintained pursuant to the Reclamation Act of 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto;

(5) ''Non-Federal party'' means any non-Federal party, including federally recognized Indian tribes, non-Federal governmental and quasi-governmental entities, private entities (both profit and non-profit organizations), and private individuals;

(6) ''Snake River Basin'' means the entire drainage area of the Snake River, including all tributaries, from the headwaters to the confluence of the Snake River with the Columbia River;

(7) ''Columbia River Basin'' means the entire drainage area of the Columbia River located in the United States, including all tributaries, from the headwaters to the Columbia River estuary; and

(8) ''Habitat improvements'' means work to improve habitat for aquatic plants and animals within a currently existing stream channel below the ordinary high water mark, including stream reconfiguration to rehabilitate and protect the natural function of streambeds, and riverine wetland construction and protection.

SEC. 2. AUTHORIZATION.

(a) IN GENERAL.—Subject to the requirements of this Act, the Secretary is authorized to plan, design, and construct, or provide financial assistance to non-Federal parties to plan, design, and construct, fish passage and screening facilities or habitat improvements at any non-Federal water diversion or storage project located anywhere in the Columbia River Basin when the Secretary determines that such facilities would enable Reclamation to meet its obligations under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) regarding the construction and continued operation and maintenance of all Federal reclamation projects located in the Columbia River Basin, excluding the Federal reclamation projects located in the Snake River Basin.

(b) PROHIBITION OF ACQUISITION OF LAND FOR HABITAT IMPROVEMENTS.—Notwithstanding subsection (a), nothing in this Act authorizes the acquisition of land for habitat improvements.

SEC. 3. LIMITATIONS.

(a) WRITTEN AGREEMENT.—The Secretary may undertake the construction of, or provide financial assistance covering the cost to the non-Federal parties to construct, fish passage and screening facilities at non-Federal water diversion and storage projects or habitat improvements located anywhere in the Columbia River Basin only after entering into a voluntary, written agreement with the non-Federal party or parties who own, operate, or maintain the project, or any associated lands involved.

(b) FEDERAL SHARE.—The Federal share of the total costs of constructing the fish passage and screening facility or habitat improvements shall be not more than 75 percent.

(c) NON-FEDERAL SHARE.—

(1) Except as provided in paragraph (4), a written agreement entered into under subsection (a) shall provide that the non-Federal party agrees to pay the non-Federal share of the total costs of constructing the fish passage and screening facility or habitat improvements.

(2) The non-Federal share may be provided in the form of cash or in-kind services.

(3) The Secretary shall—

(A) require the non-Federal party to provide appropriate documentation of any in-kind services provided; and

(B) determine the value of the in-kind services.

(4) The requirements of this subsection shall not apply to Indian tribes.

(d) GRANT AND COOPERATIVE AGREEMENTS.—Any financial assistance made available pursuant to this Act shall be provided through grant agreements or cooperative agreements entered into pursuant to and in compliance with chapter 63 of title 31, United States Code.

(e) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions as will ensure performance by the non-Federal party, protect the Federal investment in fish passage and screening facilities or habitat improvements, define the obligations of the Secretary and the non-Federal party, and ensure compliance with this Act and all other applicable Federal, State, and local laws.

(f) RIGHTS AND DUTIES OF NON-FEDERAL PARTIES.—All right and title to, and interest in, any fish passage and screening facilities constructed or funded pursuant to the authority of this Act shall be held by the non-Federal party or parties who own, operate, and maintain the non-Federal water diversion and storage project, and any associated lands, involved. The operation, maintenance, and replacement of such facilities shall be the sole responsibility of such party or parties and shall not be a project cost assignable to any Federal reclamation project.

SEC. 4. OTHER REQUIREMENTS.

(a) PERMITS.—The Secretary may assist a non-Federal party who owns, operates, or maintains a non-Federal water diversion or storage project, and any associated lands, to obtain and comply with any required State, local, or tribal permits.

(b) FEDERAL LAW.—In carrying out this Act, the Secretary shall be subject to all Federal laws applicable to activities associated with the construction of a fish passage and screening facility or habitat improvements.

(c) STATE WATER LAW.—

(1) In carrying out this Act, the Secretary shall comply with any applicable State water laws.

(2) Nothing in this Act affects any water or water-related right of a State, an Indian tribe, or any other entity or person.

(d) REQUIRED COORDINATION.—The Secretary shall coordinate with the Northwest Power and Conservation Council; appropriate agencies of the States of Idaho, Oregon, and Washington; and appropriate federally recognized Indian tribes in carrying out the program authorized by this Act.

SEC. 5. INAPPLICABILITY OF FEDERAL RECLAMATION LAW.

(a) IN GENERAL.—The Reclamation Act of 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto, shall not apply to the non-Federal water projects at which the fish passage and screening facilities authorized by this Act are located, nor to the lands which such projects irrigate.

(b) NONREIMBURSABLE AND NONRETURNABLE EXPENDITURES.—Notwithstanding any provision of law to the contrary, the expenditures made by the Secretary pursuant to this Act shall not be a project cost assignable to any Federal reclamation project (either as a construction cost or as an operation and maintenance cost) and shall be non-reimbursable and non-returnable to the United States Treasury.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such amounts as are necessary for the purposes of this Act.

EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PLANT IN THE STATE OF WYOMING

The bill (S. 244) to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, was read the third and passed, as follows:

S. 244

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

SECTION 1. EXTENSION OF TIME FOR THE FEDERAL ENERGY REGULATORY COMMISSION HYDROELECTRIC PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 1651, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

HAWAII WATER RESOURCES ACT OF 2005

The Senate proceeded to consider the bill (S. 264), to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 264

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 ''Hawaii Water Resources Act of 2005''.

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1637. HAWAII RECLAMATION PROJECTS.

''(a) AUTHORIZATION.—The Secretary may—

''(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

''(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealakehe, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

''(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1636 the following:

''Sec. 1637. Hawaii reclamation projects.''.

The amendment (No. 1587) was agreed to, as follows:

(Purpose: To make technical corrections)

On page 2, strike lines 1 through 5 and insert the following:

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108–316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

''SEC. 1638. HAWAII RECLAMATION PROJECTS.

On page 3, strike line 13 and all that follows through the matter following line 14 and insert the following:

is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108–316 (118 Stat. 1202)) and inserting the following:

''Sec. 1637. Williamson County, Texas, Water Recylcing and Reuse Project.

''Sec. 1638. Hawaii reclamation projects.''.

The bill (S. 264), as amended, was read the third time and passed, as follows:

S. 264

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 ''Hawaii Water Resources Act of 2005''.

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108–316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

''SEC. 1638. HAWAII RECLAMATION PROJECTS.

''(a) AUTHORIZATION.—The Secretary may—

''(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

''(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealakehe, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

''(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

''(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108–316 (118 Stat. 1202)) and inserting the following:

''Sec. 1637. Williamson County, Texas, Water Recylcing and Reuse Project.
''Sec. 1638. Hawaii reclamation projects.''.

CARIBBEAN NATIONAL FOREST ACT OF 2005

The Senate proceeded to consider the bill (S. 272) to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System, which had been reported from the Committee on Energy and Natural Resources, with amendments and an amendment to the title, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 272

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 ''Caribbean National Forest Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map dated April 13, [2004] *2004,* and entitled ''El Toro Proposed Wilderness Area''.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. [1113] *1131* et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico [described in] *as generally depicted on* the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land [described in] *generally depicted* on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

Amend the title so as to read: ''A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.''.

The committee amendments were agreed to.

The amendment to the title was agreed to.

The bill (S. 272), as amended, was agreed to, as follows:

S. 272

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 ''Caribbean National Forest Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map dated April 13, 2004, and entitled ''El Toro Proposed Wilderness Area''.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as generally depicted on the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

PALEONTOLOGICAL RESOURCES PRESERVATION ACT

The Senate proceeded to consider the bill (S. 263) to provide for the protection of paleontological resources on Federal lands, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 263

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 ''Paleontological Resources Preservation Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term ''Indian Land'' means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term ''State'' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under [section 9] *section 7* or is assessed a civil penalty under [section 10] *section 8*.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in [section 11] *section 9*.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under [section 9 or 10] *section 7 or 8*—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under [section 9 or 10] *section 7 or 8* occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), [the Mining in the Parks Act] *Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.)*, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 263), as amended, was read the third time and passed, as follows:

S. 263

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 ''Paleontological Resources Preservation Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term ''Indian Land'' means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term ''State'' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be

collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 7 or is assessed a civil penalty under section 8.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 9.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 7 or 8—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 7 or 8 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as

well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

BIG HORN BENTONITE ACT

The bill (S. 97) to provide for the sale of bentonite in Big Horn County, Wyoming, was read the third time and passed; as follows:

S. 97

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 ''Big Horn Bentonite Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAND.—The term ''covered land'' means the approximately 20 acres of previously withdrawn land located in the E½ NE¼ SE¼ of sec. 32, T. 56N., R. 95W., sixth principal meridian, Big Horn County, Wyoming.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF BENTONITE.

(a) IN GENERAL.—Notwithstanding the withdrawal of the covered land for military purposes, the Secretary may, with the consent of the Secretary of the Army, permit the mining and removal of bentonite on the covered land.

(b) SOLE-SOURCE CONTRACT.—The Secretary shall enter into a sole-source contract for the mining and removal of the bentonite from the covered land that provides for the payment to the Secretary of $1.00 per ton of bentonite removed from the covered land.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Mining and removal of bentonite under this Act shall be subject to such terms and conditions as the Secretary may prescribe for—

(A) the prevention of unnecessary or undue degradation of the covered land; and

(B) the reclamation of the covered land after the bentonite is removed.

(2) REQUIREMENTS.—The terms and conditions prescribed under paragraph (1) shall be at least as protective of the covered land as the terms and conditions established for Pit No. 144L (BLM Case File WYW136110).

(3) LAND USE PLAN.—In carrying out the provisions of this Act, the Secretary is not required to amend any land use plan under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(4) TERMINATION OF INTEREST.—On completion of the mining and reclamation authorized under this Act, any party that has entered into the sole-source contract with the Secretary under subsection (b) shall have no remaining interest in the covered land.

SEC. 4. CLOSURE.

(a) IN GENERAL.—If the Secretary of the Army notifies the Secretary that closure of the covered land is required because of a national emergency or for the purpose of national defense or national security, the Secretary shall—

(1) order the suspension of any activity authorized by this Act on the covered land; and

(2) close the covered land until the Secretary of the Army notifies the Secretary that the closure is no longer necessary.

(b) LIABILITY.—Neither the Secretary nor the Secretary of the Army shall be liable for damages from a closure of the covered land under subsection (a).

DANDINI RESEARCH PARK CONVEYANCE ACT

The bill (S. 252) to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College system of Nevada, was read the third time and passed, as follows:

S. 252

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 ''Dandini Research Park Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the University and Community College System of Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE¼NW¼, NE¼SW¼, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW¼NE¼, NW¼SE¼, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

EDWARD H. McDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 253) to direct the Secretary of the Interior to convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 253

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 ''Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term ''Post No. 22'' means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in [subsection (b)] *subsection (a)* is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in [section (b)] *subsection (b)* for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

The committee amendments were agreed to.

The bill (S. 253), as amended, was read the third time and passed, as follows:

S. 253

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 ''Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term ''Post No. 22'' means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in subsection (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARNERSHIP ACT OF 2005

The bill (S. 161) to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, was read the third time and passed, as follows:

S. 161

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. DEFINITIONS.

In this title:

(1) CAMP.—The term ''camp'' means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and Young Life Lost Canyon camps in the State of Arizona.

(2) CITIES.—The term ''cities'' means the cities of Flagstaff, Williams, and Camp Verde, Arizona.

(3) FEDERAL LAND.—The term ''Federal land'' means the land described in section 104.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land described in section 103.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term ''Yavapai Ranch'' means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 102. LAND EXCHANGE.

(a) IN GENERAL.—(1) Upon the conveyance by Yavapai Ranch of title to the non-Federal land identified in section 103, the Secretary shall simultaneously convey to Yavapai Ranch title to the Federal land identified in section 104.

(2) Title to the lands to be exchanged shall be in a form acceptable to the Secretary and Yavapai Ranch.

(3) The Federal and non-Federal lands to be exchanged under this title may be modified prior to the exchange as provided in this title.

(4)(A) By mutual agreement, the Secretary and Yavapai Ranch may make minor and technical corrections to the maps and legal descriptions of the lands and interests therein exchanged or retained under this title, including changes, if necessary to conform to surveys approved by the Bureau of Land Management.

(B) In the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(b) EXCHANGE PROCESS.—(1) Except as otherwise provided in this title, the land exchange under subsection (a) shall be undertaken in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716).

(2) Before completing the land exchange under this title, the Secretary shall perform any necessary land surveys and pre-exchange inventories, clearances, reviews, and approvals, including those relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and flood plains.

(c) EQUAL VALUE EXCHANGE.—(1) The value of the Federal land and the non-Federal land shall be equal, or equalized by the Secretary by adjusting the acreage of the Federal land in accordance with paragraph (2).

(2) If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, prior to making other adjustments, the Federal lands shall be adjusted by deleting all or part of the parcels or portions of the parcels in the following order:

(A) A portion of the Camp Verde parcel described in section 104(a)(4), comprising approximately 316 acres, located in the Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NE¼NE¼ portion of section 26 and the N½N½ portion of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(B) A portion of the Camp Verde parcel described in section 104(a)(4), comprising approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26,

the SE¼NE¼ portion of section 26, and the S½N½ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) Beginning at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, by adding to the non-Federal land to be conveyed to the United States in ⅛-section increments (E–W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36 in Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(D) Any other parcels, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(3) If any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining lands shall be adjusted as provided in this subsection.

(4) If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is, to the maximum extent practicable, equal.

(d) APPRAISALS.—(1) The value of the Federal land and non-Federal land shall be determined by appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved the final appraised values of the Federal land and non-Federal land to be exchanged, the Secretary shall not be required to reappraise or update the final appraised values before the completion of the land exchange.

(B) This paragraph shall apply during the three-year period following the approval by the Secretary of the final appraised values of the Federal land and non-Federal land unless the Secretary and Yavapai Ranch have entered into an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall determine the value of each parcel of Federal land and non-Federal land (including the contributory value of each individual section of the intermingled Federal and non-Federal land of the property described in sections 103(a) and 104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the public of the final appraised values of the Federal land and non-Federal land, the Secretary shall provide public notice of any appraisals approved by the Secretary and copies of such appraisals shall be available for public inspection in appropriate offices of the Prescott, Coconino, and Kaibab National Forests.

(B) The Secretary shall also provide copies of any approved appraisals to the cities and the owners of the camps described in section 101(1).

(e) CONTRACTING.—(1) If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in section 106(c), Yavapai Ranch, subject to the agreement of the Secretary, may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date.

(2) If, in accordance with this subsection, Yavapai Ranch contracts with an independent third-party contractor to carry out any work that would otherwise be performed by the Secretary, the Secretary shall reimburse Yavapai Ranch for the costs for the third-party contractors.

(f) EASEMENTS.—(1) The exchange of non-Federal and Federal land under this title shall be subject to any easements, rights-of-way, utility lines, and any other valid encumbrances in existence on the date of enactment of this Act, including acquired easements for water pipelines as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, YRLP Acquired Easements for Water Lines'' dated August 2004, and any other reservations that may be agreed to by the Secretary and Yavapai Ranch.

(2) Upon completion of the land exchange under this title, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for access and utilities across, over, and through—

(A) the routes depicted on the map entitled ''Yavapai Ranch Land Exchange, Road and Trail Easements, Yavapai Ranch Area'' dated August 2004; and

(B) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(3) An easement described in paragraph (2) shall be unrestricted and non-exclusive in nature and shall run with and benefit the land.

(g) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—(1) Prior to the completion of the land exchange between Yavapai Ranch and the Secretary, the cities and the owners of the camps may enter into agreements with Yavapai Ranch whereby Yavapai Ranch, upon completion of the land exchange, will convey to the cities or the owners of the camps the applicable parcel of Federal land or portion thereof.

(2) If Yavapai Ranch and the cities or camp owners have not entered into agreements in accordance with paragraph (1), the Secretary shall, on notification by the cities or owners of the camps no later than 30 days after the date the relevant approved appraisal is made publicly available, delete the applicable parcel or portion thereof from the land exchange between Yavapai Ranch and the United States as follows:

(A) Upon request of the City of Flagstaff, Arizona, the parcels, or portion thereof, described in section 104(a)(2).

(B) Upon request of the City of Williams, Arizona, the parcels, or portion thereof, described in section 104(a)(3).

(C) Upon request of the City of Camp Verde, Arizona, a portion of the parcel described in section 104(a)(4), comprising approximately 514 acres located southeast of the southeastern boundary of the I–17 right-of-way, and more particularly described as the SE¼ portion of the southeast quarter of section 26, the E½ and the E½W½ portions of section 35, and lots 5 through 7 of section 36, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(D) Upon request of the owners of the Younglife Lost Canyon camp, the parcel described in section 104(a)(5).

(E) Upon request of the owner of Friendly Pines Camp, Patterdale Pines Camp, Camp Pearlstein, Pine Summit, or Sky Y Camp, as applicable, the corresponding parcel described in section 104(a)(6).

(3)(A) Upon request of the specific city or camp referenced in paragraph (2), the Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the fair market value of the parcel and subject to any terms and conditions the Secretary may require.

(B) A conveyance under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(4) A city or owner of a camp purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals of the specific property conveyed.

(5) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(6) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

(7)(A) The Secretary shall deposit the proceeds of any sale under paragraph (2) in a special account in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this title.

SEC. 103. DESCRIPTION OF NON-FEDERAL LAND.

(a) IN GENERAL.—The non-Federal land referred to in this title consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Non-Federal Lands'', dated August 2004.

(b) EASEMENTS.—(1) The conveyance of non-Federal land to the United States under section 102 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and

(B) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

(2) Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(3) The United States shall be entitled to one-half the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually for National Forest System purposes.

(4) The locations of the easements and wells shall be as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Reserved Easements for Water Lines and Wells'', dated August 2004.

SEC. 104. DESCRIPTION OF FEDERAL LAND.

(a) IN GENERAL.—The Federal land referred to in this title consists of the following:

(1) Certain land comprising approximately 15,300 acres located in the Prescott National Forest, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Yavapai Ranch Area Federal Lands'', dated August 2004.

(2) Certain land located in the Coconino National Forest—

(A) comprising approximately 1,500 acres as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel'', dated August 2004; and

(B) comprising approximately 28.26 acres in two separate parcels, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Flagstaff Federal Lands Wetzel School and Mt. Elden Parcels'', dated August 2004.

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels number 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Williams Federal Lands'', dated August 2004.

(4) Certain land located in the Prescott National Forest, comprising approximately 2,200 acres, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Camp Verde Federal Land General Crook Parcel'', dated August 2004.

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Younglife Lost Canyon'', dated August 2004.

(6) Certain land located in the Prescott National Forest, including the ''Friendly Pines'', ''Patterdale Pines'', ''Camp Pearlstein'', ''Pine Summit'', and ''Sky Y'' camps, cumulatively comprising approximately 200 acres, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange, Prescott Federal Lands, Summer Youth Camp Parcels'', dated August 2004.

(b) CONDITION OF CONVEYANCE OF CAMP VERDE PARCEL.—(1) To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence of the date of enactment of this Act and the Verde River and National Forest System lands retained by the United States, the United States shall limit in perpetuity the use of water on the parcel by reserving conservation easements that—

(A) run with the land;

(B) prohibit golf course development on the parcel;

(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;

(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;

(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and

(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use on the land conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 105. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Land acquired by the United States under this title shall become part of the Prescott National Forest and shall be administered by the Secretary in accordance with this title and the laws applicable to the National Forest System.

(b) GRAZING.—Where grazing on non-Federal land acquired by the Secretary under this title occurs prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with the laws generally applicable to domestic livestock grazing on National Forest System land.

(c) TIMBER HARVESTING.—(1) After completion of the land exchange under this title, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this title if the Secretary determines that such harvesting is necessary—

(A) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(B) to protect or enhance grassland habitat, watershed values, native plants and wildlife species; or

(C) to improve forest health.

SEC. 106. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land is withdrawn from all forms of entry and appropriation under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws, until the date on which the land exchange is completed.

(c) COMPLETION OF EXCHANGE.—It is the intent of Congress that the land exchange authorized and directed under this title be completed not later than 18 months after the date of enactment of this Act.

SEC. 107. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to a person that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the person acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—(1) Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the person acquiring the land, the Secretary shall convey to the person the land described in subsection (b).

(2) If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97–465 (16 U.S.C. 521c et seq.).

TITLE II—VERDE RIVER BASIN PARTNERSHIP

SEC. 201. PURPOSE.

The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term ''Partnership'' means the Verde River Basin Partnership.

(3) PLAN.—The term ''plan'' means the plan for the Verde River Basin required by section 204(a)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(5) STATE.—The term ''State'' means the State of Arizona.

(6) VERDE RIVER BASIN.—The term ''Verde River Basin'' means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term ''water budget'' means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation;

(v) for agricultural use; and

(vi) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may participate in the establishment of a partnership, to be known as the ''Verde River Basin Partnership'', made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to coordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and management activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2006 through 2010.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for conducting water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) CONSIDERATION OF RECOMMENDATIONS.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) EFFECT.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.

SEC. 205. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 206. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this title.

SEC. 207. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

UINTAH RESEARCH AND CURATORIAL CENTER ACT

The Senate proceeded to consider the bill (S. 182) to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 182

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 ''Uintah Research and Curatorial Center Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the Uintah Research and Curatorial Center.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Location of the [Uintah] *Uinta* Research and Curatorial Center'', numbered 122/80,080, and dated May 2004.

(3) MONUMENT.—The term ''Monument'' means the Dinosaur National Monument in the States of Colorado and Utah.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. UINTAH RESEARCH AND CURATORIAL CENTER.

(a) IN GENERAL.—To provide for the unified and cost-effective curation of the paleontological, natural, and cultural objects of the Monument and the surrounding area, the Secretary shall establish the Uintah Research and Curatorial Center on land located outside the boundary of the Monument acquired under subsection (b).

(b) ACQUISITION OF LAND.—The Secretary may acquire by donation land for the Center consisting of not more than 5 acres located in Uintah County, in the vicinity of Vernal, Utah, as generally depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) USE.—The Center shall be used for the curation of, storage of, and research on items in—

(1) the museum collection of the Monument; and

(2) any collection maintained by an entity described in subsection (e)(2) that enters into a cooperative agreement with the Secretary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the land acquired under subsection (b); and

(B) promulgate any regulations that the Secretary determines to be appropriate for the use and management of the land.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, and local agency, academic institution, Indian tribe, or nonprofit entity to provide for—

(A) the curation of and research on the museum collection at the Center; and

(B) the development, use, management, and operation of the Center.

(3) LIMITATION.—The land acquired by the Secretary under subsection (b) shall not—

(A) be a part of the Monument; or

(B) be subject to the laws (including regulations) applicable to the Monument.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $8,800,000.

The committee amendment was agreed to.

The bill (S. 182), as amended, was read the third time and passed.

LAND CONVEYANCE TO BEAVER COUNTY, UTAH

The bill (S. 52) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, was read the third time and passed, as follows:

S. 52

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

SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah (referred to in this Act as the ''County''), all right, title, and interest of the United States in and to the approximately 200 acres depicted as ''Minersville State Park'' on the map entitled ''S. 2285, Minersville State Park'' and dated April 30, 2004, for use for public recreation.

(b) RECONVEYANCE BY BEAVER COUNTY.—

(1) IN GENERAL.—Notwithstanding subsection (a), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to the County under this section, if the proceeds of such sale are used by the County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to the County under this section.

(2) LIMITATION.—If the County does not comply with the requirements of paragraph (1) in the conveyance of the property under that paragraph—

(A) the County shall pay to the United States the proceeds of the conveyance; and

(B) the Secretary of the Interior may require that all property conveyed under subsection (a) (other than the property sold by the County under paragraph (1)) revert to the United States.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 54) to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 54

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

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by inserting the following new subsection:

[''(g) The Secretary shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

[''(1) IN GENERAL.—

[''(A) DEFINITIONS.—In this subsection:

[''(i) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

[''(ii) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

[''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

[''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to the Congress not later than three complete fiscal years from the date funds are made available for the study.

[''(2) OREGON NATIONAL HISTORIC TRAIL.—]

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

''(2) REQUIREMENTS FOR REVISION.—

''(A) IN GENERAL.—The Secretary shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

''(3) OREGON NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) Whitman Mission route.

''(ii) Upper Columbia River.

''(iii) Cowlitz River route.

''(iv) Meek cutoff.

''(v) Free Emigrant Road.

''(vi) North Alternate Oregon Trail.

''(vii) Goodale's cutoff.

''(viii) North Side alternate route.

''(ix) Cutoff to Barlow road.

''(x) Naches Pass Trail.

''[(3)] (4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

''[(4)] (5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''[(5)] (6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''[(6)] (7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

The committee amendments were agreed to.

The bill (S. 54), as amended, was read the third time and passed, as follows:

S. 54

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

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by inserting the following new subsection:

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

''(2) REQUIREMENTS FOR REVISION.—

''(A) IN GENERAL.—The Secretary shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

''(3) OREGON NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes

of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) Whitman Mission route.

''(ii) Upper Columbia River.

''(iii) Cowlitz River route.

''(iv) Meek cutoff.

''(v) Free Emigrant Road.

''(vi) North Alternate Oregon Trail.

''(vii) Goodale's cutoff.

''(viii) North Side alternate route.

''(ix) Cutoff to Barlow road.

''(x) Naches Pass Trail.

''(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

''(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

RIO GRANDE NATURAL AREA ACT

The bill (S. 56) to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes, was read the third time and passed, as follows:

S. 56

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rio Grande Natural Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Rio Grande Natural Area Commission established by section 4(a).

(2) NATURAL AREA.—The term ''Natural Area'' means the Rio Grande Natural Area established by section 3(a).

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

SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.

(a) IN GENERAL.—There is established the Rio Grande Natural Area in the State of Colorado to conserve, restore, and protect the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(b) BOUNDARIES.—The Natural Area shall include the Rio Grande River from the southern boundary of the Alamosa National Wildlife Refuge to the New Mexico State border, extending ¼ mile on either side of the bank of the River.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Natural Area.

(2) EFFECT.—The map and legal description of the Natural Area shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Natural Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. ESTABLISHMENT OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established the Rio Grande Natural Area Commission.

(b) PURPOSE.—The Commission shall—

(1) advise the Secretary with respect to the Natural Area; and

(2) prepare a management plan relating to non-Federal land in the Natural Area under section 6(b)(2)(A).

(c) MEMBERSHIP.—The Commission shall be composed of 9 members appointed by the Secretary, of whom—

(1) 1 member shall represent the Colorado State Director of the Bureau of Land Management;

(2) 1 member shall be the manager of the Alamosa National Wildlife Refuge, ex officio;

(3) 3 members shall be appointed based on the recommendation of the Governor of Colorado, of whom—

(A) 1 member shall represent the Colorado Division of Wildlife;

(B) 1 member shall represent the Colorado Division of Water Resources; and

(C) 1 member shall represent the Rio Grande Water Conservation District; and

(4) 4 members shall—

(A) represent the general public;

(B) be citizens of the local region in which the Natural Area is established; and

(C) have knowledge and experience in the fields of interest relating to the preservation, restoration, and use of the Natural Area.

(d) TERMS OF OFFICE.—

(1) IN GENERAL.—Except for the manager of the Alamosa National Wildlife Refuge, the term of office of a member of the Commission shall be 5 years.

(2) REAPPOINTMENT.—A member may be reappointed to the Commission on completion of the term of office of the member.

(e) COMPENSATION.—A member of the Commission shall serve without compensation for service on the Commission.

(f) CHAIRPERSON.—The Commission shall elect a chairperson of the Commission.

(g) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of the chairperson.

(2) PUBLIC MEETINGS.—A meeting of the Commission shall be open to the public.

(3) NOTICE.—Notice of any meeting of the Commission shall be published in advance of the meeting.

(h) TECHNICAL ASSISTANCE.—The Secretary and the heads of other Federal agencies

shall, to the maximum extent practicable, provide any information and technical services requested by the Commission to assist in carrying out the duties of the Commission.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—For purposes of carrying out the management plan on non-Federal land in the Natural Area, the Commission may enter into a cooperative agreement with the State of Colorado, a political subdivision of the State, or any person.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall establish procedures for providing notice to the Commission of any action proposed by the State of Colorado, a political subdivision of the State, or any person that may affect the implementation of the management plan on non-Federal land in the Natural Area.

(3) EFFECT.—A cooperative agreement entered into under paragraph (1) shall not enlarge or diminish any right or duty of a Federal agency under Federal law.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Commission may not acquire any real property or interest in real property.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Commission shall assist the Secretary in implementing the management plan by carrying out the activities described in paragraph (2) to preserve and interpret the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(2) AUTHORIZED ACTIVITIES.—In assisting with the implementation of the management plan under paragraph (1), the Commission may—

(A) assist the State of Colorado in preserving State land and wildlife within the Natural Area;

(B) assist the State of Colorado and political subdivisions of the State in increasing public awareness of, and appreciation for, the natural, historic, scientific, scenic, wildlife, and recreational resources in the Natural Area;

(C) encourage political subdivisions of the State of Colorado to adopt and implement land use policies that are consistent with—

(i) the management of the Natural Area; and

(ii) the management plan; and

(D) encourage and assist private landowners in the Natural Area in the implementation of the management plan.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary and the Commission, in coordination with appropriate agencies in the State of Colorado, political subdivisions of the State, and private landowners in the Natural Area, shall prepare management plans for the Natural Area as provided in subsection (b).

(b) DUTIES OF SECRETARY AND COMMISSION.—

(1) SECRETARY.—The Secretary shall prepare a management plan relating to the management of Federal land in the Natural Area.

(2) COMMISSION.—

(A) IN GENERAL.—The Commission shall prepare a management plan relating to the management of the non-Federal land in the Natural Area.

(B) APPROVAL OR DISAPPROVAL.—

(i) IN GENERAL.—The Commission shall submit to the Secretary the management plan prepared under subparagraph (A) for approval or disapproval.

(ii) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan submitted under clause (i), the Secretary shall—

(I) notify the Commission of the reasons for the disapproval; and

(II) allow the Commission to submit to the Secretary revisions to the management plan submitted under clause (i).

(3) COOPERATION.—The Secretary and the Commission shall cooperate to ensure that the management plans relating to the management of Federal land and non-Federal land are consistent.

(c) REQUIREMENTS.—The management plans shall—

(1) take into consideration Federal, State, and local plans in existence on the date of enactment of this Act to present a unified preservation, restoration, and conservation plan for the Natural Area;

(2) with respect to Federal land in the Natural Area—

(A) be developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

(B) be consistent, to the maximum extent practicable, with the management plans adopted by the Director of the Bureau of Land Management for land adjacent to the Natural Area; and

(C) be considered to be an amendment to the San Luis Resource Management Plan of the Bureau of Land Management; and

(3) include—

(A) an inventory of the resources contained in the Natural Area (including a list of property in the Natural Area that should be preserved, restored, managed, developed, maintained, or acquired to further the purposes of the Natural Area); and

(B) a recommendation of policies for resource management, including the use of intergovernmental cooperative agreements, that—

(i) protect the resources of the Natural Area; and

(ii) provide for solitude, quiet use, and pristine natural values of the Natural Area.

(d) PUBLICATION.—The Secretary shall publish notice of the management plans in the Federal Register.

SEC. 7. ADMINISTRATION OF NATURAL AREA.

(a) IN GENERAL.—The Secretary shall administer the Federal land in the Natural Area—

(1) in accordance with—

(A) the laws (including regulations) applicable to public land; and

(B) the management plan; and

(2) in a manner that provides for—

(A) the conservation, restoration, and protection of the natural, historic, scientific, scenic, wildlife, and recreational resources of the Natural Area;

(B) the continued use of the Natural Area for purposes of education, scientific study, and limited public recreation in a manner that does not substantially impair the purposes for which the Natural Area is established;

(C) the protection of the wildlife habitat of the Natural Area;

(D) a prohibition on the construction of water storage facilities in the Natural Area; and

(E) the reduction in the use of or removal of roads in the Natural Area and, to the maximum extent practicable, the reduction in or prohibition against the use of motorized vehicles in the Natural Area (including the removal of roads and a prohibition against motorized use on Federal land in the area on the western side of the Rio Grande River from Lobatos Bridge south to the New Mexico State line).

(b) CHANGES IN STREAMFLOW.—The Secretary is encouraged to negotiate with the State of Colorado, the Rio Grande Water Conservation District, and affected water users in the State to determine if changes in the streamflow that are beneficial to the Natural Area may be accommodated.

(c) PRIVATE LAND.—The management plan prepared under section 6(b)(2)(A) shall apply to private land in the Natural Area only to the extent that the private landowner agrees in writing to be bound by the management plan.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Natural Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire from willing sellers by purchase, exchange, or donation land or an interest in land in the Natural Area.

(2) ADMINISTRATION.—Any land or interest in land acquired under paragraph (1) shall be administered in accordance with the management plan and this Act.

(f) APPLICABLE LAW.—Section 5(d)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not apply to the Natural Area.

SEC. 8. EFFECT.

Nothing in this Act—

(1) amends, modifies, or is in conflict with the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, ch. 155);

(2) authorizes the regulation of private land in the Natural Area;

(3) authorizes the imposition of any mandatory streamflow requirements;

(4) creates an express or implied Federal reserved water right;

(5) imposes any Federal water quality standard within or upstream of the Natural Area that is more restrictive than would be applicable had the Natural Area not been established; or

(6) prevents the State of Colorado from acquiring an instream flow through the Natural Area under the terms, conditions, and limitations of State law to assist in protecting the natural environment to the extent and for the purposes authorized by State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 10 years after the date of enactment of this Act.

LAND CONVEYANCE TO FRANNIE, WYOMING

The bill (S. 101) to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, was read the third time and passed, as follows:

S. 101

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

SECTION 1. CONVEYANCE OF LAND TO THE TOWN OF FRANNIE, WYOMING.

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior shall

convey by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the town of Frannie, Wyoming.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of land withdrawn by the Commissioner of Reclamation—

(1) consisting of approximately 37,500 square feet;

(2) located in the town of Frannie, Wyoming; and

(3) more particularly described in the approved Plat of Survey of Frannie Townsite, Wyoming, as the North ½ of Block 26, T. 58 N, R. 97 W.

(c) RESERVATION OF MINERAL RIGHTS.—The conveyance under subsection (a) shall be subject to the reservation by the United States of any oil and gas rights.

(d) REVOCATIONS.—

(1) SPECIAL USE PERMIT.—The special use permit issued by the Commissioner of Reclamation, numbered O–LM–60–L1413, and dated April 20, 1990, is revoked with respect to the land described in subsection (b).

(2) SECRETARIAL ORDERS.—The following Secretarial Orders issued by the Commissioner of Reclamation are revoked with respect to the land described in subsection (b):

(A) The Secretarial Order for the withdrawal of land for the Shoshone Reclamation Project dated October 21, 1913, as amended.

(B) The Secretarial Order for the withdrawal of land for the Frannie Townsite Reservation dated April 19, 1920.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

The Senate proceeded to consider the bill (S. 128) to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

S. 128

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 ''Northern California Coastal Wild Heritage Wilderness Act''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,312 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the ''Snow Mountain Wilderness'', as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest'' and dated September 17, 2004; and

(ii) the map entitled ''Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest'' and dated September 17, 2004.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled ''Sanhedrin Proposed Wilderness, Mendocino National Forest'' and dated September 17, 2004, which shall be known as the ''Sanhedrin Wilderness''.

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 54,087 acres, as generally depicted on the map entitled ''Yuki Proposed Wilderness'' and dated October 28, 2004, which shall be known as the ''Yuki Wilderness''.

(4) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 25,806 acres, as generally depicted on the map entitled ''Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition'' and dated October 28, 2004, is incorporated in and shall considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) MAD RIVER BUTTES WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 6,494 acres, as generally depicted on the map entitled ''Mad River Buttes, Mad River Proposed Wilderness'' and dated September 17, 2004, which shall be known as the ''Mad River Buttes Wilderness''.

(6) SISKIYOU WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 48,754 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest'' and dated October 28, 2004;

(ii) the map entitled ''Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated October 28, 2004;

(iii) the map entitled ''Blue Ridge Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004;

(iv) the map entitled ''Broken Rib Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004; and

(v) the map entitled ''Wooly Bear Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 27, 2004.

(7) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled ''Mt. Lassic Proposed Wilderness'' and dated September 17, 2004, which shall be known as the ''Mount Lassic Wilderness''.

(8) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'', and dated October 28, 2004;

(ii) the map entitled ''East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004;

(iii) the map entitled ''Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004; and

(iv) the map entitled ''Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest'' and dated September 17, 2004.

(9) UNDERWOOD WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 2,977 acres, as generally depicted on the map entitled ''Underwood Proposed Wilderness, Six Rivers National Forest'' and dated September 17, 2004, which shall be known as the ''Underwood Wilderness''.

(10) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 30,870 acres, as generally depicted on the map entitled ''Cache Creek Wilderness Area'' and dated September 27, 2004, which shall be known as the ''Cache Creek Wilderness''.

(11) CEDAR ROUGHS WILDERNESS.—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled ''Cedar Roughs Wilderness Area'' and dated September 27, 2004, which shall be known as the ''Cedar Roughs Wilderness''.

(12) SOUTH FORK EEL RIVER WILDERNESS.—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled ''South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness'' and dated September 27, 2004, which shall be known as the ''South Fork Eel River Wilderness''.

(13) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled ''King Range Wilderness'', and dated November 12, 2004, which shall be known as the ''King Range Wilderness''.

(B) APPLICABLE LAW.—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this Act and Public Law 91–476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(14) ROCKS AND ISLANDS.—

(A) IN GENERAL.—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) APPLICABLE LAW.—In the case of a conflict between this Act and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in the wilderness areas designated by this Act as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98–40 of the 98th Congress.

(2) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this Act to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) ACCESS TO PRIVATE PROPERTY.—

(1) IN GENERAL.—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this Act adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Subject to subparagraph (B), within the wilderness designated by section 3(13), the access route depicted on the map for private landowners shall also be available for invitees of the private landowners.

(B) LIMITATION.—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or invitees beyond the access that would be available if the wilderness had not been designated.

(g) SNOW SENSORS AND STREAM GAUGES.—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this Act, nothing in this Act prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) MILITARY ACTIVITIES.—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this Act.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this Act, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this Act if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this Act affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this Act creates protective perimeters or buffer zones around any wilderness area designated by this Act.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this Act shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this Act or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughs Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this Act or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, compromising approximately 9,655 acres, as generally depicted on the map entitled ''South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness'' and dated September 27, 2004, is designated as a potential wilderness area.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness.

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may used motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(B) the date that is 5 years after the date of enactment of this Act.

(2) ADMINISTRATION.—On designation as wilderness under paragraph (1), the potential wilderness area shall be—

(A) known as the ''Elkhorn Ridge Wilderness''; and

(B) administered in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 7. WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION OF BLACK BUTTE RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(167) BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

''(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

''(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.''.

(b) PLAN; REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment under subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) TRANSMITTAL TO COUNTY.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 8. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91–476 (16 U.S.C. 460y–8) is amended by adding at the end the following:

''(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled 'King Range Wilderness' and dated November 12, 2004, is included in the Area.''.

The amendment (No. 1588) was agreed to.

(The amendment is printed in todays RECORD under ''Test of Amendments.'')

The bill (S. 128), as amended, was read the third time and passed.

YOSEMITE NATIONAL PARK AND GOLDEN GATE NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 136) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, which had been reported from the Committee on Energy ND Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 136

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

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

[(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

[(B) Emergency appropriations for flood recovery at Yosemite National Park.]

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting ''**AND YOSEMITE NATIONAL PARK**'' after ''**ZION NATIONAL PARK**'';

(2) in the first sentence—

(A) by inserting ''and Yosemite National Park'' after ''Zion National Park''; and

(B) by inserting ''for transportation systems or'' after ''appropriated funds''; and

(3) in the second sentence by striking ''facilities'' and inserting ''systems or facilities''.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking ''service contract'' and inserting ''service contract, cooperative agreement, or other contractual arrangement''.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

[(a)] Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ''The recreation area shall comprise'' and inserting the following:

''(1) INITIAL LANDS.—The recreation area shall comprise''; and

(2) by striking ''The following additional lands are also'' and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

''(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

''(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–

240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

''(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

''(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

''(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

''(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

''(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.''.

The committee amendments were agreed to.

The amendment (No. 1589), in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting ''**AND YOSEMITE NATIONAL PARK**'' after ''**ZION NATIONAL PARK**'';

(2) in the first sentence—

(A) by inserting ''and Yosemite National Park'' after ''Zion National Park''; and

(B) by inserting ''for transportation systems or'' after ''appropriated funds''; and

(3) in the second sentence by striking ''facilities'' and inserting ''systems or facilities''.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking ''service contract'' and inserting ''service contract, cooperative agreement, or other contractual arrangement''.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ''The recreation area shall comprise'' and inserting the following:

''(1) INITIAL LANDS.—The recreation area shall comprise''; and

(2) by striking ''The following additional lands are also'' and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

''(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

''(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

''(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

''(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

''(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

''(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

''(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.''.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Redwood National Park Boundary Adjustment Act of 2005''.

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking ''(a) The area'' and all that follows through the period at the end and inserting the following: ''(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167/60502, and dated February, 2003.'';

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

''(2) The map referred to in paragraph (1) shall be—

''(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

''(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.''; and

(3) in the second sentence—

(A) by striking ''The Secretary'' and inserting the following:

''(3) The Secretary;''and

(B) by striking ''one hundred and six thousand acres'' and inserting ''133,000 acres''.

The amendment (No. 1590) was agreed to, as follows:

Amend the title so as to read: ''To authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of

the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.''.

The bill (S. 136), as amended, was read the third time and passed, as follows:

S. 136

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

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting ''**AND YOSEMITE NATIONAL PARK**'' after ''**ZION NATIONAL PARK**'';

(2) in the first sentence—

(A) by inserting ''and Yosemite National Park'' after ''Zion National Park''; and

(B) by inserting ''for transportation systems or'' after ''appropriated funds''; and

(3) in the second sentence by striking ''facilities'' and inserting ''systems or facilities''.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking ''service contract'' and inserting ''service contract, cooperative agreement, or other contractual arrangement''.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ''The recreation area shall comprise'' and inserting the following:

''(1) INITIAL LANDS.—The recreation area shall comprise''; and

(2) by striking ''The following additional lands are also'' and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

''(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

''(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

''(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

''(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

''(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

''(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

''(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.''.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Redwood National Park Boundary Adjustment Act of 2005''.

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking ''(a) The area'' and all that follows through the period at the end and inserting the following: ''(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167/60502, and dated February, 2003.'';

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

''(2) The map referred to in paragraph (1) shall be—

''(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

''(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.''; and

(3) in the second sentence—

(A) by striking ''The Secretary'' and inserting the following:

''(3) The Secretary;''and

(B) by striking ''one hundred and six thousand acres'' and inserting ''133,000 acres''.

WATER STORAGE FOR CHEYENNE, WYOMING

The bill (H.R. 1046) to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming, was read the third time and passed.

H.R. 1046

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

SECTION 1. WATER STORAGE CONTRACTS.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''city'' means—

(A) the city of Cheyenne, Wyoming;

(B) the Board of Public Utilities of the city; and

(C) any agency, public utility, or enterprise of the city.

(2) KENDRICK PROJECT.—The term ''Kendrick Project'' means the Bureau of Reclamation project on the North Platte

River that was authorized by a finding of feasibility approved by the President on August 30, 1935, and constructed for irrigation and electric power generation, the major features of which include—

(A) Seminoe Dam, Reservoir, and Powerplant; and

(B) Alcova Dam and Powerplant.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(4) STATE.—The term ''State'' means the State of Wyoming.

(b) CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into 1 or more contracts with the city for annual storage of the city's water for municipal and industrial use in Seminoe Dam and Reservoir of the Kendrick Project.

(2) CONDITIONS.—

(A) TERM; RENEWAL.—A contract under paragraph (1) shall—

(i) have a term of not more than 40 years; and

(ii) may be renewed on terms agreeable to the Secretary and the city, for successive terms of not more than 40 years per term.

(B) REVENUES.—Notwithstanding the Act of May 9, 1938 (52 Stat. 322, chapter 187; 43 U.S.C. 392a)—

(i) any operation and maintenance charges received under a contract executed under paragraph (1) shall be credited against applicable operation and maintenance costs of the Kendrick Project; and

(ii) any other revenues received under a contract executed under paragraph (1) shall be credited to the Reclamation Fund as a credit to the construction costs of the Kendrick Project.

(C) EFFECT ON EXISTING CONTRACTORS.—A contract under paragraph (1) shall not adversely affect the Kendrick Project, any existing Kendrick Project contractor, or any existing Reclamation contractor on the North Platte River System.

Mr. MCCAIN. Mr. President, I am pleased that the Senate passed S. 161, the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005. It is my hope that this bill will be considered quickly by the House of Representatives and sent to the President for his signature in the near future.

I want to thank Senator KYL and his staff for their work in helping to develop this compromise legislation. I also want to thank Senators DOMENICI and BINGAMAN, and their staffs on the Senate Energy and Natural Resources Committee, for their efforts in reaching an agreement on this legislation during the last Congress and helping to move it through the legislative process. In addition, I want to recognize the work of Congressmen RENZI and HAYWORTH who have championed this legislation in the House of Representatives.

Late last year, after several years of negotiation and compromise, the Senate passed by unanimous consent a nearly identical measure. This bill provides a sound framework for a fair and equal value exchange of 50,000 acres of private and public land in Northern Arizona. It also addresses water issues associated with the exchange of lands located within the Verde River Basin watershed by limiting water usage on certain exchanged lands and by supporting the development of a collaborative science-based water resource planning and management entity for the Verde River Basin watershed.

The Arizona delegation and a broad array of local area officials are strongly supportive of the legislation because it will offer significant benefits for all parties. Benefits will accrue to the U.S. Forest Service and the public with the consolidation of checkerboard lands and the protection and enhanced management of extensive forest and grasslands. The communities of Flagstaff, Williams, and Camp Verde also will benefit in terms of economic development opportunities, water supply, and other important purposes.

While facilitating the exchange of public and private lands is a very important objective of this legislation, and indeed, was the original purpose when we began working on it several years ago, the provisions concerning water management are perhaps even more important. Since introducing the original legislation over 2 years ago, I have heard from hundreds of Arizonans and learned first-hand of the significant water issues raised by the transfer of Federal land into private ownership. We have modified the bill to take into account many of the concerns raised during meetings held throughout northern Arizona, including removing certain lands entirely from the exchange.

There is growing recognition of the need to develop and promote the wise management of Arizona's limited water supplies, particularly with the extended drought coupled with rapid population growth. As such, the bill passed by the Senate would not only limit water usage on the exchanged lands, but also provide an opportunity to encourage sound water management in northern Arizona through the creation of a collaborative, science-based decision-making body to advance essential planning and management at the State and local level in Northern Arizona.

To be successful, this effort will require the involvement of all the stakeholders with water supply responsibilities and interests. It will also require a solid foundation of knowledge about available resources and existing demands. We are fortunate to have an existing model of collaborative science-based water resource planning and management with the Upper San Pedro Partnership in the Sierra Vista subwatershed of Arizona. In my view, the establishment of a similar, cooperative body in the Verde Basin will be a vital step in assuring the wise use of our limited water resources.

Again, I want to thank all of the parties involved with this legislation.

DESIGNATING A PORTION OF THE WHITE SALMON RIVER AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

FURTHERING THE PURPOSES OF THE SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND TO LANDER COUNTY, NEVADA, AND THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND TO EUREKA COUNTY, NEVADA, FOR CONTINUED USE AS CEMETERIES

Ms. COLLINS. I ask consent that the committee be discharged from further consideration of H.R. 38, H.R. 481, and H.R. 541, and the Senate proceed to the measures en bloc, provided that the bills be read a third time and passed en bloc, and any statements related to the bills be printed in the RECORD.

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

The bills (H.R. 38), (H.R. 481) and (H.R. 541) were read the third time and passed en bloc.

MEASURES INDEFINITELY POSTPONED—CALENDAR NOS. 19, 23, 31, 40

Ms. COLLINS. Finally, I ask unanimous consent that calendar Nos. 19, 23, 31, and 40 be indefinitely postponed.

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

ESTABLISHING THE TREATMENT OF ACTUAL RENTAL PROCEEDS FROM LEASES OF LAND ACQUIRED UNDER AN ACT PROVIDING FOR LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

AMENDING THE INDIAN LAND CONSOLIDATION ACT TO PROVIDE FOR PROBATE REFORM

AMENDING THE ACT OF AUGUST 9, 1955, TO PROVIDE FOR BINDING ARBITRATION FOR GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS

AMENDING THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998 TO MODIFY THE DEFINITION OF ''INDIAN STUDENT COUNT''

AMENDING THE FALLON PAIUTE SHOSHONE INDIAN TRIBES WATER RIGHTS SETTLEMENT ACT OF 1990

AMENDING THE ACT OF AUGUST 9, 1955, TO EXTEND THE AUTHORIZATION OF CERTAIN LEASES

Ms. COLLINS. I ask unanimous consent the Senate proceed to en bloc consideration of the following bills introduced earlier today: S. 1480, S. 1481, S. 1482, S. 1483, S. 1484, and S. 1485.

There being no objection, the Senate proceeded to consider the bills.

Ms. COLLINS. I further ask unanimous consent the bills be read a third time and passed, the motions to reconsider be laid upon the table, all en bloc.

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

The bills considered and agreed to en bloc are as follows:

S. 1480

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

SECTION 1. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under the first section of the Act entitled ''An Act to provide for loans to Indian tribes and tribal corporations, and for other purposes'' (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

S. 1481

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 ''Indian Land Probate Reform Technical Corrections Act of 2005''.

SEC. 2. PARTITION OF HIGHLY FRACTIONATED INDIAN LAND.

Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PURCHASE OF LAND.—

''(1) IN GENERAL.—Subject to subsection (b), any Indian tribe may purchase, at not less than fair market value and with the consent of the owners of the interests, part or all of the interests in—

''(A) any tract of trust or restricted land within the boundaries of the reservation of the tribe; or

''(B) land that is otherwise subject to the jurisdiction of the tribe.

''(2) REQUIRED CONSENT.—

''(A) IN GENERAL.—The Indian tribe may purchase all interests in a tract described in paragraph (1) with the consent of the owners of undivided interests equal to at least 50 percent of the undivided interest in the tract.

''(B) INTEREST OWNED BY TRIBE.—Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under subparagraph (A) has been met.'';

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (2)—

(i) in subparagraph (G)(ii)(I), by striking ''a higher valuation of the land'' and inserting ''a value of the land that is equal to or greater than that of the earlier appraisal''; and

(ii) in subparagraph (I)(iii)—

(I) in subclause (III), by inserting ''(if any)'' after ''this section''; and

(II) in subclause (IV)—

(aa) in item (aa), by striking ''less'' and inserting ''more''; and

(bb) in item (bb), by striking ''to implement this section'' and inserting ''under paragraph (5)''; and

(B) in paragraph (5), in the second sentence, by striking ''shall'' and inserting ''may''.

SEC. 3. TRIBAL PROBATE CODES.

Section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205) is amended—

(1) in subsection (b)(3), by striking subparagraph (A) and inserting the following:

''(A) the date that is 1 year after the date on which the Secretary makes the certification required under section 8(a)(4) of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108–374); or''; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking ''section'' and all that follows through ''the Indian tribe'' and inserting ''section 207(b)(2)(A)(ii), the Indian tribe''; and

(B) in paragraph (2)(A)(i)(II)(bb), by inserting ''in writing'' after ''agrees''.

SEC. 4. DESCENT AND DISTRIBUTION.

(a) IN GENERAL.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) by redesignating subsections (h) through (p) as subsections (g) through (o), respectively;

(2) in subsection (g) (as redesignated by paragraph (1))—

(A) in paragraph (2)—

(i) by inserting ''specifically'' after ''pertains''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) the allotted land (or any interest relating to such land) of 1 or more specific Indian tribes expressly identified in Federal law, including any of the Federal laws governing the probate or determination of heirs associated with, or otherwise relating to, the land, interest in land, or other interests or assets that are owned by individuals in—

''(i) Five Civilized Tribes restricted fee status; or

''(ii) Osage Tribe restricted fee status.''; and

(B) by adding at the end the following:

''(3) EFFECT OF SUBSECTION.—Except to the extent that this Act otherwise affects the application of a Federal law described in paragraph (2), nothing in this subsection limits the application of this Act to trust or restricted land, interests in such land, or any other trust or restricted interests or assets.'';

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) in paragraph (6), by striking ''(25 U.S.C. 2205)''; and

(B) in paragraph (7), by inserting ''in trust or restricted status'' after ''testator'';

(4) in subsection (j) (as redesignated by paragraph (1))—

(A) in paragraph (2)(A)—

(i) in clause (ii)(I), by striking ''the date of enactment of this subparagraph'' and inserting ''the date that is 1 year after the date on which the Secretary publishes a notice of certification under section 8(a)(4) of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108–374)''; and

(ii) in clause (iii), by striking ''the provisions of section 207(a)(2)(A)'' and inserting ''subsection (a)(2)(A)'';

(B) in paragraph (8)(D), by striking ''the provisions of section 207(a)(2)(D) (25 U.S.C. 2206(a)(2)(D))'' and inserting ''subsection (a)(2)(D)''; and

(C) in paragraph (9)(C)—

(i) by striking ''section 207(e) (25 U.S.C. 2206(e))'' and inserting ''subsection (e)''; and

(ii) by striking ''section 207(p) (25 U.S.C. 2206(p))'' and inserting ''subsection (o)''; and

(5) in subsection (o) (as redesignated by paragraph (1))—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''section 207(a)(2)(A) or (D)'' and inserting ''subparagraph (A) or (D) of subsection (a)(2)''; and

(ii) in subparagraph (A), by striking ''section 207(b)(1)(A)'' and inserting ''subsection (b)(1)(A)'';

(B) in paragraph (3)(B), by striking ''section 207(a)(2)(A) or (D)'' and inserting ''subparagraph (A) or (D) of subsection (a)(2)''; and

(C) in paragraph (6)—

(i) in the first sentence, by striking ''Proceeds'' and inserting the following:

''(A) IN GENERAL.—Proceeds''; and

(ii) by striking the second sentence and inserting the following:

''(B) HOLDING IN TRUST.—Proceeds described in subparagraph (A) shall be deposited and held in an account as trust personalty if the interest sold would otherwise pass to—

''(i) the heir, by intestate succession under subsection (a); or

''(ii) the devisee in trust or restricted status under subsection (b)(1).''.

(b) NONTESTAMENTARY DISPOSITION.—Section 207(a)(2)(D)(iv)(I)(aa) of the Indian Land Consolidation Act (25 U.S.C. 2206(a)(2)(D)(iv)(I)(aa)) is amended—

(1) by striking ''clause (iii)'' and inserting ''this subparagraph''; and

(2) in subitem (BB), by striking ''any coowner'' and inserting ''not more than 1 coowner''.

(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206(c)) is amended by striking the subsection heading and inserting the following:

''(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—''.

(d) ESTATE PLANNING ASSISTANCE.—Section 207(f)(3) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(3)) is amended in the matter preceding subparagraph (A) by inserting '', including noncompetitive grants,'' after ''grants''.

SEC. 5. FRACTIONAL INTEREST ACQUISITION PROGRAM.

Section 213 of the Indian Land Consolidation Act (25 U.S.C. 2212) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 213. FRACTIONAL INTEREST ACQUISITION PROGRAM.'';

and

(2) in subsection (a)(1), by striking ''(25 U.S.C. 2206(p))''.

SEC. 6. ESTABLISHING FAIR MARKET VALUE.

Section 215 of the Indian Land Consolidation Act (25 U.S.C. 2214) is amended by striking the last sentence and inserting the following: ''Such a system may govern the amounts offered for the purchase of interests in trust or restricted land under this Act.''.

SEC. 7. LAND OWNERSHIP INFORMATION.

Section 217(e) of the Indian Land Consolidation Act (25 U.S.C. 2216(e)) is amended by striking ''be made available to'' and inserting ''be made available to—''.

SEC. 8. CONFORMING AMENDMENTS.

(a) PROBATE REFORM.—The American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108–374) is amended—

(1) in section 4, by striking ''(as amended by section 6(a)(2))''; and

(2) in section 9, by striking ''section 205(d)(2)(I)(i)'' and inserting ''section 205(c)(2)(I)(i) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)(2)(I)(i))''.

(b) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended to read as follows:

''SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LAND AND SHARES OF INDIAN TRIBES AND CORPORATIONS.

''(a) APPROVAL.—Except as provided in this section, no sale, devise, gift, exchange, or other transfer of restricted Indian land or shares in the assets of an Indian tribe or corporation organized under this Act shall be made or approved.

''(b) TRANSFER TO INDIAN TRIBE.—

''(1) IN GENERAL.—Land or shares described in subsection (a) may be sold, devised, or otherwise transferred to the Indian tribe on the reservation of which the land is located, or in the corporation of which the shares are held or were derived (or a successor of such a corporation), with the approval of the Secretary of the Interior.

''(2) DESCENT AND DEVISE.—Land and shares transferred under paragraph (1) shall descend or be devised to any member of the Indian tribe or corporation (or an heir of such a member) in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved under that Act (including regulations).

''(c) VOLUNTARY EXCHANGES.—The Secretary of the Interior may authorize a voluntary exchange of land or shares described in subsection (a) that the Secretary determines to be of equal value if the Secretary determines that the exchange is—

''(1) expedient;

''(2) beneficial for, or compatible with, achieving proper consolidation of Indian land; and

''(3) for the benefit of cooperative organizations.''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall be effective as if included in the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108–374).

S. 1482

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

SECTION 1. BINDING ARBITRATION FOR GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS.

(a) AMENDMENTS.—Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended—

(1) in the first sentence—

(A) by striking ''Any lease'' and all that follows through ''affecting land'' and inserting ''Any contract, including a lease, affecting land''; and

(B) by striking ''such lease or contract'' and inserting ''the contract''; and

(2) in the second sentence, by striking ''Such leases or contracts entered into pursuant to such Acts'' and inserting ''Such contracts''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective beginning on April 4, 2002.

S. 1483

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

SECTION 1. DEFINITION OF INDIAN STUDENT COUNT.

Section 117(h) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(h)) is amended by striking paragraph (2) and inserting the following:

''(2) INDIAN STUDENT COUNT.—

''(A) IN GENERAL.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally-controlled postsecondary vocational and technical institution, as determined in accordance with subparagraph (B).

''(B) DETERMINATION.—

''(i) ENROLLMENT.—For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

''(I) in the case of the fall term, the third week of the fall term; and

''(II) in the case of the spring term, the third week of the spring term.

''(ii) CALCULATION.—For each academic year, the Indian student count for a tribally-controlled postsecondary vocational and technical institution shall be the quotient obtained by dividing—

''(I) the sum of the credit-hours of all Indian students enrolled in the tribally-controlled postsecondary vocational and technical institution (as determined under clause (i)); by

''(II) 12.

''(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

''(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

''(I) IN GENERAL.—A credit earned at a tribally-controlled postsecondary vocational and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

''(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

''(III) CREDITS TOWARD SECONDARY SCHOOL DEGREE.—No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

''(v) CONTINUING EDUCATION PROGRAMS.—Any credit earned by an Indian student in a continuing education program of a tribally-controlled postsecondary vocational and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit-hour basis in accordance with the system of the institution for providing credit for participation in the program.''.

S. 1484

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

SECTION 1. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: ''Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the 'Annual 6 percent Amount'), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:''; and

(ii) by adding at the end the following:

''(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.

''(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the 'Annual 1.2 percent Amount') may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2006, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments.''; and

(2) in subsection (D), by adding at the end the following: ''Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making nonsubstantive updates, improvements, or corrections to the original Fund plan.''.

(b) DEFINITIONS.—Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights

Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

''(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

''(C) the term 'Fund plan' means the plan established under section 102(F), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

''(D) the term 'income' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

''(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);''.

S. 1485

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

SECTION 1. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by striking ''Moapa Indian reservation'' and inserting ''Moapa Indian Reservation'';

(2) by inserting ''the reservation of the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation'';

(3) by inserting ''the'' before ''Yavapai-Prescott'';

(4) by inserting ''the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian tribe,'' after ''the Cabazon Indian reservation,'';

(5) by striking ''Washington,,'' and inserting ''Washington,'';

(6) by inserting ''land held in trust for the Prairie Band Potawatomi Nation,'' before ''land held in trust for the Cherokee Nation of Oklahoma'';

(7) by inserting ''land held in trust for the Fallon Paiute Shoshone tribes,'' before ''land held in trust for the Pueblo of Santa Clara''; and

(8) by inserting ''land held in trust for the Yurok tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

S. 1480—CERTIFICATION OF INDIAN RENTAL PROCEEDS ACT OF 2005

Mr. MCCAIN. Mr. President, the Certification of Indian Rental Proceeds Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Committee on Indian Affairs, Senator BYRON DORGAN, and Senator TIM JOHNSON as original co-sponsors of this bill.

The Certification of Indian rental proceeds amends Title 25 USC Section 488 to permit actual rental proceeds from a lease to constitute the rental value of that land, and to satisfy the requirement for appraisal of that land.

S. 1481—INDIAN LAND PROBATE REFORM TECHNICAL CORRECTIONS ACT OF 2005

Mr. MCCAIN. Mr. President, the Indian Land Probate Reform Technical Corrections Act of 2005, was originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian probate reform technical corrections amendments, amends the American Indian Probate Reform Act of 2004 by correcting provisions relating to non-testamentary disposition, partition of highly fractionated Indian land, and Tribal probate codes.

S. 1482—GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS ACT OF 2005

Mr. MCCAIN. Mr. President, the Gila River Indian Community Reservation Contracts Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Gila River Indian Community reservation contracts, is a technical amendment to allow binding arbitration in all contracts and not just leases on the Gila River Indian Community reservation.

S. 1483—DEFINITION OF INDIAN STUDENT COUNT ACT OF 2005

Mr. MCCAIN. Mr. President, the Definition of Indian Student Count Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The definition of Indian student count, amends the Carl D. Perkins Vocational Act of 1998 to include the registration of Indian students in the Spring semester.

CONVEYING ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES IN AND TO THE LAND DESCRIBED IN THIS ACT TO THE SECRETARY OF THE INTERIOR FOR THE PRAIRIE ISLAND INDIAN COMMUNITY IN MINNESOTA

AMENDING THE ACT OF JUNE 7, 1924, TO PROVIDE FOR THE EXERCISE OF CRIMINAL JURISDICTION

CORRECTING THE SOUTH BOUNDARY OF THE COLORADO RIVER INDIAN RESERVATION IN ARIZONA

Ms. COLLINS. I now ask unanimous consent that the Indian Affairs Committee be discharged and the Senate proceed to the en bloc consideration of H.R. 794, S. 706, and S. 279.

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

Ms. COLLINS. I ask unanimous consent that the amendment to S. 279 be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid on the table en bloc.

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

The bill (H.R. 794) was read the third time and passed.

The bill (S. 706) was read the third time and passed, as follows:

S. 706

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 ''Prairie Island Land Conveyance Act of 2005''.

SEC. 2. PRAIRIE ISLAND LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT.—

(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions

that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

The amendment (No. 1591) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. INDIAN PUEBLO LAND ACT AMENDMENTS.

The Act of June 7, 1924 (43 Stat. 636, chapter 331), is amended by adding at the end the following:

''SEC. 20. CRIMINAL JURISDICTION.

''(a) IN GENERAL.—Except as otherwise provided by Congress, jurisdiction over offenses committed anywhere within the exterior boundaries of any grant from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims to a Pueblo Indian tribe of New Mexico, shall be as provided in this section.

''(b) JURISDICTION OF THE PUEBLO.—The Pueblo has jurisdiction, as an act of the Pueblos' inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), or by any other Indian-owned entity.

''(c) JURISDICTION OF THE UNITED STATES.—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25, sections 1301(2) and 1301(4) or any Indian-owned entity, or that involves any Indian property or interest.

''(d) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), which offense is not subject to the jurisdiction of the United States.''.

The bill (S. 279), as amended, was read the third time and passed.

CHILDREN'S HOSPITALS EDUCATIONAL EQUITY AND RESEARCH ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 98, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 285) to reauthorize the Children's Hospitals Graduate Medical Education Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 285

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 ''Children's Hospitals Educational Equity and Research Act'' or the ''CHEER Act''.

[SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

[(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking ''2005'' and inserting ''2010''.

[(b) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 256e(c)) is amended—

[(1) in paragraph (1)(B), by inserting ''but without giving effect to section 1886(h)(7) of such Act)'' after ''section 1886(h)(4) of the Social Security Act''; and

[(2) in paragraph (2)(E)(ii), by striking ''described in subparagraph (C)(ii)'' and inserting ''applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year''.

[(c) NATURE OF PAYMENTS.—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended by striking ''made to pay'' and inserting ''made and pay''.

[(d) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

[(1) in paragraph (1)(A)—

[(A) in clause (ii), by striking ''and'';

[(B) in clause (iii), by striking the period and inserting a semicolon; and

[(C) by adding at the end the following:

[''(iv) for fiscal year 2006, $110,000,000; and

[''(v) for each of fiscal years 2007 through 2010, such sums as may be necessary.''; and

[(2) in paragraph (2)—

[(A) in the matter preceding subparagraph (A)—

[(i) by striking ''There are hereby authorized'' and inserting ''There are authorized''; and

[(ii) by striking ''(b)(1)(A)'' and inserting ''(b)(1)(B)'';

[(B) in subparagraph (B), by striking ''and'';

[(C) in subparagraph (C), by striking the period and inserting a semicolon; and

[(D) by adding at the end the following:

[''(D) for fiscal year 2006, $220,000,000; and

[''(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.''.

[(e) TECHNICAL AMENDMENT.—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

[SEC. 3. SENSE OF THE SENATE.

[It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Hospitals Educational Equity and Research Act'' or the ''CHEER Act''.

SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking ''2005'' and inserting ''2010''.

(b) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 256e(c)) is amended—

(1) in paragraph (1)(B), by inserting ''but without giving effect to section 1886(h)(7) of such Act)'' after ''section 1886(h)(4) of the Social Security Act''; and

(2) in paragraph (2)(E)(ii), by striking ''described in subparagraph (C)(ii)'' and inserting ''applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year''.

(c) NATURE OF PAYMENTS.—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended by striking ''made to pay'' and inserting ''made and pay''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking ''and'';

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(iv) for fiscal year 2006, $110,000,000; and

''(v) for each of fiscal years 2007 through 2010, such sums as may be necessary.''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''There are hereby authorized'' and inserting ''There are authorized''; and

(ii) by striking ''(b)(1)(A)'' and inserting ''(b)(1)(B)'';

(B) in subparagraph (B), by striking ''and'';

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

''(D) for fiscal year 2006, $220,000,000; and

''(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.''.

(e) TECHNICAL AMENDMENT.—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 285), as amended, was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL—S. RES. 213

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL—S. RES. 214

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of two Senate resolutions which were submitted earlier today, S. Res. 213 and S. Res. 214.

The PRESIDING OFFICER. The clerk will report the resolutions by title, en bloc.

The legislative clerk read as follows:

A resolution (S. Res. 213) to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al.

A resolution (S. Res. 214) to authorize representation by the Senate Legal Counsel in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against Senators JOHN MCCAIN and JON KYL. Plaintiff complains that the Senator defendants violated their duties under the common law and the Federal Criminal Code by failing to investigate or prosecute the alleged commission of 1.6 million unspecified crimes. Plaintiff seeks $10 million in damages and an order compelling the Senator defendants to investigate or prosecute the alleged crimes.

This suit is subject to dismissal on numerous grounds, including lack of constitutional standing, legislative and qualified immunity, the political question doctrine, as well as on the merits. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

S. RES. 214

Mr. President, this resolution concerns a pro se civil action filed against Senators JOHN MCCAIN, JON KYL, and ''51 percent of the unnamed'' Members of the United States Senate. Plaintiff complains that the Senator defendants violated their oath of office and various provisions of the Constitution by enacting laws contained in Title 25 of the United States Code that allegedly resulted in the denial of plaintiffs rights while employed by a community of Native American tribes. Plaintiff seeks declaratory relief and damages.

This suit is subject to dismissal on numerous grounds, including lack of constitutional standing, legislative and qualified immunity, and failure to state a claim upon which relief may be granted. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

Mr. SESSIONS. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid on the table en bloc.

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

The resolutions (S. Res. 213 and S. Res 214) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 213

Whereas, in the case of Keyter v. McCain, et al., Civ. No. 05–1923, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(l), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al.

S. RES. 214

Whereas, in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al., Civ. No. 05–1944, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators John McCain, Jon Kyl, and other unnamed Members of the Senate in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al.

MEASURE READ THE FIRST TIME—H.R. 1797

Mr. SESSIONS. Mr. President, I understand that there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 1797) to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

Mr. SESSIONS. I now ask for its second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

PROVIDING FOR THE SECRETARY OF HOMELAND SECURITY TO BE INCLUDED IN THE LINE OF PRESIDENTIAL SUCCESSION

Mr. SESSIONS. I ask unanimous consent that the Committee on Rules be discharged from further consideration of S. 442 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 442) to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 442) was read the third time and passed, as follows:

S. 442

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

SECTION 1. SECRETARY OF HOMELAND SECURITY IN PRESIDENTIAL LINE OF SUCCESSION.

Section 19(d)(1) of title 3, United States Code, is amended by inserting ''Secretary of Homeland Security,'' after ''Attorney General,''.

ORDERS FOR WEDNESDAY, JULY 27, 2005

Mr. SESSIONS. Mr. President, on behalf of our leader, BILL FRIST, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., on Wednesday, July 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the motion to proceed to S. 397. I further ask consent that the time from 10 a.m. to 2 p.m. be equally divided, with the majority controlling the first hour, the Democrats controlling the second hour, rotating in that fashion until 2 p.m. I further ask consent that at 2 p.m. the Senate proceed to a vote on the motion to proceed.

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

PROGRAM

Mr. SESSIONS. Tomorrow we will continue debate on the motion to pro-

ceed until 2. At 2 p.m. we will vote on the motion to proceed and begin consideration of the bill. As we stated since last week, there are a number of legislative matters to consider before we break for recess. I hope we can finish our work on this bill as expeditiously as possible. Members should be reminded that rollcall votes are expected each day this week until our work is complete.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous cnosent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Wednesday, July 27, at 9:30 a.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8897–S9058

Measures Introduced: Twenty-four bills and six resolutions were introduced, as follows: S. 1280–1503, S.J. Res. 21, S. Res. 211–214, and S. Con. Res. 47. **Pages S8948–49**

Measures Reported:

S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, for fiscal years 2006, 2007, 2008, 2009, and 2010, with amendments. (S. Rept. No. 109–108)

H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute. (S. Rept. No. 109–109) **Page S8947**

Measures Passed:

Soda Ash Royalty Reduction Act: Senate passed S. 203, to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, after agreeing to the following amendments proposed thereto: **Page S9018**

Collins (for Domenici) Amendment No. 1583, in the nature of a substitute.

Collins (for Domenici) Amendment No. 1584, to amend the title. **Page S9018**

Pecos National Historical Park Land Exchange Act: Senate passed S. 47, to provide for the exchange of certain Federal land in the Santa Fe National Forest; and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico. **Pages S9018–19**

Rim of the Valley Corridor Study Act: Senate passed S. 153, to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor. **Page S9019**

Valles Caldera Preservation Act: Senate passed S. 212, to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera. **Pages S9019–20**

Federal Land Recreational Visitor Protection Act: Senate passed S. 225, to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land, after agreeing to the committee amendment in the nature of a substitute and an amendment to the title. **Pages S9020–21**

Ojito Wilderness Act: Senate passed S. 156, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, after agreeing to the committee amendments. **Pages S9021–23**

New Mexico Water Planning Assistance Act: Senate passed S. 178, to provide assistance to the State of New Mexico for the development of comprehensive State water plans. **Pages S9023–24**

United States-Mexico Transboundary Aquifer Assessment Act: Senate passed S. 214, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, after agreeing to the following amendment proposed thereto: **Pages S9024–26**

Collins (for Bingaman/Domenici) Amendment No. 1585, to designate the San Pedro aquifers as priority transboundary aquifers. **Page S9025**

Albuquerque Biological Park Title Clarification Act: Senate passed S. 229, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project. **Page S9026**

Rocky Mountain National Park Boundary Adjustment Act: Senate passed S. 55, to adjust the boundary of Rocky Mountain National Park in the State of Colorado. **Pages S9026–27**

Wind Cave National Park Boundary Revision Act: Senate passed S. 276, to revise the boundary of

the Wind Cave National Park in the State of South Dakota. Page S9027

Upper Connecticut River Partnership Act: Senate passed S. 301, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, after agreeing to the committee amendment. Pages S9027–28

Buffalo Soldiers Commemoration Act: Senate passed S. 205, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, after agreeing to the committee amendment. Page S9028

Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act: Senate passed S. 207, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana. Pages S9028–29

National Heritage Partnership Act: Senate passed S. 243, to establish a program and criteria for National Heritage Areas in the United States, after agreeing to the following amendment proposed thereto: Pages S9029–31

Collins (for Domenici) Amendment No. 1586, in the nature of a substitute. Page S9031

Wild Sky Wilderness Act: Senate passed S. 152, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, after agreeing to the committee amendments. Pages S9031–32

Alaska Hydroelectric Project: Senate passed S. 176, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska. Page S9033

Wallowa Lake Dam Rehabilitation and Water Management Act: Senate passed S. 231, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon. Page S9033

Fish Passage and Screening Facilities: Senate passed S. 232, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects. Pages S9033–34

Wyoming Hydroelectric Project: Senate passed S. 244, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming. Page S9034

Hawaii Water Resources Act: Senate passed S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii, after agreeing to the following amendment proposed thereto: Pages S9034–35

Collins (for Domenici) Amendment No. 1587, to make certain technical corrections. Page S9034

Caribbean National Forest Act: Senate passed S. 272 to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System, after agreeing to the committee amendments and an amendment to the title. Page S9035

Paleontological Resources Preservation Act: Senate passed S. 263, to provide for the protection of paleontological resources on Federal lands, after agreeing to the committee amendments. Pages S9035–39

Big Horn Bentonite Act: Senate passed S. 97, to provide for the sale of bentonite in Big Horn County, Wyoming. Page S9039

Dandini Research Park Conveyance Act: Senate passed S. 252, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada. Page S9039

Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act: Senate passed S. 253, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, after agreeing to the committee amendments. Pages S9039–40

Northern Arizona Land Exchange and Verde River Basin Partnership Act: Senate passed S. 161, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership. Pages S9040–43

Uintah Research and Curatorial Center Act: Senate passed S. 182, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, after agreeing to the committee amendment. Page S9043

Beaver County, Utah Land Conveyance: Senate passed S. 52, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah. Page S9043

National Historic Trails Studies: Senate passed S. 54, to amend the National Trails System Act to

require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, after agreeing to the committee amendments. **Pages S9043–45**

Rio Grande Natural Area Act: Senate passed S. 56, to establish the Rio Grande Natural Area in the State of Colorado. **Pages S9045–46**

Wyoming Land Conveyance: Senate passed S. 101, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation. **Pages S9046–47**

Northern California Coastal Wild Heritage Wilderness Act: Senate passed S. 128, to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, after agreeing to the following amendment proposed thereto: **Pages S9047–49**

Collins (for Domenici) Amendment No. 1588, in the nature of a substitute. **Page S9049**

Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act: Senate passed S. 136, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and to adjust the boundaries of Redwood National Park, after agreeing to the committee amendments, and the following amendments proposed thereto: **Pages S9049–51**

Collins (for Domenici) Amendment No. 1589, in the nature of a substitute. **Page S9050**

Collins (for Domenici) Amendment No. 1590, to amend the title. **Page S9050**

Wyoming Water Project: Senate passed H.R. 1046, to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming, clearing the measure for the President. **Pages S9051–52**

Upper White Salmon Wild and Scenic Rivers Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 38, to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System, and the bill was then passed, clearing the measure for the President. **Page S9052**

Sand Creek Massacre National Historic Site Trust Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 481, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, and the bill was then passed, clearing the measure for the President. **Page S9052**

Lander County, Nevada Land Conveyance: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 541, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, and the bill was then passed, clearing the measure for the President. **Page S9052**

Indian Rental Proceeds: Senate passed S. 1480, to establish the treatment of actual rental proceeds from leases of land acquired under an Act providing for loans to Indian tribes and tribal corporations. **Pages S9053, S9055**

Indian Land Probate Reform: Senate passed S. 1481, to amend the Indian Land Consolidation Act to provide for probate reform. **Pages S9053–54, S9055**

Indian Reservation Contracts: Senate passed S. 1482, to amend the Act of August 9, 1955, to provide for binding arbitration for Gila River Indian Community Reservation Contracts. **Pages S9053, S9054, S9055**

Indian Student Count Definition: Senate passed S. 1483, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to modify the definition of "Indian student count." **Pages S9053, S9054, S9055**

Indian Water Rights: Senate passed S. 1484, to amend the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990. **Pages S9053, S9054–55**

Indian Leases Authorization: Senate passed S. 1485, to amend the Act of August 9, 1955, to extend the authorization of certain leases. **Pages S9053, S9055**

Colorado River Indian Reservation Boundary Correction Act: Committee on Indian Affairs was discharged from further consideration of H.R. 794, to correct the south boundary of the Colorado River Indian Reservation in Arizona, and the bill was then passed, clearing the measure for the President. **Page S9055**

Prairie Island Land Conveyance Act: Committee on Indian Affairs was discharged from further consideration of S. 706, to convey all right, title, and

interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota, and the bill was then passed. **Pages S9055–56**

Indian Criminal Jurisdiction: Committee on Indian Affairs was discharged from further consideration of S. 279, to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S9055–56

Collins (for Domenici/Bingaman) Amendment No. 1591, in the nature of a substitute. **Page S9056**

Children's Hospitals Educational Equity and Research Act: Senate passed S. 285, to reauthorize the Children's Hospitals Graduate Medical Education Program, after agreeing to the committee amendment in the nature of a substitute. **Page S9056**

Senate Legal Representation: Senate agreed to S. Res. 213, to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al. **Page S9057**

Senate Legal Representation: Senate agreed to S. Res. 214, to authorize representation by the Senate Legal Counsel in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al. **Page S9057**

Presidential Succession: Committee on Rules and Administration was discharged from further consideration of S. 442, to provide for the Secretary of Homeland Security to be included in the line of Presidential succession, and the bill was then passed. **Page S9057**

Measures Indefinitely Postponed:

Upper White Salmon Wild and Scenic River Act: S. 74, to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System. **Page S9052**

Central Nevada Rural Cemeteries Act: S. 254, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries. **Page S9052**

Sand Creek Massacre National Historic Site Trust Act: S. 57, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000. **Page S9052**

Wyoming Water Project: S. 99, to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming. **Page S9052**

Department of Defense Authorization: Senate continued consideration of 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, taking action on the following amendments proposed thereto:

Pages S8897–S8908

Adopted:

By a unanimous vote of 98 yeas (Vote No. 202), Collins Modified Amendment No. 1377, to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act. **Pages S8903–05**

By a unanimous vote of 98 yeas (Vote No. 204), Frist Modified Amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Pages S8905–07

Rejected:

By 47 yeas to 51 nays (Vote No. 203), Lautenberg Amendment No. 1351, to stop corporations from financing terrorism. **Page S8905**

Pending:

Inhofe Amendment No. 1311, to protect the economic and energy security of the United States.

Page S8897

Inhofe/Kyl Amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Page S8897

Ensign Amendment No. 1374, to require a report on the use of riot control agents. **Page S8897**

Ensign Amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council. **Page S8897**

Durbin Amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events. **Page S8897**

Hutchison/Nelson (FL) Amendment No. 1357, to express the sense of the Senate with regard to manned space flight. **Page S8897**

Thune Amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

Page S8897

Kennedy Amendment No. 1415, to transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter. **Page S8897**

Allard/McConnell Amendment No. 1418, to require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program. **Page S8897**

Allard/Salazar Amendment No. 1419, to authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date. **Page S8897**

Dorgan Amendment No. 1426, to express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001. **Page S8897**

Dorgan Amendment No. 1429, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. **Page S8897**

Salazar Amendment No. 1421, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation. **Page S8897**

Salazar Amendment No. 1422, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965. **Page S8897**

Salazar/Reed Amendment No. 1423, to provide for Department of Defense support of certain Paralympic sporting events. **Page S8897**

Collins (for Thune) Amendment No. 1489, to postpone the 2005 round of defense base closure and realignment. **Page S8897**

Collins (for Thune) Amendment No. 1490, to require the Secretary of the Air Force to develop and implement a national space radar system capable of employing at least two frequencies. **Page S8897**

Collins (for Thune) Amendment No. 1491, to prevent retaliation against a member of the Armed Forces for providing testimony about the military value of a military installation. **Page S8897**

Reed (for Levin) Amendment No. 1492, to make available, with an offset, an additional $50,000,000, for Operation and Maintenance for Cooperative Threat Reduction. **Page S8897**

Hatch Amendment No. 1516, to express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force. **Page S8897**

Inhofe Amendment No. 1476, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission. **Page S8897**

Allard Amendment No. 1383, to establish a program for the management of post-project completion retirement benefits for employees at Department of Energy project completion sites. **Pages S8897–98**

Allard/Salazar Amendment No. 1506, to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims. **Page S8898**

McCain Modified Amendment No. 1557, to provide for uniform standards for the interrogation of persons under the detention of the Department of Defense. **Page S8898**

Warner Amendment No. 1566, to provide for uniform standards and procedures for the interrogation of persons under the detention of the Department of Defense. **Page S8898**

McCain Modified Amendment No. 1556, to prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the United States Government. **Page S8898**

Stabenow/Johnson Amendment No. 1435, to ensure that future funding for health care for veterans takes into account changes in population and inflation. **Page S8898**

Murray Amendment No. 1348, to amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC. **Page S8898**

Murray Amendment No. 1349, to facilitate the availability of child care for the children of members of the Armed Forces on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom and to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions. **Page S8898**

Levin Amendment No. 1494, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001. **Page S8898**

Hutchison Amendment No. 1477, to make oral and maxillofacial surgeons eligible for special pay for Reserve health professionals in critically short wartime specialties. **Page S8898**

Graham/McCain Modified Amendment No. 1505, to authorize the President to utilize the Combatant Status Review Tribunals and Annual Review Board to determine the status of detainees held at Guantanamo Bay, Cuba. **Page S8898**

Nelson (FL) Amendment No. 762, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan. **Page S8898**

Durbin Amendment No. 1428, to authorize the Secretary of the Air Force to enter into agreements with St. Clair County, Illinois, for the purpose of constructing joint administrative and operations structures at Scott Air Force Base, Illinois. **Page S8898**

Durbin Amendment No. 1571, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred. **Page S8898**

Levin Amendment No. 1496, to prohibit the use of funds for normalizing relations with Libya pending resolution with Libya of certain claims relating to the bombing of the LaBelle Discotheque in Berlin, Germany. **Page S8898**

Levin Amendment No. 1497, to establish limitations on excess charges under time-and-materials contracts and labor-hour contracts of the Department of Defense. **Page S8898**

Levin (for Harkin/Dorgan) Amendment No. 1425, relating to the American Forces Network. **Page S8898**

During consideration of this measure today, Senate also took the following action:

By 50 yeas to 48 nays (Vote No. 205), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the bill. **Pages S8907–08**

Protection of Lawful Commerce in Arms Act: Senate resumed consideration of the motion to proceed to consideration of S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. **Pages S8908–32**

During consideration of this measure today, Senate also took the following action:

By 66 yeas to 32 nays (Vote No. 206), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S8908–09**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:30 a.m. on Wednesday, July 27, 2005; provided further, that the time from 10 a.m. to 2 p.m. be equally divided for debate, followed by a vote on the motion to proceed. **Page S9057**

Messages From the House: **Page S8945**

Measures Referred: **Page S8945**

Measures Read First Time: **Page S8945**

Executive Communications: **Pages S8945–47**

Executive Reports of Committees: **Pages S8947–48**

Additional Cosponsors: **Pages S8949–51**

Statements on Introduced Bills/Resolutions: **Pages S8951–88**

Additional Statements: **Pages S8943–45**

Amendments Submitted: **Pages S8988–S9017**

Authority for Committees to Meet: **Pages S9017–18**

Privilege of the Floor: **Page S9018**

Record Votes: Five record votes were taken today. (Total–206) **Pages S8905, S8906, S8907–08, S8909**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:09 p.m. until 9:30 a.m., on Wednesday, July 27, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S9057–58.)

Committee Meetings

(Committees not listed did not meet)

SPECIES CONSERVATION

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded a hearing to examine how farm bill programs can better support species conservation, focusing on the Wetlands Reserve Program, the eastern bog turtle and ivory billed woodpecker, pallid sturgeon, salmon, and the sage grouse, after receiving testimony from Bruce I. Knight, Chief, Natural Resources Conservation Service, Department of Agriculture; J. Kent Foster, Idaho Association of Soil Districts, Boise; James L. Cummins, Mississippi Fish and Wildlife Foundation, Stoneville; Steve Manning, Leon River Restoration Project, Gatesville, Texas; and Timothy D. Searchinger, Environmental Defense, Washington, D.C.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Christopher Cox, of California, who was introduced by Senators Stevens, Feinstein, and Boxer, Roel C. Campos, of Texas, and Annette L.

Nazareth, of the District of Columbia, who was introduced by Senator Schumer, each to be a Member of the Securities and Exchange Commission, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of John C. Dugan, of Maryland, to be Comptroller of the Currency, John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision, and Martin J. Gruenberg, of Maryland, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, after the nominees testified and answered questions in their own behalf.

ELECTRONICS WASTE

Committee on Environment and Public Works: Subcommittee on Superfund and Waste Management concluded an oversight hearing to examine the potential health and environmental impact of electronics waste, after receiving testimony from Senators Talent and Wyden; Representative Mike Thompson; Thomas P. Dunne, Deputy Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Garth T. Hickle, Minnesota Pollution Control Agency, St. Paul; Richard Goss, Electronic Industries Alliance, Arlington, Virginia; Scott Slesinger, Environmental Technology Council, Washington, D.C.; Michael Vitelli, Best Buy Company, Inc., Richfield, Minnesota, on behalf of the Consumer Electronics Retailers Coalition; and Sheila Davis, Silicon Valley Toxics Coalition, San Jose, California.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill entitled ''National Employee Savings and Trust Equity Guarantee Act''.

GLOBAL ENERGY TRENDS

Committee on Foreign Relations: Committee concluded a hearing to examine implications for the United States regarding energy trends in China and India, focusing on China and India's expanding role in the global energy market and energy dialogues taking place with these two countries, after receiving testimony from E. Anthony Wayne, Interim Under Secretary of State for Economic, Business and Agricultural Affairs, and David K. Garman, Under Secretary of Energy for Science and Environment; Mikkal Herberg, The National Bureau of Asian Research, Seattle, Washington; Randall G. Shriver, Armitage International, Arlington, Virginia; and Sumit Ganguly, Indiana University India Studies Program, Bloomington.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 1129, to provide authorizations of appropriations for certain development banks, with an amendment in the nature of a substitute;

Inter-American Convention Against Terrorism (Treaty Doc. 107–18), with one understanding;

Protocol of Amendment to International Convention on Simplification and Harmonization of Customs Procedures (Treaty Doc. 108–6), with reservations to 24 recommended practices contained in specific annexes;

Convention on Cybercrime (Treaty Doc. 108–11), with six reservations and five declarations;

U.N. Convention Against Transnational Organized Crime (Treaty Doc. 108–16), with three reservations and one declaration relating to the convention, three reservations, one understanding, and one declaration relating to the supplementary protocol on trafficking in persons, and two reservations and one understanding relating to the supplementary protocol on migrant smuggling; and

The nominations of Henrietta Holsman Fore, of Nevada, to be an Under Secretary of State for Management, Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Macedonia, James Cain, of North Carolina, to be Ambassador to Denmark, Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of Malawi, Katherine Hubay Peterson, of California, to be Ambassador to Republic of Botswana, Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania, Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador, Josette Sheeran Shiner, of Virginia, to be an Under Secretary of State for Economic, Business, and Agricultural Affairs, Kristen Silverberg, of Texas, to be an Assistant Secretary of State for International Organization Affairs, and Jendayi Elizabeth Frazer, of Virginia, to be an Assistant Secretary of State for African Affairs.

GENERAL SERVICES ADMINISTRATION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine the General Services Administration (GSA), focusing on GSA's

historic use of two proven negotiation tools to improve the pricing of schedules contracts-pre-award audits and postaward audits of pre-award information, after receiving testimony from David E. Cooper, Director, Acquisition and Sourcing Management, Government Accountability Office; Emily W. Murphy, Chief Acquisition Officer, and Kathleen S. Tighe, Counsel to the Inspector General, both of the General Services Administration; David H. Safavian, Administrator, Federal Procurement Policy, Office of Management and Budget; John B. Ames, Director, Contract Review and Evaluation Division, Office of Inspector General, Department of Veterans Affairs; and Thomas Graham, Networld Exchange, Carlsbad, California.

INDIAN TRUST REFORM ACT

Committee on Indian Affairs: Committee concluded a hearing to examine legislation to resolve the lawsuit of Cobell v. Norton, focusing on S. 1439, to provide for Indian trust asset management reform and resolution of historical accounting claims, after receiving testimony from Jim Cason, Associate Deputy Secretary, and Ross Swimmer, Special Trustee for American Indians, both of the Department of the Interior; Tex Hall, National Congress of American Indians, Washington, D.C.; Jim Gray, Inter-Tribal Monitoring Association, Albuquerque, New Mexico; Ernest L. Stensgar, Affiliated Tribes of Northwest Indians, Portland, Oregon; James T. Martin, United South and Eastern Tribes, Inc., Nashville, Tennessee; and Elouise C. Cobell, Blackfeet Reservation Development Fund, Browning, Montana.

IMMIGRATION REFORM

Committee on the Judiciary: Committee held a hearing to examine comprehensive immigration reform proposals, receiving testimony from Senators Kennedy, McCain, Kyl, and Cornyn; Hal Daub, American Health Care Association, and National Center For Assisted Living, Washington, D.C., on behalf of the Essential Worker Immigration Coalition; Tamar Jacoby, Manhattan Institute, New York, New York; and Gary Endelman, Houston, Texas.

Hearing recessed subject to the call.

PATENTS REFORM

Committee on the Judiciary: Subcommittee on Intellectual Property held a hearing to examine harmonization and other matters concerning patents, focusing on the first-inventor-to- file issue, and pre-issuance submissions of art, receiving testimony from Gerald J. Mossinghoff, Oblon, Spivak, McClelland, Maier, and Neustadt, Alexandria, Virginia, former Assistant Secretary of Commerce and Commissioner of Patents and Trademarks; Q. Todd Dickinson, General Electric Company, Fairfield, Connecticut, former Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office; Christine J. Siwik, Rakoczy Molino Mazzochi LLP, Chicago, Illinois, on behalf of Barr Laboratories, Inc.; Marshall C. Phelps, Jr., Microsoft Corporation, Redmond, Washington; Charles E. Phelps, University of Rochester, Rochester, New York, on behalf of sundry groups; David Beier, Amgen, Washington, D.C.

Hearing recessed subject to the call.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, Department of Justice, after the nominee, who was introduced by Senators Warner and Allen, testified and answered questions in his own behalf.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nominations of Janice B. Gardner, of Virginia, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury, Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence, and John S. Redd, of Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 3426–3448; and 6 resolutions, H. Con. Res. 218; and H. Res. 383–384, 388–390 were introduced. **Pages H6649–50**

Additional Cosponsors: **Pages H6651–52**

Reports Filed: Reports were filed today as follows:

H. Res. 385, providing for consideration of H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the

excessive burden the liability system places on the health care delivery system (H. Rept. 109–185);

H. Res. 386, providing for consideration of H.R. 3045, to implement the Dominican Republic-Central America-United States Free Trade Agreement (H. Rept. 109–186);

H. Res. 387, providing for consideration of H.R. 3283, to enhance resources to enforce United States trade rights (H. Rept. 109–187); **Page H6649**

Conference report to accompany H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (H. Rept. 109–188); and **Pages H6562–H6628**

Conference report to accompany H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (H. Rept. 109–189). **Pages H6628–38**

Speaker: Read a letter from the Speaker wherein he appointed Representative Marchant to act as Speaker pro tempore for today. **Page H6433**

Chaplain: The prayer was offered today by Rev. W. Don Young, Senior Pastor, Heartland Worship Center, Paducah, Kentucky. **Page H6436**

Recess: The House recessed at 9:23 and reconvened at 10:00 a.m. **Page H6436**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Brian P. Parrello Post Office Building Designation Act: S. 904, designating the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; —clearing the measure for the President. **Pages H6452–53**

Servicemembers' Group Life Insurance Enhancement Act of 2005: H.R. 3200, enhancing the Servicemembers' Group Life Insurance program, by a ⅔ yea-and-nay vote of 424 yeas with none voting "nay", Roll No. 420; **Pages H6453–58, H6464**

Paul Kasten Post Office Building Designation Act: Debated yesterday, July 25: H.R. 2977, designating the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the "Paul Kasten Post Office Building" by a ⅔ yea-and-nay vote of 422 with none voting "nay", Roll No. 423; **Page H6466**

Abraham Lincoln Birthplace Post Office Building Designation Act: Debated yesterday, July 25: H.R. 2894, designating the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building" by a ⅔ yea-and-nay vote of 421 with none voting "nay", Roll No. 427; and **Page H6509**

James T. Malloy Post Office Building Designation Act: Debated yesterday, July 25: H.R. 3339, designating the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building" by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 431. **Pages H6549–50**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

United States Trade Rights Enforcement Act: H.R. 3283, amended, enhancing resources to enforce United States trade rights, by a ⅔ yea-and-nay vote of 240 yeas to 186 nays, Roll No. 421. **Pages H6440–52, H6464–65**

Department of the Interior, Environment and Related Agencies Appropriations Act of 2006—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and agreed to a conference. **Pages H6458–63**

The House agreed to the Obey motion to instruct conferees by a yea-and-nay vote of 426 yeas with none voting "nay", Roll No. 422. **Pages H6458–63, H6465**

Appointed as conferees: Representatives Taylor of North Carolina, Lewis of California, Wamp, Peterson of Pennsylvania, Sherwood, Istook, Aderholt, Doolittle, Simpson, Dicks, Obey, Moran of Virginia, Hinchey, Olver, and Mollohan. **Page H6466**

Legislative Branch Appropriation for FY 2006—Motion to go to Conference: The House disagreed to the Senate amendments on H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and agreed to a conference. **Page H6463**

Appointed as conferees: Representatives Lewis of California, Kingston, Granger, Doolittle, LaHood, Obey, Hoyer, and Moran of Virginia. **Page H6463**

Small Business Health Fairness Act of 2005: The House passed H.R. 525, to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, by a yea-and-nay vote of 263 yeas to 165 nays, Roll No. 426. **Pages H6477–H6509**

Rejected Mr. Miller of California motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with amendments, by

a yea-and-nay vote of 198 yeas to 230 nays, Roll No. 425. Pages H6506–08

Rejected the Kind amendment (No. 1 printed in H. Rept. 109–183) in the nature of a substitute regarding the establishment of a Small Employer Health Benefits Plan (SEHB), by a yea-and-nay vote of 197 yeas to 230 nays, Roll No. 424; and

Pages H6497–H6506

H. Res. 379, the rule providing for consideration of the bill was agreed to by voice vote.

Pages H6466–72

Postal Accountability and Enhancement Act: The House passed H.R. 22, to reform the postal laws of the United States, by a recorded vote of 410 ayes to 20 noes, Roll No. 430. Pages H6511–49

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill was considered as an original bill for the purpose of amendment. Page H6522

Rejected:

Hensarling amendment (No. 3 printed in H. Rept. 109–184) that sought to reduce the bill's cost by ensuring that 100% of the Civil Service Retirement System saving released will be directed to pay the Postal Service's unfunded healthcare liability;

Pages H6544–47

Pence amendment (No. 1 printed in H. Rept. 109–184) that sought to remove the requirement that the first vacant slot on the Board of Governors is to be filled by an individual with unanimous backing by the labor unions, (by a recorded vote of 82 ayes to 345 noes, Roll No. 428); and

Pages H6538–41, H6547–48

Flake amendment (No. 2 printed in H. Rept. 109–184) that sought to establish a domestic pilot program to empower local postmasters to employ their experience and management expertise to test certain fundamental assumptions relating to the provisions of universal mail service in the U.S. (by a recorded vote of 51 ayes to 379 noes, Roll No. 429).

Pages H6541–44, H6548

H. Res. 380, the rule providing for consideration of the bill was agreed to by voice vote.

Pages H6472–77

Late Report: Agreed that the managers on the part of the House have until midnight tonight, July 26, to file conference reports to accompany H.R. 2361, Department of the Interior, Environment, and Related Agencies Appropriations Act for FY 2006 and H.R. 2985, Legislative Branch Appropriations Act for FY 2006. Pages H6509–10

Federal Food, Drug and Cosmetic Act: The House agreed by unanimous consent to H.R. 3423, to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

Pages H6510–11

Senate Message: Message received from the Senate today appears on page H6510.

Quorum Calls—Votes: 9 yea-and-nay votes and 3 recorded votes developed during the proceedings today and appear on pages H6464, H6464–65, H6465, H6466, H6506, H6508, H6508–09, H6509, H6547–48, H6548, H6549, and H6549–50. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:46 p.m.

Committee Meetings

FDA FISCAL YEAR 2006 APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FDA Fiscal Year 2006 Appropriations. Testimony was heard from the following officials of the Department of Health and Human Services: Lester M. Crawford, D.V.M., Commissioner, and Kathleen D. Heuer, Associate Commissioner of Management, both with the FDA; and Lester Cash, Director, Division of Budget Policy, Execution and Review, Acting Assistant Secretary, Budget.

WEST BANK/GAZA ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Agencies held a hearing on West Bank/Gaza Assistance. Testimony was heard from James Wolfensohn, Quartet Special Envoy for Gaza Disengagement; the following officials of the Department of State: David C. Welch, Assistant Secretary, Bureau of Near Eastern Affairs; and James Bever, Mission Director, West Bank/Gaza Operations, U.S. Agency for International Development; and LTG William E. Ward, Deputy Commander, USA, Deputy Commander, U.S. Army Europe, Coordinate for Security, Department of Defense.

MENTAL HEALTH

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on mental health. Testimony was heard from the following officials of the Department of Defense: William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs; LTG Kevin C. Kiley, USA, Surgeon General; VADM Donald C. Arthur, USN, Surgeon General; LTG George P. Taylor, Jr., USAF, Surgeon General, Department of the Air Force; COL Virgil J. Patterson, USA, Chief, Soldier and Family Support Branch, Army Medical Department Center and School;

CAPT Kristiaan C. Hughes, USA, C Company, 1/46 IN, Fort Knox, Kentucky; and Specialist Stephanie Stretch, 233rd Military Police Company, Illinois Army National Guard; Jonathan B. Perlin, M.D., Under Secretary of Health, Department of Veterans' Affairs; and a public witness.

FIGHTING METH IN AMERICA'S HEARTLAND

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled "Fighting Meth in America's Heartland: Assessing the Impact on Local Law Enforcement and Child Welfare Agencies." Testimony was heard from Scott Burns, Deputy Director, State and Local Affairs, Office of National Drug Control Policy; Joseph Rannazzisi, Deputy Chief, Office of Enforcement, DEA, Department of Justice; Freida S. Baker, Deputy Director, Family and Children's Services, Department of Human Resources, State of Alabama; and public witnesses.

DOE/ESE SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled "DOE/ESE Security: How Ready is the Protective Force?" Testimony was heard from Eugene E. Aloise, Director, Natural Resources and Environment, GAO; the following officials of the Department of Energy: Gregory H. Friedman, Inspector General; Glenn S. Podonsky, Director, Office of Security and Safety Performance Assurance; and Robert Walsh, Security Manager, Office of Energy, Science and Environment; Lawrence Brede, Wackenhut DOE Operations; and a public witness.

LONDON ATTACKS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "The London Attacks: Training to Respond in a Mass Transit Environment." Testimony was heard from Tim Beres, Director, Preparedness Programs Division, Office for Domestic Preparedness, Office of State and Local Government Coordination and Preparedness, Department of Homeland Security; Robert Jamison, Deputy Administrator, Federal Transit Administration Department of Transportation; Polly Hanson, Chief of Metro Police, Washington Metro Area Transit Authority; Paul Lennon, Director, Intelligence and Emergency Preparedness Management, Los Angeles County Metropolitan Transit Authority; William A. Morange, Deputy Executive Director/Director of Security, New York City Metropolitan Transportation Authority; and a public witness.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005 IMPLEMENTATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing entitled "Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005." Testimony was heard from Clifford J. White, III, Acting Director, Executive Office for United States Trustees; A. Thomas Small, United States Bankruptcy Judge, Eastern District of North Carolina, on behalf of the Judicial Conference of the United States; and public witnesses.

OVERSIGHT—NATIONAL TRAILS SYSTEM ACT IMPLEMENTATION

Committee on Resources: Subcommittee on National Parks held an oversight hearing on the Implementation of the National Trails System Act. Testimony was heard from Chris Jarvi, Associate Director, Partnerships, Interpretation and Education, Volunteers and Outdoor Recreation, National Park Service, Department of the Interior; and public witnesses.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT

Committee on Rules: Granted, by voice vote, a closed rule providing two hours of debate in the House on H.R. 3045, to implement the Dominican Republic-Central America-United States Free Trade Agreement, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and against its consideration. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974. The rule provides that a motion to proceed to consideration of the bill under section 151 of the Trade Act of 1974 shall be in order only in offered by the Majority Leader or his designee. Testimony was heard from Representatives Shaw and Cardin.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

Committee on Rules: Granted, by voice vote, a closed rule providing two hours of debate in the House on H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule waives

all points of order against consideration of the bill. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. The rule provides one motion to recommit. Testimony was heard from Representatives Smith of Texas, Shadegg, Berman, Jackson-Lee of Texas, Costello, Baird, Emanuel, Berry, Davis of Tennessee and Lipinski.

UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

Committee on Rules: Granted, by a vote of 9 to 4, a closed rule providing one hour of debate in the House on H.R. 3283, to enhance resources to enforce United States trade rights, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution shall be considered as adopted. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives English, Cardin, and Ryan of Ohio.

HONORING PROTECTORS OF THE CAPITOL—PASSENGERS AND CREW OF FLIGHT 93

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on Honoring the Protectors of the Capitol: The Passengers and Crew of Flight 93. Testimony was heard from Brent Glass, member, Flight 93 Memorial Advisory Commission, Director, National Museum of American History, Smithsonian Institution; Hamilton Peterson, President, Families of Flight 93; and public witnesses.

RESULTS—FUTURE IMAGERY ARCHITECTURE RED TEAM REVIEW

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on the results of the Future Imagery Architecture Red Team Review. Testimony was heard from departmental witnesses.

Joint Meetings

ENERGY POLICY ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006.

APPROPRIATIONS: LEGISLATIVE BRANCH

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 27, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold an oversight hearing to examine the Conservation Reserve Program, 10 a.m., SR–328A.

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine all-hazards alert systems, focusing on the need for a national all-hazards alert and public warning system, 10 a.m., SR–253.

Full Committee, to hold hearings to examine S. 1372, to provide for the accuracy of television ratings services, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Energy, to hold hearings to examine recent progress in hydrogen and fuel cell research sponsored by the Department of Energy and by private industry, including challenges to the development of these technologies, 3 p.m., SD–366.

Committee on Finance: to hold hearings to examine the role of value-based purchasing relating to improving quality in Medicare, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of William Robert Timken, Jr., of Ohio, to be Ambassador to the Federal Republic of Germany, William J. Burns, of the District of Columbia, to be Ambassador to the Russian Federation, Richard Henry Jones, of Nebraska, to be Ambassador to Israel, and Francis Joseph Ricciardone, Jr., of New Hampshire, to be Ambassador to the Arab Republic of Egypt, 9:30 a.m., SD–419.

Subcommittee on International Operations and Terrorism, to hold hearings to examine United Nations peacekeeping reform, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Thomas A. Fuentes, of California, and Bernice Phillips, of New York, each to be a Member of the Board of Directors of the

Legal Services Corporation, and Kevin F. Sullivan, of New York, to be Assistant Secretary for Communications and Outreach, Terrell Halaska, of the District of Columbia, to be Assistant Secretary for Legislation and Congressional Affairs, and Henry Louis Johnson, of Mississippi, to be Assistant Secretary for Elementary and Secondary Education, all of the Department of Education, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: to resume hearings to examine the appropriate Federal role regarding chemical facility security, 10 a.m., SD–562.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine financial management at the Securities and Exchange Commission, 2:30 p.m., SD–562.

Committee on Indian Affairs: to hold hearings to examine S. 1439, to provide for Indian trust asset management reform and resolution of historical accounting claims, 9:30 a.m., SH–216.

Committee on the Judiciary: to hold an oversight hearing to examine the Federal Bureau of Investigation, 9:30 a.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the victimization of elderly through scams, 2:30 p.m., SD–106.

House

Committee on Agriculture, to consider the following bills: H.R. 3421. To reauthorize the United States Grain Standards Act, to facilitate the official inspection at export locations of grain required or authorized to be inspected under such Act; and H.R. 3408, To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on Chinese military power, 10 a.m., 2118 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on the Future of Terrorism Insurance, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''BRAC and Beyond: An Examination of the Rationale Behind Federal Security Standards for Leased Space,'' 10 a.m., 2154 Rayburn.

Subcommittee on Energy and Resources, hearing entitled ''The Hydrogen Economy: Is It Attainable?'' 1 p.m., 2203 Rayburn.

Subcommittee on Federal Workforce and Agency Organization, hearing entitled ''Is There a Doctor in the Mouse?'': Using Information Technology to Improve Healthcare,'' 2 p.m., 2154 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, hearing entitled ''DHS in Transition—Are Financial Management Problems Hindering Mission Effectiveness?'' 2 p.m., 2247 Rayburn.

Subcommittee on Regulatory Affairs, hearing entitled ''Regulatory Reform: Are Regulations Hindering Our Competitiveness?'' 10 a.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Management, Integration, and Oversight, hearing entitled ''The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships,'' 10 a.m., 210 Cannon.

Committee on International Relations, Subcommittee on Europe and Emerging Threats, hearing on Ukraine: Developments in the Aftermath of the Orange Revolution, 1 p.m., 2255 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, hearing on Terrorist Threats to Energy Security, 2 p.m., 2200 Rayburn.

Subcommittee on Oversight and Investigation and the Subcommittee on the Middle East and Central Asia, joint hearing on Syria and the United Nations Oil-for-Food Program, 10:30 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on U.S. Diplomacy in Latin America, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 3132, Children's Safety Act of 2005; H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009; H.R. 2965, Federal Prison Industries Competition in Contracting Act of 2005; H.R. 1502, Civil Liberties Restoration Act of 2005; and H. Res. 336, Requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out,'' which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security, 10 a.m., 2141 Rayburn.

Committee on Rules, Subcommittee on Legislative and Budget Process, hearing on A Comparative Study of International Multi-Year Budgeting, 11 a.m., H–313 Capitol.

Committee on Small Business, hearing on the importance of amending the Small Business Investment Act of 1958 to establish a participating debenture program to assist small businesses in gaining access to much needed capital, 10 a.m., 2360 Rayburn.

Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled ''The Importance of the Biotechnology Industry and Venture Capital Support in Innovation,'' 2 p.m., 311 Cannon.

Committee on Veterans' Affairs, oversight hearing on the Department of Defense and Department of Veterans Affairs: The Continuum of Care for Post Traumatic Stress Disorder. (PTSD), 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 419, Hire Veterans Act of 2005; and H.R. 3279, Homeless Veterans Reintegration Program Reauthorization Act of 2005, 2 p.m., 334 Cannon.

Subcommittee on Economic Opportunity, hearing on the following: H.R. 3082, Veteran-Owned Small Business

Promotion Act of 2005; H.R. 1773, Native American Veteran Home Loan Act; a measure to Establish an Office of Disabled Veterans Sports and Special Events; a measure to require the Veterans' Employment and Training Service to Establish Qualification Standards for Disabled Veteran Outreach Specialists and Local Veteran Employment Representatives; a measure to increase the Disabled Veteran Adaptive Housing Grant; and a measure to Provide for a Disabled Veteran Transitional Housing Grant, 2:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Health Care Information Technolgy (IT), 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Global Missile Threats, 1 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 27

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 397, Protection of Lawful Commerce in Arms Act, with the time from 10 a.m. until 2 p.m. equally divided for debate, with a vote on the motion to proceed to the bill to occur at 2 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 27

House Chamber

Program for Wednesday: To be announced.

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