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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, we are disappearing dust without You.

Draw near to us and enable us to find in Your presence our dignity and destiny. Give us the sovereign knowledge that we belong to You and have been created in Your image. Teach us to serve and love humanity.

Today, keep our Senators safe as they labor for You and country. Make their tomorrow bright through the unfolding of Your powerful providence. Guide them through the darkest night as they meditate on Your precepts. Show us the path to life and make us glad as we walk with You.

We pray in Your loving Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 17, 2005.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Ms. MURKOWSKI assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Madam President, today the Senate will begin with a period of morning business. Yesterday we debated the genetic nondiscrimination legislation and, as a reminder, we will vote on passage of that bill at 3 p.m. today.

Throughout today's session, we will also be working on clearing the high risk pooling bill, as well as the committee funding resolution. The chairman and ranking member have been working on a resolution related to Lebanon, and we may be able to clear that resolution for floor action.

Later today, I will have more to say on tomorrow's schedule and the schedule for when we return from the President's Day recess.

## LEBANON'S FORMER PRIME MINISTER RAFIQ HARIRI

Mr. FRIST. Madam President, on leader time, I will make a very brief statement on the assassination of Rafiq Hariri.

On behalf of the Senate, I will spend these few moments to rise and condemn in the harshest terms the cowardly and despicable assassination of Lebanon's former Prime Minister Rafiq Hariri.

Monday, as Rafiq Hariri's motorcade was traveling along Beirut's Corniche seafront, a car bomb loaded with 600 pounds of explosives detonated, killing the former Prime Minister and 13 others.

Our condolences go out to the Hariri family and the people of Lebanon. They have lost a great man, and they have lost a beloved leader.

Rafiq Hariri served as Prime Minister in the aftermath of a devastating civil war that wrecked the country for 15 years. Over his 10 years in office, Prime Minister Hariri helped to revitalize the Lebanese economy and rebuild its shattered infrastructure, including the rebirth of Beirut's historic downtown district. His murder is a direct attack on the aspirations of the Lebanese people, and an attack on civilization itself.

We demand an investigation, and we demand that the killers, and any backers of the killers, be brought to justice.

Further, we strongly urge that Syria withdraw its 14,000 troops and intelligence personnel in accordance with the United Nations Security Council Resolution 1559 and the Syria Accountability and Lebanese Sovereignty Restoration Act passed by this body in 2003.

We support the President's decision to recall our Ambassador from Syria and urge the President to restrict the mobility of Syrian diplomats in Washington, DC, and at the United Nations in New York City.

Furthermore, we urge the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination of the Prime Minister.

Today, the Lebanese people mourn the murder of a great leader. They line the streets—Christian, Druze, and Sunni—in an extraordinary show of unity.

Our message to them is clear: ''The United States Senate stands with you. Your voices will be heard.''

I yield the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 12 noon, with the first 30 minutes under the control of the Democratic leader or his designee, and the second 30 minutes under the control of the majority leader or his designee, and the remaining time shall be divided between the two leaders or their designees.

Mr. FRIST. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. DORGAN. Madam President, as we begin to debate the budget sent to us by President Bush, there will be a lot of discussion in the Chamber about spending restraints, about being conservative, and so on. The budget sent to us by President Bush proposes the highest budget deficit in the history of our country. I will be going to a hearing later this morning on the proposal to spend $82 billion more on Iraq and Afghanistan. That is not in the budget. It is an emergency request.

The President's proposed budget, with a deficit well over $400 billion in history, is short by somewhere around $80 billion that will be spent on an emergency in Iraq and Afghanistan, and it also uses the Social Security trust fund, which could not be used for other purposes. So the real budget deficit is around $650 billion, which is a very serious problem. Our fiscal policy is off track, and we need to get it on track.

We are going to talk about spending issues as we go along in this budget process. There will be some discussion about big issues, and some about small issues.

Let me talk for a moment about two issues that represent, I think, a profound waste of taxpayers' money.

Let me introduce you to Fat Albert. This is an AEROSAT blimp, an AEROSAT balloon. Fat Albert has been around for some while. In fact, Fat Albert is tethered about 20,000 feet above the ground with thousands of feet of cable, and it is used with camera equipment to send television signals into Cuba to tell the Cuban people how wonderful life is in our country. Of course, they know how wonderful life is in our country, which is why they get on a boat to try to cross the waters to come to America. And if they decide not to get on the boat, they can simply tune into a Miami radio station and hear a little about America. But we are sending television signals into Cuba through TV Marti, which has been funded by the American taxpayers for 16 years.

We are broadcasting television signals which no one can see because Castro easily jams the signal. We did for a long while televise it from 3 o'clock in the morning until 8 o'clock in the morning. My guess is that, even if the signals got through, there aren't a lot of Cuban people up at 3 o'clock in the morning watching television. But, nonetheless, the signals don't get through because they are jammed by the Cuban Government.

For 16 years, despite the fact that we are broadcasting signals which no one can see, we have spent $189 million broadcasting signals from Fat Albert, tethered 20,000 feet above the ground, to Cubans who can't see it.

This year, what does the budget request? The budget request is to double the funding for TV Marti. It is unbelievable. People will not understand this when they look back and say, Wait a second; they spent nearly a quarter of $1 billion sending television signals no one could see for over 16 years? They will say, do you mean that at a time with record deficits the President wanted to double the budget for television signals no one can see?

Fat Albert once got loose with 20,000 feet of tethered cable following it. Fat Albert wandered into the Everglades. So the thing gets loose and goes over the Everglades, and they are chasing it with helicopters. Finally, it lands on the top of some trees in the Everglades. They had to find a way to get it off. Helicopters had to come down and commandos rappelled down to salvage the equipment. It is a comedy of errors.

But the administration has a plan now. They have decided they are going to get rid of Fat Albert, or maybe continue to use it but only part time. Now they want to buy an airplane for $8 million so they can send an airplane up to send television signals to TV Marti to the Cuban people who can't see them; $8 million for the airplane, $11 million for the broadcast, and $2 million for maintenance on the plane.

It is like Katy bar the door; it is as if there is no deficit.

It is unbelievable to me that we are going to continue to spend money we do not have on something we do not need, and send television signals from an aerostat balloon and now an airplane that viewers cannot see. This does not pass the laugh test.

I am no fan of Fidel Castro. I want the Cuban people to be free. I want democracy to come to Cuba.

But our country has decided, with China and with North Vietnam, both Communist countries, the best way to move a Communist country in the right direction is through travel and trade, through engagement. We have followed that rule with Communist China and Communist Vietnam, encouraging people to travel there and encouraging trade with both. The sole exception is with Cuba, where we have had an embargo for over 40 years. Fidel Castro has lived through 10 U.S. Presidencies. His message to the Cuban people is, of course, Our economy is in tatters; we have a 500-pound gorilla with its fist around our neck with an embargo.

The quicker way to remove Castro from office, in my judgment, is to open trade and travel to Cuba. Nonetheless, the administration does not want to do that.

So we have travel restrictions in Cuba. I have held up a poster of Joni Scott who went to Cuba to distribute free Bibles on the street corners in Havana. Do you know what happened to her? She got discovered by the U.S. Treasury Department and they slapped her with a $10,000 fine. I held up a picture of Joan Sloat who was a retired senior bicyclist who joined a Canadian bicycle troop to go biking in Cuba. They tracked her down as she was by her son's bedside, dying of brain cancer, and they decided to slap her with a big fine and then decided to attach her Social Security payments.

They are so obsessed in this administration with the issue of Cuba it does not matter how much money they waste. We have something called the Office of Foreign Assets Control, OFAC, down in the Treasury Department. It is supposed to be tracking the financing of terrorist organizations. Do you know what? They have nearly twice as many people working on tracking Americans suspected of taking a vacation in Cuba than they do tracking terrorists' moneys that are supporting Osama bin Laden's organization. It is unthinkable that is what they are doing, but that is what they are doing.

On top of all of that obsession, what we have is a program called Television Marti which does not work, which wastes every dollar it spends, and the President says, Let's double the funding, at a time when we have the highest budget deficit in the history of this country.

There are some areas of Federal spending that ought to be abolished. I, along with my colleague Senator WYDEN and others, will offer legislation to abolish this spending. It is unbelievable.

I didn't mention that on October 10, 2003, the President held a Rose Garden event to say he was going to supplement the efforts of Fat Albert to send signals to the Cubans because they are jammed, by taking a high-tech airplane, called a Commando Solo C–130. There are only a handful in the world and we have used them in big trouble spots in the world to be able to broadcast emergency signals to people. But the President announced he was going

to use a National Guard Commando Solo C–130 to broadcast signals into Cuba. So they have been using Defense Department funds to broadcast signals to Cuba that are jammed. It is not enough, apparently, to broadcast signals from a big old aerostat balloon that the Cuban people cannot see, now we have a highly sophisticated C–130. And now even that is not enough. Now they want to buy a new airplane in this budget.

My hope is there are enough people in the Congress who understand waste is waste, not Republican waste or Democratic waste. Just waste. When it does not stand the test of common sense, and it does not even stand the basic laugh test with this kind of spending, my hope is Members of the Senate will join and decide this is the sort of thing that ought to be abolished.

One final point. I don't come here to try to abolish Radio Marti, although I don't think it is necessary. Radio Marti is broadcasting radio signals into Florida. They are often not jammed. The Cuban people receive them. I have been to Cuba and talked to the dissidents. They receive Radio Marti's broadcast. I don't propose we abolish it. But they do not see the Television Marti broadcast. We still have expensive studio space, pay expensive salaries, have aerosat balloons and now airplanes to broadcast it, despite the fact we know it is a complete, total waste of money. We know better than this. We ought to understand it and abolish it in this year's budget submitted by the President.

Let me mention one other area of spending that desperately needs to be abolished in this budget. It is not giant; it is $8 million. But take $11 million for Fat Albert and the new airplane and Television Marti and $8 million here and there, and pretty soon we have a significant amount of money.

Last year and this year, the President recommended we build additional nuclear weapons—begin planning the design—and they especially talked about the earth-penetrating bunker buster nuclear weapon. Last year, the Congress said no. The President put it in his budget again this year. He wants $8 million to revive the project to create new earth-penetrating bunker buster nuclear weapons. The implication of creating a designer nuclear weapon is, we do not have enough nuclear weapons at the moment and they are perfectly usable if we find someone crawled in a cave or carrying on operations in a cave that we want to get to that we cannot get to.

If a country like ours is to send a signal to the rest of the world that we do not have enough nuclear weapons, that we believe we should design more nuclear weapons, that designer nuclear weapons make sense, and that nuclear weapons are usable, that is exactly the wrong signal to send to anyone in this world. The exclusive opportunity and requirement for us is to send a signal to the world that nuclear weapons should never again be used in anger under any circumstance.

We have thousands of them. The loss of one would cause an apoplectic seizure among the cities in our country. There was a time when it was thought one nuclear weapon from the Russian arsenal was stolen and it caused a great seizure among intelligence organizations and others because were a terrorist able to steal one nuclear weapon and threaten to detonate one nuclear weapon in a major American city, we are not talking about 100 deaths or 1,000 deaths, we are talking about hundreds of thousands of deaths. The loss of one nuclear weapon would be devastating if it got into the hands of terrorists.

We have thousands and thousands of nuclear weapons in this country. The estimate is somewhere—of course, it is classified—the estimate range of the Russian stockpile is somewhere perhaps in the area of 15,000 nuclear weapons; ours is something less than that but not much less than that. We have thousands and thousands and thousands of nuclear weapons between us and the Russians, with some other countries who have now joined that club who have nuclear weapons but are fewer in number.

The suggestion somehow that we do not have enough nuclear weapons, that we need more nuclear weapons, and that nuclear weapons are usable, especially if we have an issue with people holing up in a cave or strategic materials holed up in a cave, that we cannot get to that, so we can lob in an earth penetrator, a designer bunker buster nuclear weapon, and that we can use it—that message from this country is a devastating message that sets back the opportunity for this country to play a leadership role in stopping the spread of nuclear weapons everywhere, making sure we do not ever have testing of nuclear weapons anywhere. It is our job, our responsibility, to be a world leader on this issue.

Given the new reality of the war on terrorism and what terrorists would like to do with respect to weapons of mass destruction, if our country does not try to do everything humanly possible to stop the spread of nuclear weapons and make people understand it is unthinkable that nuclear weapons will once again be used on this Earth, then we will have failed. Our children and grandchildren will almost certainly see at some point an expansion of those countries that have nuclear weapons, the stealing of a nuclear weapon by a terrorist organization and the detonation of a nuclear weapon in a major city in this world and perhaps in this country. We must exert every possible effort to see that does not happen.

Sending a budget that says we need to begin work on designing additional nuclear weapons, new nuclear weapons, and nuclear weapons that are designed for specific purposes such as penetrating the Earth and busting caves, with the implication that it is clearly something we could, should, and would use under certain circumstances, is exactly the wrong approach and a dangerous message from this country, especially.

The burden falls on our shoulders to be a leader in stopping the proliferation of nuclear weapons. It retards rather than advances those interests to see from this administration talk in some circles that is reckless and recommendations that are counterproductive to suggest we ought to begin, again, building nuclear weapons.

In addition to this recommendation to spend $8 million to revive the project of a nuclear earth-penetrator bunker buster, there is talk of testing nuclear weapons, resuming testing of nuclear weapons which, of course, then would be a green light for others to say, if the United States is going to test, we are going to test.

My hope is we can understand the profound danger that exists if we do not take this proliferation issue seriously and if we do not immediately assume the mantle of responsibility to be the world leader to stop the spread of nuclear weapons. This is not about a nuisance. This is not about a threat. This is about a potential catastrophe unlike anything we have discussed or thought about with respect to weapons of mass destruction in the hands of the wrong people. That is why the responsibility is such an ominous responsibility that falls on our shoulders. It is one that we can meet, in my judgment, but we have to be clear thinking.

We need a President and a Congress, together, that will reject the approach that says we should begin building additional nuclear weapons or begin researching and talking about the need for additional weapons we can use for designer purposes.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SOCIAL SECURITY

Mr. McCONNELL. Madam President, I rise today because this Senate needs to act now to save our children's future. We all know that Social Security is one of this country's greatest success stories in the 20th century. But why? Is it the hundreds of thousands of elderly who were saved from poverty or is it the millions of seniors who have retired with the stability of their monthly Social Security checks?

Actually, there are two reasons. For me, the first is an Army sergeant who served in World War II and went to the

European Theater. The second is the woman from Alabama he married. Although they were never a family of great means, they worked hard, paid into the system all their lives, and got the money they were owed from Social Security when they retired.

Of course, those two people I am referring to were my parents. It is because of what Social Security did for them and their friends that we all know it is a success story. I am sure millions of Americans feel the same way.

Today, I would like to make absolutely sure Social Security is the same success for my children as it was for my parents.

Let's get one thing out of the way right up front: This debate is about saving the future, not defacing the past. Every senior who now receives Social Security benefits or who is going to receive them within the next 10 years will get full benefits for their entire—their entire—retirement. They deserve that piece of mind, and they have it. This Congress will not touch Social Security in any way for Americans 55 or older, period. This debate is not about seniors today. It is about our children tomorrow.

I said Social Security was one of the greatest accomplishments of the 20th century. But this is the 21st century. We need to strengthen and save Social Security for today's workers. If we do not act now, this system, born out of the New Deal, will become a bad deal for our children and grandchildren.

When Social Security was created in 1935, it was still common to see a Ford Model T on the road. Today's young adults drive hybrid electric cars while listening to their I-Pods. A system designed for the 1930s just does not fit the 21st century.

Something must be done and done now. Some critics say there is no crisis; that we do not have to do anything about this problem, even though we can all see it coming; that we can put it off until later. Their response to this healthy debate on the future of Social Security has been to poke their fingers in their ears and bury their heads in the sand.

Well, that is simply not acceptable. We were elected to get things accomplished for America, not to mark time around here. Someday I will pass this desk, right here—the very same desk used by Henry Clay—along to another Senator from Kentucky. I do not intend to pass this problem along as well.

That is why I applaud the President's vision and courage in tackling this important but certainly tough issue. He deserves our gratitude for sparking this national discussion on saving Social Security. You might not agree with the various options laid out by the President—that is fine—but you have to agree that action ought to be taken.

In 1935, most women did not work outside the home. Today, about 60 percent do. In 1935, the average American did not typically live long enough to collect Social Security benefits. Today, our life expectancy is 77 years. In 1935, there were 16 Americans in the workforce for every retiree collecting benefits. Today, there are only slightly more than three.

And before the next President is sworn in, the baby boomers will begin to retire, creating four new retirees for each new worker over the next 30 years. Yet benefits are scheduled to rise dramatically over the next few decades.

What that means is the current system will begin to pay out more money than it takes in within just a very few years—by the time today's kindergarteners graduate from high school. At that point, the Government will have to borrow money or raise taxes to keep up with the benefits. When today's workers retire in 2042, the system will be insolvent.

If we do nothing until then—just keep putting it off—the only solution will be to borrow massive amounts of money, impose crippling taxes, or drastically cut benefits, or all three.

So at a minimum, we need to repair the system to keep it afloat. But we can do, if we chose to, a lot more than that. There is a lot of room for improvement in Social Security. We owe our children the most financially sound system possible. They will have paid into it their entire working lives. They deserve to be protected. I know a lot of younger people consider the portion of their paycheck that goes to Social Security to be like any other tax—money they will never see again. More young people believe they will see a UFO than that they will see their own Social Security benefits. That is how confident they are that it will be there for them in the future. That tells me we are letting down our children and grandchildren. They can see that Washington has done a terrible job managing their investment. Social Security pays out about 1 cent per dollar paid in, but IRAs and money markets pay on average seven times more.

I have a message for every younger worker who is about to enter or who has just entered the prime of working life: The money that goes into Social Security is not the Government's money. It is your money. You paid for it. You paid for it with sweat and toil to provide for yourself and your family. If the Government didn't take that money, you would have spent it on yourself or your spouse or a parent or a child or put it in the bank. The point is, it would have been your decision.

There is a way we can strengthen and save Social Security, still guarantee that it will fulfill its promises in the future, and also give younger workers the power to decide how best to grow their money and build a nest egg for retirement. We do that with voluntary personal retirement accounts. Voluntary personal retirement accounts are the best way to ensure that Social Security remains strong for our children and grandchildren. The money in these accounts will grow over time at a greater rate than what the current system now offers. The nest egg they build will be theirs and Government can never take it away. Most importantly, Americans will be able to pass on the money in these accounts to their children or grandchildren. It is a smarter, fairer system.

I hear some of my colleagues say: People will waste the money in these accounts, playing the lottery or betting on horses at the track. Take it from this Senator from a horse racing State, such claims are nonsense and only meant as scare tactics. This Congress and President Bush will only pass legislation that will save and strengthen Social Security once and for all. That means we will set careful guidelines for these personal accounts. The money will only be invested in conservative bonds and stock funds. We will keep fees and transaction costs low. We will install appropriate safeguards, and we will phase in personal accounts gradually over a period of time.

Voluntary personal retirement accounts are very similar to the Thrift Savings Plan that every Federal worker, like all of us, has access to. If we can offer this deal to Federal employees, including Senators, why can't we offer it to all Americans?

The accounts are also similar to an IRA or a 401(k) plan. So most Americans will already know how a personal account will work. They are easy to understand. They will be completely voluntary, so if anybody is uncomfortable with it, they don't have to do it. No one who does not want a personal account will be forced to have one.

On top of the voluntary personal retirement accounts, we need to do more to save and strengthen Social Security. The President said he is open to all reasonable ideas. So are all of us. But it is crucial that we tackle the problem now and not continue to kick the can down the road. Democrats and Republicans are going to have to work together to do this.

I have spoken before of my hopes that this 109th Congress will be able to work together in a spirit of bipartisanship, and we certainly got off to a good start last week with the class action bill. I believe we should start now by rolling up our sleeves and working together.

A few days ago the new chairman of the Democratic National Committee said:

> I hate the Republicans and everything they stand for.

Well, it is pretty tough to sit across the table from somebody with that kind of an attitude. But I think most Democrats recognize that attitude is not productive and I don't think it is the view of Democrats in the Senate. I have already heard several of my Democratic friends say Social Security does, indeed, have a problem, and we do need to do something about it. That is good. Denying there is a problem is denying the obvious. We need their voices

in this great national discussion. They recognize that when it comes to Social Security, what Republicans stand for is the same thing Democrats stand for—preserving the system for today's seniors and restoring its promise for our children and for our grandchildren.

Social Security was there for my parents. It will be there for me. But I have three daughters. They are all grown up and have blossomed into accomplished young women. I don't want them to question whether there will be anything left when they retire. We should not let a system that provided so spectacularly for my parents and for me to die due to our reluctance to tackle big, tough issues. We need to restore the system so it is fair for everyone. Working in a bipartisan manner, we have the opportunity to do that.

An increasing number of Senators on the other side of the aisle are acknowledging that there is a problem, and it seems to me a good place for us all to start is to acknowledge the obvious, which is that unless we address this problem, we are going to have a serious problem later, leading to massive tax increases or unacceptably large benefit cuts for our children.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise to echo the words that were just spoken by my colleague, the Senator from Kentucky, distinguished majority whip, with respect to an issue that is incredibly important to the Senate and to the people of this country. The issue is the future of Social Security. The program as we know it today will not last. It is headed for bankruptcy. That is why President Bush and others have done the responsible thing—to begin to raise the issue of reform.

The question before us is, How do we fix the system for our children and for our grandchildren? I would like to commend the Republicans and the Democrats who have acknowledged and agreed that a problem exists with the current system and that we can do better.

Going back to 1998, President Bill Clinton at that time called Social Security ''a looming crisis'' and then went on to detail the deep benefit cuts or massive payroll tax increases that would be required if nothing was done in the very immediate future.

It takes political courage for Members of both parties to be open to reform. Members of both parties have expressed their concern about the current system and about the possible improvements brought about by adding personal retirement accounts.

Social Security is an extremely complicated program. Sometimes it is difficult to grasp numbers in the trillions and dates that are decades from now. That is why it is helpful to tackle this issue in a way we can all understand. For me, the decision to find a fix for Social Security became clear when I thought about two extremely important people in my own life—my father Harold and my daughter Brittany.

My father Harold Thune turned 85 this last December. He is a retired teacher, still living in the town I grew up in, Murdo, SD, with my wonderful mother who was the school librarian. My father also served his country as a decorated World War II fighter pilot. He is the essence of hard work and sacrifice. He has put in his time. I would never do anything to the Social Security benefit that he has earned. Because my parents never struck it rich working for the Murdo public school system, they depend upon their Social Security check. Many other retired Americans are in similar situations.

For one-third of Americans over the age of 65, Social Security benefits constitute 90 percent of their total income. As President Bush outlined his principles regarding Social Security reform last month in the State of the Union, he made it very clear that Social Security benefits would remain unchanged for anyone 55 years of age and older. This includes everyone in retirement and those nearing retirement age.

The system will be there for those who have paid into the system with a lifetime of hard work. No politician is proposing to cut benefits from my father's generation. Despite what we might hear from those who are defending the status quo, reform proposals work to solve the problem for younger workers, not take away the benefits from America's seniors.

That brings me to another important person in my life who has helped me better understand the need to fix Social Security. That is my oldest daughter Brittany. Brittany is 17 years old, and she is a junior in high school at Roosevelt High School in Sioux Falls, SD. Soon she will be entering the workforce. God willing, she will live a full life and reach retirement age in 2055. The Social Security trustees tell us that Social Security will no longer be able to pay full benefits by 2042, which is 13 years before my daughter Brittany could retire. That means even though Brittany will have paid into Social Security throughout her entire working life, the benefit promised to her will be cut by at least 25 percent according to the trustees.

This is the problem. If we do nothing, our children and grandchildren will not see the benefits that are promised to them. Brittany's benefits would be cut by at least 25 percent and probably more.

The reason this will happen is nothing more than simple demographics. When my father Harold was working in the 1950s, there were 16 workers for every Social Security beneficiary. Today there are only three workers per beneficiary. When my daughter retires, there will be two workers per beneficiary. The current pay-as-you-go Social Security system will not be able to handle the demographic shifts as the number of workers goes down and the number of retirees goes up.

A majority of younger voters understand there is a major problem with the current system for their generation. A Newsweek poll earlier this month found that 62 percent of those age 18 to 34 believe Social Security will not be there for them when they retire. Predictably, young Americans are frustrated with the prospect of spending a lifetime paying into a system that is destined for bankruptcy.

Some in Washington believe the best approach is to push that problem down the road; leave it for another Congress and for another President. I call that the ''sweep it under the carpet'' caucus. The American people sent us here to solve problems, and they expect us to do just that. To the sweep it under the carpet caucus, I say: Don't hide behind the status quo. Don't resort to the politics of fear and to scaring seniors. Your constituents and my constituents deserve better of their elected representatives.

If we do nothing, we are looking at a $10 trillion shortfall. The longer we wait, the more expensive the fix will become. If we find a solution today, most experts agree it will most likely require $1 trillion. One trillion today or $10 trillion tomorrow—those are the options.

The predicament could be somewhat more manageable if we didn't start seeing problems until Brittany and her classmates start retiring. No, the looming crisis is coming much sooner than that. The Social Security trustees have told us that beginning in the year 2018, a little more than a decade from now, Social Security will begin paying out more in benefits than it is currently taking in.

This means we will need to start dramatically raising taxes, taking on massive loads of new debt, or accept severe benefit cuts in just 13 years to cover our promise to retirees.

We cannot wait on the sidelines and let this problem come to us. We need to face it and we need to attack it by putting all ideas on the table. We need to stop the quibbling, the partisan games, and political brinkmanship to find a solution that saves and strengthens Social Security for the future.

I ask my colleagues not to engage in futile bickering over individual ideas that may be put forward by some as part of the larger solution. My guess is, the solution will involve a number of ideas packaged together. Let's not dismiss or attack individual ideas as being inadequate before we have had a chance to assess their positive effect as part of a whole solution.

I remind my colleagues that we must put all the good ideas on the table. My two elderly parents and my two young daughters are constant reminders of what is at stake in this debate. We must ensure that today's seniors' benefits are rock solid and find a solution that fixes Social Security for the next generation that is just entering the workforce. We need Senators on both sides of the aisle to think not only

about what is good politics, but what is good for their children and their grandchildren.

As this debate engages, I urge my colleagues in the Senate to listen to the voices of the people around the country and to understand that they expect us to come here to solve problems. That is why they have elected us, not to kick it down the road, not to sweep it under the carpet for another Congress and another President to deal with. If we wait, the cost will be much higher and the American people, the taxpayers, will experience a much higher degree of pain. It is the taxpayers who are ultimately going to have to bear the burden for the lack of responsibility demonstrated by the leaders of today if we choose to do nothing.

I look forward to this debate as it gets underway. I urge my colleagues to acknowledge what is clear, what is obvious: We have a problem. The second thing that is clear and is obvious is that the American people sent us here to solve problems. Let's not sweep it under the carpet or kick it down the road; let's do the responsible thing and acknowledge this is a problem that needs to be fixed. The solution will require bipartisan support in this Chamber and in the House of Representatives. We must work together to save and strengthen Social Security not just for my father's generation but also for my daughters' generation.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. MCCONNELL and Mr. BOND pertaining to the introduction of S. 414 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon is recognized.

## ENERGY PRICES

Mr. WYDEN. Mr. President, last week, the Treasury Secretary, Mr. Snow, testified before the Senate Budget Committee that high energy prices act like a tax on consumers. Given that, what the Bush administration has called for is a huge tax on consumers throughout the Pacific Northwest. I am talking specifically about their proposal to require that people in our region pay $2.5 billion more for energy in the days ahead because this administration wants to extract money from the Bonneville Power Administration's ratepayers above and beyond their costs.

I am very troubled about this proposal, particularly because when Energy Secretary Bodman came to my office, I asked specifically about the administration's plan for Bonneville, and not just in the office, but when he came to the Senate Energy Committee for his confirmation hearing. Both times I was assured by Secretary-designate Bodman that he opposed proposals to privatize Bonneville. The assurances were provided just a couple of weeks before the Bush administration's budget was released with the plans that do, in fact, privatize Bonneville, for all practical purposes, by going to a different rate structure that seeks to extract money from Bonneville beyond its costs.

When I met with Dr. Bodman in my office, he was accompanied by Clay Sell, the White House energy adviser. I learned last night that Mr. Sell was well aware of the discussions within the administration that led to the Bonneville privatization proposal at the time Dr. Bodman was assuring me that he opposed privatization. In that meeting, and at his hearing, Dr. Bodman assured me that as far as he knew, the administration also opposed privatization. Clearly, that was not the case. Mr. Sell has since been nominated to be Deputy Secretary of Energy.

I have come to the floor today because the White House and the administration need to get the message. They cannot impose these devastating electricity rate increases on our region, first, without changing the law and, second, without an understanding that I and other Members from our region, Democrats and Republicans, will do everything we possibly can to prevent this misguided proposal to take huge amounts of dollars from our ratepayers and taxpayers. We are going to do everything we can to keep that proposal from passing in the Senate.

Now, I am not, this morning, going to announce a hold on the appointment of Mr. Sell as Deputy Secretary of Energy. In accord with the policy that I and Senator GRASSLEY have led the Senate on over the years, I do announce my holds publicly; and unless something changes, unless the administration drops this misguided concept—a concept that would be so punitive on our region at a time when we have very high unemployment and a world of economic hurt throughout our region—unless the administration drops their proposal, I will be forced to come back to this floor and have a public hold placed on the Sell nomination.

I remain very troubled by Mr. Sell's role in the discussions that took place in my office and Dr. Bodman's testimony before the Energy Committee when I was assured in both instances that there was opposition to privatization. I and other Members of the northwest congressional delegation are simply not going to let a sign be put up on the Pacific Northwest saying: Closed for business and energy tax hikes headed through the roof. This is too important to our area.

I am very hopeful that, working with colleagues—and I am particularly interested in working with my good friend, the chairman of the committee, Senator DOMENICI—we can resolve this matter out so our region will not be devastated economically.

Senator DOMENICI, to his credit, has raised concerns about this misguided proposal to raise our energy prices in the Northwest. I intend to work closely with him, and I am very hopeful I will not have to come back to this floor and put a public hold on Mr. Sell's nomination to be Deputy Secretary of Energy. But if this is not worked out and it is not worked out quickly, I will have no other option because the ratepayers of our part of the world, at a time when they have experienced enormous economic pain, deserve to know there is not going to be a huge additional rate hike imposed on them and one that would do so much to cripple their hopes and aspirations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

## SOCIAL SECURITY REFORM

Mr. DAYTON. Mr. President, I rise today because my friends in the Minnesota Republican Party have started a petition online urging me to support President Bush's proposal to strengthen Social Security. I want to take this opportunity to assure the people of Minnesota that I would like to strengthen Social Security just as much as anyone else, and if President Bush or anyone presents a proposal that would actually strengthen Social Security, would protect its ability to pay its promised benefits to present and future retirees and other beneficiaries and also create opportunities to provide additional benefits, I will certainly support it.

I have not yet seen a proposal, including that from the President, that would improve upon the present system while continuing its current benefits.

For all the President's fine talk about helping Social Security's financial future, his current fiscal policies, the ones that are in effect right now, are seriously hurting Social Security's future finances and also weakening the financial strength of the entire Federal Government.

It is a mystery to me why the President is so alarmed by the crisis that he says will occur when Social Security starts running deficits at variously said times, such as 2018, 2028, or 2042, when the rest of the Federal Government's budget, everything else besides Social Security, is running enormous deficits for this year, last year, and for every year projected in the future under his proposed budget.

Last year's on-budget deficit was $567 billion. A deficit of $588 billion is expected for the current fiscal year, 2005, and almost $2.5 trillion more in deficits are projected over the following 5 years under the President's proposed budget. That is the real financial crisis the

Federal Government is in right now, running huge operating deficits, by far the worst in our Nation's history, requiring massive Federal borrowing to finance them, adding over $1 trillion to the national debt over the last 3 years, and another $2 trillion over the next 5 years, with no end in sight.

No wonder the nonpartisan Concord Coalition, a Government watchdog organization founded by former New Hampshire Republican Senator Warren Rudman and businessman Warren Buffett, has called the President's fiscal policies the most reckless in our Nation's history.

In fiscal year 2000, which is the last full fiscal year under President Clinton's terms in office, the Federal Government ran surpluses in both its Social Security and on-budget funds. The Office of Management and Budget just a month after President Bush took office in 2001 projected surpluses in both of those major Government funds for each of the next 10 years. President Bush and the majority in Congress turned those surpluses into oceans of red ink by cutting taxes and increasing spending in each of the last 4 years. We also had 9/11. We have undertaken two wars. We went through a recession. There are certainly other factors.

In the midst of those, cutting taxes excessively was a primary contributor to these record deficits, and continuing those policies will only extend those deficits into the future. Yet that is what is being proposed again for this year's budget, next year, and the next. In fact, the proponents want to make future deficits even worse by making those previous tax cuts permanent, which would pile up trillions more in public debt which must be paid off, with interest, by today's children, teenagers, and young workers, the very people President Bush tells us will not have Social Security when they retire.

Unfortunately, with his current policies they will not have a country when they retire. The so-called ownership society will be the owe-the-ship society.

The second financial disaster that is happening in this country right now is that Social Security's current surpluses are being spent to pay for other Federal programs. Remember the Social Security lockbox that President Clinton established so Congress would not spend the annual Social Security surpluses but, instead, would invest it in ways that would truly strengthen the program for its future? Well, in 2000, Presidential candidate George W. Bush promised to protect that lockbox. Guess what. It is unlocked and it is empty.

Last year's $155 billion surplus is gone. The previous year's $160 billion surplus is gone. This year's $162 billion surplus is going, and the next 5 years' surpluses in the Social Security trust fund, which would total over $1 trillion, will also be gone under the President's proposed budget. They are gone to cover and to help continue part of those much larger deficits in the Federal Government's current operations. So that instead of cash or other investments, the Social Security trust fund is left with IOUs from the main Federal fund that borrowed them.

President Bush is correct when he says that when those IOUs must be repaid with interest to enable Social Security to meet its future obligations some date in the future, those additional payments will require additional Federal revenues from either higher taxes, less spending, or more Federal borrowing. If the President is right, if Social Security or even the entire Federal Government then faces a drastic financial meltdown, a bankruptcy, because workers and businesses at that time cannot afford those additional tax burdens, so the Federal Government cannot meet its obligations, whether to Social Security or to other Government programs and services, it will be a disaster that his fiscal policies have created, and that Congress through support or complicity created and made even worse, more severe, by the current deficit spending which the President proposes to continue doing right now, while at the same time he is talking about Social Security's long-term future.

As long as the current fiscal follies continue, whatever anyone says about doing whatever to Social Security years from now, as Shakespeare's McBeth said, is ''full of sound and fury, signifying nothing.''

All of these Senate speeches, all of those Presidential forums, all the millions of dollars of industry advertising, all sound and fury, signifies nothing, except signifying the financial greed that has driven the current fiscal policy and the political cowardice that is allowing it to continue.

What is needed right now, as my sons would say, is to get real, to stop all the speeches, forums, and advertising about what might or might not happen many years into the future and act on what is happening right now. It is very damaging to our country right now, and it is even more damaging to our country's future unless we act right now, this year, to stop it.

Acting right and acting now will take a lot of political courage. The President's budget shows a little but not nearly enough. It reduces spending by some $20 billion next year. That leaves another $560 billion to go in order to balance the Federal operating budget and leave the Social Security surplus in its lockbox—in other words, just to restore us to the level of fiscal responsibility that President Clinton left. That is a lot of political courage. It would require a major truth telling to the American people about how we got into this fiscal mess and how we are going to get out of it, starting right now, with no gimmicks, no games, just straight, honest accounting to balance the Federal budget without spending the Social Security money; to protect Social Security's surpluses and use them only for Social Security; to stop borrowing for current spending and adding that to the increasing national debt and then to start to pay down that debt.

If the President and the Congress are really serious about strengthening Social Security's future, that is what we must do now, and that is the best that we can do now. Straightening out the current budget mess and putting the Federal Government back on a responsible and sustainable course of balanced operating budgets and accumulating Social Security surpluses is a real action plan. Everything else is just posturing and pretending. Because sound Federal fiscal policy now contributes to future economic growth, it increases the likelihood that Social Security, as it is currently structured, will be able to pay its promised benefits with future revenues and income for many decades to come.

Because Social Security's financial future is not cast in stone, there is nothing preordained that will happen at some future date. Social Security's finances will depend upon the future growth in the U.S. economy. The Social Security trustees make this very clear in their annual report by making three long-range projections based on different assumptions about the country's future economic growth. Their intermediate forecast is the one many people cite, incorrectly, as what will happen to Social Security. That projection assumes that growth in the U.S. economy over the next 75 years will be less than two-thirds of the past 40 years.

In the last 40 years in this country, real GDP grew at 3.3 percent a year. The trustees' intermediate forecast projects real GDP growth of 2.9 percent from 2004 to 2013 but then only 1.8 percent from 2015 to 2080.

Another one of the trustees' forecasts assumes real GDP growth of 3.4 percent per year over the next decade and then 2.6 percent per year from 2015 to 2080. That still is less on average than the 3.3 percent over the last 40 years. Yet with that rate of growth the Social Security trust fund's annual income is more than enough to pay for all promised benefits beyond the year 2080, the last year in the current report.

Social Security, under that growth scenario, runs an annual surplus every year into the indefinite future. In fact, in the last year in the projection, 2080, it would have income of $4.2 trillion, make promised payments of $3.5 trillion, leaving a surplus in that one year of $700 billion, which would add to its assets that would end that year at almost $18 trillion. That is not bankruptcy, that is prosperity.

What we need to do right now to assure not just Social Security's future solvency but its future prosperity is to keep the U.S. economy healthy and growing. The best help we can give to the future of Social Security is a sound fiscal policy right now of balanced operating budgets and minimal Federal spending. On the other hand, the worst

that we could do to jeopardize Social Security's future solvency and to necessitate the kind of drastic across-the-board cuts in future retirement benefits that are in the President's proposal is to continue the current fiscal policy of deficits and more deficits, to continue the proposal of making the tax cuts for the rich permanent, abolishing the estate tax, cutting capital gains, eliminating or reducing the tax on dividends, as if the rich are not rich enough already in this country and the superrich are not superrich enough. And, if the truth be known, most of them already pay far less than their fair share in taxes and many pay no U.S. taxes at all.

To continue the tax giveaway frenzies and the fiscal follies of the last 4 years is to doom Social Security's future and this country's economic future. To borrow more and more money from the rest of the world and spend the Social Security surpluses so the rich don't have to pay their share of taxes is, as the Concord Coalition said, ''reckless fiscal policy.'' It is also destructive social policy, and it is the wrong public policy—wrong for the future of Social Security and wrong for the future of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes on the Veterans' Administration.

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

## VA HEALTH CARE

Mr. AKAKA. Mr. President, over the past 10 years, VA has made tremendous strides in its delivery of health care. In fact, VA's quality of care currently surpasses that of the private sector, according to several notable studies.

Though VA has been able to provide high-quality care despite less than generous budgets, we cannot count on that holding true. Indeed, if the administration's proposed cuts for VA care come to fruition, VA will no doubt begin to lose its footing. The President's budget offers a very modest increase for VA care—one that does not even cover medical inflation.

Veterans groups are united in saying that the proposed budget is not sufficient. The Disabled American Veterans has called the Administration's budget, ''one of the most tight-fisted, miserly budgets in recent memory.'' The Paralyzed Veterans of America says that this budget shortchanges America's ''sick and disabled veterans.''

The President's budget calls on VA to save some $600 million by squeezing efficiencies out of the system. I have been to VA hospitals and clinics, and I can tell my colleagues that $600 million worth of efficiencies are not possible without cutting staff and services, the very services that have made VA care excellent.

As many of my colleagues know, VA already obtains some of the best prices on pharmaceuticals. VA's costs are far below retail prices—in some cases 55 percent of average prices. It is unfortunate that the administration does not believe that Medicare's costs would be lowered if the Government could negotiate with drugmakers. VA has proven that it works. My point is that there really are not any more efficiencies to be gleaned from VA drug purchasing.

I will be working to increase the VA health care budget—to move from the realm of miserly to what is truly needed to care for all veterans. In the meantime, we should focus now on the tremendous advances VA has made and do our best to maintain VA care at the highest levels.

One of these studies, done by RAND Corporation, found that VA outpaces private health care systems in delivering care to patients. Among its findings, RAND found that VA patients were more likely to receive recommended health services than those in a national sample of patients using a private provider. It also concluded that VA patients received consistently better care across the board, including screening, diagnosis, treatment, and follow-up.

Additionally, an article—which I highly command to my colleagues—in Washington Monthly titled ''The Best Care Anywhere'' explained at length how, in just 10 years, VA hospitals went from less than excellent care to the pinnacle of quality health care. Fostering the change is the focus on new technology to reduce medical errors. Such computer systems allow clinicians to electronically pull up all medical records for any patient. Doctors are able to enter their orders into a computer system that immediately checks that order against the patient's records. If the software then detects a dangerous combination of medicines or a patient's allergy to the newly prescribed drug, a red flag goes up on screen. The technology also reminds doctors to prescribe appropriate care for veterans after they have been discharged from the hospital, and it keeps track of which patients are due for follow-up services.

VA has made several other important strides in recent years, steps that have been crucial to VA's assent to the top of the medical care field. Until the mid-1990s, VA was considered by most to be in crisis. Starting in 1996, however, Congress forced VA to focus on primary care and outpatient services. This change, known as eligibility reform, led to improvement in care at VA. I am proud that we made those changes. Veterans are coming to VA like never before. Rather than closing the doors—as the President is proposing—let us welcome all veterans into the system.

As ranking member of the Committee on Veterans' Affairs, I will work to ensure that VA continues to be a leader in health care by fighting for additional funding. We must all work to guarantee that all of our Nation's veterans get the care they so greatly deserve.

I ask unanimous consent that the RAND study be printed in the RECORD.

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

IMPROVING QUALITY OF CARE—HOW THE VA OUTPACES OTHER SYSTEMS IN DELIVERING PATIENT CARE

In its 2001 report Crossing the Quality Chasm, the Institute of Medicine called for systematic reform to address shortfalls in U.S. health care quality. Recommended reforms included developing medical informatics infrastructure, a performance tracking system, and methods to ensure provider and manager accountability. The Department of Veterans Affairs (VA), the country's largest health care provider, has been recognized as a leader in improving the quality of health care. Beginning in the early 1990s, the VA established system-wide quality improvement initiatives, many of which model the changes the Institute of Medicine would later recommend.

How does the VA measure up against other U.S. health care providers? To address this question, RAND researchers compared the medical records of VA patients with a national sample and evaluated how effectively health care is delivered to each group. Their findings:

VA patients received about two-thirds of the care recommended by national standards, compared with about half in the national sample.

Among chronic care patients, VA patients received about 70 percent of recommended care, compared with about 60 percent in the national sample.

For preventive care, the difference was greater: VA patients received about 65 percent of recommended care, while patients in the national sample received 20 percent less.

VA patients received consistently better care across the board, including screening, diagnosis, treatment, and follow-up.

Quality of care for acute conditions—a performance area the VA did not measure—was similar for the two populations.

The greatest differences between the VA and the national sample were for indicators where the VA was actively measuring performance and for indicators related to those on which performance was measured.

VA DELIVERS HIGHER QUALITY OF CARE

Using indicators from RAND's Quality Assessment Tools system, RAND researchers analyzed the medical records of 596 VA patients and 992 non-VA patients from across the country. The patients were randomly selected males aged 35 and older. Based on 294 health indicators in 15 categories of care, they found that overall. VA patients were more likely than patients in the national sample to receive recommended care. In particular, the VA patients received significantly better care for depression, diabetes, hyperlipidemia, and hypertension. The VA also performed consistently better across the spectrum of care, including screening, diagnosis, treatment, and follow-up. The only exception to the pattern of better care in VA facilities was care for acute conditions, for which the two samples were similar.

VA CHANGES HELPED IMPROVE PERFORMANCE

The VA has been making significant strides in implementing technologies and systems to improve care. Its sophisticated electronic medical record system allows instant communication among providers across the country and reminds providers of patients' clinical needs. VA leadership has also established a quality measurement program that holds regional managers accountable for essential processes in preventive

care and in the management of common chronic conditions.

PERFORMANCE MEASUREMENT PLAYS AN IMPORTANT ROLE

How does performance measurement affect actual performance in health care delivery? To answer this question, the researchers conducted another analysis focused solely on the health indicators that matched the performance measures used by the VA. They found that VA patients had a substantially greater chance of receiving the indicated care for these health conditions than did patients in the national sample. They also observed that performance measurement has a ''spillover effect'' that influences care: VA patients were more likely than patients in the national sample to receive recommended care for conditions related to those on which performance is measured. For example, VA outperformed the national sample on administering influenza vaccinations, a process on which the system tracks performance. However, it also outpaced the national sample on other, related immunization and preventive care processes that are not measured. This provides strong evidence that, if one tracks quality, it will improve not only in the area tracked but overall as well.

THESE RESULTS HAVE IMPORTANT IMPLICATIONS

The implications of this study go far beyond differences in quality of care between the VA and other health care systems. The research shows that it is possible to improve quality of care and that specific improvement initiatives play an important role. First, health care leaders must embrace and implement information technology systems that support coordinated health care. Second, they should adopt monitoring systems that measure performance and hold managers accountable for providing recommended care. If other health care providers followed the VA's lead, it would be a major step toward improving the quality of care across the U.S. health care system.

THE VA OUTPERFORMS THE NATIONAL SAMPLE ON NEARLY EVERY MEASURE

| Health indicator | VA score | National sample score | Difference |
|---|---|---|---|
| Overall | 67 | 51 | 16 |
| Chronic care | 72 | 59 | 13 |
| Chronic obstructive pulmonary disease | 69 | 59 | 10 |
| Coronary artery disease | 73 | 70 | 3 |
| Depression | 80 | 62 | 18 |
| Diabetes | 70 | 57 | 13 |
| Hyperlipidemia | 64 | 53 | 11 |
| Hypertension | 78 | 65 | 13 |
| Osteoarthritis | 65 | 57 | 8 |
| Preventive care | 64 | 44 | 20 |
| Acute care | 53 | 55 | −2 |
| Screening | 68 | 46 | 22 |
| Diagnosis | 73 | 61 | 12 |
| Treatment | 56 | 41 | 15 |
| Follow-up | 72 | 58 | 14 |
| VA-targeted performance measures | 67 | 43 | 24 |
| VA-target-related performance measures | 70 | 58 | 12 |
| Measures unrelated to VA targets | 55 | 50 | 5 |

Mr. AKAKA. Mr. President, I yield the floor and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

## EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m. with Senators permitted to speak for up to 10 minutes each.

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

Mr. DURBIN. Mr. President, I am sometimes asked back in Illinois how the Senate can have morning business in the afternoon. I still can't answer that question, but we will continue to have it this afternoon.

## SOCIAL SECURITY

Mr. DURBIN. Mr. President, I rise to speak in morning business and address the issue which has become central to our debate about the domestic agenda for America. There is a lot of time being spent by the President and Members of Congress talking about the privatization of Social Security. Social Security is a very important program for millions of Americans. It brought dignity to senior citizens and gave them a chance in their retirement years to live with enough money to get by.

Before Social Security, if a person were fortunate enough to save enough money during their lifetime, they were OK. If they happened to have a generous family, the family would bring their mother and father to live with them in their later years. That was one of the outcomes. But if things went poorly, a lot of senior citizens before Social Security ended up in county poorhouses. They are still sitting around out there. They are not used for that purpose anymore, but you can find them across America. That is where you went when there was no place else to go, no money to take care of yourself, and no children to take care of you.

Along came Franklin Roosevelt back in the 1930s, who said: I think we have learned a lesson here. We need to create a program that gives everybody a chance during their lifetime to pay into Social Security with the guarantee that when you retire, there will always be some money there to help you. Nobody is going to get rich on Social Security. I don't think they ever could. But the idea was there would be this thing they could count on, kind of a bedrock savings plan for Americans—more of an insurance policy than a savings plan. It worked.

For the 60 years or more we have had Social Security, it has made every single payment with cost-of-living adjustments, and seniors in America, many of them, lead comfortable lives because Social Security helps. You cannot live on it alone—I guess you could, but you would barely scrape by—but with Social Security you have something to count on.

You do not care if the corporation you worked for for 30 or 40 years goes bankrupt and takes away your retirement benefits. You do not care in this respect: You know Social Security will still pay you. If you get bad news about that pension plan you invested in for a long time taking a bad turn and not having enough money to pay you what you expected, at least there is Social Security.

Over time, things change in America. We live longer. Thanks to good health habits, good medicine, people are living longer lives. A Social Security Program anticipated to pay out for a few years pays for many years, so we have adjusted for many years. The amount of money paid into it, the benefits paid out, and the eligibility age for retirement have all changed, but Social Security is still there. It keeps on ticking because we count on it so much.

Along comes President Bush who says we have a problem with Social Security. We have to do something. Some call it a crisis. Some call it a challenge. Some call it a problem. But the argument is, we have to do something. You just cannot leave it alone.

What would happen if we left Social Security alone? What if Congress said: We are not going to do a thing to Social Security this year, nothing. We are not going to change one word in the law, not going to change any of the benefits, any of the contributions, what would happen to Social Security? It would make every single promised payment to every single retiree in America every single month of every single year with a cost-of-living adjustment until at least 2042, 37 years from now. The program is strong, and we have to talk about making it stronger.

The President proposes privatizing Social Security, changing the concept of Social Security. Instead of paying payroll tax and receiving your Social Security benefits, the President suggests taking part of that payroll tax and investing it. If you are fortunate, you will do better. Your investment has risk, but the President believes by and large most people will do better.

There is nothing wrong with savings and investment. Everyone should take that seriously for their own lives and for their families. We do in my household. For my wife and me, that is working, saving for retirement, for ourselves, for our family. It is a smart thing to do. But what we do is over and above what we pay into Social Security. Social Security is still there. Members of Congress pay it, incidentally. Despite some of the talk radio comments otherwise, Members of Congress pay Social Security, as my wife does on her job. And we have some savings accounts. It is a smart thing to do. We have done pretty well. We are not getting rich, but we will be comfortable.

Now comes the President and says take the money out of Social Security, put it in the stock market. The obvious question is, if you take the money out of Social Security and out of the trust fund, how will it make its payments?

The President cannot answer that question.

There was a suggestion coming from the White House that we would change the index for Social Security, we would reduce the amount of payments to seniors in years to come. That can get serious. Right now, 1 out of 10 seniors is in poverty. Without Social Security, half of seniors in America would be classified as living in poverty. If we start reducing Social Security payments, we move more and more of our seniors toward poverty. That is not an outcome that anyone would cheer. Yet the President's plan moves America in that direction. It takes money out of Social Security with no explanation on how to pay it back, it cuts benefits for retirees in the years to come, and it creates a greater deficit for America, a deficit increase of $1 trillion to $4 trillion depending on how many years it is calculated.

We have to step back and say, if Social Security is strong for 37 years, why in the world would you want to engage in the President's privatization plan which will reduce benefits for retirees and add $2 trillion or more to or national debt? It is because the President cannot answer those basic questions that many people are skeptical about his privatization plan. They believe, I believe, President Bush's plan to privatize Social Security will weaken Social Security, it will not strengthen it.

There is no one in the White House who suggests that taking money out of the Social Security trust fund makes it stronger. It makes it weaker. Instead of making every payment for 37 years, the President's plan would, frankly, make Social Security unable to make its payment sooner. Why would we ever do that? That is moving in the wrong direction.

My colleague, Senator SCHUMER of New York, has put together a calculator to help people estimate what the impact of privatization of Social Security will do. Plug in what you think your income is going to be, roughly, and this tells the kind of cuts you will take under President Bush's proposal. It is harsh. It is unnecessary. It certainly does not strengthen Social Security.

Let me add one footnote. Adding to our national debt means giving America's mortgage holders, America's creditors, more power over our lives. Who owns America's debt today? Many do who buy bonds and securities in government, but most of it is owned by foreign countries. Central banks in countries such as China and Japan buy our debt. So step back and look at them as you would look at the company, the bank, that issues your mortgage. You owe them that payment every month. You better make that payment. And if your mortgage comes to a close and they do not want to renew your mortgage, go out and look for a new one, and you may have to pay higher interest rates. That is roughly what is going on in the world today.

America entices China, Japan, and Korea to be our mortgage holders, to be our creditors by paying interest on our debt. What happens should the day come in the future when the Chinese or the Japanese say: We do not really trust the American dollar; you people have too much debt. Why aren't you doing something about your current debt? In fact, we have lost so much confidence in the dollar, we think from now on, we are going to base our future on the Euro rather than the dollar.

Hold on tight, because it means that America's dollar is going to be threatened in terms of its stability.

Here comes the President with Social Security privatization adding $2 trillion to $4 trillion to our debt, depending more on China, Japan, and Korea to sustain us, making us more vulnerable.

There is another issue that troubles me. Why is it the countries you mention—China, Japan, and Korea—are the same countries that are taking away American jobs and businesses? Why is it that companies are moving over there? Sure, lower wage rates—we understand that. But there is something else at work. The same countries that hold America's debt hold the future of our economy. The fact they hold our debt gives them the ability to invest in companies that compete with American workers and businesses. The fact we are losing manufacturing jobs has a lot to do with our debt being held by the same countries taking those manufacturing jobs.

Alan Greenspan came to Capitol Hill yesterday. Some days I think he has great insight, and some days I think he is just plain wrong. I am sure he feels the same way about me and my views. Yesterday, he warned us about our debt. He said, though he liked privatization, personal accounts, be cautious, be careful, he said. Good advice—the same advice I wish Mr. Greenspan had given when the President pushed for the tax cuts. Unfortunately, the tax cuts now account for half of our debt. They go primarily to the wealthiest people in America. We are, unfortunately, in a spot where we are cutting back in health care, cutting back in education, unable to do what Americans think we should do for America. Greenspan said yesterday, when it comes to debt, America, be cautious. How can it be cautious to add $2 trillion to $4 trillion to America's debt as President Bush's Social Security privatization plan requires? It is not cautious. It is not sensible. It does not help this younger generation appreciate the greatness of America.

I think the President's privatization plan has run into trouble because it cannot answer the hard questions. The President did not include one penny in his budget for privatizing Social Security. Do you know why? He cannot figure out how to pay for it, and he cannot figure out how to explain it.

That is why not just seniors but families across America are skeptical. They take a look at what the President proposes, which will result in reductions in Social Security benefits. For the average wage earner, born in 1970, who retires in 2035, there will be a 3-percent risk adjusted rate of return on their personal account under the President. Under the current law benefits, that person would receive annually $17,700. Then along comes the President's proposal to change the index for Social Security, and that payment goes down to $12,841. Then comes the privatization tax on top of that, and that same retiree would receive less than half of what he would receive under Social Security today.

President Bush argues that this plan makes Social Security stronger. Tell that to the retiree whose benefit has been cut in half by President Bush's proposal. You may say: Well, you Democrats, you are going to exaggerate this. You just want to get on the floor of the Senate and criticize the President.

Well, let me tell you where these numbers come from.

The Boston College Economics Department just did their own analysis. They came to exactly the same conclusion. They are not in this for any political gain. They are just trying to analyze what the President proposed.

So if that is what we face—cutting benefits under Social Security, adding $2 trillion to $4 trillion to our national debt—is it any wonder a lot of us here say it is time to move on? It is time to find a Social Security answer that is truly bipartisan and makes common sense. The privatization plan of President Bush does not.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## RECESS

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 12:32 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Tennessee, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. 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. BURNS. Mr. President, what is the order of business now?

The PRESIDING OFFICER. The Senate is conducting morning business.

Mr. BURNS. I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

## DEPARTMENT OF AGRICULTURE DECISION

Mr. BURNS. Mr. President, I rise today to join some of my friends on both sides of the aisle to talk about and to do something about taking action regarding the Department of Agriculture's decision to open the border to Canadian beef on March 7.

I have been vocal about this for some time. We have been negotiating with the powers that be in trying to improve this controversial regulation.

First, I congratulate and appreciate Secretary Johanns of the Department of Agriculture for his candid responses on this issue and for his timely decision to limit beef to cattle slaughtered at under 30 months. That action took care of most of the concerns I had with reopening the border since the outbreak of BSE in May of 2003.

We have all been trying to find answers to this situation, but my producers still have some serious concerns about Canada's compliance with the feed ban and the firewalls that have been put in place up there. There has been a team representing the U.S. Department of Agriculture in Canada looking at this situation. The feed ban compliance appears to be the best way to reduce outbreaks of BSE, so it is a critical component of our negotiations and it is a critical component of what actions we take from here on.

Compliance with that feed ban must be consistent, but they also must be long term. Because BSE, or mad cow, can lay dormant in a cow for such a long period of time, feed ban violations from years ago can still be a problem today. Thus, the 30-month rule. Products from animals or live animals older than 30 months was taken from the rule. We had to work very hard to do that, and I know it took great leadership on the part of the Secretary of Agriculture to change that part of the rule.

Now the technical team we had in Canada is back in the United States. Unfortunately, we will not get their report for another week. Congress will be on break. So very few of us will be able to get hold of that report, analyze it, and make a judgment on how we should handle a rule that goes into effect on March 7. It leaves us very little time. Thus, the resolution that will come before this Congress puts a hold on the rule and gives Congress some time to operate. We just cannot afford to allow this situation to move any further with the information that we have now. If the USDA will not delay the implementation of this rule and allow Congress to consider its findings, then I am left with no other choice but to support the disapproval resolution.

Again, I thank the Secretary for doing what he did. That took care of a lot of the concerns about the rule. The decision is critical for our cattlemen, and the Secretary showed tremendous leadership in taking that action so quickly.

It is also important to the entire cattle industry and it is important to consumers to have confidence in one of the safest products they find in their grocery store. We know the border will be open at some point, but what we do and the steps we take are very important, both to our friends in Canada and to our consumers and producers in the United States.

If this rule should go into effect and we have another situation, I am afraid of the erosion that could take place in my industry. So I urge my colleagues to support this resolution, not as a means of cutting off trade with Canada indefinitely but as a way of ensuring that Congress has the time and takes the time, all the time it needs, to consider the provisions of this rule. It is important for producer and consumer alike for this industry we call the great beef industry.

I yield the floor and 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. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The majority leader is recognized.

## COMMENDING THE HONORABLE HOWARD HENRY BAKER, JR.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 58, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) commending the Honorable Howard Henry Baker, Jr., formerly a Senator of Tennessee, for a lifetime of distinguished service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas Howard Henry Baker, Jr., son of Howard Henry Baker and Dora Ladd Baker, was heir to a distinguished political tradition, his father serving as a Member of Congress from 1951 until his death in 1964, his stepmother Irene Baker succeeding Howard Baker, Sr. in the House of Representatives, and his grandmother Lillie Ladd Mauser having served as Sheriff of Roane County, Tennessee;

Whereas Howard Baker, Jr. served with distinction as an officer in the United States Navy in the closing months of World War II;

Whereas Howard Baker, Jr. earned a law degree from the University of Tennessee Law School in Knoxville where, during his final year (1948–1949), he served as student body president;

Whereas after graduation from law school Howard Baker, Jr. joined the law firm founded by his grandfather in Huntsville, Tennessee, where he won distinction as a trial and corporate attorney, as a businessman, and as an active member of his community;

Whereas during his father's first term in Congress, Howard Baker, Jr. met and married Joy Dirksen, daughter of Everett McKinley Dirksen, a Senator of Illinois, in December 1951, which marriage produced a son, Darek, in 1953, and a daughter, Cynthia, in 1956;

Whereas Howard Baker, Jr. was elected to the Senate in 1966, becoming the first popularly elected Republican Senator in the history of the State of Tennessee;

Whereas during three terms in the Senate, Howard Baker, Jr. played a key role in a range of legislative initiatives, from fair housing to equal voting rights, the Clean Air and Clean Water Acts, revenue sharing, the Senate investigation of the Watergate scandal, the ratification of the Panama Canal treaties, the enactment of the economic policies of President Ronald Reagan, national energy policy, televising the Senate, and more;

Whereas Howard Baker, Jr. served as both Republican Leader of the Senate (1977–1981) and Majority Leader of the Senate (1981–1985);

Whereas Howard Baker, Jr. was a candidate for the Presidency in 1980;

Whereas Howard Baker, Jr. served as White House Chief of Staff during the Presidency of Ronald Reagan;

Whereas Howard Baker, Jr. served as a member of the President's Foreign Intelligence Advisory Board during the Presidencies of Ronald Reagan and George H.W. Bush;

Whereas following the death of Joy Dirksen Baker, Howard Baker, Jr. married Nancy Landon Kassebaum, a former Senator of Kansas;

Whereas Howard Baker, Jr. served with distinction as Ambassador of the United States to Japan during the Presidency of George W. Bush and during the 150th anniversary of the establishment of diplomatic relations between the United States and Japan;

Whereas Howard Baker, Jr. was awarded the Medal of Freedom, the Nation's highest civilian award; and

Whereas Howard Baker, Jr. set a standard of civility, courage, constructive compromise, good will, and wisdom that serves as an example for all who follow him in public service: Now, therefore, be it

*Resolved,* That the Senate commends its former colleague, the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country and confers upon him the thanks of a grateful Nation.

Mr. FRIST. Mr. President, it gives me a great honor to comment on the resolution commending Howard Baker that we just addressed. I first met Howard Baker when I was considering the run for the U.S. Senate in 1994. It is

surprising to me now, today, with our close friendship, that I had not met him other than just in passing before. At the time, unlike Senator Baker, I had absolutely no political credentials whatsoever. Nobody from my family had run for public office, served in public office. But he was kind enough to see me, a physician in Nashville, TN, and to listen very patiently. I think a lot about it now, as people make appointments and come in to talk to me, even if they had absolutely no experience in the political arena. Very quickly after that first meeting he realized that the smart politician in my family was not me but was my wife, so the very next meeting, it was me and Karyn sitting in his office.

Since then, I have had the real privilege and the honor of Senator Baker's friendship and his wise counsel, both as leader currently, today, and also as a U.S. Senator and then as a candidate. It is with great admiration that I rise to speak a few moments on his retirement from public service. I use that very advisedly, because Howard Baker will never, ever retire from public service.

He has distinguished himself as one of America's most trusted and valued public servants. A former U.S. Senator, minority leader, majority leader, Republican Presidential candidate, Senator Baker has, as we all know, reached the pinnacles of political life, serving most recently as America's Ambassador to Japan, a position reserved for our most highly respected political figures, our statesmen.

Senator Baker turns 80 this year. He was born in 1925, on November 15, in Huntsville, TN, near the Kentucky border, right where he lives today. His grandmother, Lillie ''Mother Ladd'' Mauser, was Tennessee's first female sheriff. His father and stepmother both served in the U.S. House of Representatives.

Yet despite this illustrious family history, as a young man Howard junior was not interested in a career in politics. After graduating from a military preparatory school in Chattanooga, he enrolled in the U.S. Navy, where he trained as an officer. He earned his bachelor's degree in electrical engineering at Sewanee and Tulane. He then went on to law school at the University of Tennessee law school. During his senior year, however, he saw that first glimpse, that first tantalizing taste of winning elections as he served as student body president.

In 1950, Senator Baker ran his father's first successful bid for the U.S. Congress. Howard senior won a seat in the House, and Howard junior won the hand of Joy Dirksen, the daughter of Illinois Senator Everett Dirksen. For the next 16 years, he and Joy settled into life in Huntsville with their two children, Darek and Cynthia. Senator Baker practiced law and devoted his time to family, to church, and to a variety of civic groups.

In 1964, Senator Baker decided to run in the special election for Senator Estes Kefauver's seat. He narrowly lost to Democrat Ross Bass but came roaring back in 1966, to be elected with 56 percent of the popular vote, making him the first popularly elected Republican Senator in Tennessee's history.

He handily won reelection in 1972. That was at the height of Watergate, and Senator Baker was known on both sides of the aisle for being scrupulously fair and levelheaded. Within months, the Senator was named cochair of the Senate Select Committee on Presidential Campaign Activities.

Initially, Senator Baker believed that President Nixon was innocent of any wrongdoing. Over the years, Senator Baker had become a friend and adviser to President Nixon. But as the investigation unfolded and the evidence mounted, he became convinced of wrongdoing within the administration, leading to his most famous questioning during the investigation: ''What did the President know, and when did the President know it?''

At Senator Baker's right hand during the investigation was our former colleague and friend Fred Thompson and my late chief of staff Howard Liebengood. It was a grueling and intense ordeal for Senator Baker and the country. But at its conclusion, Senator Baker had won the respect of millions of Americans.

In 1976, Senator Baker was chosen to be the keynote speaker at the Republican Convention and was the next year voted by his colleagues to lead them in the Senate.

He won a third Senate term in 1978, and 2 years later made a bid for the Republican Presidential nomination. He ran on a platform at the time of restraining Government spending, balancing the budget, increasing domestic energy production, and cutting taxes and excessive regulations—all positions that are very familiar 25 years later.

In 1980, Senator Baker became Senate majority leader, a post he held until his retirement in 1985.

He was a strong proponent of the citizen legislator, one who came to Washington, DC as a legislator for a period of time but returning home to be with real people and real communities all across the United States. Indeed, that concept and that counsel and those conversations of a citizen legislator have had a huge impact on my life as well.

As majority leader, Senator Baker had a list of rules. He called them his Baker's Dozen. The list included: Listen more than you speak; have a genuine respect for differing points of view; tell the truth, whether you have to or not; be patient; and be civil.

He expounded on his governing philosophy a few years ago during the Leader's Lecture series down the hall in the Old Senate Chamber. I would like to quote a few of his words, as they apply as much today as they did when Senator Baker led this great institution. He said that ''the Founders didn't require a nation of supermen to make this government and this country work, but only honorable men and women laboring honestly and diligently and creatively in their public and private capacities.''

Always sensible, always decent, Senator Baker was a giant in this institution and deeply admired by his colleagues on both sides of the aisle. It has been my great good fortune to have his example before me as I try to apply his insights on a daily basis.

Senator Baker is known and respected around the world. He has met heads of state, and advised American Presidents, but it is interesting because it is home where his heart still is. There is no place he would rather be than in Scott County, TN, surrounded by his friends, his family, his dogs, and taking in the view of what is called the New River—I would really say it is his new river—out the back of his cabin.

I remember one of my first visits—it may have been my first visit—to Scott County and to Huntsville, and to his home. Karyn and my three boys were with me. He said, Bill, you and Karyn look around. He took my three boys back to his darkroom. We all know about his passionate love for Photography. He patiently walked them through the process. That has been burned in their minds as they remember slowly watching pictures come alive in the developing solutions. In fact, I remember one photograph that day was of his soon to be bride Senator Nancy Kassebaum. I was touched that he would take such time to spend with my boys talking about the art of photography, which is his favorite, and remains his favorite, avocation.

As a husband and father, I am grateful for the warmth and the caring he has so generously shared with Karyn and me and our three boys, and as an American, I am deeply grateful for the service he has rendered in so many capacities to our country.

I have that opportunity every morning bright and early, indeed, walking back and forth down this hall behind me every day, to enter the Howard H. Baker Suites, which is the Republican leader's office, and to walk through those doors, seeing his portrait at the end of the first room in those suites. We feel his influence every day, and we think about it in everything we do.

Senator Baker understood that the Senate is like a family, not unlike his hometown of Huntsville in Scott County. As he reminded us a few years ago, ''What really makes the Senate work is an understanding of human nature, an appreciation of the hearts as well as the minds, the frailties as well as the strengths, of one's colleagues and constituents.''

Winner of the Medal of Freedom, our country's highest civilian award, he set a standard of civility, courage, of goodwill and wisdom that continues to serve as an example for all to follow.

On behalf of the entire Senate and a grateful nation, I commend our former

colleague the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country, and I wish him and Nancy Kassebaum all the best in this new chapter of their life.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I feel honored to be here today to support this resolution recognizing the lifetime achievements of my good friend Howard Baker. Howard and I have been friends for a very long time. We arrived in the Senate at about the same time. Howard was elected in 1966, and I was appointed in 1968. In 1977, Howard became minority leader. I was elected minority whip. We became leaders of the majority in the Senate in 1981. Being part of the Senate leadership was a new chapter in my life, and I was privileged to start out on that path with Howard Baker.

After the 1980 elections, we traveled together to the White House almost every couple of weeks to meet with President Reagan. I cherish those trips to the White House to this day. They remain some of my favorite memories of the time I have spent here in the Senate.

Howard Baker is a great leader. He understands how to bring people together to accomplish great things. Those who were here during Howard's tenure, I am sure, remember his commitment to collegiality and fairness. It earned him tremendous respect among his colleagues in the Senate. He was a great choice for majority leader. All of us were honored to serve with him.

In early 1984, I went to his office to discuss the future. Howard convinced me I should plan to stay in the Senate. Later that year, however, Howard announced his own retirement. And, as we know, he later became President Reagan's Chief of Staff.

Catherine and I were sad when Howard lost his first wife, Joy. She was a wonderful woman. We were glad when he and Nancy found each other. Nancy, who is also a friend, served as a distinguished Senator here in her own right. She has been a great friend and partner for our friend Howard.

In 1989, the day before Catherine and I were married, Howard called to tell me he needed to go to China, but Joy was ill—she was in the hospital—and Howard could not leave. Deng Xiaoping had called, as leader of China, and wanted to understand what ''Reaganism'' meant. When Howard could not go on the trip which Ronald Reagan asked him to take to answer that question, Howard dispatched me on that mission. Again, it was a wonderful memory for me, and I appreciated that honor.

Catherine and I were married on December 30 and left for China on December 31. There was no time for a honeymoon. But we got on that plane to China at Howard's request, and we haven't stopped since. I am reminded of that every year now, and it has finally caught up with me. Catherine and I are scheduled to take that honeymoon this spring. So I am not allowed to call Howard to congratulate him because we cannot risk being dispatched again to some foreign country.

Howard's time as Ambassador to Japan is only one chapter in the long and distinguished career the leader just talked about, a career that he spent serving the American people so well. Few men are more deserving of the honor of such a resolution, and Catherine and I wish our good friend and his good lady great luck in their pursuits.

Mr. BYRD. Mr. President, I am pleased and proud to cosponsor today's Senate resolution that honors my good friend and former colleague, Senator Howard Baker, for his lifetime of public service.

As the Senate Democratic leader from 1977 to 1980, I had the pleasure to work with Senator Baker, first when he served as the Senate minority leader. From the start, I found my leadership relations with Senator Baker to be excellent, and that never changed. Make no mistake, he was a tough competitor, but he always remained amiable and friendly to work with, in short, a gentleman in the true sense of the word. He was necessarily partisan, but not overly so. I will never forget his extraordinary cooperation in obtaining consent for ratification of the Panama Canal Treaties. The legislative accomplishments of the 94th and 95th Congresses were a testament to our cooperation.

My admiration for Senator Baker increased even more when he became majority leader in 1981. He remained cooperative, friendly, and easy to work with. When I paid tribute to Senator Baker on the occasion of his birthday in 1983, I stated that Senator Baker was ''the most congenial and likable of all the majority leaders in my time here.'' ''He is accommodating,'' I pointed out, and I marvel at his equanimity. He takes everything in stride. He does not appear to be overwhelmed by the power of his office. I recall quite clearly how all Senators, on both sides of the aisle, liked Howard Baker and had a genuine fondness for him.

One of my saddest days in the Senate came that same year when I learned of Senator Baker's decision not to seek reelection. I expressed my deep regrets, stating: ''Having worked with Howard Baker in the leadership in one fashion or another for a long period of time, I have a real and a very deep admiration for him, and I have a warm glow of friendship that has never ceased to burn brightly.'' I finished that tribute by reciting a poem by Ralph Waldo Emerson, ''A Nation's Strength,'' as testament to my high regard for Senator Baker.

Since leaving the Senate, Senator Baker has gone on to serve our country in a number of other, important capacities, including Chief of Staff to President Ronald Reagan, a member of the President's Foreign Intelligence Board, and U.S. Ambassador to Japan.

Therefore, on this special occasion, when the Senate is honoring this great man for his service to our country, I wish once again to recognize his service to our Nation.

God give us men!

A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun—crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
It's large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.

God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.

God Give us Men!

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator for giving me this opportunity. I am glad to join with the President pro tempore and the majority leader in cosponsoring this resolution. I would like to add a few words about Howard Baker.

When Howard Baker left for Japan, there was an enormous ceremony hosted by the President of the United States in the East Room. It was a signal of the importance of our country's relationship with Japan. It was a demonstration of the long list of distinguished United States Ambassadors to the country of Japan. It was a reminder of the importance of the job Ambassador Baker would have at this listening post and action post in Asia.

Howard Baker's coming home deserves a little bit of fanfare, too. The relationship between Japan and the United States has never been better. A good bit of that credit goes to President Bush and Prime Minister Koizumi for their close relationship, but Howard Baker had a lot to do with it, too. His homecoming helps to bring to a close, as Senator STEVENS and Senator FRIST have said, another chapter in one of the most distinguished public careers in our country.

Howard Baker was a very successful Senator. There would not have been a

Reagan Presidency, as we know it, without Howard Baker. I remember Howard Baker told me that when the tax cuts passed in the early 1980s, after the Republican majority was elected, he, Senator Baker, the majority leader, took the tax cuts and walked them over to the House of Representatives and handed them to Tip O'Neill. Then, of course, Senator Baker put his own Presidential aspirations aside a few years later and served as Chief of Staff for President Reagan. I was living in Australia at the time, and I remember the relief the Australians had in 1987 hearing on the radio that Howard Baker was going to the White House to help straighten out some problems.

I saw him up close, and I have seen him up close for a long time. I came here to this body in 1967, as his legislative assistant, 1 year before the President pro tempore became a Member of this Senate. Howard Baker was not a shy first-termer. We sat around in staff seats in the back of the Chamber and waited until he and TED KENNEDY, then another young Senator, took on Everett Dirksen and Sam Ervin on ''one man, one vote.'' The youngsters beat the oldsters on that vote.

He ran for leader twice, I think, in the first 6 years. In 1977, he changed the name ''Minority Leader'' to ''Republican Leader'' on the wall out here. He began to talk about the second-best view in Washington being in the leader's office. And we knew he was thinking about trying for the first-best view in Washington, which is from the White House.

When he accepted this post in Japan, at President Bush's request, some people said to me: Why in the world would Howard Baker do that, with all he has already done in his life? I was not one bit surprised that he did. Howard Baker has always had the bit in his teeth. He has done everything he has ever done with consummate skill.

He is the reason I am in public service today. We once said there was a whole generation of us—former Senator Thompson, the late Howard Liebengood—a number of us who were a generation of people inspired by Howard Baker. Now there is a second generation, including our majority leader.

There really would not be a two-party system in Tennessee without Howard Baker.

We used to say the best thing about Howard was that when people saw him on TV, he always made Tennesseans look good. We can now say that about the country. When people see Howard Baker around the world, he makes us Americans look even better. He represents the best of us.

We welcome him home just in time for his 80th birthday on November 15, and just in time, I am quite confident, to prepare for another sparkling chapter in one of our country's most distinguished public careers.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Democratic leader.

## TRIBUTE TO DAVID NEXON

Mr. REID. Mr. President, this week marks the end of the career of a dedicated public servant. David Nexon will be leaving the staff of the HELP Committee after 22 years of remarkable service. He is the minority staff director of the Health Subcommittee, and over the years he has ably served the Senate and the Nation. Senators get the credit for successful legislation, but the public does not see the many thousands of hours of work that staff put in crafting the final legislative work product.

David was instrumental, for example, in the passage of the Children's Health Insurance Program legislation, which brought health care to 6 million children. He was also deeply involved in the passage of legislation which permits workers to maintain health insurance when they change or lose their job. These are just two of the many ways where David's work has enriched the lives of millions of Americans. Indeed, the bill we pass today dealing with genetic nondiscrimination is just one more example of his imprint on this Nation's health care policy.

Mr. President, I spent 6 years on the Senate floor, and I got to know Senate staff really well, because sometimes they spend hours and sometimes days getting ready for legislation that comes to the Senate floor. David is someone whom I got to know. When I saw him, I always knew Senator KENNEDY was nearby, or would be here soon. Senator KENNEDY, of course, can speak for himself, but this man was invaluable to Senator KENNEDY, the committee, and, I believe, the Senate and this country.

As David leaves the Senate, we thank him and his family for all of his sacrifices. He is the epitome of what a public servant should be. I wish him well. I wish him the best of luck in his retirement.

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

## GENETIC INFORMATION NONDISCRIMINATION ACT

Mr. FRIST. Mr. President, in a few moments, the Senate will pass the Genetic Information Nondiscrimination Act. When this legislation becomes the law of the land, it will prevent health insurers from denying coverage to healthy individuals, or charging higher premiums based on genetic information. It will also prohibit employers from using genetic information when making hiring, firing, job placement, or job promotion decisions.

I thanked them earlier this morning, but once again I thank Senator OLYMPIA SNOWE, the lead sponsor of this legislation, and one of its leading champions over the years, as well as Senator MIKE ENZI, Senator KENNEDY, and Senator JUDD GREGG. So many people have been involved over the last 7 years on this legislation. I am gratified we are on the cusp of seeing it pass in the Senate and look forward to working with the House of Representatives to have it pass as soon as possible there, so we can get it to the President of the United States.

I think it is a model demonstration of how we are leading today on tomorrow's problems, problems we know increase over time.

Just 2 years ego, the Human Genome Project completed the sequencing of the human genome one year ahead of schedule. With this historic achievement, the pace of scientific discovery has accelerated. The coming years will bring a wave of new genetics-based treatments and more powerful predictive tests for maladies like cancer, Alzheimer's, and heart disease.

Late last year, for example, the FDA approved a new test that helps doctors determine the most effective medications for treating a particular patient's case of everything from heart disease to cancer. Other new measures can detect genes that can spare women with breast cancer the need to undergo chemotherapy and affect an individual's chances of developing lung cancer. When science detects these genetic sequences, doctors and patients can do a great deal to preempt and prevent the conditions they can cause.

However, the information might also be used to harm. If people run a risk of losing jobs, promotions, or insurance policies on the basis of their genes, many will avoid getting tested and learning about them.

By acting now, we are averting widespread discrimination before it happens—before health insurers are tempted to use powerful new gene technology to decide who gets coverage and who does not.

I urge my colleagues to support the Genetics Information Non-Discrimination Act.

Congess should be forward thinking in the policies we set, instead of waiting until catastrophe looms. This is not a political or partisan issue. It is a matter of civil rights.

In the past, Congress has acted to protect the civil rights of its citizens, most notably through the landmark 1964 Civil Rights Act, the Americans with Disabilities Act, and the Health Insurance Portability and Accountability Act.

Today, we take another critical step forward to protect individuals from the threat of discrimination based on their genes by building on those time-tested laws. The Genetic Information Non-Discrimination Act is comprehensive, reasonable and fair. It is both practical and forward-looking.

Once again, I want to recognize the leadership of Senator SNOWE and Senator ENZI and the broad bipartisan coalition that has finally brought us to this day. I look forward to working with my colleagues in the House to send this to the President' desk for his signature.

Mr. President, does the Senator from Massachusetts wish to say anything quickly?

Mr. KENNEDY. Just for 30 seconds, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, at the outset, I see my chairman, Senator ENZI, who has taken the chair of our committee. I commended him for bringing this legislation up, and I say to you, Mr. Leader, we thank you for your willingness to schedule this legislation. It is of enormous importance. We have had a good debate and discussion about all of the concerns families are faced with without this kind of protection. We thank you very much, and Senator REID, for getting this legislation up and giving us a chance to express the Senate view on this matter.

The PRESIDING OFFICER. The majority leader.

## ORDER OF BUSINESS

Mr. FRIST. Mr. President, for the information of Members, we will be voting in a few moments on the genetic nondiscrimination bill. For the remainder of the day, we will be working on the Lebanon resolution, the committee funding resolution, and some military nominations that have been reported by the Armed Services Committee.

As I mentioned earlier this morning, we will convene tomorrow for the reading of Washington's Farewell Address. However, we do not expect any business to be transacted tomorrow.

We are hoping to begin consideration of the bankruptcy bill that was passed out of the Judiciary Committee today when the Senate returns following the President's Day break. I will be working with the Democratic leader on that agreement and will announce more on that later today.

We have had a good week of work, completing action on the Chertoff nomination, the Nazi War Crimes Working Group extension, the nomination of Robert Zoellick and, in a moment, passage of the nondiscrimination legislation.

Having said that, I hope and expect that this will be the last vote of this week. I want to discuss a few items with the Democratic leader, and we should be able to announce shortly whatever other plans are for later today.

## GENETIC INFORMATION NONDISCRIMINATION ACT OF 2005—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 306) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 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) |
| Bingaman | Feinstein | Nelson (NE) |
| Bond | Frist | Obama |
| Boxer | Graham | Pryor |
| Brownback | Grassley | Reed |
| Bunning | Gregg | Reid |
| Burns | Hagel | Roberts |
| Burr | Harkin | Rockefeller |
| Byrd | Hatch | Salazar |
| Cantwell | Hutchison | Santorum |
| Carper | Inhofe | Sarbanes |
| Chafee | Inouye | Schumer |
| Chambliss | Isakson | Sessions |
| Clinton | Jeffords | Shelby |
| Coburn | Johnson | Smith |
| Cochran | Kennedy | Snowe |
| Coleman | Kerry | Stabenow |
| Collins | Kohl | Stevens |
| Conrad | Kyl | Sununu |
| Cornyn | Landrieu | Talent |
| Corzine | Lautenberg | Thomas |
| Craig | Leahy | Thune |
| Crapo | Levin | Vitter |
| Dayton | Lieberman | Voinovich |
| DeMint | Lincoln | Warner |
| DeWine | Lott | Wyden |
| Dodd | Lugar | |

NOT VOTING—2

| | |
|---|---|
| Biden | Specter |

The bill (S. 306), as amended, was passed.

Mr. DOMENICI. Mr. President, I am pleased to have supported the ''Genetic Information Nondiscrimination Act of 2005,'' a bill that will prohibit discrimination based on genetic information with respect to employment and health insurance. This bill represents much cooperation on the part of my colleagues, and I want to thank them for all the hard work done on this important issue.

I am extremely pleased with today's passage of the Genetic Information Nondiscrimination Act as it marks a great milestone for those of us involved in the Human Genome Project. It seems only a short time ago that the Human Genome Project was created as a joint effort between the Department of Energy and the National Institutes of Health. What progress we have made.

In the last 2 years, there have been many events celebrating the completion of maps of the human genome. The genome map has brought a promise of improved health through revolutionary new treatments for illness and disease. The ultimate result of mapping the human genome is a complete genetic blueprint, a blueprint containing the most personal and most private information that any human being can have. We will now have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the genes that can cause sickness and sometimes even death.

Our personal and unique genetic information is the essence of our individuality. Our genetic blueprint is unique in each of us. However, as genetic testing becomes a more frequently used tool, we now must begin to address the ethical and legal issues regarding discrimination on the basis of genetic information. Questions regarding privacy and confidentiality, ownership and control, and consent for disclosure and use of genetic information need to be carefully considered.

An unintended consequence of this new scientific revolution is the abuses that have arisen as a result of our gathering genetic information. Healthy people are being denied employment or health insurance because of their genetic information. By addressing the issue of nondiscrimination, we are affirming the right of an individual to have a measure of control over his or her personal genetic information.

Genetic information only indicates a potential susceptibility to future illness. In fact, many individuals identified as having a hereditary condition are, indeed, healthy. Some people who test positive for genetic mutations associated with certain conditions may never develop those conditions at all. Genetic information does not necessarily diagnose disease. Yet many people in our society have been discriminated against because other people had access to information about their genes, and made determinations based on this information that the individual was too risky to ensure or unsafe to employ.

While the issue is complex, our objective is clear; people should be encouraged to seek genetic services and they should not fear its discriminatory use or disclosure. The Genetic Information Nondiscrimination Act is an important first step toward protecting access for all Americans to employment and health services regardless of their genetic inheritance. There is simply no place in the health insurance or employment sector for discrimination based solely upon genetic information.

## GENETIC INFORMATION NONDISCRIMINATION ACT OF 2005

Mr. ENZI. Mr. President, I rise to speak on the promise of genomics.

''Dazzling thrilling astonishing breathtaking''. Even for a group given to hyperbolic speech, the language my

colleagues used in this Chamber 2 years ago to describe advances in human genetics is both extraordinarily intense and factually accurate. Little has changed since 2003. Indeed, little has changed in the 9 years we have been considering this legislation. What remains the same is that the tremendous promise of this fundamental scientific advance remains incompletely realized. I am truly concerned that, at the very time in healthcare that we need innovation the most, we tacitly accept limitations on the application of this ''tremendously powerful tool.''

It is vital to understand that we have hurtled forward, over a remarkably short period of time, into an entirely new era of medical practice, one the majority leader believes will be characterized by ''advances . . . more dramatic than any . . . I had the opportunity to . . . participate in over twenty years in . . . medicine''. Barely 50 years ago, Drs. James Watson and Francis Crick completed the work begun by the 19th century Austrian monk, Gregor Mendel, when they discovered the double-helix structure of DNA, the substance of which genes are composed. Four nucleotides, a simple combination of phosphate, nucleic acids and sugar, are arranged in an infinite variety of pairs within genes that, in turn, are distributed amongst the 46 chromosomes, which constitute the normal human genome. Operating according to the instructions contained in the DNA, cells in the body produce proteins that control the expression of our individual heredity, e.g. color of hair and eyes, and determine, in part, whether we will be sick or well.

Hardly 2 years ago, Dr. Francis Collins and colleagues at the NIH National Human Genome Research Institute completed mapping of the human genome, determining the exact location of the 3.1 billion base pairs that constitute our ''blueprint of life''. It is encouraging to note that, in an era where government programs are beginning to receive the scrutiny the public deserves regarding results, this program completed its Herculean task 2 years ahead of schedule. As representatives of the people, we now have the opportunity and the responsibility to help scientists and clinicians bring this basic research forward to the hospital, the clinic, even to our very workplaces and homes. There are many, both sick and well, who are counting on us to help put that blueprint to use.

How does the science of genetics, simple and straightforward as it may be to the experts, translate into something with meaning to those outside the scientific community: the Congress; and the citizens whom we represent? In particular, why should the rancher in Cody or small businessman in Gillette care? I can think of three ways.

First, our Declaration of Independence states that we are ''endowed by our Creator with . . . unalienable rights (including) life, liberty and the pursuit of happiness''. Clearly, the state of our health can determine how successfully we exercise at least two of those rights. For example, patient care can be much more individualized if it is based on an understanding of the human genome. Current medical practice applies the results from studies obtained in groups of patients to the treatment of the individual; within each group, however, there are patients who respond better or worse to the therapy offered, compared to the response of the group as a whole. The former may be undertreated by standard therapy—they could recover faster or more completely, while the latter may be overtreated—developing complications of therapy that may prove worse than the disease itself. Providers need a way to predict what an individual's response to treatment is likely to be so that a particular course of therapy can be modified intelligently and expeditiously. That flexibility in treatment, guided by an understanding of the patient's unique, genetically determined response, should result in better outcomes. Even today, oncologists are treating cancer patients with protocols that take into account genetically determined differences in how individuals absorb, metabolize and excrete drugs. Drug therapy for other diseases should show similar, clinically relevant variability. Similarly, cardiologists caring for patients with hereditary long QT-interval syndrome, a disturbance in heart rhythm that can lead to sudden death in healthy young people during exercise, are beginning to use genetic testing to help select patients for treatment or observation and to choose amongst the therapeutic options available—lifestyle changes, drug therapy and surgery—the ones most likely to be of benefit.

Second, we recognize, based on long experience, that prevention is better than cure, both for the individual and for society as a whole. Early identification of a genetic predisposition to develop a specific disease can be crucial to an effective intervention, one that, quite often, will be less costly, too. For example, cystic fibrosis—an inherited disease producing life-threatening digestive and respiratory symptoms—is the most common, recessively inherited condition afflicting white American children. Scientists have identified over 700 genetic variations of cystic fibrosis, some of which help to define the clinical manifestations of the disease. Treatment programs for cystic fibrosis that emphasize preventive therapies are associated with the best outcomes. Early identification of those at risk and more precise characterization of what those risks will be facilitates a more productive program of monitoring, more aggressive preventive care and focused treatment. Likewise, sickle cell anemia, an inherited abnormality in the production of hemoglobin, the molecule in the blood that carries oxygen to the cells, is prevalent in African Americans. Sickle cell disease, the most severe variant of this condition, carries a significantly increased risk of disability and early death through a variety of infectious and thrombotic complications. Changes in lifestyle and compliance with regimens of preventive care, e.g. prophylactic antibiotic therapy, are easier for affected individuals to tolerate if they believe that the risks and benefits really apply to them.

Some might argue that diseases like these, though unquestionably worthy of public attention, represent a lesser national priority when compared to the other health care needs. In addition, other pressing domestic and international concerns—deficit reduction and national security—figure prominently, as they should, in the national debate. Wyoming has relatively few citizens at risk for some of the diseases I highlighted today, so most citizens of my state might, understandably, focus their thoughts elsewhere.

I think there are two reasons why they don't. The people of Wyoming take appropriate responsibility for one another's well-being. They lend a hand whenever help is necessary, not in the expectation that to do so will be of direct benefit to them, but because it is, simply, the right thing to do. There is a direct benefit, however, to be realized. Full implementation of the results of the human genome project will have a revolutionary impact on diseases that are of concern to all of us, in Wyoming and across the United States, regardless of our age, gender, or ethnicity. Already, experts recognize the practical and the potential applications of genetic research to the diagnosis and treatment of cancer—e.g., breast, colorectal and ovarian—heart disease, degenerative neurological disease—e.g., Alzheimer's and Parkinson's—diabetes, and asthma. No longer is it science fiction to anticipate that primary healthcare providers will, by combining environmental risk assessment and education with genetic evaluation, be able to develop, implement and monitor a comprehensive, life-long health plan that maximizes wellness.

Third, and, perhaps, most important of all, Americans must recognize that they have a civic responsibility not only to care for their own health, but to participate in the research yet to come that moves the science of healthcare forward for everyone. Those of us, including myself, who have contributed to this discussion over the last 9 years have all noted the remarkable ''explosion of knowledge'' and the ''great strides'' in healthcare that have resulted from research already performed. More importantly, though, we recognize that, while the science of human genomics has ushered in a new era of vast potential, that promise has not yet been fully realized. There is much that remains to be done to ''unleash the power'' of this science to change permanently the practice of healthcare for the better. Clinical trials are still necessary, to validate

reasonable hypotheses and to determine where innovations should fit into practice. Once integrated, the actual effect of these innovations must be accurately and precisely assessed, recognizing that experience is the great teacher. We must work to foster a culture of enlightened self-interest in the American people, underscoring their altruistic motivation to do what's right. Finally, we have a responsibility to encourage our fellow citizens to participate fully in their own healthcare by working with their providers to incorporate advances in science into their personal health plans as quickly as possible.

Inherent in discharging this responsibility is the need to remove barriers to action. Thomas Jefferson said, ''Laws and institutions must go hand in hand with the progress of the human mind.'' No better example of this truism exists than the challenge we face in fulfilling, completely, the promise of the genomic revolution. Our objective is clear: to encourage people to seek genetic services, and to participate in essential genetic research, by reducing fears about misuse or unwarranted disclosure of genetic information.

I applaud my colleagues in voting for the Genetic Information Nondiscrimination Act of 2005.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Oregon.

## MORNING BUSINESS

Mr. WYDEN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## PRESCRIPTION DRUG PRICES

Mr. WYDEN. Mr. President, getting a good deal for our senior citizens on prescription medicines is too important for word games. In the public debate over the prescription drug benefit, it is regrettable, because the administration seems to be confusing the matter of negotiation to get the seniors a good price with what constitutes price controls. This afternoon I would like to set the record straight.

First, I want to be clear: I am against price controls for this program. I am not in favor of mandating prices. I am against the whole concept. But what I have been talking about over the past 3 years, particularly with the bipartisan legislation I have with Senator SNOWE, is negotiating, which has Medicare sitting down and negotiating for the millions of older people who are going to be relying on this benefit in the years ahead.

If anybody is not sure what negotiating is, if anybody can't tell the difference between negotiation and price controls, I want to be specific about what constitutes negotiation. First, with negotiation, you simply sit down at the table. You say to the people you are negotiating with: I am one of your best customers. And third, you say: So, buddy, what are you going to do for me. And this, of course, is what goes on in the private sector in Minnesota, in Oregon, in Florida, every part of the country.

To tell the truth, I guess I have more faith in the folks over at Medicare than they do in themselves, because I noted that the Medicare chief actuary said yesterday this kind of negotiating power isn't going to do anything, isn't going to produce any savings, and talked about how this was going to lead to price controls and that sort of thing.

I happen to think that Medicare, through their talented folks, does have the ability to negotiate better prices, as does the private sector. But if they don't think they do, they can bring in some negotiators who make sure that the older people do get a good deal.

The story that has been trotted out in the last 24 hours is about previous and fruitless negotiations for other drugs. Cancer drugs have been cited, for example. I think that is comparing apples to oranges. There wasn't any negotiation in the past. Medicare paid up. Medicare paid up, and that was the end of it.

What I hope the Senate will see is that there is a real distinction between the kind of bargaining power Senator SNOWE and I want to see this program have at a critical juncture and the notion of price controls, which we do not support and oppose strongly.

It comes down to whether the Senate wants Medicare to be a smart shopper. I have said that Medicare purchasing of prescription drugs is like the fellow in Price Club buying toilet paper one roll at a time. Nobody would go out and do their shopping that way. Yet that is essentially what the country faces, if there are no changes at all.

One other point on this issue is also worth noting. Yesterday Secretary Leavitt came to the Finance Committee and was asked by me and Senator SNOWE and others about this question of how to contain costs for prescription drugs. The Secretary said he was hopeful that in July and August Senators and Members of Congress and others would go home and make the case to constituents this was a good program and that older people and their families would sign up for the benefit. I said to the Secretary during the course of questioning, as somebody who voted for the benefit, I hoped that was the case, that folks would sign up, but that the big barrier to older people signing up is they were skeptical that the costs would be restrained. Older people were concerned about the costs of medicine in Georgia and Oregon and everywhere else.

The Secretary's comment was: Well, there are going to be plenty of private plans, and the private plans are going to hold the costs down.

My response was, I certainly hope that is the case. That was one of the reasons I felt it was important to get started with the program and why I voted for it. But I pointed out to the Secretary that may be the ideal, but what would be done in areas where there weren't a number of private plans and the opportunity to hold the costs down. That will certainly be the case in areas where there are what are called fallback plans. My guess is in rural Georgia and rural Oregon, we are going to see a number of those fallback plans because those are communities where you are not going to see multiple choices for the seniors. You will be lucky to have one plan, if there is to be any coverage for the older people.

What Senator SNOWE and I have said is that at a minimum, let's make sure in those areas where the older people don't have any bargaining power, it is possible for the Government to step in and make sure seniors and taxpayers can get the best possible deal on medicine.

In effect, what Senator SNOWE and I have been talking about is the position of Mr. Leavitt's predecessor, Secretary Thompson. At Secretary Thompson's last press conference he said, almost verbatim, that he wished the Congress had given him the power Senator SNOWE and I believe is important for this program.

In saying so, the Secretary made it clear, also, he was not for price controls; he wasn't interested in a one-size-fits-all approach to containing costs. He simply made clear that if it is apparent in a community that the older people won't have any bargaining power at all because choices are limited, the Secretary wanted essentially a kind of fallback authority, which would mean the Government at that point could make sure the older people and taxpayers were in a position to have some leverage in the marketplace.

I asked the Secretary why he disagreed with his predecessor. I asked specifically: Why do you see it differently than Secretary Thompson? Essentially, he said he simply believes in the marketplace, and there are going to be lots of choices. I hope he is right. I know he is certainly sincere in his views.

What I am concerned about is, I think it is going to be very hard for the Senator from Georgia and other colleagues to go home in July and August and get the older people to sign up for this program if they don't see this body is taking additional bipartisan steps to control costs. The older people are reading the newspaper and walking into their pharmacies, and they are seeing what is going on.

Regrettably, the cost of the program has continued to go up. We can debate how much it has gone up. I am not interested in some kind of partisan wrangle on it. But the cost of the benefit has gone up. And the number of seniors who have signed up for the first part of the benefit was really very low. So what this has created is a situation for

the prescription drug benefit, where there is a real likelihood that a huge amount of Government money will be spent on a very small number of people. That is not a prescription for the survival of the program. Certainly, as somebody who voted for the program, I want to see it survive. So I will keep up my end of the bargain. I will keep working on a bipartisan basis.

I want to express my continued interest in working with the Bush administration to save this prescription drug benefit that we worked so hard to get off the ground. We need to have an honest conversation about how to do it. I don't think that conversation is helped by this confusion about what is the difference between negotiating—which I and Senator SMITH and Senator SNOWE have advocated—what goes on in the private sector and what constitutes price controls. Senator SNOWE and I want to be for what goes on in the private sector. We are against price controls.

This will certainly not be the last time this topic is discussed on the floor of the Senate. It certainly won't be the last time that I discuss it. I am glad to have the chance to take a few minutes to set the record straight because I think there was needless confusion on this point in the last 24 hours. I think the remarks of the Medicare chief actuary were unfortunate. I guess I have more faith in the folks at Medicare to be able to negotiate good deals than they apparently do in themselves. I simply urge that there be a continued focus on this program during this crucial month, where it is going to be important to get older people to sign up. The key to getting them to sign up will be to hold down the cost.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

## FIRST RESPONDERS

Mr. FRIST. Mr. President, my first statement refers to first responders and the tremendous progress made over the last several years in addressing responses to emergencies of all types. On Tuesday, the director of the Tennessee Emergency Management Agency came to Washington to brief me and the entire Tennessee delegation on our State's homeland security needs. It was fitting, I was thinking at the time, for him to be here on the day that we voted on the nomination of Judge Michael Chertoff.

It has been 3½ years since we were attacked on September 11. Since then we have taken significant steps to strengthen and improve in so many ways our homeland security, from information and technology to training and to overall preparedness. The Department of Homeland Security was established in March of 2003 and has been central in overseeing and coordinating all of these efforts. It is a huge job. I applaud Secretary Tom Ridge for his skillful leadership during those very uncertain times.

Since the September 11 tragedy, we have taken a number of steps. We hardened cockpit doors on 100 percent of large passenger aircraft; 100 percent of all baggage is screened. We have deployed thousands of Federal air marshals and professionally trained screeners at our ports. We now screen 100 percent of high-risk cargo. We have also launched the US VISIT system which creates a database of pictures and finger scans of everyone entering the United States with a nonimmigrant visa. All of these preventive measures, along with many others, are indeed making America safer and more secure.

September 11 taught us that the front lines of a catastrophic terror attack are not here or in policy but are local, in communities all across this country. It is the folks in our fire departments, in our police stations, in our emergency rooms, and in the volunteer corps. It is the brave men and women who rush to an attack site with almost superhuman stamina and compassion, working to save their fellow citizens.

I am reminded of the Memphis and Shelby County Urban Search and Rescue Task Force that traveled to Washington to help at the Pentagon after September 11. All airplanes were shut down. The team loaded two tractor trailers, three buses, and a few cars, and drove all through the night from Tennessee until they arrived early in the morning of September 12th. It was a team of firefighters, doctors, nurses, computer technicians, and rescue dog handlers who worked 12-hour back-breaking shifts every day for days—believe it was a total of 8 days—to help secure the Pentagon's structure and save lives.

Two or three days after September 11, I had the opportunity to go and visit with this rescue task force and to thank them. I remember vividly the day, with the large American flag still on the debris of the Pentagon behind the setup of the task force, and that large Tennessee flag. At that time, all I could say was: Thank you for being on the front line, for responding so immediately, for leaving the comfort of your own homes to volunteer to respond. Like so many brave and committed first responders from around the country, their assistance was invaluable.

Tennessee received $32.4 million for fiscal year 2004 and $32.6 million for fiscal year 2005 to continue training and strengthening our first responders and local capabilities.

This month, fire departments across the State were awarded grants to promote fire safety and prevention. Meanwhile, Tennessee has established 26 Citizen Corps Councils to help coordinate emergency volunteers. As we learned on 9/11, we are all in this together.

Another area that must be addressed is our biohazard preparedness. We know that at least 11, and as many as 17, nations already have offensive biological weapons programs—at least 11 nations. Experts believe these countries' arsenals are stocked with agents that could be devastating as weapons. The United States must be prepared for the eventuality of another bioterror attack. That is why in the last Congress we passed Project Bioshield, which authorizes $5.6 billion over 10 years for the development of vaccines and a whole range of other countermeasures against potential biological attacks. Such potential attacks could include those of smallpox, anthrax, and botulism toxin, as well as other dangerous pathogens such as Ebola and plague.

This sort of legislation shows us leading on the challenges of tomorrow. These are proactive pieces of legislation that are preventive, that make us safer and more secure. This legislation will help ensure that our public health agencies focus, in a deliberate and comprehensive way, on developing drugs and countermeasures and vaccines and devices whether it is against a biological attack or chemical attack or radiological attack or an attack by nuclear agents or dirty bombs.

This year, we hope to build on these measures with another bioshield act which is designed to better protect and strengthen our domestic public health infrastructure. Specifically, this legislation improves the availability and accessibility of vaccines. It strengthens our capacity to respond efficiently in the event of a public health emergency. And it gets more first responders into the field by offering loan repayments in return for service at the FDA, the Food and Drug Administration, or the Centers for Disease Control and Prevention, the CDC, or the National Institutes of Health, or other public health agencies.

Well, there is much to do to make America safer and more secure, from the war on terror, to strengthening the homeland. Next week, I will be returning to my State, as most of our colleagues will be doing during this period of recess, and attending a conference in Tennessee on a study of what our current plans are and to also explore ways in which we can maximize our efforts. It is hard to plan when we do not know what might be next. That is why we must be ever vigilant and ever creative in securing ourselves from attack. From our Federal officials, to our local volunteers, protecting the homeland is everyone's duty.

## ACCOMPLISHMENTS OF THE SENATE AND LOOKING AHEAD

Mr. FRIST. Mr. President, before wrapping up, I will look back, very

briefly—which I tend to do right before we go into a recess—and also look forward, very briefly.

Let me summarize the last 3 weeks as being gratifyingly productive. I say that because last Thursday, by a vote of 72 to 26, the Senate passed the Class Action Fairness Act. The process was bipartisan throughout. It was a great legislative victory for the Senate and, subsequently, for the House of Representatives, which passed the bill today. Soon the President will sign this very important issue that addresses lawsuit abuses.

Senator GRASSLEY, who was the lead sponsor of the bill, had been working on class action reform for over a decade. Last week, we finally delivered. I commend my colleagues for their fairness and their cooperation.

I applaud also Senator ARLEN SPECTER, who has not been with us the last couple of days, but I talked to him a few minutes ago, and he is doing very well. I applaud him for his leadership because it was through his committee, the Judiciary Committee, that class action was first addressed and brought to the floor, again, with a bipartisan vote, and ultimately passed. I thank Senator SPECTER for his tremendous leadership.

Building on the momentum of the class action bill, we passed the Genetic Information Nondiscrimination Act today, not too long ago, with a vote of 98 to 0. I once again thank Senator OLYMPIA SNOWE, who was the lead sponsor of that legislation and has been one of its leading champions for many years. It was a bipartisan piece of legislation, obviously, with a vote of 98 to 0.

On the other side of the aisle, Senator KENNEDY, and on our side of the aisle, Senator GREGG and Senator MIKE ENZI—all of them have been thanked over the course of the day. I thank them. And I thank the Democratic leader, as well, Senator REID, for facilitating passage of this important piece of legislation.

When this bill becomes the law of the land, it will prevent health insurers from what can be very tempting for an unscrupulous health insurer, and that would be to reach down and grab information that is important to a patient but that information could be used against the patient.

It will prevent insurers from charging higher premiums based on the results of genetic testing. It will also prohibit employers from potentially using genetic information when considering hiring or firing somebody or considering job promotions.

This bill, the Genetic Information Nondiscrimination Act, is a model of how again we can lead today on tomorrow's problems. As the science advances, genetic tests will be used with increasing frequency, and the likelihood, without this bill, would be for abuse of this genetic information. It is hugely powerful for the patient, but if misused, detrimental to the patient. This legislation addresses that potential problem right up front and prevents that from happening.

Over the last 3 weeks, we also confirmed the last of the President's Cabinet nominees. We approved Condoleezza Rice as Secretary of State, Alberto Gonzales as Attorney General, Samuel Bodman to lead the Energy Department, and Michael Chertoff as head of the Department of Homeland Security.

Earlier today, the President announced his selection of John Negroponte to serve as the Director of National Intelligence. We had the opportunity last night to have a presentation, an exchange of information, with Ambassador Negroponte, who is serving us so well today in Iraq.

Ambassador Negroponte, as Director of National Intelligence, will be responsible for revamping and integrating America's 15 intelligence-gathering services. As the U.S. Ambassador to Iraq and the United Nations, he has proven his ability to manage complicated organizations and tackle the difficult challenges we face today under intense pressure.

He understands the needs of policymakers, and he understands how the executive branch works. I look forward to his swift confirmation. I look forward, personally, to working with Ambassador Negroponte in the weeks and months ahead. I hope we will be able to consider his confirmation process in the very near future.

The Senate has spoken out on some of the most important issues of the day as well: the Iraqi elections, the Palestinian elections, the assassination of Lebanese Prime Minister Rafiq Hariri.

When we return from our short recess—and, again, most people will be going back to their States in order to be with their constituents over the next week—we will continue keeping our eye on events at home as well as abroad. We will return after our recess to look at issues such as bankruptcy, which we will address as soon as we come back. We will address the supplemental the President has delivered to us. And, of course, we will be addressing the budget as well.

As I promised when we began the 109th Congress, it is our job to deliver meaningful solutions on the challenges that are ahead.

It is our duty and our privilege to keep America moving forward.

## RULES OF PROCEDURE—COMMITTEE ON APPROPRIATIONS

Mr. COCHRAN. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 109th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

SENATE APPROPRIATIONS COMMITTEE RULES—109TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

## RULES OF PROCEDURE—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, in accordance with rule XXVI.2. of the

Standing Rules of the Senate, I submit for publication in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted by the Committee on January 26, 2005.

I ask unanimous consent that the text of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements. Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE—RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

## NOMINATION OF AMBASSADOR JOHN NEGROPONTE

Mr. KENNEDY. Mr. President, today President Bush nominated Ambassador John Negroponte to be the new Director of National Intelligence. Rarely will a nominee so clearly go from the frying pan to the fire.

Ambassador Negroponte will face enormous challenges in his new position just as he has in his current position as our Ambassador to Iraq. His experience there will serve him well, since the war with Iraq has made the country a breeding ground for terrorism that did not previously exist. His new top priority must be to keep America's intelligence community focused on the real threat to our national security—the war against al-Qaida.

This will not be an easy task. The ongoing war in Iraq is sapping our military, diplomatic, and intelligence resources. It is a war that did not need to be fought. There were no weapons of mass destruction. There were no persuasive links to al-Qaida. America should not have rushed to war with Iraq. We should have stayed focused on the imminent threat from al-Qaida, a threat that remains strong more than three years after the 9/11 attacks.

CIA Director Porter Goss' statement yesterday that ''Al Qaeda is intent on finding ways to circumvent US security enhancements to strike Americans and the homeland'' is a timely reminder that al-Qaida is still the gravest threat to our national security, and the war in Iraq has ominously given al-Qaida new incentives and new opportunities to attack us.

The warning about al-Qaida's threat was emphasized Admiral James Loy, Deputy Secretary of Homeland Security. He told the Intelligence Committee, ''We believe that attacking the homeland remains at the top of Al Qaeda's operational priority list. We believe that their intent remains strong for attempting another major operation here.''

The danger was also emphasized by Robert Mueller, the FBI Director, who told the Intelligence Committee, ''The threat posed by international terrorism, and in particular from Al-Qaeda and related groups, continues to be the gravest we face.'' Director Mueller said, ''Al Qaeda continues to adapt and move forward with its desire to attack the United States using any means at its disposal. Their intent to attack us at home remains and their resolve to destroy America has never faltered.''

In addition, the threat was emphasized by the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby, who said, ''The threat from terrorism has not abated. . . . The primary threat for the foreseeable future is a network of Islamic extremists hostile to the United States and our interests. The network is transnational and has a broad range of capabilities to include mass casualty attacks.''

Most ominously of all, CIA Director Porter Goss emphasized that terrorists are doing all they can to acquire nuclear materials that can be used in a nuclear attack against any American

city. He spoke specifically about the materials missing from Russian nuclear facilities. He said, ''There is sufficient material unaccounted for, so that it would be possible for those with know-how to construct a nuclear weapon.'' His assessment is that ''It may be a only a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons.''

Defense Intelligence Agency Director Jacoby concurred, saying, ''We judge terrorist groups, particularly Al Qaeda, remain interested in chemical, biological radiological and nuclear weapons.''

Admiral James Loy, Deputy Secretary of Homeland Security warned, ''Al-Qaeda and its affiliated groups have demonstrated an operational capability to conduct dramatic, mass-casualty attacks against both hard and soft targets inside the United States and abroad . . . The most severe threats revolve around al-Qaeda and its affiliates' long-standing intent to develop, procure, or acquire chemical, biological, radiological, and even nuclear, weapons for mass-casualty attacks.''

CIA Director Porter Goss also said that we've created a breeding ground for terrorists in Iraq and a cause worldwide for the continuing recruitment of anti-American extremists.

His assessment was clear. ''The Iraq conflict, while not a cause of extremism, has become a cause for extremists . . . Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists . . . These jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.''

American forces served bravely and with great honor in Iraq. But the war in Iraq has made it more likely—not less likely—that we will face terrorist attacks in American cities, and not just the streets of Baghdad. The war has clearly made us less safe, and less secure.

It has significantly increased the challenges to our intelligence community. And it underscores the vital need to have a Director of National Intelligence who understands that it is al-Qaida not Iraq—that has always been and remains the greatest threat to our national security.

In my view, we have no higher priority than to do everything we possibly can to track down and secure the nuclear materials missing from Russian stockpiles or from any other source that might be available to terrorists. The nuclear clock is ticking, and we are living on borrowed time.

## 50TH ANNIVERSARY OF THE NEW ENGLAND BOARD OF HIGHER EDUCATION

Mr. KENNEDY. Mr. President, on June 2, 1955, the Governors of six New England States recognized the importance of higher education to the region and entered into the New England Higher Education Compact to share the region's higher education resources and to cooperate in meeting the needs of the New England workforce.

The original signers of the New England Higher Education Compact were Governor Abraham Ribbicoff of Connecticut, Governor Edmund Muskie of Maine, Governor Christian Herter of Massachusetts, Governor Lane Dwinell of New Hampshire, Governor Dennis J. Roberts of Rhode Island and Governor Joseph B. Johnson of Vermont.

The legislatures of the six States ratified the compact and the compact was approved by the United States Congress on August 30, 1954, and the New England Board of Higher Education was created as the interstate agency to carry out the mission of the compact.

In 1957, the New England Board of Higher Education established what has become its flagship program, the New England Regional Student Program, to enable New England residents to pay reduced tuition at out-of-State public colleges and universities in the region when they enroll in degree programs not offered by their home State.

The six New England States agreed in the compact to provide needed, acceptable, efficient educational resources and facilities to meet the needs of the New England workforce in the fields of medicine, public health, science, technology, engineering, mathematics, and other fields of professional and graduate training. Access and affordability have become the hallmark of the Regional Student Program of the New England Board of Higher Education.

The New England Board of Higher Education has, over the course of the last 50 years, saved New England students and their families millions of dollars in annual tuition bills. The New England Board of Higher Education provides professional development training to prepare the region's high school teachers and college faculty to teach in the fields of math, science and technology for thousands of New England's middle, high school and college students.

The Excellence Through Diversity program of the New England Board of Higher Education provides an academic support network to inspire, inform and motivate underrepresented high school students to apply to college, performs research relating to underrepresented groups enrolled in science, technology, engineering and mathematics programs in New England, and supports efforts to increase the number of minority doctoral scholars at New England colleges and universities.

Connection: The Journal of the New England Board of Higher Education is America's only regional magazine on higher education and economic development that provides a key policy forum for New England educators, business leaders, and policymakers to share best practices and current views on higher education and economic development.

For the past 50 years, hundreds of New England's leading citizens in government, education, and business have served as delegates to the New England Board of Higher Education to encourage regional cooperation, increase educational opportunities for residents of the region, and strengthen the relationship between higher education and the region's economy.

We join to congratulate the New England Board of Higher Education on the occasion of its 50th anniversary, and commend the New England Board of Higher Education for its service to New England residents and its commitment to excellence in higher education, and in particular, its distinguished Board of Delegates led by the Honorable Louis D'Allesandro of New Hampshire and its president and CEO, Dr. Evan S. Dobelle of Massachusetts.

## LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In September of 2004, two transgender women were attacked by a group of six or seven teenagers in Washington, DC. One of the women, Kerri Kellerman, suffered two broken ribs, a fractured skull, and a facial wound requiring 40 stitches after being beaten with a brick and a metal padlock. The other woman, a 25-year-old named Jaimie Fischer, reports that the assailants yelled slurs about the victim's sexual orientation during the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## ETHA AND DRUG-RESISTANT HIV STRAINS

Mr. SMITH. Mr. President, I discuss a rare strain of HIV that is highly resistant to most antiretroviral drugs and causes a rapid onset of AIDS that was recently discovered in a patient in New York City. The strain, identified as 3–DCR HIV, is resistant to 3 of the 4 classes of antiretroviral drugs, which means that 19 of the 20 available antiretroviral drug combinations

would be ineffective for a person with this HIV strain.

Although drug-resistant HIV strains are common in patients who have been treated with antiretroviral drugs, multiple-drug-resistant HIV is extremely rare in patients who are newly diagnosed and previously untreated. Moreover, while HIV infection usually takes about 10 years to progress to AIDS, this patient apparently progressed to AIDS in a matter of months. Combination of a highly drug resistant HIV infection and rapid disease progression has the potential to become a very serious public health problem with global health implications.

The ultimate significance of the new strain is still unknown. Only time will tell whether this was an isolated case or part of an outbreak of similar cases. It is imperative, however, that we take action to identify and halt the spread of aggressive, multiresistant HIV/AIDS strains.

We must continue to build upon and fund existing prevention programs and to strengthen our infectious disease monitoring systems. The CDC, in collaboration with community, state, national, governmental and nongovernmental partners, employs a number of programs designed to prevent HIV infection and reduce the incidence of HIV-related illness and death. By providing financial and technical support for disease surveillance; risk-reduction counseling; street and community outreach; school-based education on AIDS; prevention case management; and prevention and treatment of other sexually transmitted diseases that can increase risks for HIV transmission, such programs have played a key role in reducing HIV transmission.

Stopping the spread of this strain is also critical in order to preserve the effectiveness of existing HIV/AIDS therapies. Not only do such therapies prolong and improve the quality of life of those affected by HIV/AIDS, but they also play a vital role in preventing the spread of the disease. A recent study found that HIV therapies reduce infectiousness by 60 percent. Consequently, that is why I recently reintroduced S. 311, the Early Treatment for HIV Act, ETHA. Supported by a bipartisan group of 31 Senators, ETHA redresses a fundamental flaw under the current Medicaid system that provides access to care only after individuals have developed full blown AIDS.

ETHA brings Medicaid eligibility rules in line with Federal Government guidelines on the standard of care for treating HIV. ETHA helps address the fact that increasingly, in many parts of the country, there are growing waiting lists for access to life-saving medications and limited access to comprehensive health care. Access to HIV therapies reduces the amount of HIV virus present in a person's bloodstream, viral load, a key factor in curbing infectiousness and reducing the ability to transmit HIV.

Early access to HIV therapies as provided under ETHA would not only delay disease progression and increase life expectancy, but it would also reduce the need for more expensive treatment and costly hospital stays. According to a study conducted by PricewaterhouseCoopers, ETHA would reduce gross Medicaid costs by 70 percent, saving the Federal Government approximately $1.5 billion over 10 years. With the administration looking for ways to reduce Medicaid costs, passing ETHA would be a good start. It's also the right thing to do.

## SAFE GUN STORAGE SAVES LIVES

Mr. LEVIN. Mr. President, the debate on how to most effectively combat gun violence frequently centers on the ability of criminals to access dangerous firearms. Today, I would like to call my colleagues' attention to another important issue in our fight against gun violence: the ability of our teenagers and children to access firearms. Safe storage and child access prevention laws are critical steps as we seek to reduce the occurrence of accidental shootings and suicides involving guns. Such tragedies have claimed the lives of thousands of young people and destroyed families even though many of these occurrences could have been prevented by common sense legislation.

According to a Journal of the American Medical Association study released in 2001, suicide is the third-leading cause of death among youth aged 10 to 19. Between 1976 and 2001, the period of the study, nearly 40,000 youth aged 14 to 20 committed suicide using a gun. The study also found that there was a significant reduction in youth suicide rates in States that had child access prevention laws. Unlike suicide attempts using other methods, suicide attempts with guns are nearly always fatal. These children get no second chance.

The Brady Campaign to Prevent Gun Violence reported in 2004 that teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die each year. Further, about 1,500 children age 14 and under are treated in hospital emergency rooms for unintentional firearm injuries. About 38 percent of them have injuries severe enough to require hospitalization. Blocking unsupervised access to loaded guns is the key to preventing these occurrences.

A study published last week in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun can be significantly reduced by adopting responsible gun safety measures. According to the study, when ammunition in the home is locked up, the risk of such injuries is reduced by 61 percent. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

During the 108th Congress, I joined with 69 of my colleagues in voting for Senator BOXER's trigger lock amendment. Senator BOXER's amendment would have required that all handguns sold by a dealer come with a child safety device, such as a lock, a lock box, or technology built into the gun itself that would increase the security of the weapon while in storage. The underlying gun industry immunity bill to which this amendment was attached was later defeated in the Senate, but the need and support for this legislation is clear. In light of the bipartisan support for this trigger lock amendment during the last Congress, I am hopeful that the 109th Congress will take up and pass common sense trigger lock legislation.

While the problems of youth suicide and accidental shooting cannot be legislated away, trigger locks and other sensible gun safety measures can help limit children's access to firearms. It is clear that reducing our kids' access to guns can save lives. The time has come to support the efforts of States who have enacted common sense child access prevention laws and make responsible storage of firearms standard around the Nation.

## HEALTH ACT

Mr. ENSIGN. Mr. President, last week, I reintroduced the HEALTH Act to address the national crisis our doctors, hospitals and those needing healthcare face today.

Every day, patients in Nevada and across America are losing access to healthcare services. Several states are losing medical professionals at an alarming rate, leaving thousands of patients without a healthcare provider to serve their needs.

Because of increasing medical liability insurance premiums, it is now common for obstetricians to no longer deliver babies, and for other specialists to no longer provide emergency calls or perform certain high-risk procedures.

Women's health in Nevada and elsewhere in the country is in serious jeopardy as new doctors turn away from specialties and as practicing doctors close their doors.

I have been told that one in seven fellows of the American Academy of Obstetricians and Gynecologists have stopped practicing obstetrics because of the high risk of liability claims.

When Ms. Jill Forte of Las Vegas, found out that she was pregnant with her second child, she called her doctor. The doctor told her that because of insurance costs, she could no longer deliver her baby. So Jill started calling around. She was told the same thing by five different doctors. She even considered going to California for care.

Fortunately, Ms. Forte was able to make a connection through a friend for a local doctor to take her case. She said:

> I was in total shock. I didn't know what was going on until it happened. Looking for a doctor, worried about finding a doctor when you're pregnant is a stress that is an unnecessary stress. It's a stress caused by

frivolous and junk lawsuits. It doesn't make any sense to have a society that sues so often that expectant mothers are worried about finding a doctor.

Unfortunately, her story is becoming too commonplace.

Additionally, hundreds of emergency departments have closed in recent years. Emergency departments have shut down in Arizona, Florida, Mississippi, Pennsylvania, and Nevada, among others. During this same time, the number of visits to the Nation's emergency departments climbed more than 20 percent. While more Americans are seeking emergency medical care, emergency departments are losing critical staff and essential resources.

In my home State of Nevada, our only Level I trauma care center closed for 10 days in 2002, leaving every patient within 10,000 square miles unserved by a trauma unit. In fact, Ms. Mary Rasor's father died in Las Vegas last year when he could not obtain access to emergency trauma care because of the closure.

Doctors are also limiting their scope of services. More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. As a result, many hospitals, including Level II trauma centers, no longer have neurosurgical coverage 24 hours a day, 7 days a week. Consequently, patients with head injuries or in need of neurosurgical services must be transferred to other facilities, delaying much-needed care.

An example of this problem was recently brought to my attention by Dr. Tony Alamo of Henderson, Nevada. During his tenure as chief of staff at Sunrise Hospital, Dr. Alamo was presented with a teenager suffering from a Myasthenia Gravis crisis in need of immediate medical treatment. This condition involves shortness of breath due to muscle weakness. Such shortness of breath can become severe enough to require hospitalization for breathing support, as well as treatment for the underlying infection. If the problem is not identified and treated correctly, it could lead to death.

Dr. Alamo told me that because of the medical liability situation, there was no emergency room neurologist on call to assist this young woman. Many neurologists are afraid to become involved in difficult cases like this because of the high risks of medical liability. Consequently, Dr. Alamo had the young woman transported to California by helicopter to receive the care she needed. Because of the reasonable laws in California, neurologists aren't afraid to take call.

The bottom line is that patients cannot get the healthcare they need when they need it most. By definition, this is a medical crisis. The crisis boils down to two factors: affordability and availability of medical liability insurance for providers.

With regard to affordability, the Medical Liability Monitor found that in 2004, obstetricians in Dade County, FL, were paying as much as $277,241 in annual medical liability insurance premiums. Similarly, in Illinois, some obstetricians were paying more than $230,000 a year. In my home state of Nevada, some OB/GYNs were paying approximately $133,904 for medical liability insurance, an increase of 15 percent from 2003.

Faced with increasing medical liability insurance premiums, some physicians are no longer accepting discounted rates for the services they provide. A legislative assistant in my office recently received a letter from her OB/GYN, which I would like to submit for the CONGRESSIONAL RECORD. The letter indicates that her physician's medical liability insurance premium for 2005 increased by over 50 percent to more than $250,000. Instead of closing the practice or choosing to stop delivering babies, the physician has decided to no longer accept discounted insurance reimbursements.

I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. ENSIGN. We cannot afford to bury our heads in the sand and avoid this issue. Medical liability insurance premiums are affecting real people in need of timely and efficient healthcare services.

On the issue of availability, thousands of doctors nationwide have been left with no liability insurance as major insurers are either leaving the market or raising rates to astronomical levels. Why are insurers raising rates and leaving the market? Because there is no stability in the marketplace for providing medical liability insurance. Why is there no stability in the marketplace? Because our healthcare system is being overrun by frivolous lawsuits and outrageous jury awards.

This excessive litigation is leading to higher healthcare costs for every American and provides little piece of mind for our healthcare providers. Even medical students are affected by the current crisis. According to a recent American Medical Association survey, the current medical liability environment is a significant factor for students selecting a specialty.

And, because the litigation system does not accurately judge whether an error was committed in the course of medical care, physicians are adjusting their behavior to avoid being sued. Many physicians are using defensive medicine practices to avoid lawsuits. They are providing patients with tests and treatments that they would not otherwise perform to protect themselves against the risk of possible litigation.

Every unnecessary test and additional treatment poses a risk to the patient, and takes away funds that could be used to provide healthcare to those who need it most. A 2002 study by the Department of Health and Human Services found that defensive medicine is costing the Federal Government an estimated $28 billion to $47 billion per year in unnecessary health care costs.

In addition to the Federal Government, who else is paying for these unnecessary costs? Every American with health insurance is paying for these unnecessary expenses in the form of higher out-of-pocket payments and premiums.

Too often, medical costs are so great that employers have to stop offering health insurance coverage altogether, therefore increasing the number of uninsured in America. And who is paying for the uninsured to obtain health care services? We all are. And the cycle goes on and on. This cycle has to be stopped and we can do that by passing national medical liability reform right now.

Comprehensive medical liability reform is essential on a national level because the existing medical crisis is not confined within State lines and because every American should have access to affordable high quality healthcare. Likewise, every responsible member of the healthcare community should not be afraid to provide high quality care because of the fear of litigation.

In order to achieve these critical reforms, I am reintroducing the HEALTH Act. This legislation includes several reform provisions, including a $250,000 cap on noneconomic damages, joint liability and collateral source improvements, and limits on attorney fees according to a sliding award scale.

In addition, my legislation includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called ''professional witnesses'' who are used to further abuse the system.

This legislation is modeled after California's successful Medical Injury Compensation Reform Act, also known as MICRA. MICRA has brought about real reform to California's liability system. The number of dubious and frivolous lawsuits going to trial has declined dramatically.

Injured patients receive a larger share of their awards and disciplinary actions against incompetent healthcare providers have increased. The bottom line is that California's medical liability system works. These types of outcomes should be shared by every state, and ultimately every patient in America.

It is important to recognize that neither MICRA, nor my legislation limits the amount of economic damages that an injured patient can recover. Like every other profession, mistakes are sometimes made by healthcare providers. Patients who suffer from these mistakes should have access to unlimited economic compensation and should be able to recover losses, such as loss of past and future earnings.

Injured patients should also have access to punitive damages where providers are found to be grossly negligent. But, there is no way to quantify

a patient's ''pain and suffering,'' and most often, no dollar amount is ever enough. Therefore, placing a reasonable limit on these non-economic damages helps bring accountability back to our civil justice system by weeding out frivolous lawsuits. This would allow physicians to concentrate fully on providing superior health care services, and help curb the skyrocketing costs of healthcare for patients.

Every step Congress can take to help increase patient safety and maintain access to quality health care services should be taken, and we are on track to do that this year.

Medical liability reform is not a Republican or Democrat issue or even a doctor verses lawyer issue. It is a patient issue. With the medical crisis occurring in Florida, Illinois, Pennsylvania, Nevada, and many more states around the Nation, our opportunity to enact true reform is here. Comprehensive medical liability reform is the right prescription and the time for action is now.

Let's make sure that expectant mothers have access to ob-gyns and that trauma care victims have access to necessary services in their most critical hour of need. And, let's make sure we continue to provide patients in America with the opportunity to receive affordable, accessible, and high quality healthcare for years to come.

EXHIBIT 1

WOMEN OB/GYN PHYSICIANS,
*Washington, DC, December 1, 2004.*

TO OUR PATIENTS: We have all been reading and talking about the crisis in our health care system. As your doctors, our most important commitment and mission is to provide you with the highest quality medical care. We are writing to tell you how the current situation is affecting our ability to practice medicine at the level you deserve and expect.

Doctors in our area are being squeezed between decreased reimbursement from insurance carriers and steeply rising malpractice premiums. We were just notified that our malpractice premium for next year was increased by over 50 percent to more than $275,000.

Faced with this increase we had to consider some difficult choices. We could close our practice. We could stop delivering babies—something we both love and at which we excel. We could markedly increase the number of patients we see each day and reduce the time we spend with each patient. This would mean insufficient time for discussion, education and thoughtful consideration of your individual needs. We rejected all of these options. Instead we chose to stop accepting extremely discounted rates for the services that we provide.

Effective March 1, 2005 we will no longer participate with CareFirst BlueCross BlueShield. Therefore, we will not accept any discounted insurance reimbursements. Of course, We hope to continue to see our Blue Cross Blue Shield patients, but payment is expected at the time of service. We will then prepare a claim form that you can submit to your insurance carrier to streamline your reimbursement. As a courtesy, we will continue to submit claims for deliveries and surgeries to the insurance carriers on your behalf.

We are committed to provide state-of-the-art women's health services in a caring, efficient, and professional manner. We look forward to our continued relationship. If there is any way we can help you with this transition, please let us know.

Sincerely,

NANCY SANDERS, MD.
JANET SCHAFFEL, MD.

## PROMISE AND PERILS OF DEMOCRACY

Mr. DODD. Mr. President, I rise today to say a few words about a very important speech that was presented, on January 25, to the Organization of American States, OAS, by former President Jimmy Carter.

Broadly speaking, former President Carter's speech was about the promise and perils of democracy in our hemisphere. In my view, no topic could be more relevant.

Our hemisphere has come a long way over the past 30 years—in no small part due to the efforts of Jimmy Carter. From the beginning, he realized the importance of the OAS in our hemisphere, and he demonstrated this understanding by addressing every OAS General Assembly meeting held in Washington during his presidency.

He spearheaded the promotion of human rights, and his tireless work contributed to the establishment of the Inter-American Convention on Human Rights. That important document has encouraged greater civilian participation and helped facilitate the transition in many countries from rule by military dictator to that of democratically elected government.

Simply put, Jimmy Carter's efforts sent a clear message throughout the hemisphere that the U.S. not only valued democracy but was committed to ensuring that people of all backgrounds had a stake in emerging democracies in their countries. Indeed, the InterAmerican Democratic Charter, which enjoyed broad support, was signed on the fateful day of September 11, 2001, and stands in stark contrast to the illiberal forces at work in areas around the world.

The message of that document—that OAS member nations would stand together to protect democracy—and the wide support it enjoyed prove how much progress can be made when the U.S. invests time and effort in our hemisphere.

Together, we've made tremendous progress over these past 30 years. However, our work in the hemisphere is far from over. We must continue to end impunity, protect emerging democratic institutions, and strengthen the Inter-American Democratic Charter.

Former President Carter continues to work toward these noble ends, and others, for the good of the U.S. and for the good of people from Canada to Argentina and across the world. I congratulate him on his efforts, on the magnificent work of the Carter Center, and on the vision he layed out in his January 25 statement before the OAS. I ask unanimous consent that his statement be printed in the RECORD.

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

THE PROMISE AND PERIL OF DEMOCARCY

(By Jimmy Carter)

I am honored to address the permanent council of the Organization of American States. Thank you, Mr. Secretary General, Mr. President, and Ambassador Borrea for the kind invitation to inaugurate this lecture series of the Americas.

I have long been interested in this organization. Thirty years ago, as Governor of Georgia, I invited the OAS General Assembly to meet in Atlanta—the first meeting in the U.S. outside of Washington. Later, as President, I attended and addressed every General Assembly in Washington.

Back then, I realized that most of this hemisphere was ruled by military regimes or personal dictatorships. Senate hearings had just confirmed U.S. involvement in destabilizing the government of Salvador Allende in Chile, and a dirty war was being conducted in Argentina. I decided to stop embracing dictators and to make the protection of human rights a cornerstone of U.S. foreign policy, not only in this hemisphere, but with all nations.

When we signed the Panama Canal Treaties in this same August hall in 1977, many nonelected or military leaders were on the dais. Key Caribbean States were absent, not yet part of the inter-american system. Then in 1979, Ecuador started a pattern of returning governments to civilian rule. The Inter-American Convention on Human Rights soon came into force, and our hemisphere developed one of the strongest human rights standards in the world.

These commitments have brought tremendous progress to Latin America and the Caribbean. Citizens have become involved in every aspect of governance: More women are running for political office and being appointed to high positions; indigenous groups are forming social movements and political parties; civic organizations are demanding transparency and accountability from their governments; freedom of expression is flourishing in an independent and vibrant press; ombudsmen and human rights defenders are active; and many countries are approving and implementing legislation to guarantee that citizens have access to information.

The English-speaking Caribbean has sustained vibrant democracies. a democratic Chile is removing military prerogatives from the Pinochet-era constitution and the military has acknowledged its institutional responsibility for the torture and disappearances of the 1970s. Central America has ended its civil wars and democracy has survived. The Guatemalan government offered public apology for the murder of Myrna Mack, and a Salvadoran responsible for the assassination of Archbishop Romero was tried and convicted last year, although in absentia.

Venezuelans have avoided civil violence while enduring a deep political rift in the last three years. Mexico developed an electoral institution that has become the envy of the world. Argentine democracy weathered the deepest financial crisis since the 1920s depression and its economy is on the rebound.

Four years ago, Canada and Peru took the lead in developing a new, more explicit commitment to democracy for the hemisphere. On the tragic day of September 11, 2001, the Inter-American Democratic Charter was signed.

I am proud to have witnessed these demonstrations of the courage, persistence and creativity of the people of this hemisphere.

But I am also worried. I am concerned that the lofty ideas espoused in the Democratic

Charter are not all being honored. I am concerned that poverty and inequality continue unabated. And I am concerned that we in this room, representing governments and, in some cases, privileged societies, are not demonstrating the political will to shore up our fragile democracies, protect and defend our human rights system, and tackle the problems of desperation and destitution.

Since our years in the White House, my wife Rosalynn and I have striven to promote peace, freedom, health, and human rights, especially in this hemisphere and in Africa. Our dedicated staff at the Carter Center have worked in 54 elections to ensure they are honest and competitive. Civil strife has become rare, and every country but Cuba has had at least one truly competitive national election.

Yet, tiny Guyana, where we have been involved for more than a decade, remains wracked with racial tension and political stalemate. Haiti, where we monitored the first free election in its history and where the world contributed many tens of millions of dollars in aid, has been unable to escape the tragedy of violence and extreme poverty. In Nicaragua, I was privileged to witness the statesmanship of Daniel Ortega transferring power to Violeta Chamorro; yet today that country continues enmeshed in political deadlock and poverty that is second only to Haiti.

Across the hemisphere, UNDP and Latin barometer polls reveal that many citizens are dissatisfied with the performance of their elected governments. They still believe in the promise and the principles of democracy, but they do not believe their governments have delivered the promised improvements in living standards, freedom from corruption, and equal access to justice. We run the very real risk that dissatisfaction with the performance of elected governments will transform into disillusionment with democracy itself.

How can we protect the advances made and avoid the dangerous conclusion that democracy may not be worthwhile after all?

The greatest challenge of our time is the growing gap between the rich and poor, both within countries and between the rich north and the poor south. About 45 percent (225 million) people of Latin America and the Caribbean live under the poverty line. The mathematical coefficient that measures income inequality reveals that Latin America has the most unequal income distribution in the world, and the income gap has continued to increase in the past fifteen years.

When people live in grinding poverty, see no hope for improvement for their children, and are not receiving the rights and benefits of citizenship, they will eventually make their grievances known, and it may be in radical and destructive ways. Governments and the privileged in each country must make the decision and demonstrate the will to include all citizens in the benefits of society.

Democratic elections have improved, but we have also witnessed a dangerous pattern of ruling parties naming election authorities that are partisan and biased, governments misusing state resources for campaigns, and election results that are not trusted by the populace. I include my own country in saying that we all need to create fair election procedures, to regulate campaign finance, and to ensure that every eligible citizen is properly registered and has the opportunity to cast votes that will be counted honestly.

But democracy is much more than elections. It is accountable governments; it is the end of impunity for the powerful. It is giving judiciaries independence from political pressures so they can dispense justice with impartiality. It is protecting the rights of minorities, including those who do not vote for the majority party. It is protecting the vulnerable—such as those afflicted with HIV/AIDS, street children, those with mental illnesses, women abused with domestic violence, migrants, and indigenous peoples.

Governments of this hemisphere have carried out enormous economic reform efforts in the last two decades, but these efforts have not yet brought the needed reduction in poverty and inequality. Too many governments still rely on regressive sales taxes because the privileged classes can manipulate governments and avoid paying taxes on their incomes or wealth.

Military spending has been significantly reduced, but additional reductions are advisable now that the region is democratic and most border issues have been resolved.

Health and education are more important than expensive weapons systems.

Access to land, small loans, and easier permits for small businesses can harness the potential dynamism of each nation's economy. Brazil has initiated a zero hunger program to address poverty, and Venezuela is using oil wealth to bring adult education, literacy, health and dental services directly to the poor. These and other creative social programs should be studied to see which might be appropriate in other areas.

When political leaders do make the right choices to address the needs of all citizens, those citizens have a responsibility as well—to comply with the established rules of the political process. Political honeymoons are short, and sometimes a frustrated people are tempted to unseat an unsatisfactory government, by violence or unconstitutional means. Elected leaders deserve a chance to make the tough decisions, or to be removed at ballot boxes.

News media play an especially important role in a free society. Press freedom is vibrant in the hemisphere, and must be kept that way. ''Insult'' (desacato) laws and harassment of journalists should be eliminated. The media also have a responsibility to investigate carefully and to corroborate their stories before publication.

Those of us in the richer nations have additional obligations. We must recognize that we live in an ever-closer hemisphere, with mutual responsibilities. Trade and tourism of the U.S. and Canada are increasingly connected with all of Latin America and the Caribbean, as the sub-regions of the hemisphere are forging closer economic ties.

We are also connected by the scourge of crime, which is a two-way street. Drug demand in the U.S. fuels drug production among our neighbors, undermining the ability of democratic institutions to enforce the rule of law, and the easy availability of small arms from the U.S. has made crime a serious problem for governments in the Caribbean and Central America.

Globally, Americans give just 15 cents per $100 of national income in official development assistance. As a share of our economy, we rank dead last among industrialized countries. The recently announced millennium challenge account is designed to provide additional help for governments pursuing transparency and accountability, but in this hemisphere only Bolivia, Honduras and Nicaragua are being considered for this aid.

The United States has another role to play as well: of setting an example of protecting civil liberties and improving democratic practices at home, and by its unwavering support of democracy and human rights abroad.

The international lending agencies also have important roles to play: by being more flexible and responsive to political pressures and social constraints when deciding conditionality; by involving local citizens and governments in developing consensus for poverty-reduction strategies; and by helping the hemisphere carry out the mandates adopted by Presidents at the periodic Summits of the Americas.

Finally, I call on all governments of the hemisphere to make the democratic charter more than empty pieces of paper, to make it a living document. The charter commits us to help one another when our democratic institutions are threatened. The charter can be a punitive instrument, providing for sanctions when a serious challenge to the democratic order occurs, but it is also an instrument for providing technical assistance and moral encouragement to prevent democratic erosion early in the game.

Let us strengthen the charter and not be afraid to use it. Right now the charter is weak because it is vague in defining conditions that would constitute a violation of the charter—the ''unconstitutional alteration or interruption'' of the democratic order noted in article 19. The charter also requires the consent of the affected government even to evaluate a threat to democracy. If the government itself is threatening the minimum conditions of democracy, the hemisphere is not prepared to act, since there would certainly not be an invitation.

Two simple actions would help to remedy this problem and allow the governments of this hemisphere to act when needed. First, a clear definition of ''unconstitutional alteration or interruption'' would help guide us. These conditions should include:

1. Violation of the integrity of central institutions, including constitutional checks and balances providing for the separation of powers.
2. Holding of elections that do not meet minimal international standards.
3. Failure to hold periodic elections or to respect electoral outcomes.
4. Systematic violation of basic freedoms, including freedom of expression, freedom of association, or respect for minority rights.
5. Unconstitutional termination of the tenure in office of any legally elected official.
6. Arbitrary or illegal, removal or interference in the appointment or deliberations of members of the judiciary or electoral bodies.
7. Interference by non-elected officials, such as military officers, in the jurisdiction of elected officials.
8. Systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, or civil society.

We also need a set of graduated, automatic responses to help us overcome the inertia and paralysis of political will that result from uncertain standards and the need to reach a consensus de novo on each alleged violation. When a democratic threat is identified, the alleged offenders would be requested to explain their actions before the permanent council. A full evaluation would follow, and possible responses could be chosen from a prescribed menu of appropriate options, involving not only the OAS, but incentives and disincentives from multilateral institutions and the private sector.

There is also a role for nongovernmental leaders. We at the Carter Center have convened a group of former hemispheric leaders to aid in raising the visibility of the charter, to engage the OAS, and to help it provide appropriate responses when democracy is challenged.

Let me close by congratulating the OAS, which has come a long way from my first association with it 30 years ago. As a promoter of freedom, democracy, and human rights, the OAS is one of the foremost regional organizations in the world. This hemisphere

adopted the world's first anti-corruption convention and has developed a multilateral evaluation mechanism on drugs. The OAS has worked on de-mining, peacemaking, and providing scholarships to students. It exemplifies the notion that our best hope for the world is for sovereign states to work together.

The OAS is going through a difficult transition at the moment, but it will emerge even stronger. A new Secretary-General will be chosen this year, and important discussions will be forthcoming at the general assembly in Florida and the fourth Summit of the Americas in Argentina.

We need each other. Let us work together to make our hemisphere the beacon of hope, human dignity, and cooperation for the 21st century.

## DVT AWARENESS RESOLUTION

Mr. DORGAN. Mr. President, I am pleased to have joined with my colleague Senator ARLEN SPECTER in submitting a resolution yesterday, S. Res. 56, that would designate March as ''Deep-Vein Thrombosis Awareness Month.''

Many Americans are probably unfamiliar with deep-vein thrombosis, DVT, but it is a serious medical condition that occurs in approximately 2 million Americans each year. Given that it is both a common and preventable condition, it is important that more of us know about this disease so we can take steps to stop it.

Americans might be more commonly familiar with deep-vein thrombosis as the condition that can result from sitting in a small space, such as an airline seat, for a long period of time. In fact, this condition is sometimes called ''economy-class syndrome,'' and many airlines now encourage their passengers to get up and move around or otherwise exercise their extremities during cross-country or international flights in order to prevent it.

DVT occurs when a blood clot forms in one of the large veins, usually in the legs, leading to either partially or completely blocked circulation. Too often, this blood clot breaks loose from the wall of the vein and moves to the lungs, where it is called a pulmonary embolism and can cause sudden death.

Deep-vein thrombosis can happen to virtually anyone at any time. In fact, one of our Nation's finest journalists, NBC News correspondent David Bloom, died from a pulmonary embolism caused by DVT in April, 2003, while covering the war in Iraq at the early age of 39. But while David Bloom is one of the more well-known victims of DVT, he is not alone. Up to 200,000 die each year from pulmonary embolisms caused by DVT.

The resolution that Senator SPECTER and I submitted yesterday in honor of the memory of David Bloom is an important first step towards educating Americans about this potentially deadly condition. The resolution is supported by the Coalition to Prevent Deep-Vein Thrombosis, which is made up of more than 30 health and medical groups. In addition, David Bloom's beloved wife Melanie has become an outspoken advocate for raising awareness about DVT.

I look forward to working with Senator SPECTER, Melanie Bloom, the Coalition to Prevent Deep-Vein Thrombosis, and others to help make more Americans aware of this disease.

## HONORING THE TUSKEGEE AIRMEN

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor legislation to authorize the awarding of the Congressional Gold Medal to the Tuskegee Airmen. The Tuskegee Airmen overcame enormous obstacles, including blatant discrimination and racism, to become the first black airmen. Their success paved the way for reform and, ultimately, integration of the United States' Armed Services.

These men stepped forward to defend our Nation against the horrors of Nazi Germany, while continuing to battle racist treatment by their own countrymen. They fought through this unjust treatment because their sense of duty to their country was greater than the obstacles in their path. The recognition of their persistence, courage and allegiance is long overdue.

Of the 1,000 Tuskegee Airmen, 450 served in combat, 66 died in combat, and another 33 were shot down and captured as prisoners of war. The pilots were credited with destroying 261 aircraft, damaging 148 aircraft, and flying 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions.

As a result of their heroic actions, members of the Tuskegee Airmen have been awarded three Presidential Unit Citations and 150 Distinguished Flying Crosses and Legions of Merit, in addition to The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 air medals and clusters.

I am proud to say that 16 of these airmen were from the State of West Virginia. Several attended West Virginia State University, a university which has graduated more military generals than any other non-military college in the Nation. The 16 West Virginians are listed below.

Alston, William R.
Carter, John
Eagleson, Wilson V.
Gamble, Howard C.
Gray, George E.
Hill, William L.
Johnson, Langdon E.
Jones, Hubert L.
Killard, James M., Jr.
Kydd, George H., III
Prewitt, Mexion O.
Roberts, George S.,
Robinson, Robert L., Jr.
Thompson, Floyd A.
Watkins, Edward Wilson
Whitehead, John L., Jr.

The Tuskegee Airmen have proven their valor and dedication to our country, and they have earned the Congressional Medal of Honor. It is time that they receive this honor.

## THE ROLE OF CONGRESS IN SUPPORTING AMERICAN COMPANIES AND WORKERS

Mr. FEINGOLD. Mr. President, I have come to this floor repeatedly to talk about the ongoing crisis in our domestic manufacturing sector and about ways in which Congress should act to stem the loss of manufacturing jobs and the shuttering of domestic manufacturing companies.

My State of Wisconsin has lost nearly 80,000 good-paying manufacturing jobs since 2000. The country has lost more than 2½ million manufacturing jobs since January 2001, including more than 25,000 jobs last month alone. And this hemorrhaging of jobs shows no signs of stopping.

Much of this job loss can be blamed on the dismal trade policies of recent years, which have contributed to many American companies—some of them household names—moving their operations overseas or shutting their doors entirely. These policies have a ripple effect in the communities that have lost manufacturing plants. The closure of the local plant is felt not only by those who worked there and their families, but by the community as a whole.

Mr. President, Florence, WI is a town in the far northeastern corner of my home State, just a few miles from the border with the Upper Peninsula of Michigan. A few weeks ago, that small community got a sharp introduction to the realities of our country's trade policies. Pride Manufacturing, the world's largest maker of golf tees, announced that it would be closing down its plant in Florence and moving that operation and the hundred or so jobs that go with it to China.

That announcement probably was not noticed by many people outside of my home State—one company in one small community in Wisconsin leaving for China does not raise many eyebrows in Washington or on Wall Street. But it is a serious matter for the families whose livelihood is directly affected by the move. And it will certainly have an impact on the community in which they live. Some families may try to stay, but some may be forced to look elsewhere for jobs. The local school district is already trying to cope with declining enrollment and the challenges of being a largely rural district. The prospect of losing additional families will only make matters worse. Local businesses that relied on the patronage of those families will be hit. Car dealers, grocery stores, hardware stores, clothing stores—everyone in that community will potentially be affected by the loss of Pride Manufacturing.

There are too many stories like this taking place around my State and around our country. There are too many boarded-up factories and too

many parents struggling to make ends meet and to provide for their children after the plant closes and the jobs go to other countries. Congress can and should do more to support these hard-working Americans and their employers. These are the people who are bearing the brunt of the bad trade agreements and other policies that have encouraged companies to close or to leave the United States.

In response to this crisis, this week I am introducing a series of bills intended to support American companies and American workers. These measures alone will not solve this problem, but I believe that they represent a first step in helping to save a core sector of our economy.

My first proposal would set some minimum standards for future trade agreements into which our country enters. It is a break with the so-called NAFTA model and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development. The major trade agreements into which our country has entered in recent years have resulted in a race to the bottom in labor standards, environmental standards, health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose. We should ensure that future trade agreements do not continue down this perilous road.

The principles set forth in this resolution are straightforward and achievable. These principles include: calling for enforceable worker protections, preserving the ability of the United States to enact and enforce its own trade laws, ensuring that foreign investors are not provided with greater rights than those provided under U.S. law, providing that food entering into our country meets domestic food safety standards, and preserving the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest.

Mr. President, my second bill, the Buy American Improvement Act, focuses on the Federal Government's responsibility to support domestic manufacturers and workers. The Buy American Act of 1933 is supposed to ensure that the Federal Government supports domestic companies and workers by buying American-made goods. This is an important law, but it contains a number of loopholes that make it too easy for Government agencies to buy foreign-made goods.

The Buy American Improvement Act would make it harder to waive the Buy American Act. We should ensure that the Federal Government makes every effort to give Federal contracts to companies that will perform the work domestically. We should also ensure that certain types of industries do not leave the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

My bill would also, for the first time, make the Buy American requirement applicable to Congress. I believe that Congress should lead by example and comply with the Buy American Act. And, in an effort to bring transparency and accountability to the process, it would require agencies to report on their purchases of foreign-made goods.

It is bad enough that our trade policies have encouraged companies to shut down or relocate overseas. Many of the same flawed trade agreements that have sent American jobs overseas have also weakened the Buy American Act.

Last year, the ranking member of the Homeland Security and Governmental Affairs Committee, Mr. LIEBERMAN and I asked the GAO to study the effect of trade agreements on domestic source requirements such as those contained in the Buy American Act. That study, which was released this week, found that the Government is required to give favorable treatment to certain goods from a total of 45 countries as a result of 7 trade agreements and 21 reciprocal defense procurement agreements.

In other words, at the same time that Congress has been paying lip service to the Buy American Act, it has been carving out exceptions to that Act in our trade and defense procurement agreements. It is time for Congress to step up and support efforts to strengthen, not undermine, the Buy American Act.

In addition, Congress must make every effort to help workers who have lost their jobs as a result of our trade policies. Many of these workers require retraining for new jobs that will enable them to support their families.

My third bill, the Community-Based Health Care Retraining Act, would authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to retrain unemployed workers who wish to obtain new jobs in the health care professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds, because I believe that communities know best about the resources they need to run an efficient program.

By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the fast-growing health care sector, we can both help unemployed Americans and improve the availability and quality of health care in our communities.

I hope that my colleagues will support each of my proposals, and I look forward to working with Senators on both sides of the aisle to find additional ways to support our domestic manufacturers and their employees. I know that there are towns like Florence, WI, all over the country, and I hope that we will finally act this Congress to support the jobs that are the bedrock of those communities.

## ANTITRUST INVESTIGATIVE IMPROVEMENTS ACT OF 2005

Mr. KOHL. Mr. President, I rise today in support of the Antitrust Investigative Improvements Act of 2005, a bill I am cosponsoring with Senators DEWINE AND LEAHY. This bill will give the antitrust criminal enforcers at the Department of Justice a vital tool to investigate, detect, and prevent antitrust conspiracies. It will allow the Justice Department, upon a showing of probable cause to a Federal judge, authority to obtain a wiretap order for a limited time period to monitor communications between those suspected of engaging in illegal antitrust conspiracies.

The current Federal criminal code lists over 150 predicate offenses for which the Justice Department may obtain a wiretap during the course of a criminal investigation. These offenses include such basic white collar crimes such as mail fraud, wire fraud, and bank fraud. However, under current law, if the Government is investigating a criminal antitrust conspiracy such as a scheme to fix prices to consumers, the Government cannot obtain a wiretap of the suspected conspirators. This inability to obtain wiretaps unquestionably severely handicaps the detection and prevention of such conspiracies. Only with the consent of a member of the conspiracy who has already agreed to cooperate with the Government may the Government surreptiously record the meetings of the conspirators.

There is no logical basis to exclude criminal antitrust violations from the list of predicate offenses for a wiretap. A criminal antitrust offense such as price fixing is every bit as serious—and causes every bit as much financial loss to its victims—as other white collar crimes such as mail fraud or wire fraud. A price-fixing conspiracy raises prices to consumers, stealing hard-earned dollars from citizens as surely as does as a salesman promoting a bogus investment from a ''boiler room'' or, indeed, a thief with a gun. Moreover, by its secret nature as an agreement among competitors, such a conspiracy is likely harder to detect than a fraudulent offering over the phone or through the mail. A properly issued wiretap, therefore, is even more necessary to detect criminal antitrust conspiracies than other white collar offenses.

Detecting, preventing, and punishing criminal antitrust offenses are one of the principal missions of the Justice Department's Antitrust Division. Such offenses are punished severely with corporations facing fines of up to $100 million and individuals subject to jail terms of up to 10 years for each offense.

Indeed, last year we passed legislation raising criminal penalties to these new levels. Yet despite the damage these conspiracies do to the economy and individual consumers, our law enforcement agencies lack the one vital tool essential to uncover these secret conspiracies—the ability to obtain a wiretap to monitor communications between the suspected conspirators upon a showing of probable cause. This legislation will remedy this defect by granting to our law enforcement officials this necessary means to protect consumers and end illegal antitrust conspiracies.

I urge my colleagues to join with me in supporting this legislation.

## ADDITIONAL STATEMENTS

### RETIREMENT OF ARNOLD SCHOFIELD

• Mr. BROWNBACK. Mr. President, I acknowledge the retirement of Arnold Schofield who is completing 25 years of service as site historian at Fort Scott National Historic Site, Fort Scott, KS.

Completing a 43-year career in Federal service, he remains passionate about American cultural and military history. Arnold is highly respected for his extraordinary knowledge and his ability to bring history to life. Those fortunate to have heard his presentations throughout Kansas and the Midwest were left with a greater appreciation of the area's rich past and a desire to learn even more. For decades, Arnold was a familiar figure in Fort Scott's countless tourism efforts and became one of the region's most recognizable and appreciated figures.

While the loss at Fort Scott National Historic Site will be significant, Arnold will continue his public service near Pleasanton, KS, as site administrator at Mine Creek Battlefield State Historic Site. He looks forward to the challenge of preserving, protecting and interpreting the site of the largest Civil War battle in Kansas and one of the largest cavalry engagements of the Civil War.

He will take with him rich memories of his earlier service at Harpers Ferry National Historic Park and the Blue Ridge Parkway in Virginia and North Carolina.

I welcome this opportunity to thank and congratulate Mr. Schofield on his retirement from over four decades of Federal service and extend to him our best wishes in his new position at Mine Creek Battlefield.•

### HONORING THE ACCOMPLISHMENTS OF LEXINGTON CATHOLIC GIRLS' BASKETBALL TEAM

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Lexington Catholic Girl's Basketball Team, the Lady Knights, who were recently ranked No. 3 in ihigh.com's national ratings, and No. 5 in USA Today's Super 25. The Lady Knights are currently undefeated within their region and will go on to next month to compete within the State for the State championship title. Their recent performance has given Kentucky reason to be proud.

Led by coach Greg Todd, the Ladies Knights are currently ranked No. 1 within their region with a record of 22 to 1. In doing so they have beaten the four highest-ranked regional teams in the Louisville Courier-Journal newspaper's Litkenhous Ratings by a combined 70 points.

I cannot think of a much better group of young people to represent Kentucky. As a former Major League Baseball player, I appreciate their athletic excellence. As a U.S. Senator from Kentucky, I appreciate the dignity with which they played.

I am proud to read the names of these teammates into the CONGRESSIONAL RECORD today. They are Adaeze Azubuike, Anaris Sickles, Briana Green, Keyla Snowden, Katie Scordo, Rebecca Rhule, Lauren Ramsey, Nikki Davis, Ktie Frueh, Chelsey Johnson, Kellie Cash, Natalie Novosel, Ashley Devers, Lesley Server, Elizabeth Elam, Shannon Novosel, and Katie Kissner.

The citizens of Kentucky should be proud of these young ladies. Their example of dedication and hard work should be an inspiration to the entire State. I wish them continued success both on and off the basketball court.•

### 10TH ANNIVERSARY OF THE NASA/NORFOLK STATE UNIVERSITY PRE-SERVICE CONFERENCE

• Mr. ALLEN. Mr. President, I would like to recognize the outstanding growth and service of the NASA Langley Pre-Service Teacher Program. This year's national conference, which is being held this week from February 17 through 19, 2005, will mark the 10 year anniversary of this highly successful educational program.

The Pre-Service Teacher Program is a project run through the cooperation of NASA's Langley Office of Education and Norfolk State University's School of Science & Technology. Its mission is to provide Pre-Service teachers and faculty members opportunities to enhance their knowledge and skill in teaching mathematics and science using technology at the elementary and middle school levels.

Since its humble beginnings as a small regional conference held in Hampton, VA, in 1995, the Pre-Service Teacher Program has grown into a large national conference annually held in Alexandria, VA. The program began with only 25 member institutions representing 10 States and now boasts membership of over 104 institutions representing 31 States. It is important to recognize that of the 104 member institutions, there are representatives from Hispanic Serving Institutions, Tribal Colleges and Universities, and Historically Black Colleges and Universities.

The Pre-Service Teacher Program's continued growth led to the addition of a Pre-Service Teacher Institute in 1998. This 2-week long immersion program allows more pre-service teachers the opportunity to interface with NASA personnel, tour Langley's facilities, and learn ways to incorporate NASA's cutting-edge research into lesson plans for elementary and middle school students. As the success of this program has grown, the Pre-Service Teacher Program expanded in 2000 to seven sites beyond Hampton, VA, and, with time, I am sure it will continue to grow.

I congratulate the Pre-Service Teacher Program's tremendous growth and impact on Virginia classrooms and schools across the Nation. They are to be commended for their hard work and attention to our Nation's future: our children. I wish them continued success, keep fighting and keep succeeding.•

### CONGRATULATING HENRY HERZING

Mr. COLEMAN. Mr. President, I rise to extend my congratulations to Henry Herzing, founder and President of Herzing Colleges, for providing 40 years of progressive, career-focused education that has prepared a diverse student population to meet the needs of employers in technology, business, health care, design and public safety.

Since the first campus opened in Milwaukee, WI in 1965 as a computer programming school, Herzing College has grown to include six campuses in the U.S. along with other affiliated colleges, five of which are in Canada.

During these 40 years of expanding its campuses and diversifying its educational programs, Herzing College has also raised its level of credentials from diploma to associate of science, to most recently, Bachelor of Science degrees. In recent years, Herzing College has also brought its high-quality programs to the online environment to allow students in other locations to upgrade their career potential.

I congratulate Henry Herzing and all his faculty and staff for 40 years of ''student-centered'' education and urge him to continue to play an important role in the higher education community in the United States.

## MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

## ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2005 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2005—PM 6

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

*To the Congress of the United States:*

The United States is enjoying a robust economic expansion because of the good policies we have put in place and the strong efforts of America's workers and entrepreneurs. Four years ago, our economy was sliding into recession. The bursting of the high-tech bubble, revelations of corporate scandals, and terrorist attacks hurt our economy, leading to falling incomes and rising unemployment.

We acted by passing tax relief so American families could keep more of their own money. At the same time, we gave businesses incentives to invest and create jobs. Last year, we gained over 2 million new jobs, and the economy's production of goods and services rose by 4.4 percent. The unemployment rate is now 5.2 percent, which is lower than the average of each of the past three decades and the lowest since the attacks of September 11, 2001. Our pro-growth policies are taking us in the right direction.

As I start my second term, we must take action to keep our economy growing. I will not be satisfied until every American who wants to work can find a job. I have laid out a comprehensive strategy to sustain growth, create jobs, and confront the challenges of a changing America.

I am committed to restraining spending by eliminating government programs that do not work and by making government provide important services more efficiently. I have pledged to cut the deficit in half by 2009, and we are on track to do so.

The greatest fiscal challenges we face arise from the aging of our society. Because Americans are having fewer children and living longer, seniors are becoming a larger proportion of the population. This change has important implications for the Social Security system, because the benefits paid to retirees come from taxes on today's workers. In 1950, there were 16 workers paying into Social Security for every person receiving benefits. Now there are just over 3, and that number will fall to 2 by the time today's young workers retire. We will not change Social Security for those now retired or nearing retirement. We need to permanently fix the Social Security system for our children and grandchildren. I will work with the Congress to fix Social Security for generations to come.

The current tax code is a drag on the economy. It discourages saving and investment, and it requires individuals and businesses to spend billions of dollars and millions of hours each year to comply with the complicated system. I will lead a bipartisan effort to reform our tax code to make it simpler, fairer, and more pro-growth.

We are working to make health care more affordable and accessible for American families. The Medicare modernization bill I signed gives seniors more choices and helps them get the benefits of modern medicine and prescription drug coverage. We have created health savings accounts, which give workers and families more control over their health care decisions. We will open or expand more community health centers for those in need. To help control health costs and make health care more accessible, we must let small businesses pool risks across states so they can get the same discounts for health insurance that big companies get. We will increase the use of health information technology that will make health care more efficient, cur down on mistakes, and control costs.

Our litigation system encourages junk lawsuits and harms our economy, and the system must be reformed. I support medical liability reform to control the cost of health care, keep good medical professionals from being driven out of practice, and ensure that patient care—not avoidance of lawsuits—is the central concern in all medical decisions. I support class action reform to eliminate the waste, inefficiency, and unfairness of the class-action system. And I support reforms to the asbestos litigation system in order to protect victims with asbestos-related injuries and prevent frivolous lawsuits that harm our economy and cost jobs.

I will continue to push for energy legislation to help keep our economy strong. We must modernize our electricity system to make it more reliable. To make our energy supply more secure, we must explore for more energy in environmentally friendly ways in our own country, develop alternative sources of energy, and encourage conservation.

I will work to further simplify and streamline federal regulations that hinder growth and encumber our job creators. Our economy needs to allow entrepreneurs to spend more time doing business and less time with their lawyers and accountants.

I believe that Americans benefit from open markets and free and fair trade, and I am working to open up markets around the world and make sure that the playing field is level for our workers, farmers, manufacturers, and other job creators. In the past four years, we concluded free-trade agreements with Singapore, Chile, Australia, Morocco, Bahrain, Jordan, and six countries in Central America and the Caribbean. My Administration will continue to work to expand trade on a multilateral, regional, and bilateral basis, and to enforce our trade laws to help ensure a level playing field.

I have a plan to prepare our young people for the jobs of the 21st century. We have brought greater accountability to our public schools and are working to improve our high schools. We have made Pell grants available to one million more students, and we will work to make college more affordable by increasing the size of Pell grants for low-income students. We are reforming our workforce training programs to help Americans obtain the skills needed for the jobs that our economy is creating.

I have an ambitious agenda for the next four years. During my first term, working with the Congress, I put policies in place to ensure a rapid recovery and to support strong growth. In my second term, together we will cut the budget deficit in half, fix Social Security, reform the tax code, reduce the burden of junk lawsuits, ensure a reliable and affordable energy supply, continue to promote free and fair trade, help make health care affordable and accessible for American families, and expand the quality and availability of educational opportunities. These policies will produce an economic environment that continues to unleash the creativity and energy of the American people.

## MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 66. Concurrent resolution providing for the adjournment or recess of the two Houses.

At 1:59 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following bill, without amendment:

S. 5. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

## ENROLLED BILL SIGNED

The message also announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 5. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 4:33 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Co-Chairman, Mr. WOLF of Virginia, Mr. PITTS of Pennsylvania, Mr. ADERHOLT of Alabama, and Mr. PENCE of Indiana.

The message further announced that pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2005, and upon the recommendation of the Minority Leader, the Speaker appoints the following individual on the part of the House of Representatives to the Commission on Civil Rights to fill the remainder of the term expiring on May 3, 2005: Mr. Michael Yaki of San Francisco, California.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. CARDIN of Maryland, Mrs. SLAUGHTER of New York, Mr. HASTINGS of Florida, and Mr. MCINTYRE of North Carolina.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 418. An act to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

H. Con. Res. 26. Concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force; to the Committee on Armed Services.

H. Con. Res. 30. Concurrent resolution supporting the goals and ideals of National Black HIV AIDS Awareness Day; to the Committee on Health, Education, Labor and Pensions.

H. Con Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military; to the Committee on Armed Services.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

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. 403. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 310. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 17, 2005, she had presented to the President of the United States the following enrolled bill:

S. 5. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, 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–1010. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Procedural Rule for the Assessment of Civil Penalties for Classified Information Security Violations'' (RIN1992–AA28) received on February 14, 2005; to the Committee on Energy and Natural Resources.

EC–1011. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (MT–024–FOR) received on February 11, 2005; to the Committee on Energy and Natural Resources.

EC–1012. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Syrups, Hydrolyzed Starch, Hydrogentated; Exemption from the Requirement of a Tolerance'' (FRL No. 7697–9) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1013. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quizalofop-ethyl; Pesticide Tolerance'' (FRL No. 7694–4) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1014. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Octanamide, N,N-dimethyl and Decanamide, N,N-dimethyl; Exemptions from the Requirements of a Tolerance'' (FRL No. 7698–3) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1015. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerance'' (FRL No. 7695–7) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1016. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerance'' (FRL No. 7690–2) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1017. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acibenzolar-S-methyl; Pesticide Tolerances for Emergency'' (FRL No. 7697–8) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1018. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 7697–7) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1019. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Testimony or Production of Records in a Court or Other Proceeding'' (TD 9178) received February 14, 2005; to the Committee on Finance.

EC–1020. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Specified Liability Losses'' (Notice 2005–20) received February 14, 2005; to the Committee on Finance.

EC–1021. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Purchase Price Safe Harbors for Section 143 and 25'' (Rev. Proc 2005–15) received February 14, 2005; to the Committee on Finance.

EC–1022. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–19) received February 14 , 2005; to the Committee on Finance.

EC–1023. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the

report of a rule entitled ''Return of Partnership Income'' (TD 9177) received February 14, 2005; to the Committee on Finance.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Speciality Crop Competitiveness Act; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 279

Whereas, in 2001, Congress provided for speciality crop block grant program to address difficult circumstances in speciality crop segments of American agriculture. Through this single-year program, states, including Michigan, administered grants that helped specialty crop producers, processors, and commodity organizations conduct research, revamp marketing and promotion, and improve inspection efforts; and

Whereas, the specialty crop block grant program, which is distinct from traditional farm assistance programs, was successful, especially in Michigan, in fostering improvement in the competitiveness of many crop areas through a focus on specific projects. The program's impact on Michigan agriculture was widespread; and

Whereas, Congress has before it a measure that would authorize a permanent specialty crop block grant program. The Specialty Crop Competitiveness Act, H.R. 3242, would be a most effective way to increase the competitiveness of American agriculture in our fast-changing global economy. With the great diversity of Michigan's farms, our state has a major stake in this legislation: Now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States to enact the Specialty Crop Competitiveness Act; and be it further

*Resolved,* That copies of the resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–2. A Joint Resolution adopted by the Assembly of the State of California relative to specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

ASSEMBLY JOINT RESOLUTION NO. 69

Whereas, rapid conversion of California's farm and ranch lands for nonfarm use has contributed to the state's increased dependence upon imported food; and

Whereas, according to the National Agricultural Statistical Service of the United States Department of Agriculture, 3.7 million acres of farm land (more than 10 percent of total farm land) was lost between 1990 and 2003; and

Whereas, increased dependence upon imported foods has created increased vulnerability to exotic pests and diseases, evidenced by 63,527 shipments of prohibited commodities intercepted and destroyed or shipped back out-of-state in 2002; and

Whereas, according to the California Department of Food and Agriculture's (hereafter CDFA) January 2004 report Protecting California from Biological Pollution, interception of quarantined pests at point-of-entry is the state's primary defense against the introduction and spread of biological pollution; and

Whereas, every dollar spent on early intervention against exotic and invasive species, on average prevents seventeen dollars ($17) in later expenses, as seen by the following:

(a) CDFA Plant Health Pest Prevention Services spent two hundred fifty-eight million dollars ($258,000,000) to eradicate Mediterranean fruit fly infestations between 1980 and 1996. Just four million four hundred thousand dollars ($4,400,000) has been spent since the Medfly Exclusion Program was launched in 1996.

(b) CDFA Animal Health & Food Safety Services in 2002 reported that Exotic Newcastle Disease, the most fatal vital disease known to birds, required more than 3.4 million birds to be destroyed at a cost of more than three million six hundred thousand dollars ($3,600,000) to California and one hundred sixty-six million four hundred thousand dollars ($166,400,000) to the federal government.

Whereas, pest and disease prevention and exclusion is critical to all states of this nation and to our populations, in order to protect the health and welfare of the public and the jobs within agriculture and its related industries; and

Whereas, the California Legislature recognizes the importance of the partnership between federal and state governments to protect California's food and fiber from exotic pests and diseases, and the importance of promoting the role local agriculture has in supporting the daily living needs of all Californians and United States citizens; and

Whereas, the Legislature recognizes the farm worker's importance to agriculture production and the dependence of rural economies on agriculture; and

Whereas, the California Legislature recognizes the role the United States Congress played in delivering the 64 million dollar grant from the United States Department of Agriculture in 2001, which was the basis for the Buy California Initiative promoting California Grown products; and

Whereas, the California Legislature recognizes the value of federal funds available to support important programming including the Western Institute for Food Safety managed by the University of California at Davis; the 5 A Day For Better Health Nutrition Education Campaign managed by the state Department of Health Services; and the Linking Education, Activity and Food (LEAF) Program managed by the state Department of Education; and

Whereas, the California Legislature believes that there is a need, but no state funding, to expand programs that integrate food nutrition and schools, including, but not limited to, local fresh fruits and vegetables in school lunch programs, and educating school officials about on the seasons of state grown specialty crops; and

Whereas, the United States Congress currently is considering HR 3242, the Specialty Crop Competitiveness Act of 2003; and

Whereas, HR 3242 would continue the essential federal funding that started in 2001 that helped to support California's increasingly challenged food and fiber production infrastructure with the tools necessary to support food and fiber security, nutrition, and education: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully requests that the Congress of the United States of America support the passage of HR 3242, the Specialty Crop Competitiveness Act of 2003; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–3. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Medal of Honor for Valor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 848

Whereas, during the invasion of the Philippine Islands, Sgt. Harvey Possinger, a resident of Stroud Township, Monroe County, went above and beyond the call of duty by rescuing two of his fellow soldiers, Emil Angel and Paul Baehr, who were under intense mortar fire at Belete Pass, despite being seriously injured himself; and

Whereas, in spite of his wounds, Sgt. Possinger selflessly administered medical assistance to Emil Angel, inspiring his unit, B company, which two days later secured the area with the help of reinforcements and enabled the Allied campaign to move forward; and

Whereas, Sgt. Possinger is a highly decorated combat veteran of World War II, receiving five Purple Hearts, a Distinguished Service Cross, a Silver Star and a Bronze Star for his three years of outstanding military service; and

Whereas, Sgt. Possinger's commanding officer nominated him for the Medal of Honor 60 years ago, but the nomination was lost, destroyed or misfiled; and

Whereas, the Congress has rendered no decision on the matter: Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to award the Medal of Honor to Sergeant Harvey Possinger without further delay; and be it further

*Resolved*, That a copy of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–4. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to stabilizing the steel market; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 241

Whereas, for many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and ''dumping'' them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, a very significant and harmful development of late is a steep rise in the cost of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation's manufacturing capacity requires swift action to bring stability to this market: Now, therefore, be it

*Resolved by the Senate*, That we memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic

market needs and help contain escalating prices; and be it further

*Resolved*, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–5. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the transportation of liquid petroleum; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 320

Whereas, regulations restricting hours of service of motor transport workers contribute to public safety as goods are handled and moved across the country. As technology and equipment have changed, these regulations have also evolved. The Federal Motor Carrier Safety Administration sets these standards to respond to changes that occur and situations where the regulations clearly need to be adjusted; and

Whereas, the overall impact of hours of service regulations can vary significantly from industry to industry. Currently, for those hauling and delivering liquid petroleum products, the regulations provide that a person doing so must take 10 consecutive hours off for every 14 hours worked. Companies that transport liquid petroleum locally, however, are finding that these restrictions are a hindrance to their ability to operate effectively and efficiently; and

Whereas, the most effective laws and regulations bring balance to the situation or issue in question. The regulations that determine the hours of service for a person transporting liquid petroleum locally need to be modified to reflect the vastly dissimilar nature of their jobs from others transporting similar products: Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States and the United States Department of Transportation to exempt local liquid petroleum distribution personnel from federal regulations that require 10 hours of off duty for every 14 hours on duty; and be it further

*Resolved,* That copies of this resolution be transmitted to the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–6. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the confirmation of the United States Secretary of Commerce, to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 307

Whereas, President Bush has nominated Mr. Carlos Gutierrez, the CEO of Kellogg Company, as the new Secretary of Commerce. With the work Mr. Gutierrez has undertaken throughout his long and distinguished career with one of Michigan's best known international businesses and the record he has compiled in community life in Battle Creek, the people of Michigan harbor strong feelings of respect and admiration for this talented and visionary gentleman; and

Whereas, Carlos Gutierrez clearly embodies the American Dream in the path his life has taken. He came to the United States as a young boy with his brother and parents, refugees form Cuba beginning their lives anew. He proudly became an American citizen, and he has never lost sight of the significance of the opportunities and the responsibilities before all of us in this country. His rise from selling cereal out of a van in Mexico City to becoming the head of Kellogg is an amazing tale of hard work and personal integrity; and

Whereas, over the course of his career, Carlos Gutierrez has gained invaluable understanding of the crucial issues of manufacturing and trade in the international marketplace. He has excelled in a wide range of posts, representing Kellogg in Latin America, Canada, and the Asia-Pacific region. Since becoming the CEO in 1999, Mr. Gutierrez has had to make difficult decisions with strong impacts on the economy of Battle Creek and Michigan. His leadership in the face of challenging circumstances has brought significant strength to the company over the past five years; and

Whereas, as our country deals with the new realities of the global economy, Mr. Gutierrez's experiences and insights are just what our nation's businesses and working families need. Our nation will be well served by his diligence, character, and talent: Now, therefore, be it

*Resolved by the Senate*, That we offer our strong endorsement of Carlos Gutierrez and urge the United States Senate to confirm him as the United States Secretary of Commerce; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate and Senators Levin and Stabenow.

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POM–7. A Joint Resolution adopted by the Assembly of the State of California relative to the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, the United States Coast Guard is a military, multimission, maritime service that has answered the calls of America continuously for over 210 years; and

Whereas, over that history the Coast Guard's roles as lifesavers and guardians of the sea have remained constant, while their missions have evolved and expanded with a growing nation; and

Whereas, the Coast Guard mission is to protect the American public's most basic need, our safety and security, the environment, and our economy; and

Whereas, the Coast Guard responds to more than 50,000 calls for assistance and saves thousands of lives and billions of dollars in property; and

Whereas, the Coast Guard's five operating goals: safety; protection of natural resources; mobility; maritime security; and national defense, define the focus of the Coast Guard's service and enable it to touch everyone in the United States; and

Whereas, the goal of safety is pursued primarily through its search and rescue and marine safety missions; and

Whereas, no other government agency or private organization has the extensive inventory of assets and expertise to conduct search and rescue of both recreational boaters as well as commercial mariners, from the lakes, rivers, and nearshore areas to the high seas; and

Whereas, the Coast Guard provides the first line of defense in protecting the maritime environment through the marine safety program, ensuring the safe commercial transport of passengers, cargo, and oil through our waters, and by guarding our maritime borders from incursions from foreign fishing vessels; and

Whereas, the Coast Guard serves as a global model of efficient military, multimission, maritime service for the emerging coast guards of the world and helps friendly countries become positive forces of peace and stability, promoting democracy and the rule of law; and

Whereas, Coast Guard men and women are a highly motivated group of people who are committed to providing essential and valuable service to the American public; and

Whereas, the Coast Guard military structure, law enforcement authority, and humanitarian functions make the Coast Guard a unique arm of national security enabling it to support broad national goals; and

Whereas, the Coast Guard is well known for being the first to reach the scene when maritime disaster strikes, and continues to be tasked with protecting our waters from pollution, our borders from drug smuggling, and our fisheries from overharvest as well as additional assignments that stretch its people and resources thin: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State California urges the President and Congress of the United States to fully fund the Coast Guard's operational readiness and recapitalization requirements to ensure this humanitarian arm of our National Security remains Semper Paratus through the 21st century; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States and all members of Congress of the United States.

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POM–8. A joint resolution adopted by the Assembly of the State of California relative to space exploration; to the Committee on commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 86

Whereas, the United States is a nation of explorers; and

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from new world explorers and American pioneers to the Apollo program; and

Whereas, just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; and

Whereas, the desire to explore is part of our character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

Whereas, new technologies and commercial spin-offs from the advancements made through National Aeronautics and Space Administration (NASA) programs have provided economic expansion and improved life quality to residents not only within the United States, but worldwide, and some of these technologies include the following:

(a) Image processing used in CT scanners and MRI technology came from technology developed to computer-enhance pictures of the moon for the Apollo program

(b) Kidney dialysis machines were developed as a result of a NASA-developed chemical process, and insulin pumps were based on technology used on the Mars Viking spacecraft.

(c) Programmable heart pacemakers were first developed in the 1970's using NASA satellite electrical systems.

(d) Fetal heart monitors were developed from technology originally used to measure airflow over aircraft wings.

(e) Surgical probes used to treat brain tumors resulted from special lighting technology developed for plant growth experiments on space shuttle missions.

(f) Infrared hand-held cameras used to observe atmospheric gas plumes in space from the space shuttles have helped firefighters point out hot spots in wild fires; and

Whereas, this state has been a leader in the research, design, exploration, and development of space enterprise since the dawn of the space age; and

Whereas, space is a $24.2 billion enterprise in this state and generates 133,000 direct and indirect jobs scattered throughout the entire state; and

Whereas, our nation's new vision for space exploration charts a new, building block strategy to explore destinations across our solar system with robots and humans, allowing our nation to remain competitive in the new industry of space commerce; and

Whereas, the research and development necessary to rely on the initial robotics goal is uniquely suited for the three NASA centers located in our state; and

Whereas, the three NASA centers in this state—Ames Research Center in Santa Clara County, Dryden Flight Research Center in Antelope Valley, and the Jet Propulation Laboratory in La Cañada Flintridge jointly employ 7,250 people and maintain a payroll in excess of $300 million; and

Whereas, NASA's economic benefit to this state already tops $3 billion annually, including over $175 million worth of science and engineering grants to California's public and independent universities, and the proposed vision for space exploration is expected to strengthen this economic impact: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Congress and the President of the United States is requested to enact and fully fund the proposed budget for space exploration, as submitted to the Congress in the federal 2005 fiscal year budget, to enable the United States and California, in particular, to remain a leader in the exploration and development of space; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–9. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the funding of the National Aeronautics and Space Administration's Vision for Space Exploration Program; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the United States has a proud heritage of leading the world in exploration and discovery on land, under the seas, and in outer space. This heritage of expanding the boundaries of our national experience has been paramount in American priorities from the days of Lewis and Clark through the exploration of the moon's surface by the Apollo astronauts and of the surface of Mars using the Mars Rovers; and

Whereas, the expansion of America's exploration boundaries from the original 13 states to the lunar surface in the relatively short period of 200 years has led to immeasurable benefits to all humankind through the development of new technologies, the creation of jobs across the entire economic spectrum, economic growth through the creation of new commercial products and markets, the creation of advanced educational opportunities, and the establishment of a legacy for future generations; and

Whereas, the potential of space exploration has ignited American students' interests in science, technology, engineering, and mathematics. In particular, the National Aeronautics and Space Administration (NASA) Glenn Research Center's education programs are exemplary in inspiring the next generation of explorers; and

Whereas, the State of Ohio has long played a leading role in America's exploration initiatives, especially in our nation's aeronautics and space program. Ohio is the home of Orville and Wilbur Wright, 24 past and present astronauts, including former United States Senator and astronaut John Glenn and former astronaut Neil Armstrong, and countless other air and space pioneers at every level of research and exploration; and

Whereas, Ohio also is home to two federal laboratories, NASA Glenn Research Center and Wright Patterson Air Force Research Laboratory, both recognized by the United States Department of Commerce for their outstanding innovative activities contributing to economic development; and

Whereas, the NASA Glenn Research Center is a world-renowned center for the research and development of many cutting-edge technologies, especially power, propulsion, communications, and microgravity research. It also is a model of creating a consortium of university, government, and private sector entities to foster collaborative research and development. Finally, the Center is the winner of 89 of the 141 R & D 100 Awards granted to NASA since 1966, including the first NASA R & D 100 Award; and

Whereas, the talent, technology, and infrastructure exist in Ohio to provide resources that will be key to carrying out NASA's future missions: Now therefore be it

*Resolved*, That we, the members of the 125th General Assembly of the State of Ohio, support the continuation of research and development programs in space science missions in order to take full advantage of the previous investments made in the space stations and other NASA infrastructure, support NASA's goal of returning to the moon as well as conducting excursions to Mars and beyond and hereby encourage the United States Congress to enact and fully fund the proposed Vision for Space Exploration Program as submitted to the Congress in the fiscal year 2005 budget in order to enable the United States and Ohio in particular, to remain a leader in the exploration and development of space; and be it further

*Resolved*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the Ohio Congressional delegation, and to the news media of Ohio.

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POM–10. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to mandatory, national electric transmission reliability standards; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, on August 14, 2003, a massive failure of the electric transmission grid caused a blackout affecting the personal and economic lives of over 50 million citizens in the Northeastern and Midwestern areas of the United States, as well as in parts of Canada; and

Whereas, cited as one reason for the August 14 electric system collapse was inadequate reliability management that affected the integrity of the system, created an imbalance between supply and demand, and exposed poor protocol practices and communication between overseers of the grid; and

Whereas, the result of these failures in grid management, combined with other factors, was the cascading shutdown of the electric grid, causing an electricity blackout of a magnitude unequaled in the history of the United States; and

Whereas, electricity is a necessity integral to our health, safety, and economic well-being; and

Whereas, the system reliability that is so crucial to our lives currently is governed by voluntary, nonuniform, and often conflicting standards, wholly inadequate to accommodate the modern day electricity market and ever-growing demand in electricity usage; and

Whereas, with the increasing demand for more electricity and market transaction use of the grid, the issues of reliability and coordination in the delivery of electricity become paramount; and

Whereas, the electric grid originally was designed and constructed to accommodate the transportation of generation plant electrical output dedicated to utility service area customers and interconnections with other utilities has served as a means of ensuring greater electric supply reliability; and

Whereas, there is an ever-growing demand on the electric transmission grid to be used for the long-distance transportation of increasing amounts of electricity, in patterns and manners far different than those contemplated in the original design and construction of the grid; and

Whereas, investments in our country's electric grid have declined for decades, even as the demand for grid use has increased; and

Whereas, the declining trend in grid investment requires federal and state regulatory certainty, to ensure grid reliability and encourage investment that enhances and expands the grid to accommodate present and future demands on the national electric system; and

Whereas, the United States Supreme Court recently recognized that the transmission of electricity is inherently interstate commerce: Therefore be it

*Resolved*, That we, the members of the 125th Ohio General Assembly, in adopting this resolution, request that the United States Congress enact laws enabling a national entity to establish and enforce national standards and protocols for the reliability and efficient management of the national electric grid, irrespective of region; and be it further

*Resolved*, That the members of the Ohio General Assembly also request Congress to enact laws that ensure that the Federal Energy Regulatory Commission (FERC) has oversight regarding the national electric grid reliability entity; and be it further

*Resolved*, That the members of the Ohio General Assembly request that Congress enact laws that ensure FERC authority to require electric transmission owners to participate in an appropriate regional transmission organization, to advance reliability goals in complement with similar mandates of the State of Ohio and other states; and be it further

*Resolved*, That the members of the Ohio General Assembly request that Congress immediately take these actions to protect and enhance the reliability of the national grid for the health, safety, security, and economic viability of the American people; and be it further

*Resolved*, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the

United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

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POM–11. A Joint Resolution adopted by the Assembly of the State of California relative to veterans' home loan programs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have established veterans' home loan programs; and

Whereas, the State of Alaska, California, Oregon, Texas, and Wisconsin have authority in the Internal Revenue Code to issue qualified veteran mortgage bonds to finance their respective veteran home loan programs; and

Whereas, veterans' eligibility under current federal tax law restricts the eligibility to veterans who served on active duty prior to January 1, 1997; and

Whereas, the federal tax law devalues the service to our country given by those men and women who have served in the military of the United States since 1977 by denying them access to a benefit that has been available to their counterparts from other eras; and

Whereas, service in uniform should be accorded the same respect and stature irrespective of the moment in time during which it was provided. The men and women who have served since 1977 should have the same opportunity to take root in the communities they have defended as was offered those who ''made the world safe for democracy'' in World War II, or were called upon to ''pay any price, bear any burden, support any friend or oppose any foe to ensure the survival and success of liberty . . .'' during the Vietnam and Cold War eras; and

Whereas, the Directors of Veterans Affairs of the States of Alaska, California, Oregon, Texas, and Wisconsin are desirous of extending their respective veteran home loan programs to include the men and women of the United States of America who are dispatched to participate in any conflict that has occurred or will occur on or after January 1, 1977; and

Whereas, nearly 3 million veterans reside in California. Of those, 1.05 million, began their active military service on or after January 1, 1977, and over one-quarter million of those served in Desert Storm; and

Whereas, since 1922, California has operated, at no expense to its General Fund, the Cal-Vet Farm and Home Loan Program. Cal-Vet is a qualified veterans mortgage bond (OVMB) program that has helped 408,000 California veterans become homeowners; and

Whereas, opening participation in this home loan benefit to post-1976 veterans requires no direct budget expenditure by Congress and the well-established benefits of home ownership to local communities will be enhanced and expanded; and

Whereas, veterans of all conflicts should receive benefits consistent with the benefits available to veterans of previous armed conflicts; and

Whereas, those veterans have been qualified for eligibility into congressionally chartered veterans' organizations by prior acts of the Congress of the United States: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143(*l*) of the Internal revenue Code of 1986 to read: ''(6) Qualified veteran—For purposes of this subsection, the term 'qualified veteran' means any veteran—(A) who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued''; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States.

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POM–12. A Joint Resolution adopted by the Assembly of the State of California relative to border crossing deaths; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, on May 24, 2001, following an extensive rescue search by the United States Border Patrol, 25 migrants who were abandoned by their smugglers were found in the Cabeza Prieta National Wildlife Refuge in southwest Arizona; and

Whereas, after being driven for one and one-half hours through the wildlife refuge, the migrants were told by the smugglers that it was only a short walk to a nearby highway; and

Whereas, in fact, in order to reach their destination the migrant were required to travel across 70 miles of harsh desert in an area known as ''The Devil's Path'' and endure air temperatures in excess of 115 degrees and desert floor temperatures of 130 degrees; and

Whereas, fourteen of those victims died of exposure and dehydration and 11 survivors were hospitalized in the deadliest crossing of the border since 1987, when 18 Mexican men died in a locked boxcar near Sierra Blanca, Texas; and

Whereas, since 1994, border enforcement initiatives such as ''Operation Gatekeeper'' on the California-Mexico borden have increased patrols and constructed steel walls near urban areas, forcing migrants to make more dangerous crossings in rural, often open desert areas; and

Whereas, most migrants are unaware and unprepared to make a desert crossing, thereby leading to a substantial increase in fatalities due to dehydration in the summer and hypothermia in cold weather; and

Whereas, deaths of migrants along the desert areas of the border have increased exponentially since the implementation of these initiatives, with reported deaths increasing from 25 in 1994 to 369 in 1999 and 491 in 2000, according to figures released by the Mexican government, as well as an unknown number of undiscovered and unreported deaths; and

Whereas, as a result of the increase in border crossings and deaths in these desert areas, concerns have been expressed by humanitarian organizations, civil rights organizations, churches, and the Mexican government that the United States Border Patrol's current enforcement program effectively is operating as a channeling operation, rather than a general border interdiction program; and

Whereas, immediately after this incident both the United States and Mexican governments jointly announced that they were launching an investigation of the incident, issued a statement condemning the actions of smugglers, and reaffirmed their commitment to combat the trafficking of migrants; and

Whereas, both governments also recognized the need for the two nations to continue to work together to reach agreements on migration and border safety; and

Whereas, President George W. Bush and President Vincente Fox have established a high-level working group on migration co-chaired by Attorney general John Ashcroft and Secretary Colin Powell of the United States and by Mexico's Foreign Secretary and its Secretary of Government; and

Whereas, this working group on migration and border safety plans to continue to meet to discuss specific measures to prevent future occurrences of these tragedies and to promote safe and orderly migration; and

Whereas, at a minimum, the potential solutions to this tragic problem require a comprehensive examination of the consequences of border initiatives, enhanced investigations by the Mexican government of criminal gangs of smugglers, providing the United States Border Patrol with increased search and rescue resources such as lifesaving gear and emergency medical training, and consensus on a long-term agreement between the United States and Mexico on migration and border security policies: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California urges the President and Congress of the United States and the United States Border Patrol to proceed in a cooperative effort with the Mexican government through the working group on migrations and border safety to achieve a comprehensive examination of border safety and migration issues, an assessment of the impact of United States border initiatives, enhanced investigations and prosecutions of criminal gangs of smugglers, and increasing search and rescue operations along the border; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, all members of the Congress of the United States, and the Mexican Consulate in Washington, D.C.

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POM–13. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the preferred approach through which to exercise self-determination concerning the status of Puerto Rico; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 107

The right of the People to freely choose their system of government and their political destiny in relation to the other countries is an inalienable natural right: neither can legislation contrary to this right be admitted nor can a regime or legislation contrary to the full exercise of this right be admitted. This is thus consigned in several resolutions of the General Assembly of the United Nations Organization applicable to Puerto Rico.

The regime of the political relations between Puerto Rico and the United States of America remained subject for future deliberation since the conclusion of the deliberations of the Constitutional Convention on the political status of the People of Puerto Rico in 1952, which drafted the Constitution of the Commonwealth of Puerto Rico. This by virtue of Public Law 600 of the 81st Congress of the United States of 1950, adopted in a referendum held in Puerto Rico, which limited the deliberative and governmental framework of the Constitutional Convention from 1951 to 1952.

The Constitutional Convention of 1952 expressed through Resolution No. 23 that: ''The People of Puerto Rico reserve the right to propose and accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the People of Puerto Rico and the United States

of America.'' (Enacted February 4, 1952, and forwarded to the President of the United States.)

This expression, based on a natural and constitutional right and of the highest democratic nature, was subsequently incorporated by the General Assembly of the United Nations Organization in its Resolution 748 (VIII) of November, 1953, regarding the documents submitted by the United States Government on the Constitution of the Commonwealth of Puerto Rico. It is thus stated in its ninth enabling paragraph where it is expressed, ''its assurance that, in accordance with the spirit of the present Resolution . . . due regard will be paid to the will of both the Puerto Rican and American peoples . . . in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.''

Since the effectiveness of the present status of political relationship between Puerto Rico and the United States, untiring efforts have been made to review the political status issue of Puerto Rico and the scope of the relationship with the United States of America. Specifically, in 1967, a consultation process of the people was held in which the majority of the participants reaffirmed their support to the Commonwealth option, and subsequently, in 1993, a second plebiscite was held, and once again the Commonwealth option was favored. Finally, in 1998, a new plebiscite was held in which the Legislature of Puerto Rico, and not the political parties or the representative groups of specific ideologies, defined the status options to be presented to the people. In said plebiscite, the ''None of the Above'' option was favored.

Likewise, in the past fifty-two years several efforts have been made to have the United States Congress enact legislation that would allow further the discussion of this issue. Specifically, we take notice of the efforts made through the Status Commission during the decades of the 60s and 70s; and from 1989 to 1991 by the U.S. Senate Resources Committee, and in the mid 90s, by the U.S. House of Representatives Resources Committee. None of these efforts was able to produce legislation that would effectively attend the discussion of status.

Having repeatedly approached through decades diverse methods, the Legislature of Puerto Rico, exercising the powers and faculties pursuant to the Constitution of the Commonwealth of Puerto Rico, proposes a consultation of the people so that they may determine the procedural mechanism they deem proper to deal with the issue of the political status of Puerto Rico, and the scope of the relationship with the United States of America. In this referendum a constitutional assembly will be presented as an alternative.

More than fifty years have elapsed since the establishment of the present status, and considering the manifest expressions of all representative sectors of the country on the need to make changes to the present relationship, it is proper for this Legislature to consult the people in order to initiate the process to elect an adequate mechanism to deal with the political status of Puerto Rico and its relationship with the United States of America: Be it

*Resolved by the legislature of Puerto Rico:*

Section 1.—Statement of Public Policy.

It is hereby declared that the People of Puerto Rico have the inalienable natural right to self-determination and political sovereignty. In accordance thereto, this Legislature declares that, upon the failure of several processes for the exercise of this right, it is imperative for the people to exercise the same through a Constitutional Assembly on the status of the relationship between Puerto Rico and the United States of America.

Section 2.—The Legislature acknowledges the Report rendered on March 11, 2002, as directed by Senate Resolution 201 and House Resolution 3873, both recommending the mechanism of an Assembly of the People to consider the status issue.

Section 3.—It is proper to study and draft the legislation for the people to decide on the desirability of calling a Constitutional Assembly on Status. The legislation shall include the mechanisms to implement the election of delegates and the organization of the Constitutional Assembly on Status, if it is favored at the polls.

Section 4.—The Committee on the Judiciary of both Bodies shall prepare a study and report which shall contain projects of law for holding a referendum on the calling of said Constitutional Assembly, appropriation of funds, and every other measure or process needed to implement this public policy. The following shall be assured:

a. The effective participation of the representatives of the political parties and the civil society.

b. That the proposals to be submitted to the consideration of the people arise from the principle of sovereignty in the future political relationships of Puerto Rico, and be as such defined outside of the territorial clause of the Constitution of the United States of America.

c. That the Assembly shall enjoy deliberative and negotiation attributes with the United States Government.

d. That every determination of the Assembly shall be subject to ratification by the people at a referendum.

Section 5.—The Committee shall render its report before December 31, 2004, and thereby be submitted for the consideration of the next Regular Legislature.

Section 6.—A copy of this Concurrent Resolution, together with the results of the vote for its approval, shall be certified by the Office of the Secretary and of the Clerk of both Chambers, and remitted to the Special Decolonization Committee of the United Nations General Assembly, to the White House Interagency Committee on the Status of Puerto Rico, and to the Congress of the United States of America.

Section 7.—This Concurrent Resolution shall take effect upon its approval and constitutes public policy until its repeal or implemented.

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POM–14. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing the Northeast Detroit Community Health Center as a Federally Qualified Health Care Center; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, Michigan's largest city faces enormous challenges related to the health of its citizens. Difficult economic conditions, including high rates of poverty and uninsured residents, have contributed to a host of serious problems. The health of Detroit's residents is clearly a major concern and a threat to the state's future; and

Whereas, the northeastern region of the city is especially underserved by medical professionals and facilities. The eight-square mile area being targeted for the establishment of a federally qualified health care center has an infant mortality rate that is twice the state's, a lifespan of only 68.5 years, and a rate of uninsured residents over 45 percent; and

Whereas, Advantage Health Centers has proposed to establish the NorthEast Detroit Community Health Center, in partnership with St. John Health, under the United States Health and Human Services Section 330 federally qualified health care center program. This initiative would represent a major step in addressing the significant medical care needs of area residents. The facility seeks to serve 10,450 clients through 26,100 patient encounters annually; and

Whereas, the new community center would provide preventative and primary health care services, including mental health and substance abuse care, as well as access to the full range of the resources of St. John Health. The overall impact of a federally qualified health care center such as this would be substantial not only to the daily lives of the individuals served, but also to the well-being of the metropolitan area: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That we memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Health and Human Services.

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POM–15. A Joint Resolution adopted by the Assembly of the State of California relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 87

Whereas, since 1935, workers have had the right under federal law to form unions, but federal laws have eroded over the years and are poorly enforced; and

Whereas, each year, 20,000 American workers suffer loss of pay due to illegal retaliation against them for exercising their right to freedom of association, and thousands more American workers are illegally threatened, coerced and interrogated, spied on, and harassed because of their efforts to form a union; and

Whereas, 42 million workers in the United States say that they would join a union now if they had the opportunity; and

Whereas, in California only 17.5 percent of our workers are unionized; and

Whereas, union membership provides workers better wages and benefits, and protection from discrimination and unsafe working places, while benefiting whole communities by strengthening tax bases, promoting equal treatment, and enhancing civil participation; and

Whereas, even though federal laws guarantee American workers the right to choose for themselves whether to form a union, employers across the nation routinely violate that right; workers are harassed, intimidated, coerced, and even fired, just for exercising, or attempting to exercise, this fundamental freedom; and

Whereas, the freedom to join a union is recognized as a fundamental human right; and

Whereas, when employers violate the right of workers to form a union, everyone suffers—wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, most employer violations occur behind closed doors and each year employers spend millions of dollars to defeat unionization; and

Whereas, a worker's fundamental right to choose a union is a public issue that requires public policy solutions, including legislative change; and

Whereas, S. 1925 and H.R. 3619 have been introduced this session in Congress, which introductions mark the first time in two decades that Congress is considering legislation

that aims to restore the freedom of workers to join a union; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) would, when a majority of employees in a unit appropriate for bargaining voluntarily sign authorizations (commonly known as ''card check'' recognition) designating an individual or labor organization as their bargaining representative, authorize the National Labor Relations Board to certify that individual or labor organization as the exclusive bargaining representative of those employees; and

Whereas, the Employee Free Choice Act would also provide for first contract mediation and arbitration, establish meaningful penalties to be imposed on employers that violate the right of workers to join a union, and include, for workers, the same process for immediate relief from illegal conduct that the law presently gives only to employers: Now, therefore be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California hereby supports and urges the Congress of the United States to pass the Employee Free Choice Act; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to be Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–16. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the Federal Assault Weapons Act of 1994 continues in effect; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 4623

A furor has recently boomed on our Island regarding the possible repeal of the Federal Assault Weapons Act of 1994, whose term of effectiveness expires on September 14, 2004. This Act, which bans the use, purchase and sale of 19 large caliber weapons, with the exception of the exclusive use thereof by the U.S. Department of Defense, was established by an amendment to the Federal Violent Crime Control and Law Enforcement Act. Said banned weapons, as they are appear in literal detail in Title 18, Chapter 44, Section 921 of the United States Code, are the following:

''(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(ii) Action Arms Israeli Military Industries UZI and Galil;

(iii) Beretta Ar70 (SC–70);

(iv) Colt AR–15;

(v) Fabrique National FN/FAL, FN/LAR, and FNC;

(vi) SWD M–10, M–11, M–11/9, and M–12;

(vii) Steyr AUG;

(viii) INTRATEC TEC–9, TEC–DC9 and TEC–22; and

(ix) Revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

(i) a folding or telecoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(ii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) a grenade launcher;

(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer;

(iii) a shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) a semiautomatic version of an automatic firearm; and

(D) a semiautomatic shotgun that has at least 2 of—

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 rounds; and

(iv) an ability to accept a detachable magazine.''

In view of this situation, the Police Departments and Mayors of several cities have been lobbying in the Congress and with the Hon. George Bush, President of the United States of America for the approval of the extension of said law, and thus the continuation of the assault weapons ban.

The AWL, which bans the manufacture and sale of the above specified military style weapons was passed 10 years ago, however, it included a clause for its renewal this year and for another ten year period until 2014. In order for this clause to become effective it must have the support of the Congress and be signed by the President of the United States.

In spite of the ban on the sale of assault weapons, Mr. Bill Bratton, Chief of the Los Angeles Police, has stated that it is not unusual to find this type of weapon in the hands of criminals or gangmembers in his city; however, he reaffirmed that thanks to this measure, local violent delinquency has dropped by 67%. Chief Bratton and the Mayor of Los Angeles, James Hahn, made this call to the Congress and to the President, while other authorities have done so in several cities of the United States.

It is proper to point out that these weapons are manufactured for the Army and that they are being used, at present, in the War against Iraq and in Afghanistan, and most certainly are not to be used in the streets of our country. It is imperative for the United States Congress to take immediate action and that it protect us from this type of weapon designed for mass destruction.

Furthermore, it is necessary to clarify that in spite of the existence of said measure for ten years, one out of every five fallen agents of the Los Angeles Police Department have been gunned down by this type of weapon in the streets of said city, as it appears in their records and from statements of the Chief of Police of said city.

In the case of Puerto Rico, 16 year old Nicole Muñiz was gunned down accidentally through the indiscriminate and illegal use of the weapons banned by the federal law. This High Puerto Rican Legislative Body most certainly deems it imperative to do all that is in its power to eliminate them from the streets and the hands of criminals, who take lives right and left, with no regard whatsoever for the innocent people of our Island.

Likewise, it also appears in the records of the Puerto Rico Police that most of the weapons seized are designed for the battlefields, many of which became of public use during the Viet Nam conflict and belong to the group of weapons banned in the federal legislation. However, at present many persons, particularly drug dealers, manage to obtain them and use their powerful weapons against the authorities. The design of many of these weapons is altered, including modifications to make them more potent and lethal. Furthermore, police authorities are constantly risking their lives since some of these weapons have the capacity to penetrate the bulletproof vests used as a means of protection.

In view of the above, several Island newspapers have published articles on the fact that the majority of the people of Puerto Rico are against allowing the possession, sale and use of said assault weapons, and that the parents of victims murdered with the banned weapons have also stated that they favor the continuation of the effectiveness of the federal law, supra. Therefore, after knowing of the devastation that this type of military weapon can cause to the civilian population in the hands of criminals, this High Body has the moral imperative to make itself be heard, on behalf of the people it represents, before the federal authorities regarding the continuation of the effectiveness of the Federal Assault Weapons Act, and that new and more severe penalties be established for those who violate this Law: Be it

*Resolved by the senate of Puerto Rico:*

Section 1.—To state the most vehement support of the Senate of the Commonwealth of Puerto Rico to the continuation of the ban established in the Federal Assault Weapons Act of 1994, and for its effectiveness to continue as well as the ban on the use of assault weapons (automatic rifles) by the civilian population.

Section 2.—A copy of the Resolution of this High Body, translated into the English language, shall be remitted to all the members of the United States Congress and to the Hon. George Bush, President of the United States of America.

Section 3.—Likewise, a copy of this Resolution shall be delivered to the communications media for its corresponding diffusion.

Section 4.—This Resolution shall take effect immediately after its approval.

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POM–17. A resolution adopted by the General Assembly of the State of New Jersey relative to making the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 122

Whereas, the Republic of Poland is a free, democratic and independent nation; and

Whereas, in 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization; and

Whereas, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism; and

Whereas, the Republic of Poland has actively participated in Operation Iraqi Freedom and the Iraqi reconstruction, shedding blood along with American soldiers; and

Whereas, the President of the United States and other high ranking officials have described Poland as ''one of our closest friends;'' and

Whereas, on April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation to United States citizens traveling to Poland; and

Whereas, the United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry; and

Whereas, the countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San

Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas, it is appropriate that the Republic of Poland be made eligible for the United States Department of State's Visa Waiver Program: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The General Assembly of the State of New Jersey respectfully urges the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President of the United States, the presiding officers of the United States Senate and House of Representatives, every member of the New Jersey Congressional delegation, and Przemyslaw Grudzinski, the Ambassador of the Republic of Poland to the United States.

This resolution urges the President and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program. The Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry.

The Republic of Poland is a member of the North Atlantic Treaty Organization, an ally of the United States and in the global campaign against terrorism, and an active participant in Operation Iraqi Freedom and the Iraqi reconstruction. It provides visa-free travel for citizens of the United States.

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POM–18. A Joint Resolution adopted by the Assembly of the State of California relative to psychotropic drugs and youth; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 41

Whereas, Federal legislation, known as the Pediatric Research Equity Act of 2003 (S. 650), was introduced in the Senate of the United States on March 18, 2003, passed by Congress in July, 2003, and signed by the President on December 3, 2003; and

Whereas, the purpose of the Pediatric Research Equity Act of 2003 is to provide the Food and Drug Administration (FDA) with clear authority to require pediatric studies of drugs to ensure their safe and effective use for children and the act applies to all medications whose intended use in pediatrics is the same as adults, thus ensuring complete information about the effects of the drug on children; and

Whereas, the Pediatric Research Equity Act is landmark legislation that gives the FDA the full authority to require drug manufacturers to test new medicines in children and the full power to order testing of older drugs, including psychiatric medications, that are widely prescribed in children if companies do not conduct studies voluntarily; and

Whereas, the Pediatric Research Equity Act will provide child and adolescent psychiatrists with safety and efficacy information about medications they prescribe for children and adolescents with mental illnesses; and

Whereas, there are an estimated six million children in the United States between the ages of six and 18 years of age taking psychotropic drugs, including stimulants such as Ritalin, antidepressants such as Paxil, Prozac, or Zoloft, and amphetamines such as Dexedrine; and

Whereas, the Pediatric Research Equity Act is timely legislation, especially in light of a recent study published in the Archives of Pediatrics and Adolescent Medicine that identified a rapid increase in the proportion of children and adolescents in the United States taking all types of psychiatric medications from the mid-1980s to the mid-1990s and that spotlighted the relative lack of knowledge about the unknown long-term effects of these medications on the pediatric and adolescent population; and

Whereas, the Pediatric Research Equity Act will prompt the development of a solid body of long term research and testing that is needed to determine the long-term safety of psychiatric medications in light of earlier ages of initiation and longer duration of treatment and that is needed to examine drug concentrations in body fluids and tissues over time in children and adolescents to determine the appropriate dosage and frequency for youth of different ages and body sizes; and

Whereas, prior to the enactment of the Pediatric Research Equity Act and, as cited in the landmark 2000 Report of the U.S. Surgeon General on Mental Health, physicians, specifically child and adolescent psychiatrists, relied on data from studies in adults, any clinical or anecdotal reports of use in child and adolescent patients, studies conducted outside the United States, and the experience of colleagues when making decisions to prescribe drugs, including psychotropic medications, to the pediatric and adolescent population; and

Whereas, when prescribed appropriately by a psychiatrist, preferably a child and adolescent psychiatrist, taken as prescribed, and used in conjunction with a comprehensive treatment plan that includes psychotherapy, medication may reduce or eliminate symptoms and improve the daily functioning of children and adolescents diagnosed with psychiatric disorders, and

Whereas, the Pediatric Research Equity Act is important legislation that will raise awareness that, because children and adults react to drugs in different ways, trying to calculate dosages on the basis of what is appropriate for adults risks over- and undermedicating children; and

Whereas, according to the American Academy of Pediatrics, only approximately 25 percent of all drugs on the market today have been tested or labeled for safe and effective use in children; and

Whereas, according to the FDA, pediatric testing has been done on 91 medications, which is far less than the 400 drugs for which the agency has requested studies in children; and

Whereas, as a result of the Pediatric Research Equity Act, increased testing and research on drugs prescribed for children will help guide sound treatment planning, increase access to more effective treatment options for children and adolescents living with physical and mental illnesses, and destigmatize child and adolescent mental illnesses; and

Whereas, children are a unique population with special medical needs and access to drugs that have been properly tested for pediatric use will ensure that they are safe and will work to ease children's pain and suffering or make them healthy: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California commends the Congress and the President of the United States for enacting the landmark Pediatric Research Equity Act of 2003 and thereby recognizing the importance of testing the safety and effectiveness of drugs for pediatric use, a victory for children's health and well-being; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Commissioner of the Food and Drug Administration, to the Secretary of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

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POM–19. A Joint Resolution adopted by the Assembly of the State of California relative to veterans benefits; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 36

Whereas, in addition to the benefits provided by the United States Department of Veterans Affairs, various states have recognized and rewarded the tremendous sacrifices made by our nation's veterans; and

Whereas, the State of California acknowledges the failure to fully recognize and support the sacrifices made by our military veterans, most notably after the Vietnam War; and

Whereas, the California Department of Veterans Affairs is committed to conferring and administering veterans benefits provided by a grateful State of California to its deserving veterans and their dependents; and

Whereas, in the past decade, the California Department of Veterans Affairs actively lobbied federal legislators to enact changes in current federal legislation that would extend home ownership opportunities for Vietnam War veterans; and

Whereas, home ownership is viewed by many as a cherished component of the American dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service in the United States Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the States of California, Wisconsin, Texas, Oregon, and Alaska have offered low interest rates on home loan mortgages to eligible veterans for many decades; and

Whereas, these programs have assisted over a million veterans in obtaining affordable housing and in making a better life for themselves and their dependents; and

Whereas, these states utilize tax-exempt bonds known as Qualified Veterans Mortgage Bonds (QVMBs) to fund almost all of the home purchase and home improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(*l*)(4) of the Internal Revenue Code, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving active duty post-1976 from using QVMBs, including over 500,000 men and women who served in Operation Desert Shield and Operation Desert Storm and over 380,000 members serving in Operation Enduring Freedom and Operation Iraqi Freedom; and

Whereas, these courageous men and women, many serving in harm's way even today, deserve the same benefits offered to their earlier comrades in arms, yet the states in which they and their families reside are being denied the opportunity to use QVMBs; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to support legislative action to immediately remove the discriminatory portion of

Section 143(*l*)(4) of the Internal Revenue Code so that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Department of Veterans Affairs.

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POM–20. A Joint Resolution adopted by the Assembly of the State of California relative to prescription drugs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 62

Whereas, rapidly increasing health care costs are placing a growing burden on employers, workers, and publicly funded health programs; and

Whereas, recent federal statistics show that health care spending increased 9.3 percent in 2002, which is a rate five times greater than the overall rate of inflation and the largest increase in 11 years; and

Whereas, employer health premium costs in the United States rose 14.7 percent in 2003 and are projected to increase by another 12.6 percent in 2004; and

Whereas, one of health care's major cost drivers has been prescription drugs; and

Whereas, prescription drug spending increased 15.3 percent in 2002 after increasing an average 17.3 percent in 2000 and 2001; and

Whereas, prescription drug costs for the taxpayer financed Medi-Cal fee-for-service program reached $2.9 billion in the 2002–03 fiscal year and are projected to rise to $3.8 billion in the 2004–05 fiscal year; and

Whereas, private health plans and the California Public Employees' Retirement System, which is the state employees' health program, report annual double-digit increases in prescription drug spending, despite benefit changes such as increased copayments and multitiered copayments that increase the burden on subscribers; and

Whereas, seniors who require more medications on average have been especially hard hit by rising prescription drug costs and copayments; and

Whereas, even seniors with drug coverage find the cost of prescription drugs often far exceeds their coverage limits and must choose between food, rent, and needed medications; and

Whereas, Americans are paying more for prescription drugs than people in other countries; and

Whereas, one drug can cost five to 10 times more in the United States than in Canada or Europe; and

Whereas, one in five adults cannot afford to buy some or all of his or her prescribed medicines; and

Whereas, unaffordable prescription drugs and budget deficits have forced American cities, states, and individuals to turn to Canada for affordable drugs; and

Whereas, negotiating price reductions has been shown to lower drug prices in various state adopted programs, including the Medi-Cal program; and

Whereas, the Veterans' Administration aggressively negotiates lower drug prices through its nationwide pharmacy benefits program, which provides drugs for veterans at deep discounts; and

Whereas, last year, the Veterans' Administration filled 108 billion prescriptions at a cost of $2.8 billion, with savings to the federal government from negotiated drug prices that are estimated to be in the hundreds of millions of dollars; and

Whereas, the Veterans' Administration purchasing system could be adopted to save billions of dollars for the Medicare program and its beneficiaries, as well as state and local government programs; and

Whereas, the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 does nothing to control the high cost of drugs and in fact, explicitly prohibits the federal government from using its volume purchasing power to lower drug prices that will be paid by the government as part of the new Medicare drug benefit: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California calls upon the California delegation of the United States Senate and House of Representatives to sponsor and support legislation to repeal any Medicare provisions that would prohibit the federal government from negotiating fair drug prices, specifically as found in Section 1860D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173); and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–21. A Joint Resolution adopted by the Assembly of the State of California relative to State Highway Route 99; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, the State Highway Route 99 corridor has the largest urban area not in the interstate highway system and Fresno is the largest city in the United States not served by an interstate highway; and

Whereas, studies have long shown that economic development is enhanced in areas that are close to interstate highways; and

Whereas, the Central Valley of California has the highest concentration of unemployment in the United States, and unemployment has been a persistent problem that needs to have extraordinary efforts applied to it; and

Whereas, the interstate highway system was designed to help all regions of the nation and promote interstate commerce and international trade; and

Whereas the omission of highways in the urban areas of the Central Valley from the interstate highway system cannot be justified and should be remedied; and

Whereas, Interstate Highway 5 has been designated the NAFTA corridor, even though most of the trucks engaged in international trade and commerce travel on State Highway Route 99; and

Whereas, truck cargo volumes on State Highway Route 99 exceed those on Interstate Highway 5 and are among the highest in the entire nation, and this is the only segment of the federal highway system with this level of traffic not in the interstate highway system; and

Whereas, any effort to reduce truck congestion and other traffic congestion contributes to the reduction of air pollution, which is critically needed in the Central Valley; and

Whereas, tourists to national parks adjacent to the Central Valley generally travel State Highway Route 99 although families prefer to travel to their designations along interstate highways that are known to be twice as safe as other highways, and tourism would be enhanced if State Highway Route 99 is upgraded to an interstate highway; and

Whereas, the Central Valley is the most rapidly growing part of California, and one of the most rapidly growing areas of the nation, and future demand will make all of the arguments for upgrading State Highway Route 99 even more urgent: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, that the Legislature of the State of California hereby respectfully memorializes the President and the Congress of the United States to enact legislation to include State Highway Route 99 in the interstate highway system only when the following actions take place:

(a) The President or Congress requests and is granted an exemption for State Highway Route 99 from all federal interstate requirements or that the state be exempted from financing any costs to upgrade the highway pursuant to those requirements.

(b) The current $16.1 million from the Traffic Congestion Relief Program designated for State Highway Route 99, which is currently contingent upon proceeds that would result from the Governor reaching pacts with tribal gaming interests, are expended on State Highway Route 99.

(c) State Highway Route 99 is granted a historic designation of ''Historic Route 99''; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–22. A Joint Resolution adopted by the Assembly of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 66

Whereas, forty-one years after the passage of the Federal Equal Pay Act and Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, according to the United States Census Bureau, in 2002, American women working full-time year-round earned on average 76.6 cents for every dollar earned by full-time working American men; and

Whereas, a General Accounting Office report on women's earnings show that there exists an inexplicable wage gap of approximately 20 percent, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, in the 41 years since the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due large in part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, the consequences of the wage gap reach beyond working women and extend to their families and the economy, to the extent that, in 1999, even after accounting for differences in education, age, location, and the number of hours worked, America's working families lost $200 billion of annual income to the wage gap, with an average of $4,000 per family; and

Whereas, women play a crucial role in maintaining the financial well-being of their families by providing a significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, women currently account for 47 percent of the labor force, and by 2005 are expected to comprise 48 percent of the labor force; and

Whereas, educated women are not exempt from pay disparity; and

Whereas, in 2001 the median weekly earnings of female full-time workers with a college degree was 72.5 percent of their male counterparts; and

Whereas, according to the United States Census Bureau March 2002 Current Population Survey, women with a master's degree on average earn less than men with a bachelor's degree; and

Whereas, the wage gap is even wider for women of color, as evidenced by a 2001 statistic that reported that African-American women earned 69 percent and Hispanic women earned 56 percent of average white male earnings; and

Whereas, the wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, according to the data analysis of over 300 jobs classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, the wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after retirement, and affect a women's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, the average 25-year-old woman who works full-time, year-round, is projected to earn $523,000 less over the course of her career than the average 25-year-old man who works full-time year-round; and

Whereas, if women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income of each of these women would rise by $4,000, and the number of families who live below the poverty line would be reduced by half: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature hereby declares April 20, 2004, to be ''Equal Pay Day'' in California and urges California citizens to recognize the full value and worth of women and their contributions to the California workforce; and be it further

*Resolved*, That the Legislature respectfully urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–23. A Joint Resolution adopted by the Assembly of the State of California relative to hybrid electric vehicles; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 74

Whereas, the price for gasoline has reached record levels in California, climbing to an all-time high in Los Angeles and the bay area, and potentially rising even higher during the summer; and

Whereas, increasing gasoline prices can have a negative impact on California's economy because rising oil prices drive up the average cost of production of goods and services throughout the economy and reduce the real income of consumers through higher fuel prices; and

Whereas, California is susceptible to chronic price spikes in gasoline due to tight supplies of refined gasoline and a lack of competition among the companies that produce and sell gasoline; and

Whereas, California's demand for petroleum transportation fuels will continue to grow, and is expected to increase by 50 percent in the next 20 years, as the number of registered vehicles in California increases to 31.5 million by the year 2020; and

Whereas, California's refining capacity has not been able to keep up with the growing demand for transportation fuels and is increasingly dependent on the importation of foreign crude oil, much of which comes from politically unstable regions of the world; and

Whereas, this growing dependence on oil from unstable regions makes the state's economy more vulnerable to external disruptions and volatile fuel prices; and

Whereas, increasing use of petroleum fuels results in additional climate change emissions including carbon dioxide, and global climate change is projected to cause environmental and economic damage to California; and

Whereas, increasing use of gasoline causes a decline in air quality, thereby adversely affecting public health; and

Whereas, the world supply of petroleum is expected to fall short of demand after the year 2020, causing the price of petroleum products to increase significantly; and

Whereas, on-road fuel economy of cars and light-duty trucks has remained relatively constant since 1985, and has actually decreased in years as consumers purchase greater percentages of sport utility vehicles; and

Whereas, most technological improvements to engines and vehicles have been used to increase performance and overcome gains in weight, rather than to improve fuel economy; and

Whereas, Californians would consume 30 percent less gasoline by 2020 if fuel efficiency in new model light-duty vehicles were doubled to at least 40 miles per gallon, and that reduction in gasoline consumption would result in increased air quality throughout the state as well as a reduction in the state's dependency on foreign sources of petroleum; and

Whereas, hybrid electric drive train technology can significantly increase vehicle fuel efficiency and, simultaneously, greatly reduce a vehicle's smog-forming emissions; and

Whereas, several vehicle models, using hybrid electric drive train technology that achieves at least 45 miles per gallon and as much as 70 miles per gallon fuel efficiency ratings, are readily available to consumers in California; and

Whereas, Californians would greatly reduce their gasoline dependence, improve their own economic condition, and significantly better the environment and public health if they were to embrace the use of hybrid electric vehicles that achieve at least 45 miles per gallon ratings; and

Whereas, the primary purpose of High Occupancy Vehicle (HOV) lanes is to relieve traffic congestion by offering persons who carpool an easier commute; and

Whereas, in many instances, California's HOV lanes have excess capacity that could allow them to accommodate single-occupant hybrid electric vehicles temporarily, without degrading the HOV lanes' traffic flow or diminishing their attractiveness to carpools: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the President and the Congress of the United States of America are urged to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California Air Resources Board, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle (HOV) lanes; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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POM–24. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to the denunciation of the actions of the Janjaweed in Sudan and urging the Sudanese government to cut its ties to the Militia responsible and demand that they disarm immediately; and for other purposes; to the Committee on Foreign Relations.

POM–25. A resolution adopted by the Board of Commissioners of Ferry County, State of Washington, relative to supporting county custom, culture, and heritage in decision making on federal lands in Ferry County, State of Washington; to the Committee on Energy and Natural Resources.

POM–26. A resolution adopted by the Fleet Reserve Association, Latte Stone Branch 73, Young Men's League of Guam relative to Petitions from the People of Guam in Support of the Findings and Recommendations of the War Claims Review Commission; to the Committee on Energy and Natural Resources.

POM–27. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to supporting the District of Columbia's right to have its elected Representative have full voting rights in the United States House of Representatives and for other purposes; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH (for Mr. SPECTER), from the Committee on the Judiciary, with amendments:

S. 256. A bill to amend title 11 of the United States Code, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy.

Air Force nominations beginning with Brigadier General Mark W. Anderson and ending with Colonel Carl M. Skinner, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Army nomination of Maj. Gen. Karl W. Eikenberry to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Thomas A. Benes and ending with Brigadier General Richard C. Zilmer, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Colonel George J. Allen and ending with Colonel John E. Wissler, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nomination of Adm. William J. Fallon to be Admiral.

Navy nomination of Vice Adm. Robert F. Willard to be Admiral.

Navy nomination of Adm. John B. Nathman to be Admiral.

Navy nomination of Rear Adm. Terrance T. Etnyre to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Thomas S. Hoffman to be Lieutenant Colonel.

Air Force nominations beginning with Herbert L. Allen, Jr. and ending with Dale A. Jackman, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Leslie G. Macrae to be Lieutenant Colonel.

Air Force nomination of Omar Billigue to be Major.

Air Force nominations beginning with Corbert K. Ellison and ending with Gisella Y. Velez, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Gretchen M. Adams to be Major.

Air Force nomination of Michael D. Shirley, Jr. to be Colonel.

Air Force nominations beginning with Gerald J. Huerta and ending with Anthony T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Michael F. Lamb to be Major.

Air Force nominations beginning with Dean J. Cutillar and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of James D. Shaffer to be Colonel.

Air Force nominations beginning with Thomas William Acton and ending with Debra S. Zelenak, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Air Force nominations beginning with Barbara S. Black and ending with Vincent T. Jones, which nominations were received by the Senate and appeared in the Congressional Record on February 8 , 2005.

Air Force nomination of Glenn T. Lunsford to be Colonel.

Air Force nomination of Frederick E. Jackson to be Colonel.

Air Force nominations beginning with Robert G. Pate and ending with Dwayne A. Stich, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nomination of Kelly E. Nation to be Captain.

Air Force nominations beginning with Lourdes J. Almonte and ending with Robert J. Weisenberger, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Brian F. Agee and ending with Lun S. Yan, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Michelle D. Allenmccoy and ending with Erin Bree Wirtanen, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with James R. Abbott and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Joseph B. Anderson and ending with Kondi Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Jeffery F. Baker and ending with David L. Wells, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Corey R. Anderson and ending with Ethan J. Yoza, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Janice M. Allison and ending with Danny K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nomination of Eloise M. Fuller to be Colonel.

Army nomination of Robert A. Lovett to be Colonel.

Army nomination of Martin Poffenberger, Jr. to be Lieutenant Colonel.

Army nomination of Timothy D. Mitchell, Jr. to be Lieutenant Colonel.

Army nominations beginning with William F. Bither and ending with Paul J. Ramsey, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of William R. Laurence, Jr. to be Colonel.

Army nominations beginning with Megan K. Mills and ending with Maria A. Worley, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Timothy K. Adams and ending with John L. Poppe, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Joseph W. Burckel and ending with Frank J. Miskena, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Frank J. Miskena to be Colonel.

Army nominations beginning with Rosa L. Hollisbird and ending with Beth A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Bruce A. Mulkey and ending with Jerome F. Stolinski, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Matthew R. Segal to be Colonel.

Army nominations beginning with Casanova C. Ochoa and ending with Charles R. Platt, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Kenneth R. Greene and ending with William F. Roy, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with James E. Ferrando and ending with Terry R. Sopher, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Billy J. Blankenship and ending with William J. Oneill, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Mark E. Coers and ending with Richard A. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Jeffrey T. Altdorfer and ending with Joseph E. Rooney, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with David C. Barnhill and ending with Kenneth B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of David B. Enyeart to be Colonel.

Army nomination of David A. Greenwood to be Colonel.

Army nomination of Sandra W. Dittig to be Colonel.

Army nomination of John M. Owings, Jr. to be Colonel.

Army nomination of Daniel J. Butler to be Colonel.

Army nominations beginning with Scott W. Arnold and ending with Keith C. Well, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Paul T. Bartone and ending with Jeffrey P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Cynthia A. Chavez and ending with Jaclynn A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Francis B. Ausband and ending with Scott A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Loretta A. Adams and ending with Clark H. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Robert D. Akerson and ending with Beth A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Priscilla A. Berry and ending with Catherine E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with George A. Abbott and ending with Donald R. Zoufal, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Jan E. Aldykiewicz and ending with Robert A. Yoh, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jason G. Adkinson and ending with James B. Zientek, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Marine Corps nominations beginning with Jorge E. Cristobal and ending with Donald Q. Fincham, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Ronald C. Constance and ending with Joel F. Jones, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nomination of Frederick D. Hyden to be Lieutenant Colonel.

Marine Corps nomination of Kathy L. Velez to be Lieutenant Colonel.

Marine Corps nomination of John R. Barclay to be Major.

Marine Corps nominations beginning with Matthew J. Caffrey and ending with William R. Tiffany, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jeff R. Bailey and ending with Julio R. Pirir, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jacob D. Leighty III and ending with John G. Oliver, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Steven M. Dotson and ending with Calvin W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with William H. Barlow and ending with Danny R. Morales, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Andrew E. Gepp and ending with William B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with William A. Burwell and ending with William J. Wadley, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Kenrick G. Fowler and ending with Steven E. Sprout, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with James P. Miller, Jr. and ending with Marc Tarter, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nomination of David G. Boone to be Major.

Marine Corps nomination of Michael A. Lujan to be Major.

Marine Corps nominations beginning with Michael A. Mink and ending with Louann Rickley, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with John T. Curran and ending with Thomas J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nomination of Steven P. Davito to be Captain.

Navy nomination of Edward S. Wagner, Jr. to be Commander.

Navy nominations beginning with Samuel Adams and ending with Randy J. Vanrossum, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Navy nominations beginning with Jason K. Brandt and ending with Ronald L. Withrow, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 413. A bill to amend the definition of disaster, for purposes of section 7(b)(2) of the Small Business Act, to include below average water levels in the Great Lakes; to the Committee on Small Business and Entrepreneurship.

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 414. A bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. 415. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

By Mr. LEVIN:

S. 416. A bill to establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries, to provide midsize loans to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DORGAN (for himself and Mr. SHELBY):

S. 417. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Finance.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 419. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

By Mr. KYL (for himself, Mr. NELSON of Florida, Mr. ALLARD, Mr. ALLEN, Mr. BURNS, Mr. INHOFE, Mr. TALENT, and Mr. THUNE):

S. 420. A bill to make the repeal of the estate tax permanent; to the Committee on Finance.

By Mr. LOTT (for himself and Mr. KOHL):

S. 421. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself and Mr. KOHL):

S. 422. A bill to amend the Internal Revenue Code of 1986 to restore equity and complete the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself and Ms. LANDRIEU):

S. 423. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. TALENT, Mr. JOHNSON, and Mr. ISAKSON):

S. 424. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 425. A bill to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Ms. CANTWELL, and Mr. KENNEDY):

S. 426. A bill to enhance national security by improving the reliability of the United States electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. REED, Mr. KERRY, Mr. DODD, Mrs. BOXER, and Mr. LAUTENBERG):

S. 427. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for a Federal renewable portfolio standard; to the Committee on Energy and Natural Resources.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. ALLEN, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. GRAHAM, and Mr. VITTER):

S. 428. A bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA-21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 429. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 430. A bill to arrest methamphetamine abuse in the United States; to the Committee on the Judiciary.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 431. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLEN (for himself, Mr. TALENT, Mr. GRAHAM, Mr. MCCAIN, Mr. LOTT, Mr. WARNER, Mr. GRASSLEY, and Mr. THUNE):

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN:

S. 433. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of nonscheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 434. A bill to direct the Secretary of Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 435. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 436. A bill to require the Secretary of Energy to assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 437. A bill to expedite review of the Grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; to the Committee on Indian Affairs.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. HAGEL, Mrs. MURRAY, Mr. BINGAMAN, Mr. CORZINE, Mr. JOHNSON, Ms. COLLINS, and Mr. HATCH):

S. 438. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. JEFFORDS):

S. 439. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 440. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians' services under the medicaid program; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. BUNNING, Mrs. DOLE, and Mr. CHAMBLISS):

S. 441. A bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex; to the Committee on Finance.

By Mr. DEWINE:

S. 442. A bill to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. KOHL, and Mr. LEAHY):

S. 443. A bill to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 444. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. CARPER, Mr. KENNEDY, Mr. SCHUMER, Mr. BINGAMAN, and Mr. JOHNSON):

S. 445. A resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 446. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 447. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, and Mrs. MURRAY):

S. 448. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Indian Affairs.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. KERRY, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 450. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. 451. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORZINE:

S. 452. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. KOHL, Mr. LUGAR, Mrs. CLINTON, Mr. BROWNBACK, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 453. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

By Mr. PRYOR:

S. 454. A bill to release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson; to the Committee on Armed Services.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 455. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes; to the Committee on Foreign Relations.

By Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS):

S. 456. A bill to amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. CHAMBLISS):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to ensure continuity of congressional operations and the avoidance of martial law in the event of mass incapacitations or death in either House of Congress; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. BYRD, Mr. REID, Mr. ALEXANDER, Mr. COCHRAN, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. WARNER, and Mr. LUGAR):

S. Res. 58. A resolution commending the Honorable Howard Henry Baker, Jr., formerly a Senator of Tennessee, for a lifetime of distinguished service; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. SHELBY):

S. Res. 59. A resolution urging the European Union to maintain its arms export embargo on the People's Republic of China; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. BIDEN):

S. Res. 60. A resolution supporting democratic reform in Moldova and urging the Government of Moldova to ensure a democratic and fair election process for the March 6, 2005, parliamentary elections; considered and agreed to.

By Mr. INHOFE:

S. Res. 61. A resolution recognizing the National Ready Mixed Concrete Association on its 75th anniversary and its members' vital contributions to the infrastructure of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. OBAMA, Mr. STEVENS, and Mr. FEINGOLD):

S. Res. 62. A resolution supporting the goals and ideals of a ''Rotary International Day'' and celebrating and honoring Rotary

International on the occasion of its centennial anniversary; considered and agreed to.

By Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. REID, Mr. FRIST, Mr. LEVIN, Mr. DODD, Mr. CORZINE, Mr. ALLEN, and Mr. CHAFEE)):

S. Res. 63. A resolution calling for an investigation into the assassination of Prime Minister Rafiq Hariri and urging steps to pressure the Government of Syria to withdraw from Lebanon; considered and agreed to.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, Mr. LAUTENBERG, and Ms. COLLINS):

S. Res. 64. A resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. Res. 65. A resolution calling for the Government of Cambodia to release Cheam Channy from prison, and for other purposes; to the Committee on Foreign Relations.

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

S. Res. 66. A resolution urging the Government of the Kyrgyz Republic to ensure a democratic, transparent, and fair process for the parliamentary elections scheduled for February 27, 2005; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. BURNS, Mr. BAYH, Mr. CHAMBLISS, Mr. SMITH, and Mr. DURBIN):

S. Con. Res. 14. A concurrent resolution expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 77

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 141

At the request of Mr. JEFFORDS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 141, a bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program.

S. 177

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 177, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

S. 183

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 239

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 239, a bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes.

S. 265

At the request of Mr. FRIST, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 265, a bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 288

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 288, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 291

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 291, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 306

At the request of Mr. KERRY, his name was added as a cosponsor of S. 306, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 311

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 314

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 319

At the request of Mr. DOMENICI, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 319, a bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 340, 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. 358

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 358, a bill to maintain and expand the steel import licensing and monitoring program.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 385

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors 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. 386

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 386, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 397

At the request of Mr. ALLEN, his name 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.

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 397, supra.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S.J. RES. 4

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. SALAZAR), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 44

At the request of Mr. ALEXANDER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 44, a resolution celebrating Black History Month.

S. RES. 56

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 56, a resolution designating the month of March as Deep-Vein Thrombosis Awareness Month, in memory of journalist David Bloom.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 414. A bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Voter Protection Act of 2005, and I am pleased to be joined again by my good friend from Missouri, Senator BOND. I also acknowledge the deep interest and expertise of the occupant of the chair in this important subject of how we have increasingly honest elections in our country.

In the wake of the 2000 election, as chairman of the Rules and Administration Committee, and then its ranking member, Senators BOND, DODD, and I worked together to address the problems brought to light in the 2000 elections. In January of 2001, I introduced the first of what would become several election reform bills. Nearly 2 years later, all the hard work and long hours paid off with the President of the United States signing the Help America Vote Act of 2002, commonly referred to as HAVA.

This legislation passed with near unanimous support in both Chambers. HAVA set forth several minimum standards for States to meet and was coupled with a new Election Assistance Commission to provide advice and distribute $3 billion to date. The goal was and is to make it easier to vote and harder to cheat.

The 2004 elections were the first conducted under HAVA. There are reports of many successes attributable to HAVA, including a new Cal-Tech/MIT study, which found a decrease in the residual vote rate, or ballots that did not record a vote for President. Further, there were new requirements for identification while registering or, at the polls, new voting technology, statewide databases, and a broad Federal requirement for the casting of provisional ballots.

HAVA was a tremendous success, but all of the cosponsors were careful to avoid a complete Federal takeover of elections. As was stated by prominent election expert Doug Lewis, after conducting elections for over 200 years, State and local officials didn't become stupid in just one election. Throughout the bill, we remained respectful of the States rights and left methods of implementation to the discretion of States.

Today, we bring before this body a new piece of legislation which builds upon the successes of HAVA and clarifies some of the misinterpretations that occurred in the last election. This bill provides State and local officials more tools to ensure every eligible voter casts their vote, but make sure it is counted only once.

First, the most important part of this election process is an accurate and secure registration list. This legislation clarifies several provisions related to ensuring that those who register are legally entitled to do so, do so only once, and in only one State. Further, we address the problem brought about by voter registration drives which dumped impossible numbers of new registrations on the last day of registration. The bill ensures that only real-life, eligible Mary Poppins registers to vote.

Second, the process of actually casting a ballot is sacred to all Americans. The legislation will ensure accurate poll lists and photo identification at the polls, and will reaffirm HAVA's goal of permitting State law to govern counting provisional ballots.

Further, for absentee ballots, having them returned by election day and requiring authentication of their request is critical. Thus, if a real, eligible, registered Mary Poppins goes to the polls, she can show identification and vote—but just once.

Third, grant money will be available to pay for photo identification for those who don't have one or cannot afford one. The Election Assistance Commission will conduct a pilot program for the use of indelible ink at the polls, reminiscent of the Iraqi elections on January 30. We were all moved by the picture we saw from the Iraqi elections of voters proudly showing their ink-sustained fingers. Aside from being an act of national pride, it was also an act to ensure that all those who voted did so only once.

Lastly, the 2004 elections saw new tactics which must be addressed by new criminal penalties for buying and conspiring to buy voter registrations. Further, the destruction or damaging of property with intent to impede voting is something that must be prosecuted.

Again, I am proud to have been the Senate Republican sponsor of the Help America Vote Act of 2002 and believe it has and will continue to improve the conduct of elections in this country. But much more needs to be done. The Voter Protection Act of 2005 builds upon that important piece of legislation to combat voter fraud and ensure the integrity of the entire election process.

I know Senator BOND, a cosponsor, is on the way to the floor. I commend him for his important contribution to HAVA. I repeat my earlier comments about the occupant of the chair and his expertise and interest in this issue. We look forward to working with both of them to advance a piece of legislation for America that would make it easier to vote and harder to cheat.

I yield the floor.

Mr. BOND. Mr. President, I rise today to join with my colleague Senator MCCONNELL in introducing the

Voter Protection Act of 2005. This legislation builds upon the progress made by the Help America Vote Act toward our goal of making it easier to vote and harder to cheat, while addressing some additional issues that came to light during the previous election.

This legislation will clarify the intent of our previous bill and try to alleviate some of the administrative burdens and misguided policies placed on dedicated, hard-working election workers by previous congressional intrusions into the State functioning of running elections.

Make no mistake about it, record numbers of Americans went to the polls in 2004. The overwhelming number of Americans were greeted by informed, dedicated, and properly trained election workers and were able to cast their ballot in a timely manner and in a secure environment. In Missouri, my home State, the elections were extremely well run. Large numbers of voters were accommodated at the polls in a timely fashion, and very few questions have been raised about administration or integrity.

I believe our recent enactment of HAVA, the Help American Vote Act, helped make it easier for States and localities to administer their elections.

I might add that once again Missouri voters voted on punch cards. Contrary to the bogeyman of hanging chads and other problems we heard about in the past, punch cards have served the voters of Missouri well, proving that trained poll workers, coupled with informed voters, can participate in clean and fair elections using punchcard voting machines.

I live in Audrain County, MO, which is a rural county with a wide diversity. It is very average and representative, although I think it is an outstanding county. I asked the county clerk: How many problems have you had with these punchcard voters? We have the whole range of voters, a very wide diversity. She told me in her memory and the memory of those in the county clerk's office, they had never had a single problem with hanging chads or punchcard machines.

Some people are saying the Help America Vote Act required getting rid of punchcard machines. It did not do that. Let's be clear, that is not required by the Help America Vote Act.

The smoothness leading up to the elections in Missouri was not the case everywhere. I continue to have concerns about the registration process and voter registration lists. Election officials are still laboring under an unnecessarily burdensome system heaped upon them by the motor voter bill. Motor voter required States to accept anonymous mail registration cards without supporting documents and voter registration cards from election drives. Motor voter prohibited authentication of registrations, making it extremely difficult for names to be removed from voter rolls, such as Mickey Mouse, the deceased, or those who had left the State years before. That is why to many of us, motor voter had become auto-fraudo, and we took steps in the Help America Vote Act to change that.

The evidence is still overwhelming that this poor policy continues to result in tremendous administrative burdens on our election officials, with registration lists being bloated and inaccurate but limited recourse for election officials to address the situation. All this makes it more difficult to run clean, fair, and accurate elections.

The Help America Vote Act required minimum identification for first-time voters who take advantage of the mail-in voter registration procedures. While the law is clear, some States chose to find ways around this reasonable requirement. This bill makes it clear that voters who do not register before a government official in person will have to provide the ID requirement. We heard reports of partisan election workers who brought in bundles of voter registration cards, and when they told the governmental election officials they had seen the voter ID, those cards were accepted. Anybody who would accept that ought to be buying the 14th Street bridge. To say somebody who is not a government official and is partisan is going to fulfill the governmental requirements is a stretch too far.

Furthermore, in some Federal elections, I think it is past time to go to a full ID provision. So this legislation requires voters in Federal elections to present identification at the polls while creating a program to ensure that all voters have access to an ID if they cannot afford one.

We now ask our citizens to provide a photo ID for so many tasks of everyday life. To provide it once more for election officials on election day seems a small request in order to help ensure our elections are fair and accurate.

If a person does not have a photo ID and cannot afford to procure one, our bill provides the requirement and the resources to ensure that one is provided.

Let's make sure every legal vote gets counted, and only the legal votes and only one vote per person, only one vote per human. No dogs, please.

The practice of dropping off registration cards in bulk at the registration deadline continues. It is proving to be a huge burden on election officials. The practice of submitting cards for fictitious people, deceased, and ineligible voters is alive and well, so to speak.

Also, a troubling practice by some voter registration groups has come to light—registrations not being delivered to the election authorities. Whether intentional, through oversight or neglect, this is simply unacceptable. Would-be voters place their faith in those conducting registration drives, and the States accept the registration drives will be conducted on the level. Sloppy practices can only result in people being denied the right to vote. So there must be oversight.

This legislation will bring some accountability to voter registration drives while relieving some of the burdens on election authorities by mass dumping of registrations.

I call on our law enforcement officials, the Department of Justice, and our U.S. attorneys to review the process and look at those areas where fraud has been suggested to find out if it is prosecutable, if Federal criminal procedure is required and warranted. I can tell you that we will pass all the laws in the world, but until we see some voter fraud proponents going to jail, spending time in the cells, we are not going to have the effect this bill and our previous bill anticipated.

We need to clean up the registration process by permitting States to use Social Security numbers. I think this bill brings some sense to voter rules by clarifying the provision in motor voter for name removal. The bill also includes a provision for dealing in a reasonable manner with registration cards that are incomplete.

We found in the past, if you did not specifically indicate you were a U.S. citizen, the courts refused to prosecute those knowing they were not eligible to vote because they were not citizens; they could not be prosecuted. Now there is a specific requirement that you indicate you are a U.S. citizen, eligible to vote. If you do not do that, the card should not be accepted, and if you falsely certify you are a U.S. citizen, you ought to be prosecuted.

As we expressed throughout the debates on Help America Vote Act, minimum standard requirements for elections are to be implemented by the State. On provisional voting, the language is explicit. Questions on the implementation of provisional balloting are for State legislators and election officials to decide. But as is too often the case in this country, what cannot be achieved through legislation will be pursued in the courtroom. Some 65 lawsuits were pursued to overturn decisions to preserve the precinct system used at the State level. This was a conscious effort to screw up the elections. Fortunately, the courts got it right. They overruled them 65 times. But there will be more litigation. Therefore, this legislation clarifies further the clear language of HAVA that the decision on the precinct system and decision on the proper polling place for voters is a State question.

The goal of the lawsuits, as I said, seemed to introduce complete chaos which would have ensued were voters allowed simply to vote anywhere they wanted. Additionally, those voters would not have been able to vote in local elections and balloting initiatives. The purpose of the suits did not make sense, but they were filed anyhow. The arguments for throwing out State law made less sense. It is simply the height of illogic to argue on one hand that States should permissively allow voters to cast ballots from anywhere in the State they chose, only to

complain later that the number of election machines at a polling place was inadequate.

Many people lodging this complaint also complained it rained on election day. Sorry, we cannot change that by law. So their concerns must be evaluated accordingly. Among other things, the precinct system allows election officials to plan for election day, assign voters to voting places in manageable numbers, and dispatch the proper level of resources.

Once again, after election day, the newspapers were filled with stories pointing out irregularities on election day. The election day problems have grown out of bloated and inaccurate voting lists and sloppy registration procedures. The stories clearly establish that sloppy laws, poor lists, and chaos at the polls invite efforts to cheat on election day. That is unacceptable to voters and to candidates and people who depend upon a free, fair system of democracy. If a voter has his or her vote canceled by a vote that should never have been cast, whether cast by fraud or ineligible voter, he or she has lost the civil right to be heard and to have the vote counted. It is a disenfranchisement of the voter. It also is a grave offense to the candidates who spend countless amounts of their time and their supporters' resources on elections.

Our goal should be elections that are free of suspicion, doubt, and cynicism about the results. There are steps that remain to be taken to ensure that elections are conducted in a sound and secure manner so that the integrity of the ballot box remains beyond doubt. These simple steps will begin to clean up the mess created in the registration process, while taking away the remains of enticements to game the system.

I look forward to the debate on the floor about these reasonable measures. I commend our deputy majority leader for his work on this effort, and look forward to discussing this and pursuing it with our colleagues.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, if I can very briefly say to my good friend and colleague from Missouri, it is a pleasure to team up with him once again in our pursuit of better elections in this country and to report to him on the prosecution front there actually was a conviction. I know the occupant of the Chair is interested in this as well. There actually was a conviction in my State for vote fraud—two of them—over the last 6 months. We will see whether that has an impact on habits of many decades that exist in my State and I know in several parts of the State of Missouri as well.

I congratulate the Senator for his statement.

Mr. DAYTON. Mr. President, I salute my two colleagues, Senator MCCONNELL and Senator BOND, for their leadership in this very important area, along with Senator DODD. They spearheaded the improvements that were made to our election, registration, and voting procedures in the aftermath of the 2000 election difficulties. Clearly, the experience over last November's election shows that we have more work before us that has to be bipartisan. They have shown strong leadership, combined with others, and I look forward to being part of that as a member of the Senate Rules Committee. Senator LOTT, the chairman of that committee, will hold hearings in the very near future on this and other proposals. I believe it is imperative that we get that process underway so, as Senator BOND knows, every American knows they have the right to vote, and vote expeditiously, and every one of those votes is going to be counted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 414

*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 ''Voter Protection Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—VOTER REGISTRATION AND MAINTENANCE OF OFFICIAL LISTS OF REGISTERED VOTERS
Sec. 101. Requirements for voters who register other than in person with an officer or employee of a State or local government entity.
Sec. 102. Removal of registrants from voting rolls for failure to vote.
Sec. 103. Use of social security numbers for voter registration and election administration.
Sec. 104. Synchronization of State databases.
Sec. 105. Incomplete registration forms.
Sec. 106. Requirements for submission of registration forms by third parties.
TITLE II—VOTING
Sec. 201. Voter rolls.
Sec. 202. Return of absentee ballots.
Sec. 203. Identification requirement.
Sec. 204. Clarification of counting of provisional ballots.
Sec. 205. Applications for absentee ballots.
Sec. 206. Pilot program for use of indelible ink at polling places.
TITLE III—CRIMINAL PENALTIES
Sec. 301. Penalty for making expenditures to persons to register.
Sec. 302. Penalty for conspiracy to influence voting.
Sec. 303. Penalty for destruction of property with intent to impede the act of voting.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) There is a need for Congress to encourage and enable every eligible and registered American to vote.

(2) There is a need for Congress to protect the franchise of all Americans by rooting out the potential for fraud in the electoral system.

(3) There is a need for Congress to provide States the tools necessary to protect against fraud in multiple, fictitious, and ineligible voter registrations.

(4) There is a need for Congress to ensure completed and valid voter registration forms are returned for processing so as to not disenfranchise voters who believe they have been properly registered.

(5) There is a need for Congress to provide States the tools necessary to protect against any American casting more than one ballot and ensuring poll workers are equipped to identify those who voted prior to election day.

(6) There is a need for Congress to ensure the accuracy, integrity, and fairness of every American election.

(7) There is a need for Congress to ensure the protection of every American's franchise is carried out in a uniform and nondiscriminatory manner.

**TITLE I—VOTER REGISTRATION AND MAINTENANCE OF OFFICIAL LISTS OF REGISTERED VOTERS**

**SEC. 101. REQUIREMENTS FOR VOTERS WHO REGISTER OTHER THAN IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.**

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS REGISTERING OTHER THAN IN PERSON.—Subparagraph (A) of section 303(b)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

''(A) the individual registered to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity; and''.

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

''For purposes of subparagraph (A), an individual shall not be considered to have registered in person if the registration is submitted to an officer or employee of a State or local government entity by a person other than the person whose name appears on the voter registration form.''.

(3) CONFORMING AMENDMENTS.—

(A) The heading for subsection (b) of section 303 of such Act is amended by striking ''WHO REGISTER BY MAIL'' and inserting ''WHO DO NOT REGISTER IN PERSON''.

(B) The heading for section 303 of such Act is amended by striking ''**requirements for voters who register by mail**'' and inserting ''**voter registration requirements**''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply on and after January 1, 2006.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(2)) is amended by inserting at the end the following new subparagraph:

''(C) APPLICABILITY WITH RESPECT TO INDIVIDUALS WHO REGISTER OTHER THAN IN PERSON.—Notwithstanding subparagraphs (A) and (B)—

''(i) each State and jurisdiction shall be required to comply with the provisions of subsection (b) with respect to individuals who register to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity on and after January 1, 2006; and

''(ii) the provisions of subsection (b) shall apply to any individual who registers to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government on and after January 1, 2006.''.

(B) The heading for paragraph (2) of section 303(d) of such Act is amended by striking ''WHO REGISTER BY MAIL''.

(C) Subparagraph (A) of section 303(d)(2) of such Act is amended by inserting ''with respect to individuals who register by mail'' after ''subsection (b)''.

(D) Subparagraph (B) of section 303(d)(2) of such Act is amended by inserting ''by mail'' after ''registers to vote''.

**SEC. 102. REMOVAL OF REGISTRANTS FROM VOTING ROLLS FOR FAILURE TO VOTE.**

(a) IN GENERAL.—Section 8 of the National Voter Registration Act of 1994 (42 U.S.C. 1973gg–6) is amended by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

''(h) FAILURE TO VOTE.—Except as otherwise provided in subsection (d), a State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has failed to vote unless—

''(1) the registrant has not voted or appeared to vote in 2 consecutive general elections for Federal office; and

''(2)(A) the registrant has not notified the applicable registrar (in person or in writing) during the period described in subparagraph (A) that the individual intends to remain registered in the registrar's jurisdiction; and

''(B) the applicable registrar has sent a notice which meets the requirements of paragraph (d)(2) and the notice is undeliverable.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 8(a)(4) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)(4)) is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by adding at the end the following new subparagraph:

''(C) a failure to vote in 2 consecutive general elections for Federal office, in accordance with subsection (h) of this section;''.

(2) Section 8(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)) is amended by striking ''roll for elections for Federal office'' and all that follows and inserting the following ''roll for elections for Federal office shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).''.

**SEC. 103. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.**

(a) IN GENERAL.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2005, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Voter Protection Act of 2005 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

(b) CONSTRUCTION.—Nothing in this section or the amendment made by this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

**SEC. 104. SYNCHRONIZATION OF STATE DATABASES.**

(a) IN GENERAL.—Subparagraph (A) of section 303(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(1)(A)) is amended by adding at the end the following:

''(ix) The computerized list shall be in a format which allows for sharing and synchronization with other State computerized lists.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Paragraph (1) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)) is amended by adding at the end the following:

''(C) SYNCHRONIZATION OF DATABASES.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(1)(A)(ix) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 303(d)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

**SEC. 105. INCOMPLETE REGISTRATION FORMS.**

(a) IN GENERAL.—Subparagraph (B) of section 303(b)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended to read as follows:

''(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall return the incomplete voter registration form to the applicant and provide the applicant with an opportunity to complete the registration form.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any individual who registers to vote on or after January 1, 2006.

**SEC. 106. REQUIREMENTS FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.**

(a) IN GENERAL.—Section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by this Act, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) REQUIREMENTS FOR SUBMISSION OR REGISTRATION FORMS BY THIRD PARTIES.—Notwithstanding section 8(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)), no State shall register any person to vote in an election for Federal office if the registration form is submitted—

''(1) by a person other than the person whose name appears on such form; and

''(2) more than 3 days after the date on which such form was signed by the registrant.''.

(b) CONFORMING AMENDMENT.—Section 906(a) of the Help America Vote Act of 2002 (42 U.S.C. 15545(a)) is amended by striking ''section 303(b)'' and inserting ''subsections (b) and (d) of section 303''.

(c) EFFECTIVE DATE.—Subsection (e) of section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)), as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

''(3) REQUIREMENT FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2006.''.

**TITLE II—VOTING**

**SEC. 201. VOTER ROLLS.**

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

**''SEC. 304. VOTER ROLLS.**

''(a) IN GENERAL.—If a State allows early voting or absentee voting for a Federal office, then such State shall be required to ensure that the voter rolls at each polling location on the day of the election accurately and affirmatively indicate—

''(1) which individuals have voted prior to such day; and

''(2) which individuals have requested an absentee ballot for such election.

''(b) RULE FOR PERSONS NOT VOTING IN PERSON.—For purposes of subsection (a)(1), a State shall affirmatively indicate that an individual who has not voted in person has voted if the State has received a ballot from such individual prior to the day of the election.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

**SEC. 202. RETURN OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 305 and 306 as sections 306 and 307, respectively, and by inserting after section 304 the following new section.

**''SEC. 305. RETURN OF ABSENTEE BALLOTS.**

''(a) IN GENERAL.—Except as provided in the Uniformed and Overseas Citizens Absentee Voting Act, each absentee ballot cast for a Federal office must be received by the State by the close of business on the day of the election in order to be counted as a valid ballot.

''(b) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 304'' and inserting ''304, and 305''.

**SEC. 203. IDENTIFICATION REQUIREMENT.**

(a) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL AND OTHER THAN IN PERSON.—

(1) IN GENERAL.—Subparagraph (A) of section 303(b)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)) is amended—

(A) in clause (i)—

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''; and

(B) in clause (ii) —

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''.

(2) INAPPLICABILITY.—Paragraph (3) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(3)) is amended—

(A) in subparagraph (A)—

(i) by striking ''part of such'' and inserting ''a requirement for a valid'';

(ii) by inserting ''issued by a government entity'' after ''identification'' in clause (i); and

(iii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in clause (ii) and inserting ''recent''; and

(B) in subparagraph (B)(i), by striking ''with such'' and inserting ''as a requirement for a valid''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who register to vote on and after January 1, 2006, and each State and jurisdiction shall be required to comply with the requirements of section 303(b) of the Help America Vote Act of 2002, as amended by this section, on and after January 1, 2006.

(b) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 306 and 307 as sections 307 and 308, respectively, and by inserting after section 305 the following new section:

**''SEC. 306. IDENTIFICATION OF VOTERS AT THE POLLS.**

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 305'' and inserting ''305, and 306''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

**''PART 7—PHOTO IDENTIFICATION**

**''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of sections 303(b)(2) and 306.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 303(b) and section 306; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications to meet the requirements of such sections.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of sections 303(b) and 306.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

**''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $25,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

**SEC. 204. CLARIFICATION OF COUNTING OF PROVISIONAL BALLOTS.**

(a) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by adding at the end the following new sentence: ''For purposes of this paragraph, the determination of whether an individual is eligible under State law to vote shall take into account any provision of State law with respect to the polling site at which the individual is required to vote.''.

(b) CONFORMING AMENDMENT.—

(1) Paragraph (1) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(1)) is amended to read as follows:

''(1) An election official at the polling place shall—

''(A) notify the individual that the individual may cast a provisional ballot in that election; and

''(B) in the case of an individual who the election official asserts is not eligible to vote under State law because the individual is at an incorrect polling site, direct the individual to the appropriate polling site.''.

(2) Paragraph (2) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(2)) is amended by striking ''The individual'' and inserting ''Notwithstanding the requirement of paragraph (1)(B), the individual''.

**SEC. 205. APPLICATIONS FOR ABSENTEE BALLOTS.**

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 307 and 308 as sections 308 and 309, respectively, and by inserting after section 306 the following new section:

**''SEC. 307. APPLICATIONS FOR ABSENTEE BALLOTS.**

''(a) IN GENERAL.—An application for an absentee ballot for an election for Federal office may not be accepted and processed by a State unless the application includes—

''(1) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

''(2) in the case of any other applicant—

''(A) a photo copy of a current and valid photo identification issued by a government entity;

''(B) at least the last 4 digits of the applicant's social security number; or

''(C) the number assigned to such individual under section 303(a)(5)(A)(ii).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 306'' and inserting ''306, and 307''.

**SEC. 206. PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES.**

Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

**''PART 8—PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES**

**''SEC. 299. PILOT PROGRAM.**

''(a) IN GENERAL.—The Commission shall make grants to States to carry out pilot programs under which each voter in an election for Federal office in a State is marked with indelible ink after submitting a ballot.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission, at such time and in such form as the Commission may require, an application containing such information as the Commission may require.

''(c) REPORT.—

''(1) IN GENERAL.—Each State which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

''(2) DEADLINE.—A State shall submit the report required under paragraph (1) not later than 60 days after the end of the fiscal year for which the State received the grant which is the subject of the report.

**''SEC. 300. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $5,000,000 for fiscal year 2006 and such sums as are necessary for each succeeding fiscal year.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available, without fiscal year limitation, until expended.''.

**TITLE III—CRIMINAL PENALTIES**

**SEC. 301. PENALTY FOR MAKING EXPENDITURES TO PERSONS TO REGISTER.**

Section 597 of title 18, United States Code, is amended by inserting ''to register him to vote,'' after ''either''.

**SEC. 302. PENALTY FOR CONSPIRACY TO INFLUENCE VOTING.**

Section 597 of title 18, United States Code, as amended by this Act, is amended by striking ''makes or offers to make'' and inserting ''makes, offers to make, or conspires to make''.

**SEC. 303. PENALTY FOR DESTRUCTION OF PROPERTY WITH INTENT TO IMPEDE THE ACT OF VOTING.**

Section 594 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) Whoever destroys or damages any property with the intent to prevent or impede an individual from voting in an election for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title, imprisoned for not more than 2 years, or both.''.

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By Mr. ROCKEFELLER:

S. 415. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today know as the State Child Well-Being Research Act of 2005. This bill is designed to enhance child well-being in every State by collecting data on a State-by-State basis to provide information to advocates and policy-makers

about the well-being of children. Developing a set of indicators and measuring progress of child well-being deserves to be a priority.

My hope is to incorporate this important research initiative into the welfare reform reauthorization package. I believe that the Senate should reauthorize our welfare program, known as Temporary Assistance to Needy Families, TANF, and we should do it this year. Chairman GRASSLEY's interest in a bipartisan process is very encouraging.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency for families and to provide flexibility to States to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them.

Nine years later, it is obvious that we need State-by-State data on child well-being to measure the results. The current Survey of Income and Program Participation (SIPP) is used to evaluate the progress of welfare, and it has been an important national longitudinal study designed to provide rich, detailed data; the kinds of data most useful to academic researchers. It does not, however, provide States with good, timely data to help them more effectively accomplish the goals set forth in welfare reform. This is why is makes sense to invest in both types of surveys, the SIPP and this bill. As social policy and flexibility shifts to the States, the data measuring its effects should be specific.

This bill, the State Child Well Being Research Act of 2005, is intended to fill this information gap by collecting timely, State-specific data that can be used by policy-makers, researchers, and child advocates to assess the well being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across States, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families.

The proposed legislation will provide data for all States, including small rural States that cannot be covered under SIPP because the sample size is too small. A modest investment in this bill would offer State data for the twenty-three rural states of Alabama, Alaska, Arkansas, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, West Virginia, and Wyoming. Moreover, data from a cross-sectional survey would be available to State policy-makers on a far more timely basis than those of a national longitudinal study, a matter of months instead of years.

Further, this bill avoids some of the other problems that plague the current system by making data files easier to use and more readily available. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families.

This legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in forming a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense.

I hope my colleagues will support this effort to learn about the well-being of our children in rural States. 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. 415

*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 ''State Child Well-Being Research Act of 2005''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The well-being of children is a paramount concern for our Nation and for every State, and most programs for children and families are managed at the State or local level.

(2) Child well-being varies over time and across social, economic, and geographic groups, and can be affected by changes in the circumstances of families, by the economy, by the social and cultural environment, and by public policies and programs at both the Federal and State level.

(3) States, including small States, need information about child well-being that is specific to their State and that is up-to-date, cost-effective, and consistent across States and over time.

(4) Regular collection of child well-being information at the State level is essential so that Federal and State officials can track child well-being over time.

(5) Information on child well-being is necessary for all States, particularly small States that do not have State-level data in other federally supported data bases, such as the Survey of Income and Program Participation.

(6) Telephone surveys of parents, on the other hand, represent a relatively cost-effective strategy for obtaining information on child well-being at the State level for all States, including small States.

(7) Data from telephone surveys of the population are used to monitor progress toward many important national goals, including immunization of preschool children with the National Immunization Survey, and the identification of health care issues of children with special needs with the National Survey of Children with Special Health Care Needs.

(8) A State-level telephone survey can provide information on a range of topics, including children's social and emotional development, education, health, safety, family income, family employment, and child care. Information addressing marriage and family structure can also be obtained for families with children. Information obtained from such a survey would not be available solely for children or families participating in programs but would be representative of the entire State population and consequently, would not only inform welfare policymaking, but policymaking on a range of other important issues, such as child care, child welfare, and education.

**SEC. 3. RESEARCH ON INDICATORS OF CHILD WELL-BEING.**

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) INDICATORS OF CHILD WELL-BEING.—

''(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

''(i) statistically representative at the State level;

''(ii) consistent across States;

''(iii) collected on an annual basis for at least the 5 years following the first year of collection;

''(iv) expressed in terms of rates or percentages;

''(v) statistically representative at the national level;

''(vi) measured with reliability;

''(vii) current;

''(viii) over-sampled, with respect to low-income children and families; and

''(ix) made publicly available.

''(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

''(I) One member appointed by the Secretary of Health and Human Services.

''(II) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(III) One member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the State Child Well-Being Research Act of 2005.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the State Child Well-Being Research Act of 2005; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2006 through 2010, $15,000,000 for the purpose of carrying out this subsection.''.

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By Mr. DORGAN (for himself and Mr. SHELBY):

S. 417. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Finance.

Mr. DORGAN. Mr. President, I rise today to introduce legislation, along with Senator SHELBY, to provide a financial safety net for the families of our young men and women who proudly serve in the Nation's military reserve and National Guard.

Our country is demanding that our military reservists and members of the National Guard play a more crucial and sustained role in supplementing the activities of our traditional Armed Forces than at any other time in our recent history. In response to the Iraq war and homeland security needs, the country has called up hundreds of thousands of our reservists and Guard members for extended tours of duty of up to 18 months.

Today, almost 184,000 National Guardsmen and reservists are on active duty. Military leaders expect the total number of reservists and Guardsmen on active duty for the war on terrorism to remain above 100,000 for the indefinite future.

Since September 11, 2001, more than 2,000 of North Dakota's Guardsmen and reservists have been called to duty and placed in harms way around the globe. One of the issues I hear most often about from those service members and their families is how hard it is for them to make ends meet on their military incomes.

When Guard members or reservists are mobilized, it has an enormous impact not only on their lives, but also on the lives of their loved ones. In many cases when an individual is mobilized, his or her family may experience a serious loss of income. This is because active duty military compensation often falls below what reservists earn in civilian income. In addition, some reservists experienced continuing financial losses after return to civilian life due to neglected businesses or professional practices.

These income losses are often exacerbated by the additional family expenses that are associated with military activation, such as the need for extra day care.

The Pentagon doesn't track the number of reservist families who have to live on diminished incomes during deployment. But it is clearly a significant problem. The Pentagon's Reserve Forces Policy Board says that one-third of all mobilized Reserve component members earn less than their private sector and civilian salaries while on active duty. Other estimates are even higher. For example, 45 percent of reserve officers and 55 percent of enlisted members who were activated for the 1990 Gulf War reported income loss. And a 1998 survey of junior enlisted members of the California National Guard's 40th Infantry Division showed that the great majority risked cutting their household income somewhere between 16 percent and more than 65 percent if they were called to active duty.

The most recent information on mobilization income loss comes from the year 2000. Some 41 percent of Guardsmen and reservists who were mobilized that year reported income losses ranging from $350 to more than $3,000 per month. Self-employed reservists reported an average income loss of $1,800 per month. Physicians and registered nurses in private practice reported an average income loss of as much as $7,000 per month.

Those were big losses. But when that survey was conducted in 2000, reservists were mobilized for an average of only 3.6 months. Today mobilizations of up 14 to 18 months are common. So the cumulative impact of lost wages is much bigger.

The loss of income that reservists and Guardsmen incur when they are ordered to leave their good-paying private sector or civilian jobs to serve their country often creates an unmanageable financial burden that disrupts the lives of their families who are already trying to cope with the emotional stress and hardship caused by the departure of a beloved spouse, father or mother who has been ordered to active duty.

In the mid-1990s the Pentagon tried to deal with this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to guard against their risk of being called to active duty and losing income. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then the private sector has not shown any interest in reviving the mobilization income insurance program. Thus, we need to find another way to deal with the issue. The solution I propose is one suggested by the Pentagon's Reserve Forces Policy Board, that is, an income loss tax credit.

The legislation that Senator SHELBY and I are introducing provides a fully refundable, 100-percent income tax credit of up to $20,000 annually to a military reservists on active duty based upon the difference in wages paid in his or her private sector or civilian job and the military wages paid upon mobilization. For this purpose, a qualified military reservist is a member of the National Guard or Ready Reserve who is mobilized and serving for more than 90 days.

In conclusion, we owe a great deal to those Americans who put on their uniforms and serve in the military in the most difficult of circumstances. We can never fully repay that debt. However, we can do much more to remove the immediate financial burden that many reserve and National Guard families experience when a family member is ordered to active duty. This legislation will provide those families with some much-needed financial assistance. I urge my colleagues in the Senate to support my efforts to get this tax relief measure enacted into law as soon as possible.

Mr. SHELBY. Mr. President, I rise today to introduce legislation with Senator DORGAN to provide a financial safety net for the families of our servicemembers who proudly serve in our Nation's military Reserve and National Guard.

Today, our National Guard and Reserve units are being called upon more than ever and are being asked to serve their country in a very different way than in the past. The Global War on Terror and the high operational tempo of our military require that our Reserve components play a more active role in the total force.

In the past, our Reservists were exactly what their name implied—a backup force called upon one weekend a month and two weeks a year. However, as the Cold War melted away, so did much of our military. Active Duty numbers were reduced as our major threat, the Soviet Union, fell apart. Since this reduction in our Active Duty armed forces, the burden has fallen to the Reservists to ''pick up the slack.''

Unlike any other time in our Nation's history, we now depend heavily on our Reserve component and have called on many of them to participate in major deployments, including Operation Enduring Freedom and Operation Iraqi Freedom. These deployments frequently necessitate extended tours of duty, many of them exceeding twelve months, for these citizen-soldiers.

These long tours and frequent activations have a profound and disruptive effect on the lives of these men and women and on the lives of their families and loved ones. Many of our reservists suffer a significant loss of income when they are mobilized—forcing them to leave often higher paying civilian jobs to serve their country. Such losses can be compounded by additional family expenses associated with military activation, including the cost of long distance phone calls and the need for

additional child care. These circumstances create a serious financial burden that is extremely difficult for reservists' families to manage. We can and should do more to alleviate this financial burden.

Previously, the Pentagon tried to address this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to protect against income loss upon mobilization in the mid-1990s. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then, the private sector has shown little interest in reviving the mobilization income insurance program even though the Reserve Forces Policy Board has sighted income protection as one of its top recommendations.

It is critical that we find another way to deal with the issue. Therefore, Senator DORGAN and I have proposed the Military Reserve Mobilization Income Security Act. This legislation would provide a completely refundable income tax credit of up to $20,000 annually to a military reservist called to active duty. The amount of the tax credit would be based upon the difference between wages paid by the reservist's civilian job and the military wages paid upon mobilization. The tax credit would be available to members of the National Guard or Ready Reserve who are serving for more than 90 days and would vary according to their length of service.

Now is the time to recognize the service and sacrifice of the men and women who are in the Reserves. At a time when the Nation is once again calling them to active duty to execute the war in Iraq, fight the War on Terrorism, and to defend our homeland it is imperative that Congress recognize the vital role these soldiers play within our military and acknowledge that the success of our military depends on these troops.

I believe that what Senator DORGAN and I are doing with this bill is the least we can do for these men and women and their families. It is not too much to ask of our Nation and more importantly, it is the right thing to do.

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By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, I rise today with my colleague from New York to introduce the Military Personnel Financial Services Protection Act of 2005. This bill is needed to protect our military personnel and their families from unscrupulous financial products. Over the past year, it has become increasingly clear to many that the lack of oversight in this area has allowed certain individuals to push high cost financial products on unknowing military personnel. This practice must be stopped. Our soldiers and their families deserve much better, especially during a time when so many of them are serving at home and overseas to protect our freedom.

The bill that we introduce today will halt completely the sale of a mutual fund-like product that charges a 50 percent sales commission against the first year of contributions by a military family. Currently, there are hundreds of mutual fund products available on the market that charge less than six percent. The excessive sales charges of these contractually based financial products make them susceptible to abusive and misleading sales practices.

In addition, certain life insurance products are being offered to our service members disguised and marketed as investment products. These products provide very low death benefits while charging very high premiums, especially in the first few years. Many of these products are unsuitable for the insurance and investment needs of military families.

One of the major problems with the sale of insurance products on military bases is the confusion of whether state insurance regulators or military base commanders are responsible for the oversight of sales agents. Typically, military base commanders will bar certain sales agents from a military base only to have the sales agents show up at other military facilities. Since there is no record of the bar, State insurance regulators have been unable to have adequate oversight of the individuals. The bill that we introduce today will solve that problem. It will state clearly that State insurance regulators have jurisdiction of the sale of insurance products on military bases.

The bill will also urge State insurance regulators to work with the Department of Defense to develop life insurance product standards and disclosures. The Department of Defense will keep a list of individuals who are barred or banned from military bases due to abuse or unscrupulous sales tactics and to share that list with Federal and State insurance, securities and other relevant regulators.

Finally, the bill that we are introducing today will protect our military families by preventing investment companies from issuing periodic payment plan certificates, the mutual fund-like investment product with extremely high first year costs. This type of financial instrument has been criticized by securities regulators since the late 1960s.

It should be noted that there are many upstanding financial and insurance companies that sell very worthwhile investment and insurance products to military families. They should be applauded for the fine job that they do in helping our military members and their families. This bill is targeted at the few who abuse the system and prey upon our military.

Congress is fully aware of the dangers faced by our military personnel in keeping our country safe from harm. Likewise, we must do all that we can to arm our soldiers when they face the dangers of planning for their financial futures.

I urge my colleagues to take up this bill immediately so that we can help our men and women in the military and their families.

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By Mr. KYL:

S. 419. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to make the 15-year depreciation recovery period for improvements to restaurants permanent, and to extend this treatment to cover new restaurant construction as well. Last year, in the American Jobs Creation Act of 2004 (Public Law 108–357), Congress set the depreciation recovery period for renovations and improvements made to existing restaurant buildings at 15 years, but this treatment only applies to property placed in service before the end of 2005.

The legislation I am introducing today will permanently set the depreciation recovery period for new restaurant construction and for improvements to existing restaurants at 15 years. It simply makes no sense that the current law providing a 15-year life for improvements to restaurant properties expires at the end of 2005. Restaurants are businesses, and they need the certainty to plan investments several years in advance. Further, Congress should expand the treatment to apply to new construction, as well as to improvements.

Restaurants are high-volume businesses. Every day, more than half of all Americans eat out. Restaurants get more customer traffic and maintain longer hours than the average commercial business—many staying open 7 days a week. This tremendous amount of activity causes rapid deterioration in a restaurant building's systems, from its entrances and lobbies to its flooring, restrooms, and interior walls.

Restaurants improve and renovate constantly to accommodate the wear and tear of heavy customer traffic and to keep pace with changing consumer preferences. Clearly, a 39-year depreciation recovery period—which is what the recovery period will revert to after 2005—does not match the economic life for new restaurant buildings or for improvements to existing structures.

Moreover, permanently setting the depreciation recovery period at 15 years will encourage significant economic activity. According to the National Restaurant Association, a 15-year depreciation recovery period for

new restaurant construction and improvements to existing properties would generate an additional $3.7 billion in cash flow for the restaurant industry over the next 10 years. If restaurants use just 25 percent of this influx of cash to expand and undertake additional renovations, the Restaurant Association study predicts that the 10-year economic impact would be $853 million.

I hope all of my colleagues will join me in this effort to bring certainty and a rational depreciation recovery period to the restaurant industry so that restaurant owners can continue to expand their businesses and provide good jobs to American workers.

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By Mr. KYL (for himself, Mr. NELSON of Florida, Mr. ALLARD, Mr. ALLEN, Mr. BURNS, Mr. INHOFE, Mr. TALENT, and Mr. THUNE):

S. 420. A bill to make the repeal of the estate tax permanent; to the Committee on Finance.

Mr. KYL. Mr. President, today I am pleased to introduce the Death Tax Repeal Permanency Act of 2005 along with Senator BILL NELSON. This bipartisan legislation will make the death tax a thing of the past.

As we all know, Congress, working with President Bush, enacted bipartisan legislation in 2001 to phase out and eventually repeal the death tax in 2010. Unfortunately, because we did not have the 60 votes we needed to avoid a filibuster by opponents of the cuts, we could not make the repeal permanent. Rather, under Senate rules, the cuts could only be extended for the term of the budget: 10 years. As a consequence, the death tax springs back to life in 2011, at its old rate of up to 60 percent and at its old exemption level of only $1 million. Senator NELSON and I understand that this tax structure is simply unworkable for families and family businesses. We agree that the best solution is to simply get rid of the death tax once and for all. That's why we are introducing legislation today to make death tax repeal permanent.

Senator NELSON and I are joined in this effort by Senators ALLARD, ALLEN, BURNS, INHOFE, TALENT, and THUNE, and we have the full support of President Bush, who once again included permanent repeal of the death tax in his Fiscal Year 2006 budget proposal.

The death tax is an unfair, inefficient, economically unsound and, frankly, an immoral tax that should be removed from the tax code. A recent survey found that 58 percent of Americans believe the death tax is ''completely unfair.'' In contrast, only 10 percent of those surveyed said the same about sales taxes. Moreover, this view is shared by Americans across income levels and political parties: 61 percent of Americans making less than $30,000 a year believe the death tax is ''completely unfair''; 89 percent of respondents who supported President Bush in the last election and 71 percent of respondents who supported his opponent in the last election label the death tax somewhat or very ''unfair.''

And the death tax is unfair, first of all, to the decedent and to his or her heirs. We are talking about people who work hard throughout their lives, perhaps start businesses, or perhaps buy homes in fast-growing metropolitan areas where real estate values are skyrocketing. Or it could be such a person owns a farm or just works hard in a company owned by others, but that person saves and invests and eventually accumulates a small but respectable nest egg. As you can see, the tax reaches far more than the ''ultra-rich,'' its intended targets when it was first imposed. The American dream is to be able to leave these assets to one's children so that they might enjoy a better life than their parents. It is simply unfair and immoral for the government to take more than half of these assets at death.

Americans understand that the death tax is unfair because it falls on families when they have the least ability to make significant economic decisions: at the time they lose a loved one. Further, it is unfair because expensive tax planning can significantly ease the effect of the death tax. If you have the money to hire the right lawyer, buy the large insurance policies that are needed, and do the proper planning, your family can be spared much of the financial pain caused by the death tax. If, on the other hand, you die without warning or if you have an unexpectedly large estate due to increased property values and prudent investments, you are caught paying a larger tax. Taxes required as a result of intentional, planned economic decisions are one thing; taxes on an untimely death are quite another.

Not only is the death tax unfair; it hurts economic growth. The death tax creates a disincentive to build a family farm, ranch, or other business with the goal of passing it on to one's children. In some cases, it makes more sense for a family business to be sold when the owner retires, since the taxes, primarily capital gains taxes, are going to be much lower if the assets are sold while the owner is still alive. Further, planning for the death tax makes it harder to expand a family business because needed resources are spent on attorneys and life insurance instead of growing the business. As much is spent each year on such ''avoidance planning'' as is collected in death taxes by the government.

The death tax also hurts economic growth by discouraging savings and investment. Whether it falls on a family business built through hard work or on a family with a home and a lifetime of investments in 401(k) and IRAs thanks to prudent living, it claims nearly half of an estate over the unified credit amount ($1.5 million in 2005) for the federal government. Such confiscatory tax rates give people little incentive to save and invest. What's more, the American people understand that the death tax represents multiple levels of taxation. Fully 80 percent of those in a recent survey said that the tax represents an ''extreme'' form of ''triple taxation.''

The death tax has a broader economic reach than to just those immediately hit with the tax. Suppose a small business employs 25, maybe 30 people, all of whom rely on the business for their livelihood, health insurance, and retirement savings. The entrepreneur's heirs may not have enough cash to pay the applicable death tax, so they may be forced to liquidate the business. Depending on who buys the assets and what is done with them, the employees may now have to find other jobs. Moreover, all of the companies that sold items to or bought items from this business might need to find other suppliers or customers, leaving a hole in the economy. According to the IRS ''Statistics of Income,'' estate and gift taxes only brought in about $22.8 billion in fiscal year 2003 barely more than one percent of all gross tax collections by the Treasury Department. For such a small amount of revenue, the death tax inflicts a disproportionately large amount of damage on the economy.

One of the most interesting statements about the death tax was made by Edward J. McCaffrey, a law professor from the University of Southern California and self-described liberal, in testimony before Congress several years back. He said, ''Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. . . . The estate tax is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long term savings.''

I urge Congress to act this year to end this tax on virtue, work, savings, job creation and the American dream, and to end it permanently.

Mr. NELSON of Florida. Mr. President, I rise today with my colleague from Arizona, Senator KYL, to introduce a bill that will eliminate the death tax once and for all. I want to thank my friend for his tireless leadership in fighting to completely and permanently repeal this unfair and unwise tax. I am proud to join him in this bipartisan effort.

First, though, I think a little historical context is important. Remembering back to 2001, this body passed a tax cut bill that set us on the path toward full repeal of the death tax. Under this plan, between 2001 and 2009, the tax gradually is phased out, reducing the marginal rates and increasing the amount that would be exempt from taxes.

Then, in 2010, the death tax will be eliminated. But it springs back to life in 2011 at the level it was in 2001.

Today, the legislation we are introducing tends to Congress' unfinished business. Our bill eliminates the so-called ''sunset'' date and, simply put: keeps the death tax dead.

This is an important point. It is a matter of intellectual honesty and provides much needed stability in estate planning. No one ever truly expected the death tax would revert to pre-2001 levels. This was a quirk of the budget process, and something I always believed would be remedied.

Without action to create permanence in the Tax Code, this on-again, off-again, then on again approach makes estate planning complicated and uncertain. As it stands now—financially speaking—2010 will be a good year to die, but dying in 2011 will be very expensive for your heirs. This was never Congress' intent.

Furthermore, I believe the cost of planning is a tremendous burden on our economy. Rather than reinvesting resources in their businesses, Americans are paying lawyers, accountants and insurers to help insulate their families from the cost of the death tax. Typical business owners are more concerned about avoiding the tax than investing in their businesses and making money, which creates jobs and stimulates the economy.

I echo the feelings of an editor at the Arkansas Democrat-Gazette, who in 2001 called this tax ''an un-American drag on the American Dream—and economy.''

Since my election in 2000 it has been a priority of mine to do away with this tax, helping business owners and family farmers to improve their children's standard of living, and to reinvest in the nation's economy. This is the wrong tax levied at the wrong time; we should not be taxing individuals at death, forcing family members to make a choice between selling assets or keeping the family business.

In particular, farmers in Florida are affected more than their fair share by this tax. With the high price of land, farms can easily outgrow the exemptions in current law. When a parent dies, children are forced to sell the land in order to cover the death tax. A family legacy is lost, and so are jobs.

I am proud to introduce this bill today, and I look forward to working with Senator KYL as we try to lend some stability and sensibility to how taxes are levied at death.

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By Mr. LOTT (for himself and Mr. KOHL):

S. 421. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to join Senator LOTT in introducing legislation which is of great importance to millions of people throughout the country. The sport fishing and boating communities play a vital role in our Nation's economy, and I am pleased to be working with Senator Lott on legislation that will directly impact boaters and anglers everywhere.

In Wisconsin, anglers and boaters are integral to the State's economy. Our access to the Great Lakes is only a portion of what makes my State an excellent boating and fishing destination. From the Mississippi River to Sturgeon Bay, Wisconsin encompasses thousands of acres of lakes and rivers; my State is home to more than 1.4 million anglers, and a destination for thousands of boating and fishing related tourists each year. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories. As a recreation for residents and draw for tourists, the contribution of water sports to Wisconsin is immeasurable.

Today, Senator LOTT and I are introducing legislation aimed at giving back to the fishing and boating communities. This legislation, however, would not exist if it were not for the leadership of Senator Breaux, who worked tirelessly on boating and fishing issues during his tenure in Congress. In 1984, as a member of the House of Representatives, he worked with then Senator Malcolm Wallop, to create the Aquatic Resources Trust Fund. The trust fund, commonly known as the Wallop-Breaux Trust Fund, serves as a collection point for most of the excise taxes attributable to motorboat and small engine fuels, as well as the taxes on fishing equipment. The Wallop-Breaux fund is one of the most successful examples of a ''user pays, user benefits'' program; the excise taxes that are collected into the fund are then used on programs that directly benefit boaters and anglers. The funding is then distributed to States for activities ranging from boating safety education to maintaining our nation's wetlands.

I am dedicated to continuing the legacy of Wallop-Breaux. That is why Senator LOTT and I are introducing legislation that will reauthorize the Aquatic Resources Trust Fund and expand the size of the Fund. The legislation we are introducing today mirrors the Sport Fishing and Recreational Boating Safety bill in the 108th Congress, which was later incorporated in the Senate-passed version of the highway reauthorization bill. Unfortunately, the legislation was not enacted before the end of the last session.

In addition to reauthorizing this important program, Senator LOTT and I are introducing legislation that would recover approximately $110 million per year of excise taxes currently being paid by anglers and boaters. Under current law, only 13.5 cents is sent to the Aquatic Resources Trust Fund, which is only a portion of the 18.3 cents that is collected on motorboat and small engine fuels. Restoring the remaining excise taxes will significantly boost funding for the important programs under the Sport Fish Restoration Act. In Wisconsin, this could amount to an additional $3 million annually for fishing and boating activities.

I am very proud to be working with Senator LOTT on this issue. Passing this legislation will be a top priority for me in the 109th Congress. It is an issue that I know is important to the people of Wisconsin: to boaters on the Great Lakes; to the Department of Natural Resources; to anglers on rivers and lakes throughout the state. I can assure every Senator that it is equally important to people in his or her State, and I look forward to working with my colleagues to ensure this legislation's adoption.

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By Mr. BOND (for himself, Mr. KENNEDY, Mr. TALENT, Mr. JOHNSON, and Mr. ISAKSON):

S. 424. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senators BOND, TALENT, JOHNSON, and ISAKSON, in introducing the ''Arthritis Prevention, Control, and Cure Act of 2005'', and I commend them for their commitment to this important issue. The bill is the product of extensive cooperation and input from the arthritis community, including health providers, patients, and their families. Through this legislation we hope to lessen the burden of arthritis and other rheumatic diseases on citizens across the Nation.

Seventy million adults—one of every three in the nation—suffer from arthritis or related conditions, and all ages are affected. Nearly two-thirds of its victims are under the age of 65, and 300,000 are children. Arthritis accounts for 4 million days of hospital care each year, and results in 44 million outpatient visits. It costs $51 million in annual medical care, and $86 million more in lost productivity. For 8 million Americans, it is an overwhelming hardship involving serious disability.

In recent years, research into the prevention and treatment of arthritis has led to measures to improve the quality of life for large numbers of persons suffering from the disease. We know that early diagnosis, treatment, and appropriate management are key to success. A National Arthritis Action Plan has been developed that could provide timely information and more effective medical care nationwide, but less than one percent of persons with arthritis are benefiting from the knowledge. With a real commitment, we can bring the highest quality of care to everyone with arthritis.

Our legislation will implement strategies to carry out the National Arthritis Action Plan. That means supporting prevention and treatment programs and developing education and outreach activities. It means coordinating and increasing research for prevention and treatment, and applying the results to every age group affected by the disease.

We include planning grants to support innovative research on juvenile arthritis in order to develop better care and treatment for children, and collect data on its likely causes. We support training for health providers specializing in pediatric rheumatology, so that all children will have greater access to these uniquely qualified physicians.

The legislation will improve the quality of life for large numbers of adults and children. It will save lives, reduce disability, and avoid millions of dollars in medical costs. Citizens everywhere will have greater access to the latest research and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this much needed legislation.

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By Mr. JEFFORDS (for himself, Ms. CANTWELL, and Mr. KENNEDY):

S. 426. A bill to enhance national security by improving the reliability of the United States electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, today I am introducing comprehensive legislation to ensure the reliable delivery of electric power in the United States.

Last Congress, in August of 2003, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. This event emphasized the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. We must act to protect the grid from devastating interruptions in the future. That is why I am introducing this bill today to ensure greater reliability in our electricity delivery system.

My bill, the Electric Reliability Security Act of 2005, will help achieve reliability and security of the electricity grid in an efficient, cost-effective, and environmentally sound manner. It does so by creating mandatory, nationwide electric reliability standards.

The bill also mandates regional coordination in the siting of transmission facilities, and provides $10 billion dollars in loan guarantees to finance ''smart grid'' technologies that improve the way the grid transmits power.

While a $10 billion dollar investment may seem to be a large investment, it is significantly less than the transmission cost estimates that have circulated following the Northeast blackout. Industry experts estimated that it would cost consumers as much as $100 billion dollars to upgrade transmission systems and site new lines to meet future reliability needs.

However, even this hefty price tag does not factor in the costs of additional generation, does not consider the rising cost of natural gas due to increasing electricity consumption, and does not include the environmental and other social costs of continued expansion of our presently centralized power system. Power lines are expensive and are rarely welcomed by the nearby public. The loan guarantees in the bill will help balance the need for new transmission lines by providing federal resources to help improve existing ones.

In addition to addressing system operation and transmission needs, the bill also promotes sound system management. It establishes a Federal system benefits fund as a match for state programs. Historically, regulated electric utility companies have provided a number of energy-related public services beyond simply supplying electricity that benefit the system as a whole. Such services have included bill payment assistance and energy conservation measures for low-income households, energy efficiency programs for residential and business customers, and pilot programs to promote renewable energy resources. More than 20 states, including my home state of Vermont, have public benefits programs. This bill will provide needed federal matching money to States for these programs. Our states can use these funds. They will be able to move more quickly to deploy these low-cost strategies with federal help.

The Alliance to Save Energy estimates that a federal program to match existing state public benefits programs would save 1.24 trillion kilowatt-hours of electricity over 20 years, and cut consumer energy bills by about $100 billion dollars. Mr. President, my bill, which has the potential to save consumers $100 billion dollars is far preferable to raising consumer electricity bills by the $100 billion dollars to raise money for grid expansion. My Vermont constituents would prefer to keep the lights on, and their money in their own pockets. The bill also establishes energy efficiency performance standards for utilities. The United States has experienced tremendous growth in electricity consumption over the past decade. Current estimates are that electricity consumption is increasing at roughly 2 percent per year.

Between 1993 and 1999, U.S. summer peak electricity use alone increased by 95,000 megawatts. This is the equivalent of adding a new, six-state New England to the nation's electricity demand every fourteen months. Energy experts estimate that as much as 50 percent of expected new demand over the next 20 years can be met through consumer efficiency and load management programs. Over the past two decades, utility demand-side efficiency programs have avoided the need for more than 100 300-megawatt power plants. However, with the advent of electricity deregulation, utility spending on these efficiency programs has dropped by almost half. The federal government should seek to correct this trend, and this bill takes a strong first step in that direction by phasing in a requirement that utilities reduce their peak demand for power and their customers' power use between 2006 and 2015.

Finally, the bill enacts standards that enable increased on-site, or distributed, generation to reduce pressure on the grid and lessen the impact of a blackout should one occur. We have an obligation, Mr. President, to ensure that the electricity grid is secure. We currently have a giant system consisting of almost 200,000 miles of interconnecting lines that constantly shift huge amounts of electricity throughout the country. Such a giant and complex system, traversing miles of city and countryside, is inevitably subject to unforseen problems. Simply making it bigger will never take away all uncertainty, nor can it eliminate the vulnerability of the grid to sabotage or terrorist attack. We should do all we can to make certain such vulnerabilities are reduced.

In summary, I am introducing this legislation because I feel that we should be cautious in our assumptions that the answer to our nation's reliability woes lies primarily in building a bigger, more expansive grid. Simply building more transmission lines is not the answer. Investments in energy efficiency and on-site generation can significantly improve the reliability of the nation's electricity grid and in most cases will be cheaper, faster to implement and more environmentally friendly than large-scale grid expansion. We also must fill the regulatory gaps in the system, which my bill does. Congress should establish mandatory reliability standards and close other regulatory gaps left by state deregulation of the electricity sector. In addition, no national reliability program will be effective or complete without strong incentives for demand-side management programs for efficiency and for on-site generation.

We cannot solve today's energy problems with yesterday's solutions. My bill is an innovative approach to ensuring electric reliability by maximizing energy efficiency, regulatory efficiency, and efficient investment. Given the high costs of power outages to our country, we cannot afford to do otherwise.

I invite my colleagues to join me in my efforts to advance energy security and reliability in the United States. 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. 426

*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 ''Electric Reliability Security Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RELIABILITY

Sec. 101. Electric reliability standards.

Sec. 102. Model electric utility workers code.
Sec. 103. Electricity outage investigation.
Sec. 104. Study on reliability of United States energy grid.

TITLE II—EFFICIENCY

Sec. 201. System benefits fund.
Sec. 202. Electricity efficiency performance standard.
Sec. 203. Appliance efficiency.
Sec. 204. Loan guarantees.

TITLE III—ONSITE GENERATION

Sec. 301. Net metering.
Sec. 302. Interconnection.
Sec. 303. Onsite generation for emergency facilities.

## TITLE I—RELIABILITY

**SEC. 101. ELECTRIC RELIABILITY STANDARDS.**

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

**"SEC. 215. ELECTRIC RELIABILITY.**

''(a) DEFINITIONS.—In this section:

''(1)(A) The term 'bulk-power system' means—

''(i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(ii) electric energy from generation facilities needed to maintain transmission system reliability.

''(B) The term 'bulk-power system' does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(4) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(5)(A) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system.

''(B) The term 'reliability standard' includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to those facilities to the extent necessary to provide for reliable operation of the bulk-power system.

''(C) The term 'reliability standard' does not include any requirement to enlarge a facility described in subparagraph (B) or to construct new transmission capacity or generation capacity.

''(6) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(7) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(b) JURISDICTION AND APPLICABILITY.—(1)(A) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section.

''(B) All users, owners, and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) Not later than 180 days after the date of enactment of this section, the Commission shall issue a final rule to implement this section.

''(c) CERTIFICATION.—(1) Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization.

''(2) The Commission may certify an ERO described in paragraph (1) if the Commission determines that the ERO—

''(A) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

''(B) has established rules that—

''(i) ensure the independence of the ERO from the users and owners and operators of the bulk-power system, while ensuring fair stakeholder representation in the selection of directors of the ERO and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(ii) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(iii) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising the duties of the ERO; and

''(v) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that the Electric Reliability Organization proposes to be made effective under this section with the Commission.

''(2)(A) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if the Commission determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(B) The Commission—

''(i) shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an interconnection-wide basis with respect to a reliability standard to be applicable within that interconnection; but

''(ii) shall not defer with respect to the effect of a standard on competition.

''(C) A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon a motion of the Commission or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6)(A) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization.

''(B) The transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule, or agreement as is accepted, approved, or ordered by the Commission until—

''(i) the Commission finds a conflict exists between a reliability standard and any such provision;

''(ii) the Commission orders a change to the provision pursuant to section 206; and

''(iii) the ordered change becomes effective under this part.

''(C) If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, the Commission shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5).

''(e) ENFORCEMENT.—(1) Subject to paragraph (2), the ERO may impose a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2)(A) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the date on which the ERO files with the Commission notice of the penalty and the record of proceedings.

''(B) The penalty shall be subject to review by the Commission upon—

''(i) a motion by the Commission; or

''(ii) application by the user, owner, or operator that is the subject of the penalty filed not later than 30 days after the date on which the notice is filed with the Commission.

''(C) Application to the Commission for review, or the initiation of review by the Commission upon a motion of the Commission, shall not operate as a stay of the penalty unless the Commission orders otherwise upon a motion of the Commission or upon application by the user, owner, or operator that is the subject of the penalty.

''(D) In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings.

''(E) The Commission shall implement expedited procedures for hearings described in subparagraph (D).

''(3) Upon a motion of the Commission or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any act or practice that constitutes or will constitute a violation of a reliability standard.

''(4)(A) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(i) the regional entity is governed by an independent board, a balanced stakeholder board, or a combination of an independent and balanced stakeholder board;

''(ii) the regional entity otherwise meets the requirements of paragraphs (1) and (2) of subsection (c); and

''(iii) the agreement promotes effective and efficient administration of bulk-power system reliability.

''(B) The Commission may modify a delegation under this paragraph.

''(C) The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved.

''(D) The regulations issued under this paragraph may provide that the Commission may assign the authority of the ERO to enforce reliability standards under paragraph (1) directly to a regional entity in accordance with this paragraph.

''(5) The Commission may take such action as the Commission determines to be appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of the user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—(1) The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of the basis and purpose of the rule and proposed rule change.

''(2) The Commission, upon a motion of the Commission or upon complaint, may propose a change to the rules of the ERO.

''(3) A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and meets the requirements of subsection (c).

''(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The ERO may develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) Nothing in this section authorizes the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section preempts any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Not later than 90 days after the date of application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

''(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the issuance by the Commission of a final order.

''(j) REGIONAL ADVISORY BODIES.—(1) The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of the electric load of the States served within the region.

''(2) A regional advisory body—

''(A) shall be composed of 1 member from each participating State in the region, appointed by the Governor of the State; and

''(B) may include representatives of agencies, States, and provinces outside the United States.

''(3) A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding—

''(A) the governance of an existing or proposed regional entity within the same region;

''(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest;

''(C) whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(D) any other responsibilities requested by the Commission.

''(4) The Commission may give deference to the advice of a regional advisory body if that body is organized on an interconnection-wide basis.

''(k) ALASKA AND HAWAII.—This section does not apply to Alaska or Hawaii.''.

(b) STATUS OF ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act (as added by subsection (a)) and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act (as so added) are not departments, agencies, or instrumentalities of the United States Government.

**SEC. 102. MODEL ELECTRIC UTILITY WORKERS CODE.**

Subtitle B of title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 et seq.) is amended by adding at the end the following:

**''SEC. 118. MODEL CODE FOR ELECTRIC UTILITY WORKERS.**

''(a) IN GENERAL.—The Secretary shall develop by rule and circulate among the States for their consideration a model code containing standards for electric facility workers to ensure electric facility safety and reliability.

''(b) CONSULTATION.—In developing the standards, the Secretary shall consult with all interested parties, including representatives of electric facility workers.

''(c) NOT AFFECTING OCCUPATIONAL SAFETY AND HEALTH.—In issuing a model code under this section, the Secretary shall not, for purposes of section 4 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.''.

**SEC. 103. ELECTRICITY OUTAGE INVESTIGATION.**

Part III of the Federal Power Act (16 U.S.C. 824) is amended—

(1) by redesignating sections 320 and 321 (16 U.S.C. 825r, 791a) as sections 321 and 322, respectively; and

(2) by inserting after section 319 (16 U.S.C. 825q) the following:

**''SEC. 320. ELECTRICITY OUTAGE INVESTIGATION BOARD.**

''(a) ESTABLISHMENT.—There is established an Electricity Outage Investigation Board that shall be an independent establishment within the executive branch.

''(b) MEMBERSHIP.—(1) The Board shall consist of 7 members and shall include—

''(A) the Secretary of Energy (or a designee);

''(B) the Chairperson of the Federal Energy Regulatory Commission (or a designee);

''(C) a representative of the National Academy of Sciences appointed by the President;

''(D) a representative nominated by the majority leader of the Senate and appointed by the President;

''(E) a representative nominated by the minority leader of the Senate and appointed by the President;

''(F) a representative nominated by the majority leader of the House of Representatives and appointed by the President; and

''(G) a representative nominated by the minority leader of the House of Representatives and appointed by the President.

''(2) Each member of the Board shall demonstrate relevant expertise in the field of electricity generation, transmission, and distribution, and such other expertise as will best assist in carrying out the duties of the Board.

''(c) TERMS.—(1) Except as provided in paragraph (2), each member of the Board shall serve for a term of 3 years.

''(2) The Secretary of Energy and the Chairperson of the Federal Energy Regulatory Commission shall be permanent members of the Board.

''(d) DUTIES.—The Board shall—

''(1) upon request by Congress or the President, investigate a major bulk-power system failure in the United States to determine the causes of the failure;

''(2) report expeditiously to Congress and the President the results of the investigation; and

''(3) recommend to Congress and the President actions to minimize the possibility of future bulk-power system failure.

''(e) COMPENSATION.—(1) Each member of the Board shall be paid at the rate payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of the Board.

''(2) Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.''.

**SEC. 104. STUDY ON RELIABILITY OF UNITED STATES ELECTRICITY GRID.**

(a) STUDY ON RELIABILITY.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study on the reliability of the

United States electricity grid to examine the effectiveness of the current United States electricity transmission and distribution system at providing efficient, secure, and affordable power to United States consumers.

(b) CONTENTS.—The study shall include an analysis of—

(1) the vulnerability of the transmission and distribution system to disruption by natural, mechanical or human causes including sabotage;

(2) the most efficient and cost-effective solutions for dealing with vulnerabilities or other problems of the electricity transmission and distribution system of the United States, including a comparison of investments in—

(A) efficiency;

(B) distributed generation;

(C) technical advances in software and other devices to improve the efficiency and reliability of the grid;

(D) new power line construction; and

(E) any other relevant matters.

(c) REPORT.—The contract shall provide that, not later than 180 days after the date of execution of the contract, the National Academy of Sciences shall submit to the President and Congress a report that details the findings and recommendations of the study.

## TITLE II—EFFICIENCY

### SEC. 201. SYSTEM BENEFITS FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term ''Board'' means the System Benefits Trust Fund Board established under subsection (b).

(3) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) FARM SYSTEM.—The term ''farm system'' means an electric generating facility that generates electric energy from the anaerobic digestion of agricultural waste produced by farming that is located on the farm where substantially all of the waste used is produced.

(5) FUND.—The term ''Fund'' means the System Benefits Trust Fund established under subsection (c).

(6) RENEWABLE ENERGY.—The term ''renewable energy'' means electricity generated from wind, ocean energy, organic waste (excluding incinerated municipal solid waste), biomass (including anaerobic digestion from farm systems and landfill gas recovery) or a geothermal, solar thermal, or photovoltaic source.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) BOARD.—

(1) ESTABLISHMENT.—The Secretary shall establish a System Benefits Trust Fund Board to carry out the functions and responsibilities described in this section.

(2) MEMBERSHIP.—The Board shall be composed of—

(A) 1 representative of the Federal Energy Regulatory Commission appointed by the Federal Energy Regulatory Commission;

(B) 2 representatives of the Secretary of Energy appointed by the Secretary;

(C) 2 persons nominated by the National Association of Regulatory Utility Commissioners and appointed by the Secretary;

(D) 1 person nominated by the National Association of State Utility Consumer Advocates and appointed by the Secretary;

(E) 1 person nominated by the National Association of State Energy Officials and appointed by the Secretary;

(F) 1 person nominated by the National Energy Assistance Directors' Association and appointed by the Secretary; and

(G) 1 representative of the Environmental Protection Agency appointed by the Administrator.

(3) CHAIRPERSON.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Board shall establish an account or accounts at 1 or more financial institutions, which account or accounts shall—

(A) be known as the ''System Benefits Trust Fund''; and

(B) consist of amounts deposited in the Fund under subsection (e).

(2) STATUS OF FUND.—The wires charges collected under subsection (e) and deposited in the Fund—

(A) shall not constitute funds of the United States;

(B) shall be held in trust by the Board solely for the purposes stated in subsection (d); and

(C) shall not be available to meet any obligations of the United States.

(d) USE OF FUND.—

(1) FUNDING OF STATE PROGRAMS.—Amounts in the Fund shall be used by the Board to provide matching funds to States and Indian tribes for the support of State or tribal public benefits programs relating to—

(A) energy conservation and efficiency;

(B) renewable energy sources;

(C) assisting low-income households in meeting their home energy needs; or

(D) research and development in areas described in subparagraphs (A) through (C).

(2) DISTRIBUTION.—

(A) IN GENERAL.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall distribute all amounts in the Fund to States or Indian tribes to fund public benefits programs under paragraph (1).

(B) FUND SHARE.—

(i) IN GENERAL.—Subject to clause (iii), the Fund share of a public benefits program funded under paragraph (1) shall be 50 percent.

(ii) PROPORTIONATE REDUCTION.—To the extent that the amount of matching funds requested by States and Indian tribes exceeds the maximum projected revenues of the Fund, the matching funds distributed to each State and Indian tribe shall be reduced by an amount equal to the proportion that the annual consumption of electricity of the State or Indian tribe bears to the annual consumption of electricity of all States and Indian tribes.

(iii) ADDITIONAL STATE OR INDIAN TRIBE FUNDING.—A State or Indian tribe may apply funds to public benefits programs in addition to the amount of funds applied for the purpose of matching the Fund share.

(3) PROGRAM CRITERIA.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) APPLICATION.—Not later than August 1 of each year beginning in 2006, a State or Indian tribe seeking matching funds for the following fiscal year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public benefits program;

(B) stating the amount of State or Indian tribe funds earmarked for the program; and

(C) summarizing how amounts from the Fund from the previous calendar year (if any) were spent by the State and what the State accomplished as a result of the expenditures.

(e) WIRES CHARGE.—

(1) DETERMINATION OF NEEDED FUNDING.—Not later than September 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that will be necessary to be paid into the Fund to pay matching funds to States and Indian tribes and pay the operating costs of the Board in the following fiscal year.

(2) IMPOSITION OF WIRES CHARGE.—

(A) IN GENERAL.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge, to be paid directly into the Fund by the operator of the wire, on electricity carried through the wire (measured as the electricity exits at the busbar at a generation facility, or, for electricity generated outside the United States, at the point of delivery to the wire operator's system) in interstate commerce.

(B) AMOUNT.—The wires charge shall be set at a rate equal to the lesser of—

(i) 1.0 mills per kilowatt hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is, to the maximum extent practicable, equal to the amount of needed funding determined under paragraph (1).

(3) DEPOSIT IN THE FUND.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the Board under subsection (c).

(4) PENALTIES.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(f) AUDITING.—

(1) IN GENERAL.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) ACCESS TO RECORDS.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) REPORTS.—

(A) IN GENERAL.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the end of the fiscal year.

(B) REQUIREMENTS.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital, and surplus or deficit;

(II) a surplus of deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

### SEC. 202. ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 note) is amended by adding at the end the following:

### ''SEC. 609. FEDERAL ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

''(a) IN GENERAL.—Each electric retail supplier shall implement energy efficiency and load reduction programs and measures to achieve verified improvements in energy efficiency and peak load reduction in retail customer facilities and the distribution systems that serve those facilities.

''(b) POWER SAVINGS.—The programs and measures under subsection (a) shall produce savings in total peak power demand and total electricity use by retail customers by an amount that is equal to or greater than

the following percentages relative to the peak demand and electricity used in that year by the retail electric supplier's customers:

| | Reduction in demand | Reduction in use |
|---|---|---|
| In calendar year 2006 | 1% | .75% |
| In calendar year 2007 | 2% | 1.5% |
| In calendar year 2009 | 4% | 3.0% |
| In calendar year 2011 | 6% | 4.5% |
| In calendar year 2013 | 8% | 6.0% |
| In calendar year 2015 | 10% | 7.5% |

''(c) BEGINNING DATE.—For purposes of this section, savings shall be counted only for measures installed after January 1, 2006.

''(d) RULEMAKING.—(1) Not later than June 30, 2005, the Secretary shall establish, by rule—

''(A) procedures and standards for counting and independently verifying energy and demand savings for purposes of enforcing the energy efficiency performance standards imposed by this section; and

''(B) procedures and a schedule for reporting findings to the Department of Energy and for making the reports available to the public.

''(2) In developing the procedures, standards, and schedule under paragraph (1), the Secretary shall consult with—

''(A) the association representing public utility regulators in the United States; and

''(B) the association representing the State energy officials in the United States.

''(e) REPORTING.—(1) Not later than June 30, 2008, and every 2 years thereafter, each retail electric supplier shall file with the State public utilities commission in each State in which the supplier provides service to retail customers a report demonstrating that the retail electric supplier has taken action to comply with the energy efficiency performance standards of this section.

''(2) A report filed under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(3)(A) A State public utilities commission may—

''(i) accept a report as filed under paragraph (1); or

''(ii) review and investigate the accuracy of the report.

''(B) Each State public utilities commission shall—

''(i) make findings on any deficiencies relating to the requirements under section 2; and

''(ii) issue a remedial order for the correction of any deficiencies that are found.

''(f) UTILITIES OUTSIDE STATE JURISDICTION.—(1) An electric retail supplier that is not subject to the jurisdiction of a State public utilities commission shall submit reports in accordance with subsection (e) to the governing body of the electric retail supplier.

''(2) A report submitted under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(g) PROGRAM PARTICIPATION.—(1) An electric retail supplier may demonstrate satisfaction of the standard under this section, in whole or part, by savings achieved through participation in statewide, regional, or national programs that can be demonstrated to significantly improve the efficiency of electric distribution and use.

''(2) Verified efficiency savings resulting from programs described in paragraph (1) may be assigned to each participating retail supplier based upon the degree of participation of the supplier in the programs.

''(3) An electric retail supplier may purchase rights to extra savings achieved by other electric retail suppliers if the selling supplier or another electric retail supplier does not also take credit for those savings.

''(h) REMEDIES FOR FAILURE TO COMPLY.—(1) In the event that any retail electric supplier fails to achieve its energy savings or load reduction target for a specific year, any aggrieved party may bring a civil action or file an administrative claim to seek prompt remedial action before a State public utilities commission (or, in the case of an electric retail supplier not subject to State public utility commission jurisdiction, before an appropriate governing body).

''(2)(A) The State public utilities commission or other appropriate governing body shall have a maximum of 1 year to craft a remedy for a civil action or claim filed under paragraph (1).

''(B) If a State public utilities commission or other governing body certifies that the commission or body has inadequate resources or authority to promptly resolve enforcement actions under this section, or fails to take action within the time period specified in subparagraph (A), the commission or body or an aggrieved party may seek enforcement in Federal district court.

''(3)(A) If a commission or court determines that energy savings or load reduction targets for a specific year have not been achieved by a retail electric supplier under this section, the commission or court shall—

''(i) determine the amount of the deficit; and

''(ii) fashion an equitable remedy to restore the lost savings as soon as practicable.

''(B) A remedy under subparagraph (A)(ii) may include—

''(i) a refund to retail electric customers of an amount equal to the retail cost of the electricity consumed due to the failure to reach the target; and

''(ii) the appointment of a special master to administer a bidding system to procure the energy and demand savings equal to 125 percent of the deficit.''.

**SEC. 203. APPLIANCE EFFICIENCY.**

Section 325(d)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)(3)) is amended by striking subparagraph (B) and inserting the following:

''(B) Not later than January 1, 2009, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. The rule shall address both system annual energy use and peak electric demand and may include more than 1 efficiency descriptor. The rule shall apply to products manufactured on or after January 1, 2012.''.

**SEC. 204. LOAN GUARANTEES.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means—

(A) advanced technologies for high-efficiency electricity transmission control and operation, including high-efficiency power electronics technologies (including software-controlled computer chips and sensors to diagnose trouble spots and re-route power into appropriate areas), high-efficiency electricity storage systems, and high-efficiency transmission wire or transmission cable system;

(B) distributed generation systems fueled solely by—

(i) solar, wind, biomass, geothermal, or ocean energy;

(ii) landfill gas;

(iii) natural gas systems utilizing best available control technology;

(iv) fuel cells; or

(v) any combination of the above;

(C) combined heat and power systems; and

(D) energy efficiency systems producing demonstrable electricity savings.

(2) QUALIFYING ENTITY.—The term ''qualifying entity'' means an individual, corporation, partnership, joint venture, trust or other entity identified by the Secretary under subsection (d)(1) as eligible for a guaranteed loan under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) AUTHORITY.—The Secretary may guarantee not more than 50 percent of the principal of any loan made to a qualifying entity for eligible activities under this section.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not guarantee a loan under this section unless—

(A) the guarantee is a qualifying entity;

(B) the guarantee has filed an application with the Secretary;

(C) the project, activity, program, or system for which the loan is made is an eligible activity; and

(D) the project, activity, program, or system for which the loan is made will significantly enhance the reliability, security, efficiency, and cost-effectiveness of electricity generation, transmission or distribution.

(2) PRIORITY.—The Secretary shall give priority to guaranteed loans under this section for eligible activities that accomplish the objectives of this section in the most environmentally beneficial manner.

(3) ELIGIBLE FINANCIAL INSTITUTIONS.—A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(d) RULES.—Not later than 1 year after the date of enactment of this section, the Secretary shall publish a final rule establishing guidelines for loan requirements under this section, including establishment of—

(1) criteria for determining which entities shall be considered qualifying entities eligible for loan guarantees under this section;

(2) criteria for determining which projects, activities, programs, or systems shall be considered eligible activities eligible for loan guarantees in accordance with the purposes of this section;

(3) loan requirements including term, maximum size, collateral requirements; and

(4) any other relevant features.

(e) LIMITATION ON SIZE.—The Secretary may make commitments to guarantee loans under this section only to the extent that the total principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to cover the cost of loan guarantees (as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2. U.S.C. 661a(5))) under this section.

## TITLE III—ONSITE GENERATION

**SEC. 301. NET METERING.**

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(11) NET METERING.—

''(A) IN GENERAL.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

''(B) REFERENCES.—For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of this paragraph.''.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

''(i) NET METERING.—(1) In this subsection:

''(A) The term 'eligible onsite generating facility' means—

''(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 25 kilowatts or less; or

''(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 1,000 kilowatts or less,

that is fueled solely by a renewable energy resource.

''(B) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible onsite generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(C) The term 'renewable energy resource' means—

''(i) solar, wind, biomass, geothermal, or wave energy;

''(ii) landfill gas;

''(iii) fuel cells; and

''(iv) a combined heat and power system.

''(2) In undertaking the consideration and making the determination concerning net metering established by section 111(d)(11), the following shall apply:

''(A) An electric utility—

''(i) shall charge the owner or operator of an onsite generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

''(ii) shall not charge the owner or operator of an onsite generating facility any additional standby, capacity, interconnection, or other rate or charge.

''(B) An electric utility that sells electric energy to the owner or operator of an onsite generating facility shall measure the quantity of electric energy produced by the onsite facility and the quantity of electricity consumed by the owner or operator of an onsite generating facility during a billing period in accordance with normal metering practices.

''(C) If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the onsite generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

''(D) If the quantity of electric energy supplied by the onsite generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the onsite generating facility during the billing period—

''(i) the electric utility may bill the owner or operator of the onsite generating facility for the appropriate charges for the billing period in accordance with subparagraph (B); and

''(ii) the owner or operator of the onsite generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

''(E) An eligible onsite generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

''(F) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for onsite generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

''(G) An electric utility must provide net metering services to electric consumers until the cumulative generating capacity of net metering systems equals 1.0 percent of the utility's peak demand during the most recent calendar year.

''(H) Nothing in this subsection precludes a State from imposing additional requirements regarding the amount of net metering available within a State consistent with the requirements of this section.''.

**SEC. 302. INTERCONNECTION.**

(a) DEFINITIONS.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended—

(1) by striking paragraph 23 and inserting the following:

''(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any entity (notwithstanding section 201(f)) that owns, controls, or operates an electric power transmission facility that is used for the sale of electric energy.''; and

(2) by adding at the end the following:

''(26) APPROPRIATE REGULATORY AUTHORITY.—The term 'appropriate regulatory authority' means—

''(A) the Commission;

''(B) a State commission;

''(C) a municipality; or

''(D) a cooperative that is self-regulating under State law and is not a public utility.

''(27) GENERATING FACILITY.—The term 'generating facility' means a facility that generates electric energy.

''(28) LOCAL DISTRIBUTION UTILITY.—The term 'local distribution facility' means an entity that owns, controls, or operates an electric power distribution facility that is used for the sale of electric energy.

''(29) NON-FEDERAL REGULATORY AUTHORITY.—The term 'non-Federal regulatory authority' means an appropriate regulatory authority other than the Commission.''.

(b) INTERCONNECTION TO DISTRIBUTION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) INTERCONNECTION TO DISTRIBUTION FACILITIES.—(1)(A) A local distribution utility shall interconnect a generating facility with the distribution facilities of the local distribution utility if the owner of the generating facility—

''(i) complies with the final rule promulgated under paragraph (2); and

''(ii) pays the costs of the interconnection.

''(B) The costs of the interconnection—

''(i) shall be just and reasonable, and not unduly discriminatory or preferential, as determined by the appropriate regulatory authority; and

''(ii) shall be comparable to the costs charged by the local distribution utility for interconnection by any similarly situated generating facility to the distribution facilities of the local distribution utility.

''(C) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the local distribution utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate final rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the distribution facilities of a local distribution utility.

''(3)(A) In accordance with subparagraph (B) a local distribution utility shall offer to sell backup power to a generating facility that has interconnected with the local distribution utility to the extent that the local distribution utility—

''(i) is not subject to an order of a non-Federal regulatory authority to provide open access to the distribution facilities of the local distribution utility;

''(ii) has not offered to provide open access to the distribution facilities of the local distribution utility; or

''(iii) does not allow a generating facility to purchase backup power from another entity using the distribution facilities of the local distribution utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A local distribution utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the distribution system, the generating facility shall pay any reasonable cost associated with any transmission, distribution, or generating upgrade required to provide such service.''.

(c) INTERCONNECTION TO TRANSMISSION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) (as amended by subsection (b)) is amended by inserting after subsection (e) the following:

''(f) INTERCONNECTION TO TRANSMISSION FACILITIES.—(1)(A) Notwithstanding subsections (a) and (c), a transmitting utility shall interconnect a generating facility with the transmission facilities of the transmitting utility if the owner of the generating facility—

''(i) complies with the final rules promulgated under paragraph (2); and

''(ii) pays the costs of interconnection.

''(B) Subject to subparagraph (C), the costs of interconnection—

''(i) shall be just and reasonable and not unduly discriminatory or preferential; and

''(ii) shall be comparable to the costs charged by the transmitting utility for interconnection by any similarly situated generating facility to the transmitting facilities of the transmitting utility.

''(C) A non-Federal regulatory authority that is authorized under Federal law to determine the rates for transmission service shall be authorized to determine the costs of any interconnection under this subparagraph.

''(D) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the transmitting utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the transmission facilities of a transmitting utility.

''(3)(A) In accordance with subparagraph (B), a transmitting utility shall offer to sell backup power to a generating facility that has interconnected with the transmitting utility unless—

''(i) Federal or State law allows a generating facility to purchase backup power from an entity other than the transmitting utility; or

''(ii) a transmitting utility allows a generating facility to purchase backup power from an entity other than the transmitting utility

using the transmission facilities of the transmitting utility and the transmission facilities of any other transmitting utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A transmitting utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the transmission system, the generating facility shall pay any reasonable costs associated with any transmission, distribution, or generation upgrade required to provide the service.''.

(d) CONFORMING AMENDMENTS.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''transmitting utility, local distribution utility,'' after ''electric utility,''; and

(B) in subparagraph (A), by inserting ''any transmitting utility,'' after ''small power production facility,'';

(2) in subsection (b)(2), by striking ''an evidentiary hearing'' and inserting ''a hearing'';

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(D) promote competition in electricity markets, and''; and

(4) in subsection (d), by striking the last sentence.

**SEC. 303. ONSITE GENERATION FOR EMERGENCY FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE FACILITY.—The term ''eligible facility'' means a building owned or operated by a State or local government that is used for—

(A) critical governmental dispatch and communication;

(B) police, fire, or emergency services;

(C) traffic control systems; or

(D) public water or sewer systems.

(2) RENEWABLE UNINTERRUPTIBLE POWER SUPPLY SYSTEM.—The term ''renewable uninterruptible power supply system'' means a system designed to maintain electrical power to critical loads in a public facility in the event of a loss or disruption in conventional grid electricity, where such system derives its energy production or storage capacity solely from—

(A) solar, wind, biomass, geothermal, or ocean energy;

(B) natural gas;

(C) landfill gas;

(D) a fuel cell device; or

(E) a combination of energy described in subparagraphs (A) through (D).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DEMONSTRATION AND TECHNOLOGY TRANSFER PROGRAM.—The Secretary shall establish a demonstration program for the implementation of innovative technologies for renewable uninterruptible power supply systems located in eligible buildings and for the dissemination of information on those systems to interested parties.

(c) LIMIT ON FEDERAL FUNDING.—The Secretary shall provide not more than 40 percent of the costs of projects funded under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2009.

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By Mr. JEFFORDS (for himself, Ms. SNOWE, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. REED, Mr. KERRY, Mr. DODD, Mrs. BOXER, and Mr. LAUTENBERG):

S. 427. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for a Federal renewable portfolio standard; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Renewable Energy Investment Act of 2005 to accelerate the use of clean, domestic renewable energy sources as an integral part of our Nation's electrical generation.

A recent episode of the television show, West Wing, portrayed renewable energy as science fiction. The truth is closer to Reality TV.

Eighteen States, plus the District of Columbia, have already instituted minimum renewable standards. This bill would establish a national renewable portfolio standard requiring that, by the year 2020, 20 percent of U.S. electricity be derived from clean, domestically produced renewable energy including wind, solar, biomass, geothermal and wave energy.

As the ranking member of the Senate Environment and Public Works Committee, I think obtaining 20 percent of our country's electricity from renewable energy represents the modest end of what we could achieve.

Let me offer five reasons why I believe we need a national commitment to encourage renewable power.

First, renewable power would help consumers by reducing electricity prices. According to data provided by the Bush administration's Energy Department, a 20 percent renewables requirement similar to that set forth in the bill I am introducing today would lower consumer energy costs by the year 2020. Why? Because adding additional renewables to our energy mix will decrease the pressure on natural gas supplies, bringing overall costs down.

This point is worth repeating. Despite concerns from those in the fossil fuel and nuclear industries, the Department of Energy has consistently found that a mandatory renewable portfolio standard would not raise overall energy costs and would have no significant adverse impact on America's wallets.

Estimates are that reaching 10 percent renewable energy production by the year 2020 could reduce the demand for natural gas by as much as 1.4 trillion cubic feet, and could reduce the price of natural gas by 6 percent. With the higher renewable portfolio standard in my bill, the price reductions are even greater.

I have received letters from the chemical industry expressing deep concern about the high price of natural gas, and imploring me to take steps to help alleviate shortages and reduce costs.

Much to my consternation, however, neither the chemical industry, nor this administration have addressed the obvious link between increasing renewable energy production and easing demand on natural gas supplies. Instead, their solutions have been to open sensitive lands to more drilling, reduce environmental compliance and advance clean coal technologies.

Whatever merits there may be to some of their suggestions, an obvious step that should be taken is diversifying our energy sector and easing the growing demand on natural gas by promoting other clean energies which can be readily produced on American soil.

The second reason for a national commitment to encourage renewable power is the public health and environmental benefits.

Electricity generation is the leading source of U.S. carbon emissions, accounting for over 40 percent of the total. Carbon dioxide emissions are the primary greenhouse gas, contributing to harmful climate change. A 20 percent renewables requirement would, according to the U.S. Department of Energy, reduce carbon emissions from power plants by up to 18 percent by the year 2020.

A 20 percent renewables requirement would also significantly reduce emissions of sulfur and nitrogen oxides. These pollutants contaminate our water, cause smog and acid rain, and contribute to respiratory illnesses. As a result, a renewable portfolio standard would help alleviate asthma, which has become the most common chronic disease for children.

Coal burning electric power plants are also the largest source of mercury pollution, releasing an estimated 98,000 pounds of mercury directly into the air, and generating an additional 80,000 pounds a year in mercury tainted waste. A renewable portfolio standard would help the estimated five million women and children regularly exposed to mercury at levels that EPA considers unsafe.

And according to the Department of Energy, these public health benefits would be achieved without raising consumer energy costs.

Third, a 20 percent renewable portfolio standard would enhance our national security by diversifying our energy supply. As we increase our reliance on natural gas, much of the demand may have to be met by liquified natural gas shipped to the U.S. from other countries. It is unthinkable that we should sink to greater reliance on foreign fuel imports when we have abundant, inexhaustible renewable energy right here.

Further, much of the U.S. energy system including power plants, refineries, and pipelines, present significant safety and security risks. Renewable energy facilities are generally smaller, more geographically dispersed and do

not involve disposal or transportation of radioactive or combustible materials.

A 20 percent renewable portfolio standard such as I offer today will help bring the costs of on-site generation down even further, making providing your own electricity a reality for a growing number of homes and facilities. In these times when we worry about the potential security of our energy grid, that option becomes increasingly attractive.

Fourth, a national renewable portfolio standard builds on the successful experiments by the States. To date, 18 States, plus the District of Columbia, have adopted mandatory renewable energy standards. These State programs provide excellent incentives for renewable energy. In September 2004, New York created the second-largest new renewable energy market in the country, behind only California, when the state Public Service Commission adopted a standard of 24 percent by 2013. Earlier in 2004, Hawaii, Maryland, and Rhode Island also enacted minimum renewable electricity standards.

Texas has one of the most successful state programs. The Texas Renewable portfolio standard was signed into law by then Governor George W. Bush, and administered by Pat Wood, who now chairs the Federal Energy Regulatory Commission. These men know the value of renewable energy. Texas now has enough wind power to run about 300,000 homes a year, with huge benefits to ranchers who can lease acreage for wind turbines.

However, as good as these State efforts are, they are subject to the inherent limitation that they can only address electricity sales and production within their own State boundaries. Yet as we know, electricity generation and transmission are regional in nature. State renewable requirements alone cannot provide the market and other mechanisms necessary to address regional and national electricity transmission.

But these State programs demonstrate that renewables requirements can work, and operate to the benefit of consumers.

Finally, I call for a national commitment to encourage renewable power because a cleaner energy future is in our grasp. The U.S. has the technical capacity to generate 4.5 times its current electricity needs from renewable energy resources. European investment continues to outstrip U.S. markets, but that is changing. Worldwide, approximately 6,500 megawatts of new wind energy generating capacity were installed, amounting to annual sales of about $7 billion. Almost a third of that came from the United States, which installed nearly 1,700 megawatts of new wind energy in 2001, or $1.7 billion worth of new wind energy generating capacity.

Yet, renewable energy still accounts for only a little over 2 percent of U.S. electricity generation.

It is not that we expect this renewable portfolio standard to make conventional energy sources obsolete. Undoubtedly, fossil, nuclear and other fuels will be with us for some time. But isn't it time that we charted our future with cleaner energies? The potential is there, but we have to give it the assistance of market incentives, as we have traditionally done for our more established fuel sources.

I urge my colleagues to again demonstrate our strong commitment to renewables and support my legislation. 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. 427

*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 ''Renewable Energy Investment Act of 2005''.

**SEC. 2. RENEWABLE PORTFOLIO STANDARD.**

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**''SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

''(a) DEFINITIONS.—In this section:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) organic material from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

''(I) a forest-related resource, including—

''(aa) mill and harvesting residue;

''(bb) precommercial thinnings;

''(cc) slash; and

''(dd) brush;

''(II) agricultural resources, including—

''(aa) orchard tree crops;

''(bb) vineyards;

''(cc) grains;

''(dd) legumes;

''(ee) sugar; and

''(ff) other crop by-products or residues; or

''(III) miscellaneous waste such as—

''(aa) waste pallet;

''(bb) crate; and

''(cc) landscape or right-of-way tree trimmings; and

''(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(B) EXCLUSIONS.—The term 'biomass' shall not include—

''(i) municipal solid waste that is incinerated;

''(ii) recyclable post-consumer waste paper;

''(iii) painted, treated, or pressurized wood;

''(iv) wood contaminated with plastics or metals; or

''(v) tires.

''(2) DISTRIBUTED GENERATION.—The term 'distributed generation' means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

''(3) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

''(4) LANDFILL GAS.—The term 'landfill gas' means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

''(5) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from

''(A) a renewable energy source; or

''(B) hydrogen that is produced from a renewable energy source.

''(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' means—

''(A) wind;

''(B) ocean waves;

''(C) biomass;

''(D) solar;

''(E) landfill gas;

''(F) incremental hydropower; or

''(G) geothermal.

''(7) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person or entity that sells retail electricity to consumers, and which sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) RENEWABLE ENERGY REQUIREMENTS.—

''(1) IN GENERAL.—For each calendar year beginning in Calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower (excluding incremental hydropower) electricity sold to retail consumers during the previous calendar year.

''(2) CARRYOVER.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next two years.

''(c) REQUIRED ANNUAL PERCENTAGE.—Of the total amount of non-hydropower (excluding incremental hydropower) electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

| ''Calendar years: | Percentage of Renewable energy Each year: |
|---|---|
| 2006–2009 | 5 |
| 2010–2014 | 10 |
| 2015–2019 | 15 |
| 2020 and subsequent years | 20 |

''(d) SUBMISSION OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—To meet the requirements under subsection (b), a retail electric supplier shall submit to the Secretary either—

''(A) renewable energy credits issued to the retail electric supplier under subsection (f);

''(B) renewable energy credits obtained by purchase or exchange under subsection (g);

''(C) renewable energy credits purchased from the United States under subsection (h); or

''(D) any combination of credits under subsections (f), (g) or (h).

''(2) PROHIBITION ON DOUBLE COUNTING.—A credit may be counted toward compliance with subsection (b) only once.

''(e) RENEWABLE ENERGY CREDIT PROGRAM.—The Secretary shall establish, not later than 1 year after the date of enactment of this Act, a program to issue, monitor the sale or exchange of, and track, renewable energy credits.

''(f) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Under the program established in subsection (e), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(2) APPLICATION.—An application for the issuance of renewable energy credits shall indicate—

''(A) the type of renewable energy resource used to produce the electric energy;

''(B) the State in which the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3) CREDIT VALUE.—Except as provided in subparagraph (4), the Secretary shall issue to an entity applying under this subsection 1 renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this Act and in each subsequent calendar year.

''(4) CREDIT VALUE FOR DISTRIBUTED GENERATION.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

''(5) VESTING.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless such owner explicitly transfers the credit.

''(6) CREDIT ELIGIBILITY.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator. If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

''(7) IDENTIFYING CREDITS.—The Secretary shall identify renewable energy credits by the type and date of generation.

''(8) SALE UNDER PURPA CONTRACT.—When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier is treated as the generator of the electric energy for the purposes of this Act for the duration of the contract.

''(g) SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit. Credits may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

''(h) PURCHASE FROM THE UNITED STATES.—The Secretary shall offer renewable energy credits for sale at the lesser of three cents per kilowatt-hour or 110 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per credit for such calendar year.

''(i) STATE PROGRAMS.—Nothing in this section shall preclude any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

''(j) CONSUMER ALLOCATION.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b). A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

''(k) ENFORCEMENT.—A retail electric supplier that does not submit renewable energy credits as required under subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of credits for the compliance period.

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

''(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(m) VOLUNTARY PARTICIPATION.—The Secretary may issue a renewable energy credit pursuant to subsection (f) to any entity not subject to the requirements of this Act only if the entity applying for such credit meets the terms and conditions of this Act to the same extent as entities subject to this Act.

''(n) STATE RENEWABLE ENERGY GRANT PROGRAM.—

''(1) DISTRIBUTION TO STATES.—The Secretary shall distribute amounts received from sales under subsection (h) and from amounts received under subsection (k) to States to be used for the purposes of this section.

''(2) REGIONAL EQUITY PROGRAM.—

''(A) ESTABLISHMENT OF PROGRAM.—Within 1 year from the date of enactment of this Act, the Secretary shall establish a program to promote renewable energy production and use consistent with the purposes of this section.

''(B) ELIGIBILITY.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

''(i) renewable energy research and development;

''(ii) loan guarantees to encourage construction of renewable energy facilities;

''(iii) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

''(iv) promoting distributed generation.

''(3) ALLOCATION PREFERENCES.—In allocating funds under the program, the Secretary shall give preference to—

''(A) States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) State grant programs most likely to stimulate or enhance innovative renewable energy technologies.''.

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By Mr. TALENT (for himself, Mr. WYDEN, Mr. ALLEN, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. GRAHAM, and Mr. VITTER):

S. 428. A bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA–21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes; to the Committee on Finance.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 428

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

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Build America Bonds Act of 2005''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Our Nation's highways, public transportation systems, and rail systems drive our economy, enabling all industries to achieve growth and productivity that makes America strong and prosperous.

(2) The establishment, maintenance, and improvement of the national transportation network is a national priority, for economic, environmental, energy, security, and other reasons.

(3) The ability to move people and goods is critical to maintaining State, metropolitan, rural, and local economies.

(4) The construction of infrastructure requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries.

(5) Investing in transportation infrastructure creates long-term capital assets for the Nation that will help the United States address its enormous infrastructure needs and improve its economic productivity.

(6) Investment in transportation infrastructure creates jobs and spurs economic activity to put people back to work and stimulate the economy.

(7) Every billion dollars in transportation investment has the potential to create up to 47,500 jobs.

(8) Every dollar invested in the Nation's transportation infrastructure yields at least $5.70 in economic benefits because of reduced delays, improved safety, and reduced vehicle operating costs.

(9) The proposed increases to the Transportation Equity Act for the 21st Century (TEA–21) will not be sufficient to compensate for the Nation's transportation infrastructure deficit.

(b) PURPOSE.—The purpose of this Act is to provide financing for long-term infrastructure capital investments that are not currently being met by existing transportation and infrastructure investment programs, including mega-projects, projects of national significance, multistate transportation corridors, intermodal transportation facilities, and transportation and security improvements to highways, public transportation systems, and rail systems.

**SEC. 3. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.**

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

**''Subpart H—Nonrefundable Credit for Holders of Build America Bonds**

''Sec. 54. Credit to holders of Build America bonds.

**"SEC. 54. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.**

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a Build America bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a Build America bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any Build America bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) BUILD AMERICA BOND.—For purposes of this part, the term 'Build America bond' means any bond issued as part of an issue if—

''(1) the net spendable proceeds from the sale of such issue are to be used—

''(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

''(B) for deposit in the Build America Trust Account for repayment of Build America bonds at maturity,

''(2) the bond is issued by the Transportation Finance Corporation, is in registered form, and meets the Build America bond limitation requirements under subsection (g),

''(3) the Transportation Finance Corporation certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

''(4) the Transportation Finance Corporation certifies that the State in which an approved qualified project is located meets the requirement described in subsection (l),

''(5) except for bonds issued in accordance with subsection (g)(6), the term of each bond which is part of such issue does not exceed 30 years,

''(6) the payment of principal with respect to such bond is the obligation of the Transportation Finance Corporation, and

''(7) with respect to bonds described in paragraph (1)(A), the issue meets the requirements of subsection (h) (relating to arbitrage).

''(f) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means any—

''(A) qualified highway project, and

''(B) qualified public transportation project,

proposed by 1 or more States and approved by the Transportation Finance Corporation.

''(2) QUALIFIED HIGHWAY PROJECT.—

''(A) IN GENERAL.—The term 'qualified highway project' means any—

''(i) project of regional or national significance,

''(ii) multistate corridor program,

''(iii) border planning, operations, technology, and capacity improvement program, and

''(iv) freight intermodal connector project.

''(B) PROJECTS OF REGIONAL AND NATIONAL SIGNIFICANCE.—

''(i) IN GENERAL.—The term 'project of regional or national significance' means the eligible project costs of any surface transportation project which is eligible for Federal assistance under title 23, United States Code, including any freight rail project and activity eligible under such title, if such eligible project costs are reasonably anticipated to equal or exceed the lesser of—

''(I) $100,000,000, or

''(II) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

''(ii) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities, and

''(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

''(iii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation may approve a project of regional or national significance only if the Corporation determines that the project is based on the results of preliminary engineering, and is justified based on the project's ability—

''(I) to generate national or regional economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product,

''(II) to reduce congestion, including impacts in the State, region, and Nation,

''(III) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities, and

''(IV) to otherwise enhance the national transportation system.

''(C) MULTISTATE CORRIDOR PROGRAM.—

''(i) IN GENERAL.—The term 'multistate corridor program' means any program for multistate highway and multimodal planning studies and construction.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any multistate corridor program—

''(I) the existence and significance of signed and binding multijurisdictional agreements,

''(II) prospects for early completion of the program, or

''(III) whether the projects under such program to be studied or constructed are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

''(D) BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY IMPROVEMENT PROGRAM.—

''(i) IN GENERAL.—The term 'border planning, operations, technology, and capacity improvement program' means any program which includes 1 or more eligible activities to support coordination and improvement in bi-national transportation planning, operations, efficiency, information exchange, safety, and security at the international borders of the United States with Canada and Mexico.

''(ii) ELIGIBLE ACTIVITIES.—For purposes of this subparagraph, the term 'eligible activities' means—

''(I) highway and multimodal planning or environmental studies,

''(II) cross-border port of entry and safety inspection improvements, including operational enhancements and technology applications,

''(III) technology and information exchange activities, and

''(IV) right-of-way acquisition, design, and construction, as needed to implement the enhancements or applications described in subclauses (II) and (III), to decrease air pollution emissions from vehicles or inspection facilities at border crossings, or to increase highway capacity at or near international borders.

''(E) FREIGHT INTERMODAL CONNECTOR PROJECT.—

''(i) IN GENERAL.—The term 'freight intermodal connector project' means any project for the construction of and improvements to publicly owned freight intermodal connectors to the National Highway System, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems), except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any freight intermodal connector project the criteria set forth in the report of the Department of Transportation to Congress entitled 'Pulling Together: The NHS and its Connections to Major Intermodal Terminals'.

''(iii) FREIGHT INTERMODAL CONNECTOR.—The term 'freight intermodal connector' means the roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

''(iv) INTERMODAL FREIGHT FACILITY.—The term 'intermodal freight facility' means a port, airport, truck-rail terminal, and pipeline-truck terminal.

''(3) QUALIFIED PUBLIC TRANSPORTATION PROJECT.—The term 'qualified public transportation project' means a project for public transportation facilities or other facilities which are eligible for assistance under title 49, United States Code, including intercity passenger rail.

''(g) LIMITATION ON AMOUNT OF BONDS DESIGNATED; ALLOCATION OF BOND PROCEEDS.—

''(1) NATIONAL LIMITATION.—There is a Build America bond limitation for each calendar year. Such limitation is—

''(A) with respect to bonds described in subsection (e)(1)(A)—

''(i) $5,500,000,000 for 2005,

''(ii) $8,000,000,000 for 2006,

''(iii) $8,000,000,000 for 2007,

''(iv) $3,000,000,000 for 2008,

''(v) $3,000,000,000 for 2009,

''(vi) $2,500,000,000 for 2010, and

''(vii) except as provided in paragraph (4), zero thereafter, plus

''(B) with respect to bonds described in subsection (e)(1)(B), such amount each calendar year as determined necessary by the Transportation Finance Corporation to provide funds in the Build America Trust Account for the repayment of Build America bonds at maturity, except that the aggregate amount of such bonds for all calendar years shall not exceed $9,000,000,000,000.

''(2) ALLOCATION OF BONDS FOR HIGHWAY AND PUBLIC TRANSPORTATION PURPOSES.—Except with respect to qualified projects described in subsection (j)(3), and subject to paragraph (3)—

''(A) QUALIFIED HIGHWAY PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 80 percent of the net spendable proceeds to the States for qualified highway projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(B) QUALIFIED PUBLIC TRANSPORTATION PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 20 percent of the net spendable proceeds to the States for qualified public transportation projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(3) MINIMUM ALLOCATIONS TO STATES.—In making allocations for each calendar year under paragraph (2), the Transportation Finance Corporation shall ensure that the amount allocated for qualified projects located in each State for such calendar year is not less than ½ percent of the total amount allocated for such year.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the limitation amount imposed by paragraph (1) exceeds the amount of Build America bonds issued during such year, such excess shall be carried forward to one or more succeeding calendar years as an addition to the limitation imposed by paragraph (1) and until used by issuance of Build America bonds.

''(5) ISSUANCE OF SMALL DENOMINATION BONDS.—From the Build America bond limitation for each year, the Transportation Finance Corporation shall issue a limited quantity of Build America bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in America's infrastructure.

''(h) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Transportation Finance Corporation reasonably expects—

''(A) to spend at least 85 percent of the net spendable proceeds from the sale of the issue for 1 or more qualified projects within the 5-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the net spendable proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 12-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the net spendable proceeds from the sale of the issue.

''(2) SPENT PROCEEDS.—Net spendable proceeds are considered spent by the Transportation Finance Corporation when a sponsor of a qualified project obtains a reimbursement from the Transportation Finance Corporation for eligible project costs.

''(3) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—If at least 85 percent of the net spendable proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 5-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if the Transportation Finance Corporation uses all unspent net spendable proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 5-year period.

''(4) REALLOCATION.—In the event the recipient of an allocation under subsection (g) fails to demonstrate to the satisfaction of the Transportation Finance Corporation that its actions will allow the Transportation Finance Corporation to meet the requirements under this subsection, the Transportation Finance Corporation may redistribute the allocation meant for such recipient to other recipients.

''(i) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a Build America bond ceases to be such a qualified bond, the Transportation Finance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the Transportation Finance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(j) BUILD AMERICA TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a Build America Trust Account by the Transportation Finance Corporation:

''(A) The proceeds from the sale of all bonds issued under this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the Build America Trust Account may be used only to pay costs of qualified projects, redeem Build America bonds, and fund the operations of the Transportation Finance Corporation, except that amounts withdrawn from the Build America Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of Build America bonds described in subsection (e)(1)(A).

''(3) USE OF REMAINING FUNDS IN BUILD AMERICA TRUST ACCOUNT.—Upon the redemption of all Build America bonds issued under this section, any remaining amounts in the Build America Trust Account shall be available to the Transportation Finance Corporation to pay the costs of any qualified project.

''(4) COSTS OF QUALIFIED PROJECTS.—For purposes of this section, the costs of qualified projects which may be funded by amounts in the Build America Trust Account may only relate to capital investments in depreciable assets and may not include any costs relating to operations, maintenance, or rolling stock.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under the Build America Trust Account for similar qualified projects, including contributions required under subsection (k), and

''(B) similar qualified projects assisted by the Transportation Finance Corporation through the use of such funds.

''(6) INVESTMENT.—It shall be the duty of the Transportation Finance Corporation to invest in investment grade obligations such portion of the Build America Trust Account as is not, in the judgment of the Board of Directors of the Transportation Finance Corporation, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support transportation investment at the State and local level.

''(k) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (e)(3), the State contribution requirement of this subsection is met with respect to any qualified project if the Transportation Finance Corporation has received from 1 or more States, not later than the

date of issuance of the bond, written commitments for matching contributions of not less than 20 percent (or such smaller percentage as determined under title 23, United States Code, for such State) of the cost of the qualified project.

''(2) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(l) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (e)(4), the requirement of this subsection is met if the appropriate State agency relating to the qualified project has updated its accepted construction technologies to match a list prescribed by the Secretary of Transportation and in effect on the date of the approval of the project as a qualified project.

''(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' shall only include costs of issuance of Build America bonds and operation costs of the Transportation Corporation.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) NET SPENDABLE PROCEEDS.—The term 'net spendable proceeds' means the proceeds from the sale of any Build America bond issued under this section reduced by not more than 5 percent of such proceeds for administrative costs.

''(4) STATE.—The term 'State' shall have the meaning given such term by section 101 of title 23, United States Code.

''(5) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1)(A), the net spendable proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Transportation Finance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions which may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a Build America bond.

''(6) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(7) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Build America bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(8) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a Build America bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the Build America bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(9) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(10) REPORTING.—The Transportation Finance Corporation shall submit reports similar to the reports required under section 149(e).

''(11) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay costs associated with the Build America bonds issued under this section.''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON BUILD AMERICA BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF BUILD AMERICA BONDS.''.

(2) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 4. TRANSPORTATION FINANCE CORPORATION.**

(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the ''Transportation Finance Corporation'' (hereafter in this section referred to as the ''Corporation''). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29–301 et seq.) shall apply.

(c) FUNCTIONS OF CORPORATION.—The Corporation shall—

(1) issue Build America bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

(2) establish and operate the Build America Trust Account as required under section 54(j) of such Code,

(3) act as a centralized entity to provide financing for qualified projects,

(4) leverage resources and stimulate public and private investment in transportation infrastructure,

(5) encourage States to create additional opportunities for the financing of transportation infrastructure and to provide technical assistance to States, if needed,

(6) perform any other function the sole purpose of which is to carry out the financing of qualified projects through Build America bonds, and

(7) not later than February 15 of each year submit a report to Congress—

(A) describing the activities of the Corporation for the preceding year, and

(B) specifying whether the amounts deposited and expected to be deposited in the Build America Trust Account are sufficient to fully repay at maturity the principal of any outstanding Build America bonds issued pursuant to such section 54.

(d) POWERS OF CORPORATION.—The Corporation—

(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

(2) may adopt, alter, and use a seal, which shall be judicially noticed,

(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this Act, and

(9) shall have such other powers as may be necessary and incident to carrying out this Act.

(e) NONPROFIT ENTITY; RESTRICTION ON USE OF MONEYS; CONFLICT OF INTERESTS; AUDITS.—

(1) NONPROFIT ENTITY.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

(2) RESTRICTION.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such

revenue, earnings, or other income or property shall only be used for carrying out the purposes of this Act.

(3) CONFLICT OF INTERESTS.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(4) AUDITS.—

(A) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(i) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants that are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(ii) REPORTING REQUIREMENTS.—The report of each annual audit described in clause (i) shall be included in the annual report required by subsection (c)(8).

(B) RECORD KEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(i) separate accounts with respect to such assistance,

(ii) such records as may be reasonably necessary to fully disclose—

(I) the amount and the disposition by such recipient of the proceeds of such assistance,

(II) the total cost of the project or undertaking in connection with which such assistance is given or used, and the extent to which such costs are for a qualified project, and

(III) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and

(iii) such other records as will facilitate an effective audit.

(C) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance.

(f) EXEMPTION FROM TAXES.—

(1) IN GENERAL.—The Corporation, including its franchise, capital, reserves, surplus, sinking funds, mortgages or other security holdings, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(2) FINANCIAL OBLIGATIONS.—Build America bonds or other obligations issued by the Corporation and the interest on or tax credits with respect to its bonds or other obligations shall not be subject to taxation by any State, county, municipality, or local taxing authority.

(g) ASSISTANCE FOR TRANSPORTATION PURPOSES.—

(1) IN GENERAL.—In order to carry out the corporate functions described in subsection (c), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any Federal department or agency, to the extent permitted by law.

(2) AGREEMENT.—In order to receive any assistance described in this subsection, the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(A) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate functions described in subsection (c), and

(B) to review the activities of State transportation agencies and other entities receiving assistance from the Corporation to assure that the corporate functions described in subsection (c) are carried out.

(3) CONSTRUCTION.—Nothing in this section shall be construed to establish the Corporation as a department, agency, or instrumentality of the United States Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the United States Government.

(h) MANAGEMENT OF CORPORATION.—

(1) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT CONSIDERATIONS; TERM; VACANCIES.—

(A) BOARD OF DIRECTORS.—The management of the Corporation shall be vested in a board of directors composed of 15 members appointed by the President, by and with the advice and consent of the Senate.

(B) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

(C) INDIVIDUALS FROM PRIVATE LIFE.—Eleven members of the Board shall be appointed from private life.

(D) FEDERAL OFFICERS AND EMPLOYEES.—Four members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with infrastructure development.

(E) APPOINTMENT CONSIDERATIONS.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to infrastructure development processes. Members of the Board shall be appointed so that not more than 8 members of the Board are members of any 1 political party.

(F) TERMS.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 5 shall be appointed for terms of 1 year and 5 shall be appointed for terms of 2 years.

(G) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

(2) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

(3) QUORUM.—A majority of the Board shall constitute a quorum.

(4) PRESIDENT OF CORPORATION.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.

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By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 429. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, today I introduce legislation that is a first step in giving the Upper Housatonic Valley, a nationally significant area, the acknowledgment and resources it deserves. Designation of the upper Housatonic Valley as a national heritage area will enhance and foster public-private partnerships to educate residents and visitors about the region; improve the area's economy through business investment, job expansion, and tourism; and protect the area's natural and cultural heritage.

The Upper Housatonic Valley is a unique cultural and geographical region that encompasses in the Housatonic River watershed, extending 60 miles from Lanesboro, MA to Kent, CT. The valley has made significant national contributions through literary, artistic, musical, and architectural achievements; as the backdrop for important Revolutionary War era events; as the cradle of the iron, paper, and electrical industries; and as home to key figures and events in the abolitionist and civil rights movements. It includes five National Historic Landmarks and four National Natural Landmarks.

The Upper Housatonic Valley National Heritage Area Act would officially designate the region as part of the National Park Service system. It would also authorize funding for a variety of activities that conserve the significant natural, historical, cultural, and scenic resources, and that provide educational and recreational opportunities in the area. The Upper Housatonic Valley is part of our national identity. Making it a National Heritage Area will preserve and develop the experiences that connect us to our history and heritage as Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 429

*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 Housatonic Valley National Heritage Area Act''.

**SEC. 2. 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) five National Historic Landmarks—

(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) four National Natural Landmarks—

(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 seventeenth and eighteenth 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 Act 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. 3. DEFINITIONS.**

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 4.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 6.

(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. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(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) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

**SEC. 5. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(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 management entity receives Federal funds under this Act, 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 Act, 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 management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act 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 management entity may not use Federal funds received under this Act 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. 6. 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 management 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 Act; and

(9) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this Act.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this Act until such time as the management plan is submitted to and approved by the Secretary.

**SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon the request of the management 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 management 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—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND 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 FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management 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 management 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 management 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 within 60 days after the date it is submitted.

(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 management entity shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

**SEC. 8. 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 management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act 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 which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act 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 Area under this Act.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

**SEC. 10. SUNSET.**

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of enactment of the Act.

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By Ms. CANTWELL:

S. 430. A bill to arrest methamphetamine abuse in the United States; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, today I am introducing legislation to ensure that law enforcement has the resources it needs to address and eventually solve the methamphetamine crisis in this country. My bill is entitled the Arrest Methamphetamine Act of 2005. It would create a new formula-based grant program for States that have enacted sophisticated laws governing the sale of the precursor products used to make meth. My legislation is designed to help communities cope with the myriad problems being caused by meth, and ultimately to stop the growing meth epidemic in its tracks.

Never before has creating a separate program to finance the battle against meth been so critical. I am dismayed to see that the President's fiscal year 2006 budget request mortally wounds the COPS program and that his budget finishes off the already slashed and reconstituted Byrne grants program. These two mechanisms have provided anti-meth funds for years now, and each year, the administration's efforts to undermine the COPS program and the Byrne grants program further jeopardize law enforcement efforts against meth and the many other important law enforcement-related initiatives that these two programs have carried out for so many years. While I plan to work hard with my colleagues to restore funding to the COPS and Byrne programs generally, I do not see that our efforts to save these programs every year from the administration's chopping block is the best way to ensure that necessary financial resources are there for all aspects of the meth fight.

While the administration was busy slashing the $499 million COPS program all the way down to $22 million, the meth problems that the COPS program addresses only got worse. Meth abuse, as an epidemic, started in the West and the Midwest, but has more recently begun to move east. Meth use and production is exploding in North Carolina. Georgia law enforcement officials recently had one of the largest meth busts on record, and Missouri, Iowa and Minnesota have been inundated by severe meth problems. In 2003, methamphetamine was identified as the greatest drug threat by 90.9 percent of local law enforcement agencies in the Pacific region. By comparison, only 5.3 percent of agencies reporting identified cocaine as their biggest threat, followed by marijuana at 2.1 percent and heroin at less than 1 percent.

This epidemic of meth has permeated the most urban and most rural communities. Meth labs range in sophistication from being run by multi-national organized crime rings to back alley cook shops, and they exist in crudely converted farm houses and in illicit high-financed facilities run by Mexican drug rings. Meth victims are of all ages, and there is heart-wrenching data and anecdotes on meth addiction of mothers, and the impact of adult meth addiction on their very young children.

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. 430

*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 ''Arrest Methamphetamine Act of 2005''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Methamphetamine (meth) is an extremely dangerous and highly addictive drug.

(2) Methamphetamine use contributes to the perpetration of violent crimes, particularly burglary, child abuse, and crimes of substantial cost and personal pain to the victims, including identity theft.

(3) Methamphetamine labs produce hazardous conditions because of their use of chemicals such as anhydrous ammonia, ether, sulfuric acid, and other toxins which are volatile, corrosive and poisonous. When these substances are illegally disposed of in rivers, streams, and other dump areas, explosions and serious environmental damage can and does result.

(4) Since 2001, Federal funding has been provided through the Department of Justice COPS and Byrne Grant programs to address methamphetamine enforcement and clean up. Since 2002, although the methamphetamine problem has been growing and spreading across the United States, COPS funding has been cut each successive year, from $70,500,000 in 2002, to under $52,000,000 in 2005.

(5) As methamphetamine has impacted more States each year, the dwindling Federal funds have been parsed into smaller amounts. Each State deserves greater Federal support and a permanent funding mechanism to confront the challenging problem of methamphetamine abuse.

(6) Permanent Federal funding support for meth enforcement and clean-up is critical to the efforts of State and local law enforcement to reduce the use, manufacture, and sale of methamphetamine, and thus, reduce the crime rate.

(7) It is necessary for the Federal Government to establish a long-term commitment to confronting methamphetamine use, sale, and manufacture by creating a permanent funding mechanism to assist States.

**SEC. 3. CONFRONTING THE USE OF METHAMPHETAMINE.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

**"PART HH—CONFRONTING USE OF METHAMPHETAMINE**

**"SEC. 2991. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE.**

''(a) PURPOSE AND PROGRAM AUTHORITY.—

''(1) PURPOSE.—It is the purpose of this part to assist States—

''(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

''(B) to improve the ability of State and local government institutions of to carry out such programs.

''(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

''(A) arrest individuals violating laws related to the use, manufacture, or sale of methamphetamine;

''(B) undertake methamphetamine clandestine lab seizures and environmental clean up;

''(C) provide for community-based education, awareness, and prevention;

''(D) provide child support and family services related to assist users of methamphetamine and their families;

''(E) facilitate intervention in methamphetamine use;

''(F) facilitate treatment for methamphetamine addiction;

''(G) provide Drug Court and Family Drug Court services to address methamphetamine;

''(H) provide community policing to address the problem of methamphetamine use;

''(I) support State and local health department and environmental agency services deployed to address methamphetamine;

''(J) prosecute violations of laws related to the use, manufacture, or sale of methamphetamine; and

''(K) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General assurances that the State has implemented, or will implement prior to receipt of a grant under this section laws, policies, and programs that restrict the wholesale and limit sale of products used as precursors in the manufacture of methamphetamine.

**"SEC. 2992. APPLICATIONS.**

''(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

''(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

''(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

''(1) include a long-term statewide strategy that—

''(A) reflects consultation with appropriate public and private agencies, tribal governments, and community groups;

''(B) represents an integrated approach to addressing the use, manufacture, and sale of methamphetamine that includes—

''(i) arrest and clandestine lab seizure;

''(ii) training for law enforcement, fire and other relevant emergency services, health care providers, and child and family service providers;

''(iii) intervention;

''(iv) child and family services;

''(v) treatment;

''(vi) drug court;

''(vii) family drug court;

''(viii) health department support;

''(ix) environmental agency support;

''(x) prosecution; and

''(xi) evaluation of the effectiveness of the program and description of the efficacy of components of the program for the purpose of establishing best practices that can be widely replicated by other States; and

''(C) where appropriate, incorporate Indian Tribal participation to the extent that an Indian Tribe is impacted by the use, manufacture, or sale of methamphetamine;

''(2) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

''(3) certify that there has been appropriate coordination with all affected State and local government institutions and that the State has involved counties and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of programs to address the use, manufacture, or sale of methamphetamine;

''(4) certify that the State will share funds received under this part with counties and other units of local government, taking into account the burden placed on these units of government when they are required to address the use, manufacture, or sale of methamphetamine;

''(5) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

''(6) explain how the grant will be utilized to enhance government response to the use, manufacture, and sale of methamphetamine;

''(7) demonstrate a specific public safety need;

''(8) explain the applicant's inability to address the need without Federal assistance;

''(9) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(10) certify that funds received under this part will be used to supplement, not supplant, other Federal, State, and local funds.

**"SEC. 2993. PLANNING GRANTS.**

''(a) ELIGIBLE ENTITY.—The Attorney General through the Bureau of Justice Assistance in the Office of Justice Programs, may make grants under this section to States, Indian tribal governments, and multi-jurisdictional or regional consortia thereof to develop a comprehensive, cooperative strategy to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(b) AUTHORIZATION.—The Attorney General is authorized to provide grants under this section not exceeding $100,000 per eligible entity for such entity to—

''(1) define the problem of the use, manufacture, or sale of methamphetamine within the jurisdiction of the entity;

''(2) describe the public and private organization to be involved in addressing methamphetamine use, manufacture, or sale; and

''(3) describe the manner in which these organizations will participate in a comprehensive, cooperative, and integrated plan to address the use, manufacture, or sale of methamphetamine.

**"SEC. 2994. ENFORCEMENT GRANTS.**

''Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 2993 shall be allocated to States as follows:

''(1) 0.25 percent or $250,000, whichever is greater, shall be allocated to each of the States.

''(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

**"SEC. 2995. NATIONAL ACTIVITIES.**

''The Attorney General is authorized—

''(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing the use, manufacture, and sale of methamphetamine;

''(2) to establish a national clearinghouse of information on effective programs to address the use, manufacture, and sale of methamphetamine that shall disseminate to State and local agencies describing—

''(A) the results of research on efforts to reduce the use, manufacture, and sale of methamphetamine; and

''(B) information on effective programs, best practices and Federal resources to—

''(i) reduce the use, manufacture, and sale of methamphetamine; and

''(ii) address the physical, social, and family problems that result from the use of methamphetamine through the activities of intervention, treatment, drug courts, and family drug courts;

''(3) to establish a program within the Department of Justice to facilitate the sharing of knowledge in best practices among States addressing the use, manufacture and sale of methamphetamine through State-to-State mentoring, or other means; and

''(4) to provide technical assistance to State agencies and local agencies implementing programs and securing resources to implement effective programs to reduce the use, manufacture, and sale of methamphetamine.

**''SEC. 2996. FUNDING.**

''(a) GRANTS FOR THE PURPOSE OF CONFRONTING THE USE OF METHAMPHETAMINE.—There are authorized to be appropriated to carry out this part—

''(1) $100,000,000 for each fiscal year 2006 and 2007; and

''(2) $200,000,000 for each fiscal year 2008, 2009, and 2010.

''(b) NATIONAL ACTIVITIES.—For the purposes of section 2995, there are authorized to be appropriated such sums as are necessary.''.

**SEC. 4. STATEMENT OF CONGRESS REGARDING AVAILABILITY AND ILLEGAL IMPORTATION OF PSEUDOEPHEDRINE FROM CANADA.**

(a) FINDINGS.—Congress finds that—

(1) pseudoephedrine is a particularly abused basic precursor chemical used in the manufacture of the dangerous narcotic methamphetamine;

(2) the Federal Government, working in cooperation with narcotics agents of State and local governments and the private sector, has tightened the control of pseudoephedrine in the United States in recent years;

(3) in many States, pseudoephedrine can only be purchased in small quantity bottles or blister packs, and laws throughout various States are gradually becoming tougher, reflecting the increasing severity of America's methamphetamine problem; however, the widespread presence of large containers of pseudoephedrine from Canada at methamphetamine laboratories and dumpsites in the United States, despite efforts of law enforcement agencies to stem the flow of these containers into the United States, demonstrates the strength of the demand for, and the inherent difficulties in stemming the flow of, these containers from neighboring Canada; and

(4) Canada lacks a comprehensive legislative framework for addressing the pseudoephedrine trafficking problem.

(b) CALL FOR ACTION BY CANADA.—Congress strongly urges the President to seek commitments from the Government of Canada to begin immediately to take effective measures to stem the widespread and increasing availability in Canada and the illegal importation into the United States of pseudoephedrine.

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By Mr. DEWINE (for himself and Mr. DURBIN):

S. 431. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

Mr. DEWINE. Mr. President, I rise today along with my colleague, Senator DURBIN, to introduce the Presidential Sites Improvement Act of 2005. As we look forward to celebrating President's Day this coming Monday, I can think of no better way to honor our former Chief Executives than by passing this important piece of legislation.

The Presidential Sites Improvement Act would create a new and innovative partnership with public and private entities to preserve and maintain Presidential sites, such as birthplaces, homes, memorials, and tombs. It is our duty to preserve these sites so that future generations of Americans can gain a better understanding of those who influenced the development of our great Nation.

In an era when innovative technology has been incorporated into the curriculum in schools throughout the country, we often forget that one of the best learning tools is that which a child can touch and see. Visiting the birthplace or home of the same individuals talked about in the classroom or read about online provides a completely different atmosphere to appreciate history. The opportunity to visit the actual birthplaces, homes, memorials, and tombs provides a real-life glimpse into the lives of our former Presidents.

Currently, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other non-profit organizations own the majority of these sites. These entities often have little funding and are unable to meet the demands of maintaining such important sites because operating costs must be met before maintenance needs. As a result, these sites are left to deteriorate slowly.

I have visited many of the Presidential historic sites throughout my home State of Ohio, a State that has been the home of eight Presidents. I was disturbed during one such visit to the Ulysses S. Grant house. There, I saw the discoloration and falling plaster due to water damage. At the home of President Warren Harding, the front porch was pulling away from the house—the very same porch where President Harding delivered his now famous campaign speeches. Fortunately, we were able to obtain funding to prevent these two historic treasures from deteriorating further. We need to continue to provide Federal assistance for maintenance projects today in order to prevent larger maintenance problems tomorrow.

These sites are far too important to let slowly decay. Our legislation would authorize grants, administered by the National Park Service, for maintenance and improvement projects on Presidential sites that are not federally owned or managed. A portion of the funds would be set aside for sites that are in need of emergency assistance. To administer this new program, this legislation would establish a five-member committee, including the Director of the National Park Service, a member of the National Trust for Historic Preservation, and a State historic preservation officer. This committee would make grant recommendations to the Secretary of the Interior. Each grant would require that half of the funds come from non-Federal sources. Up to $5 million would be made available annually.

The Presidential Sites Improvement Act would make sure that every American has the chance to appreciate a real piece of history—a chance at understanding the lives of the great men who have led our Nation.

I ask unanimous consent that the text of the legislation I have just introduced be printed in the RECORD.

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

S. 431

*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 ''Presidential Sites Improvement Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) there are many sites honoring Presidents located throughout the United States, including Presidential birthplaces, homes, museums, burial sites, and tombs;

(2) most of the sites are owned, operated, and maintained by non-Federal entities such as State and local agencies, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other nonprofit organizations;

(3) Presidential sites are often expensive to maintain;

(4) many Presidential sites are in need of capital, technological, and interpretive display improvements for which funding is insufficient or unavailable; and

(5) to promote understanding of the history of the United States by recognizing and preserving historic sites linked to Presidents of the United States, the Federal Government should provide grants for the maintenance and improvement of Presidential sites.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) GRANT COMMISSION.—The term ''Grant Commission'' means the Presidential Site Grant Commission established by section 4(d).

(2) PRESIDENTIAL SITE.—The term ''Presidential site'' means a site that is—

(A) related to a President of the United States;

(B) of national significance;

(C) managed, maintained, and operated for, and is accessible to, the public; and

(D) owned or operated by—

(i) a State; or

(ii) a private institution, organization, or person.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

**SEC. 4. GRANTS FOR PRESIDENTIAL SITES.**

(a) IN GENERAL.—The Secretary shall award grants for major maintenance and improvement projects at Presidential sites to owners or operators of Presidential sites in accordance with this section.

(b) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) repairs or capital improvements at a Presidential site (including new construction for necessary modernization) such as—

(i) installation or repair of heating or air conditioning systems, security systems, or electric service; or

(ii) modifications at a Presidential site to achieve compliance with requirements under titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

(B) interpretive improvements to enhance public understanding and enjoyment of a Presidential site.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the funds made available to award grants under this Act—

(i) 15 percent shall be used for emergency projects, as determined by the Secretary;

(ii) 65 percent shall be used for grants for Presidential sites with—

(I) a 3-year average annual operating budget of less than $700,000 (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is less than 3 times the annual operating budget of the site; and

(iii) 20 percent shall be used for grants for Presidential sites with—

(I) an annual operating budget of $700,000 or more (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is equal to or more than 3 times the annual operating budget of the site.

(B) UNEXPENDED FUNDS.—If any funds allocated for a category of projects described in subparagraph (A) are unexpended, the Secretary may use the funds to award grants for another category of projects described in that subparagraph.

(c) APPLICATION AND AWARD PROCEDURE.—

(1) IN GENERAL.—Not later than a date to be determined by the Secretary, an owner or operator of a Presidential site may submit to the Secretary an application for a grant under this section.

(2) INVOLVEMENT OF GRANT COMMISSION.—

(A) IN GENERAL.—The Secretary shall forward each application received under paragraph (1) to the Grant Commission.

(B) CONSIDERATION BY GRANT COMMISSION.—Not later than 60 days after receiving an application from the Secretary under subparagraph (A), the Grant Commission shall return the application to the Secretary with a recommendation of whether the proposed project should be awarded a Presidential site grant.

(C) RECOMMENDATION OF GRANT COMMISSION.—In making a decision to award a Presidential site grant under this section, the Secretary shall take into consideration any recommendation of the Grant Commission.

(3) AWARD.—Not later than 180 days after receiving an application for a Presidential site grant under paragraph (1), the Secretary shall—

(A) award a Presidential site grant to the applicant; or

(B) notify the applicant, in writing, of the decision of the Secretary not to award a Presidential site grant.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section shall not exceed 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section may be provided in cash or in kind.

(d) PRESIDENTIAL SITE GRANT COMMISSION.—

(1) IN GENERAL.—There is established the Presidential Site Grant Commission.

(2) COMPOSITION.—The Grant Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 4 members appointed by the Secretary as follows:

(i) A State historic preservation officer.

(ii) A representative of the National Trust for Historic Preservation.

(iii) A representative of a site described in subsection (b)(2)(A)(ii).

(iv) A representative of a site described in subsection (b)(2)(A)(iii).

(3) TERM.—A member of the Grant Commission shall serve a term of 2 years.

(4) DUTIES.—The Grant Commission shall—

(A) review applications for Presidential site grants received under subsection (c); and

(B) recommend to the Secretary projects for which Presidential site grants should be awarded.

(5) INELIGIBILITY OF SITES DURING TERM OF REPRESENTATIVE.—A site described in clause (iii) or (iv) of paragraph (2)(B) shall be ineligible for a grant under this Act during the 2-year period in which a representative of the site serves on the Grant Commission.

(6) NONAPPLICABILITY OF FACA.—The Grant Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

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By Mr. ALLEN (for himself, Mr. TALENT, Mr. GRAHAM, Mr. MCCAIN, Mr. LOTT, Mr. WARNER, Mr. GRASSLEY, and Mr. THUNE):

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today, with my colleagues, Senators TALENT, GRAHAM, MCCAIN, LOTT, WARNER, GRASSLEY and THUNE, I rise to introduce the Minority Serving Institution Digital & Wireless Technology Opportunity Act of 2005.

This legislation will provide vital resources to address the technology gap that exists at many Minority Serving Institutions, MSIs. With this legislation together, as a country, we move one step closer to eliminating what I like to call the ''economic opportunity divide'' that exists between Minority Serving Institutions and non-minority institutions of higher education.

This legislation will establish a new grant program that provides up to $250 million a year to help Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges upgrade their technology and communications infrastructure.

Since before I was elected to the Senate, my goal has always been to look for ways to improve education and empower all of our young people—regardless of their race, ethnicity, religion or economic background—to compete and succeed in life.

With over 200 Hispanic Serving Institutions; over 100 Historically Black Colleges and Universities and 34 tribal colleges throughout our country, it is clear that Minority Serving Institutions provide a valuable service to the educational strength and future growth of our Nation.

These institutions must have the technology capabilities and infrastructure available to their students and faculty to successfully compete and succeed in today's workforce.

Our goal with this legislation is clear—by increasing access to technology and addressing the technological disparities that exist at Minority Serving Institutions we will provide our young people with important tools for success, both in the classroom and in the workforce.

This nation's economic stability and growth are increasingly dependent on a growing portion of the workforce possessing technological skills.

African Americans, Hispanics and Native Americans constitute one-quarter of the total U.S. workforce. Approximately, one-third of all students of color in this nation are educated at Minority Serving Institutions. It is estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans.

Yet, members of these minorities represent only 7 percent of the U.S. computer and information science workforce; 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty.

At the same time, we know that 60 percent of all jobs require information technology skills and these jobs pay significantly higher salaries than jobs of a non-technical nature.

I am proud to say Virginia is home to five Historically Black Colleges & Universities—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University and Virginia State University.

Mr. President, we must ensure that the students attending these minority institutions are competing on a level playing field when it comes to technology skills and development.

We must tap the talent and potential of these students to ensure that America's workforce is prepared to lead the world.

The legislation allows eligible institutions the opportunity through grants, contracts or cooperative agreements to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology and wireless technology/infrastructure—such as wireless fidelity or WiFi—to develop and provide educational services.

Additionally, the grants can be used for equipment upgrades, technology training and hardware/software acquisition. A Minority Serving Institution also can use the funds to offer its students universal access to campus networks, dramatically increase their connectivity rates, or make necessary infrastructure improvements.

The best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs—which pay higher wages—this

country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this opportunity gap.

Providing equal technological opportunities for all Americans will have a positive impact on our education system, our economic competitiveness and future generations of innovators and leaders.

I encourage all of my colleagues to support this legislation. This exact legislation passed the Senate last year 97–0.

Mr. President, I want to thank my colleagues for joining me today in cosponsoring this legislation and I look forward to working with fellow Senators to push this important measure across the goal-line so that many more college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

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By Mr. ALLEN:

S. 433. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I rise today to introduce legislation that would re-open Ronald Reagan Washington National Airport to all aviation. Since the tragic attacks of September 11, 2001, general aviation flights have not been permitted to operate in and out of Reagan National Airport. My legislation would direct the executive branch to develop and implement standards for the resumption of general aviation flights.

The closing of Reagan National to general aviation was understandable, prudent and tolerable in the weeks and months following the tragedy of September 11. The safety and security of the capital region is paramount and will always guide our decisions. But, despite Congressional action mandating a detailed plan to re-open the airport to general aviation following a massive strengthening of our airports and air traffic control system serving the Washington area, the Federal Government has done little to develop a plan that would allow for the use of Reagan National for private aircraft.

Closing Reagan National to general aviation has had a substantial negative effect on jobs and the economy of the capital region. Non-scheduled air carrier operations at Reagan National once generated an estimated $50 million a year in direct economic activity from charter revenue, aircraft handling and refueling services. The lack of charter and general aviation passengers coming into the city, hotels, restaurants and other service businesses near Reagan National have suffered a significant, negative economic impact as well.

Since September 11, 2001, air charter operators have participated in a rigorous security program that makes their operations just as safe, if not safer, than those of commercial airlines. Charter operators also have the capability to check the names of their passengers against government terrorist watch lists. Given the unique location of the airport, stakeholders in the general aviation industry are willing to comply with virtually any rational government policy that would grant access to Reagan National for general aviation aircraft. Such proposals include using ''gateway'' airports in which all flights into Reagan National must first land for additional screening, and added screening of pilots and passengers. There are also new technological advances that could be required for private planes using Reagan National. Notwithstanding the willingness of those in general aviation to comply with reasonable security procedures that may be implemented, government agencies have remained stolidly silent on the issue.

That is why I have decided to introduce legislation directing the Department of Homeland Security to finalize and implement regulations that would again allow general aviation flights to operate at Reagan National. The measure allows for reasonable requirements to ensure the security of operations at Reagan National. The requirements include screening and certification of flight and ground crews; advance clearance of passenger manifests; physical screening of passengers and luggage; the physical inspection of aircraft; special flight procedures and limiting the airports from which flights can originate.

The Government was able to find conditions under which commercial aviation could operate out of Reagan National following the September 11 terrorist attacks. I see no reason why similar conditions or requirements could not be developed to allow for general aviation to also begin operations again.

Congressionally mandated actions on this issue have yet to result in a plan or set of circumstances that would fully re-open Reagan National. Thus, I believe it is necessary to introduce legislation that would direct the Department of Homeland Security to do so.

I agree that security is the most important factor in this debate; however I also believe reasonable requirements can be put in place to ensure the safety of general aviation flights and help the local businesses that depend on this mode of transportation for their livelihood.

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By Mr. AKAKA (for himself and Mr. INOUYE):

S. 436. A bill to require the Secretary of Energy to assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, in the shadow of crude oil prices that have reached nearly $50 per barrel, and with the specter of higher gasoline prices forecast by the Department of Energy's Energy Information Administration, I rise today to introduce a bill that will help Hawaii and potentially other insular areas grapple with the difficult choices ahead with respect to energy independence.

The bill directs the Secretary of Energy to assess the short- and long-term prospects of oil supply disruptions and price volatility and their impacts on Hawaii. It also directs the Secretary to assess the economic relationship between oil-fired generation of electricity from residual fuel and refined products consumed for transportation needs of Hawaii. Hawaii uses crude oil to produce electricity, gasoline, and jet fuel. Changing the mix of these products will have significant economic implications for Hawaii. We need to have a clear picture of the impacts of going down these roads to a different energy mix. In addition, the study would address the technical and economic feasibility of increasing the contribution of renewable energy resources and the use of liquified natural gas, LNG, for generating electricity and other needs. In Hawaii, the costs of gasoline, electricity, and jet fuel are intertwined in an intricate relationship, because they all come from the same feedstock, and changes in the use of one could potentially drive consumer prices up or down. We need to know the implications of increasing the percentage of renewable sources of energy or switching to LNG, and whether these choices will leave us enough residual fuel for our transportation system and jets. Finally, the bill calls for an analysis of the feasibility of production and use of hydrogen from renewable resources on an island-by-island basis, an energy source I have championed for a long time.

Hawaii is heavily dependent on imported oil. About 90 percent of the State's energy needs for residents and visitors is produced by refining and burning crude oil. We import 28 percent of our oil from Alaska, but 72 percent comes from foreign sources including Indonesia, China, Papua New Guinea, and Vietnam. We use 26 percent of the oil for generating electricity. Being an island State, marine transportation between the islands is very important. Air transport for residents of Hawaii, as well as for our tourism industry, is critical. For many high school athletic and academic teams to compete in intramural activities, it means getting on planes to go to another island. Many families live on multiple islands. We use 32 percent of the oil for air transportation, and 23 percent for ground and marine transportation. My State's dependence on oil poses potential risks to Hawaii from sudden price increases or supply disruptions as were experienced several times in the last five years alone.

Hawaii uses its energy very efficiently. Our per capita energy use is well below the national average. In part, this is due to the fact that Hawaii is blessed with comfortable climate and short driving distances. Nonetheless, we have been paying some of the highest prices in the Nation for our energy. We continue to have the highest gasoline prices in the country. For a long time our electricity rates also have been the highest in the country. Consistent high energy prices affect the economic vitality of the State. Before we invest in a different energy mix and infrastructure, we need to make transparent all the relations between fuels and the consequences of the directions we choose.

Our State has been proactive in seeking energy solutions. The State of Hawaii has income tax credits for the installation of solar, photovoltaic, and wind energy. Hawaii has the largest solar water heating program in the Nation. Governor Linda Lingle has called for a 20 percent renewable energy standard by 2020. Last year we obtained about 7 percent of electricity sales from renewable sources, compared with a national average of about 2 percent. The Hawaiian Electric Company, HECO, Hawaii's largest utility, announced in January 2003 the formation of a new subsidiary that will invest in renewable energy projects for Hawaii.

The Hawaii Energy Policy Forum, a deliberative body of over 40 community leaders and energy stakeholders, met many times over a period of a year and developed an energy vision for Hawaii through the year 2030. Its report, ''Hawaii at the Crossroads; A Long-Term Energy Strategy,'' identifies strategic principles for Hawaii's future, including diversifying the sources of imported energy and beginning the transition to a long-term hydrogen economy.

Mr. President, energy security includes supply security, price security, and economic security. Supply security means ensuring that energy is available despite market disruptions elsewhere. Price security means that energy consumers are protected against price fluctuations and chronically high prices. Economic security results from both of the above. Hawaii is dependent on oil for both transportation and electricity in ways that are without parallel in continental States. Hawaii also has an abundance of renewable energy resources. It is the intent of this bill to assess these challenges and opportunities, and to help us develop a suitable roadmap for Hawaii's energy future. This bill will help Hawaii identify the challenges and decision points along the way to energy security.

I urge my colleagues to support this bill and 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. 436

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

**SECTION 1. HAWAII ENERGY ASSESSMENT.**

(a) ASSESSMENT.—The Secretary of Energy shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii

(b) CONTRACTING AUTHORITY.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

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By Mr. LEVIN (for himself and Ms. STABENOW):

S. 437. A bill to expedite review of the grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, I come to the floor today to introduce a bill to address an inequity to one of Michigan's Native American tribes. The Grand River Band of Ottawa Indians, commonly referred to as the Grand River Band, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Band consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Band are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes who is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Band is the only one of those tribes which is not recognized by the Federal Government.

The bill I am introducing today with my colleague, Senator STABENOW, will direct the Bureau of Indian Affairs at the Department of Interior to make a recognition determination in a timely manner. Let me be clear—this bill does not federally recognize the tribe nor does it address the issue of gaming. I hope that this legislation will help to address this inequity to the Grand River Band and provide a timely remedy so that the tribe can enjoy the full benefits and status of Federal recognition.

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BY Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. HAGEL, Mrs. MURRAY, Mr. BINGAMAN, Mr. CORZINE, Mr. JOHNSON, Ms. COLLINS, and Mr. HATCH):

S. 438. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I am pleased to reintroduce the Medicare Access to Rehabilitation Services Act to improve the Medicare program for our senior citizens. The bill, which enjoyed the support of a majority of the Senate in the 108th Congress, would repeal the beneficiary cap on rehabilitation therapy care and ensure quality healthcare for Medicare patients.

The beneficiary cap is really two separate therapy caps: one cap for occupational therapy and one for both physical therapy and speech-language pathology care combined. Congress has already shown its opposition to this arbitrary cap by placing a moratorium on enforcement of the cap in 1999, 2000, and 2003. The latest moratorium will expire on January 1, 2006. Without congressional action, the beneficiary cap on therapy services will be effective again in less than a year. It is time to repeal the cap once and for all.

Each year, more than 3.7 million Medicare beneficiaries receive outpatient physical therapy, occupational therapy, and/or speech-language pathology services to regain their optimum level of function and independence. The Center for Medicare and Medicaid Services, CMS, completed a long-awaited analysis of the therapy cap policy. The report, prepared by AdvanceMed, estimates that for Calendar Year 2002, some 638,195 beneficiaries receiving physical therapy, occupational therapy, and/or speech-language pathology services would have exceeded the cap threshold. This represents 23.7 percent of the outpatient therapy expenditures for that year. Failure to address the issue this year in Congress will have a significant impact on the access beneficiaries will have to necessary rehabilitation services.

It is clear from recent reports prepared for CMS that patients with debilitating illnesses and injuries would be severely impacted by enforcement of the therapy caps. Based on data from 2002, patients suffering from conditions such as stroke, Parkinson's disease, congenital heart failure, and Dysphasia were certain to be negatively impacted by enforcement of existing statutory limits on rehabilitation coverage.

Action is needed to address the therapy caps this year. Last Congress, this bill attracted 51 Senators as cosponsors. As a member of the Senate Budget Committee, I realize the budgetary constraints that are upon Congress. I understand that we need to prioritize spending. I believe that a meaningful solution to address the rehabilitation needs of senior citizens and individuals with disabilities in the Medicare program should be a priority.

I would like to thank my colleagues, Senator BLANCHE LINCOLN, Senator CHUCK HAGEL, Senator PATTY MURRAY, Senator JEFF BINGAMAN, Senator JON CORZINE, Senator TIM JOHNSON, Senator SUSAN COLLINS, and Senator ORRIN HATCH for joining me in this effort. I stand ready to work with my colleagues to enact a solution to the therapy caps that ensures access to quality restorative services provided by qualified professionals.

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By Mrs. BOXER (for herself and Mr. JEFFORDS):

S. 439. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to protect public health and the environment by preventing chemicals from leaking out of underground storage tanks and thereafter contaminating drinking water supplies and nearby communities. My colleague in the House of Representatives, Mr. DINGELL, is introducing companion legislation.

Underground storage tanks can hold extremely toxic chemicals that can move rapidly through soil, contaminating the ground, aquifers, streams and other bodies of water. Underground storage tanks are located in urban and rural areas. When they leak, they present substantial risks to groundwater quality, human health, environmental quality, and economic growth.

There are approximately 670,000 underground storage tanks in the United States, and there have been more than 445,000 confirmed releases from these tanks as of mid-2003. Over 35 States report that leaking underground storage tanks are one of the top threats to their drinking water sources. By and large, MTBE contamination has come from leaking underground storage tanks. MTBE has contaminated water supplies in 43 States and in 29 States has contaminated drinking water. Estimates indicate that it will cost at least $29 billion to clean up MTBE contamination nationwide.

Currently, the leaking underground storage tanks program and other laws ensure that responsible parties pay to clean up the damage caused by these leaking spills. Unfortunately, the pace of cleaning up leaking underground storage tanks is 20 percent below the historic average. Our Nation faces an estimated 94,000 to 150,000 additional cleanups over the next 10 years—at a cost of $12 billion to $19 billion.

The best, most commonsense solution to stop leaking underground storage tanks from threatening public health is to prevent them from leaking in the first place with the use of secondary containment, such as double walls. There is already widespread support for this throughout the country. Twenty-one States already require secondary containment, either for all new or replaced tanks—such as in California—or for all new or replaced tanks in sensitive areas. In addition, two States are awaiting final passage or approval of such requirements, and one State requires tertiary, such as triple walls, containment. According to figures from the Petroleum Equipment Institute, 57 percent of all tanks installed from 2000 through 2003 were double walled.

But this is not fast enough in the face of the threats to our drinking and groundwater. Approximately 50 percent of the population relies on groundwater for their drinking water, including almost 100 percent in rural areas. The time to prevent contamination is now.

We must ensure the environmental health and safety of our water. I encourage my colleagues to support this bill.

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By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 440. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to reintroduce an important bill that will ensure that Medicaid beneficiaries in all states have access to the services of top-quality podiatric physicians. I am pleased that Senator MIKULSKI from Maryland is joining me in introducing this bill today.

Having healthy feet and ankles are critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 18 million Americans have diabetes, and it is the sixth leading cause of death in this country. Each year, over 200,000 Americans die from this disease.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that 82,000 people undergo an amputation of a leg, foot or toe each year because of complications with diabetes.

Proper care of the feet could prevent many of these amputations. The CDC says that regular exams and patient education could prevent up to 85 percent these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I thank the Senator from Maryland for helping me introduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in

Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

The services of podiatrists are considered optional under Medicaid. Currently, most state Medicaid programs, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. However, during times of tight budgets, states may choose to cut back on these optional services. Recently, Connecticut, and Texas discontinued podiatric services. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle care. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want the over 560,000 Medicaid patients in Maryland to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle, and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Over 18 million people in this country have diabetes, but an estimated more than 5 million of these people are not aware that they have the disease.

The President's budget challenges Congress to make major cuts to Medicaid—up to $60 billion. Covering podiatrists may be, in fact, a cost cutting measure. Ensuring Medicaid patient access to podiatrists will save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot, or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support of the American Podiatric Medical Association. I urge my colleagues to cosponsor this important legislation.

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By Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. BUNNING, Mrs. DOLE, and Mr. CHAMBLISS):

S. 441. A bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce, along with Senator NELSON of Florida, Senator KYL of Arizona, Senator ALLEN of Virginia, Senator BUNNING of Kentucky, Senator CHAMBLISS of Georgia, and Senator DOLE of North Carolina, legislation that would permanently extend the current treatment of investments made to motorsports entertainment complexes, ensuring that this important economic engine for our economy continues to roar. The Motorsports Fairness and Permanency Act of 2005 will help ensure that job-creating investments in motorsports facilities continue to be made under the same economic assumptions and tax treatment used for the last several decades—decades that have witnessed the most explosive growth in motorsports' long history.

Motorsports is the fastest growing sport in the United States, drawing fans to tracks and speedways around the country. In fact, there are over 900 motorsports facilities throughout the U.S., with tracks in every State. These facilities contribute to the economy by attracting motorsports enthusiasts and tourists, hiring permanent and temporary employees, and making capital investments. Facilities of every type—from local tracks that run weekly racing series to ''superspeedways'' that host nationally-televised events—must continually upgrade and reinvest in order to remain competitive.

Motorsports play a significant role in the Commonwealth of Pennsylvania, where racing is an integral part of Pennsylvania's economy with 60 racing facilities in every corner of the State. In fact, Pennsylvania is tied with California for the second-most motorsports facilities of any State.

Our facilities and tracks span across the Commonwealth and include the nationally known Pocono Raceway in Long Pond, Lake Erie Speedway, and Maple Grove Raceway, located just outside of Reading. These and other raceways in Pennsylvania hold NASCAR, National Hot Rod Association, Import Drag Racing Circuit, and other racing events, drawing hundreds of thousands of fans each year contributing vital economic support to their local communities.

It is clear that motorsports racing plays an important role in Pennsylvania, just as it does across this country. When making these capital investments, owners of motorsports facilities have long relied on and in good faith applied a 7-year depreciation life for these assets, but a few years ago the IRS began to raise some questions about the use of the 7-year classification. Last year, in H.R. 4520, the American Jobs Creation Act of 2004, Congress clarified that the appropriate depreciation period for motorsports assets was indeed 7 years. Due to revenue constraints in that particular bill, the provision on motorsports asset classification will lapse in 2008, meaning that Congress needs to act to permanently extend the provision. These capital expenditures, such as major improvements to existing tracks or building new tracks, require several years of planning followed by construction. Without a permanent provision that provides clarity and certainty, significant capital investments in motorsports facilities—and the jobs and economic gains those investments bring—could be negatively impacted.

I am hopeful that my colleagues in the Senate will join me in support of permanently extending the current treatment of investments in motorsports entertainment facilities.

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By Mr. DEWINE (for himself, Mr. KOHL, and Mr. LEAHY):

S. 443. A bill to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with my colleagues Senators KOHL and LEAHY, to introduce the Antitrust Investigative Improvements Act of 2005. We do so to strengthen the Department of Justice's ability to investigate criminal antitrust conspiracies. This bill gives the Department of Justice authority to seek a wiretap order from a Federal judge, for a limited time period, to monitor communications between antitrust conspirators.

Investigating and prosecuting criminal antitrust conspiracies, such as cartels and bid-rigging, is the core mission of the Department of Justice's Antitrust Division. Because of the harm this behavior can do to the economy and to innocent consumers, Assistant Attorney General for the Antitrust Division, Hewitt Pate, has said that prosecuting ''cartels remain[s] our top enforcement priority at the Antitrust Division.'' As a result, in the United States, we punish such illegal behavior harshly. Corporations can be fined up to $100 million and individuals can be fined up to $1 million and be incarcerated for 10 years. But, despite the high priority the Antitrust Division places on these cases and the tough penalties under the law, up to now, we have not given the Department of Justice all the tools it needs to investigate and prosecute criminal antitrust conspiracies.

In criminal antitrust investigations, to prosecute a case, it is critical that prosecutors gain access to evidence on the inner workings of the conspiracy. To meet their heavy burden of proof, prosecutors must marshal strong evidence showing, for example, the terms of the illegal agreement, the participants in the illegal agreement, and precisely when the illegal agreement was reached. This type of evidence is extremely difficult to gain without penetrating the inner workings of the conspiracy.

The Department has principally two techniques for investigating criminal antitrust enterprises. First, it may enlist the cooperation of a witness. The

cooperating witness may be, for example, a customer being harmed by the conspiracy or a co-conspirator to the antitrust crime. Under this approach, a cooperating witness may testify about the details of the conspiracy or may record conversations with the conspirators, either through videotape or audiotape. One important restriction is that the cooperating witness must be present at the conversation when recording. But, if the Department cannot secure a cooperating witness, which is often the case, this technique is not available.

Second, the Antitrust Division also has a corporate leniency program, which has been very successful in investigating and prosecuting criminal antitrust conspiracies. In exchange for fully cooperating with an antitrust investigation, an otherwise guilty corporation may receive lenient treatment. But, this method, too, depends on the cooperation of one who was on the inside of the criminal conspiracy.

Our bill adds a third technique by amending Title III of the Omnibus Crime Control and Safe Streets Act (18 U.S.C. Section 2510 et seq.) to make a criminal violation of the Sherman Act a ''predicate offense'' for an order authorizing the interception of wire or oral communications, hereinafter ''wiretap order''. Amending this law to make criminal antitrust offenses a predicate offense would give the Department of Justice a much needed tool to investigate the inner workings of criminal antitrust conspiracies. Unlike using a cooperating witness or the corporate leniency program, a wiretap order does not require the cooperation of someone who has inside knowledge of the conspiracy or who is actually participating in the conspiracy. Upon a showing of probable cause to a Federal judge, the Department of Justice could obtain a wiretap order, for a limited time period, to monitor communications between conspirators.

There are over 150 predicate offenses from title 18 and dozens of other predicate offenses from other parts of the U.S. Criminal Code. Offenses, such as wire fraud, mail fraud, and bank fraud are predicate offenses, but up to now, criminal antitrust offenses have not been on the list. I think this is a mistake. Criminal antitrust offenses are basically white-collar, fraud offenses, and often do much more harm to innocent consumers than other types of fraud offenses. It is time for antitrust to be added as a predicate offense, given the gravity of the crime.

This idea is not new. Past Assistant Attorney Generals of the Antitrust Division have supported the idea for such legislation. And, in 1999, our neighbor to the north, Canada, passed similar legislation. It is an idea whose time has come.

I urge my colleagues to support this important reform to strengthen the enforcement of our antitrust laws. I ask unanimous consent to print the bill in the RECORD.

Mr. LEAHY. Mr. President, America's antitrust laws play a vital role in protecting consumers and ensuring a competitive marketplace for business. The vigorous enforcement of these laws also helps promote and maintain the efficiency of our markets by promoting competition, innovation, and technological development. Today, I am pleased to join Senator KOHL and Senator DEWINE in introducing the Antitrust Criminal Investigative Improvements Act of 2005, legislation that will provide the Department of Justice with long overdue authority in investigating and prosecuting criminal antitrust violations.

Congress acted in 1890 with passage of the Sherman Antitrust Act to prohibit abusive monopolization and anticompetitive practices. Since that time, the Department of Justice's enforcement efforts have benefited consumers in terms of lower prices, greater variety, and higher quality of products and services. Despite the value and impact of criminal antitrust cases, however, criminal antitrust investigations do not currently qualify for judicially approved wiretaps. While the Justice Department may engage in court-authorized searches of business records, it may only monitor phone calls of informants or the conversations of consenting parties.

The Antitrust Criminal Investigative Improvements Act of 2005 will add criminal price fixing and bid rigging to the many crimes that are already ''predicate offenses'' for wiretap purposes. More than 150 ''predicate offenses'' are currently included in Title III of the Omnibus Crime Control and Safe Streets Act, including crimes of lesser impact and significance than criminal antitrust violations. In light of the seriousness of economic harms caused by violations of the Sherman Antitrust Act, the inability of the Justice Department to obtain wiretaps when investigating criminal antitrust violations makes little sense. Moreover, the evidence that can be acquired through wiretaps is precisely the type of evidence that is essential for the successful prosecution and prevention of serious antitrust violations. This bill equips the Department of Justice investigators and prosecutors to enforce zealously the criminal antitrust laws of the United States.

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By Mr. FEINGOLD:

S. 444. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the third in a series of bills intended to support American companies and American workers. Earlier this week, I introduced S. Con. Res. 12, which would set some minimum standards for future trade agreements into which our country enters, and S. 395, which would strengthen the Buy American Act. Today I am introducing legislation that would help workers who have lost their manufacturing or service sector jobs to be retrained for jobs in high-demand health care fields.

According to the Wisconsin Department of Workforce Development, Wisconsin has lost nearly 80,000 manufacturing jobs since 2000. Nationally, the country has lost more than 2.5 million manufacturing jobs since January 2001. In addition to the loss of manufacturing jobs, I am deeply troubled by the Bush administration's contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsinites and all Americans who are currently employed in these sectors.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country's workforce development system.

In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evident in Wisconsin, where my State's 11 workforce development boards are leading the way in finding innovative solutions to retraining workers for new careers on shoestring budgets.

I strongly support the work of these agencies and have urged the administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I regret that the administration's budget request for fiscal year 2006 does not provide adequate funding for WIA, and I will continue to work to ensure that the workforce development boards in my State and across our country receive the resources they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going

to need an additional 1.2 million nursing aides, home health aides, and other health professionals in long-term care before the year 2010.

As our demand for health care workers grows, so does the number of jobs available within this sector. Currently, health services is the largest industry in the country, providing 12.9 million jobs in 2002. It is estimated that 16 percent of all new jobs created between 2002 and 2012 will be in health services. This accounts for 3.5 million new jobs—more than any other industry.

According to the Wisconsin Department of Workforce Development, the surging job growth within health care will translate into a real need for workers) and real opportunity. In Wisconsin alone, there will be an additional 67,430 health care positions by 2012. This represents a 30 percent increase in jobs in health care, over twice the rate of growth for Wisconsin jobs overall.

Mr. President, workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities.

As the executive director of one of the workforce development boards in my State put it, ''[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a 'living wage' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family oriented standard of living.''

I believe we need to support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act. This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize a total of $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, it ensures that the cost of these grants would be offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds because I believe that communities know best about the resources they need to run an efficient program.

This bill represents a nexus in my efforts to support workers whose jobs have been shipped overseas and to ensure that all Americans have access to the high-quality health care that they deserve. By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including the National Association of Workforce Boards, the Wisconsin Association of Job Training Executives, the Wisconsin Hospital Association, the Northwest Wisconsin Concentrated Employment Program, the Northwest Wisconsin Workforce Investment Board, the Southwestern Wisconsin Workforce Development Board, the West Central Wisconsin Workforce Development Board, and the Workforce Development Board of South Central Wisconsin.

Mr. President, in order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary to achieve this goal. I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

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By Ms. STABENOW (for herself, Mr. CARPER, Mr. KENNEDY, Mr. SCHUMER, Mr. BINGAMAN, and Mr. JOHNSON):

S. 445. A resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the Medicare Prescription Drug Price Reduction Act of 2005, and am pleased to be joined by my colleagues, Senators CARPER, KENNEDY, SCHUMER, BINGAMAN, and JOHNSON.

This legislation is very simple and very straightforward: it would allow the Secretary of Health and Human Services to negotiate directly with pharmaceutical manufacturers on behalf of our seniors and the disabled to get the lowest possible prices.

Last week we learned that the Medicare prescription drug benefit will cost more than 1 trillion dollars—$1.2 trillion to be exact—just for the years 2006 through 2015.

Some of our colleagues are responding to the news of the $1.2 trillion price tag with plans to reduce the benefit. But the benefit as currently structured is far from comprehensive. Seniors are responsible for $420 in premiums, and a $250 deductible before they get one penny's worth of help towards the cost of their prescription drugs. Once the benefit kicks in, they will face a hefty copayment, and many will fall into the infamous ''hole'' in the benefit and—at the same time they continue to pay premiums—not get any assistance at all.

Even with a $1.2 trillion pricetag, our seniors will have to shoulder two-thirds of the cost of their prescription drugs. Neither the seniors and disabled, nor the taxpayers, should be paying so much for so little.

Last week's news of the cost of the benefit makes it clear that we must give Medicare the ability to use the market power of 41 million people to secure the lowest prices possible for seniors, the disabled, and the American taxpayer.

Our response to the new cost estimate shouldn't be to reduce the already meager benefit but to use our dollars more efficiently. The change that my colleagues and I are seeking would allow us to improve the drug benefit—by lowering the cost of the drugs, we could fill in the gaps in coverage and provide a more meaningful benefit.

Former HHS Secretary Thompson said at his December 3rd resignation press conference that he would have liked to have had the opportunity to negotiate lower drug prices.

I expect Secretary Thompson knows what every smart buyer knows: the more you are buying of anything, the better deal you get. We all know that Sam's Club gets the best prices on breakfast cereal, batteries, and paper towels because they represent a huge market.

And now that Secretary Leavitt is tasked with running the program, we should give him as many tools as possible to run this program at the lowest possible cost.

Today the only entity in this country that cannot bargain for lower group prices is Medicare. The States, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration use their bargaining clout to obtain lower drug prices for the patients they represent.

Medicare should have that same ability. It doesn't make any sense to prohibit the Secretary from using the clout of our 41 million seniors to help get them the best possible prices on prescription drugs.

I urge my colleagues to join me in passing this commonsense approach to providing real savings for our seniors and the disabled, and ensuring the most efficient use of taxpayer dollars.

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. 445

*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 ''Medicare Prescription Drug Price Reduction Act of 2005''.

**SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.**

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

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By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 446. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to offer legislation that would designate New Jersey's elite urban search and rescue team, New Jersey Task Force One, as part of the National Urban Search and Rescue Response System.

I am proud to be joined by my colleague from New Jersey, Senator FRANK LAUTENBERG, in introducing this legislation today. And I am also pleased that my colleague, Congressman RODNEY FRELINGHUYSEN, has introduced similar legislation in the House of Representatives.

New Jersey Task Force One is a team comprised of career and volunteer fire, police, and EMS personnel from all 21 counties in New Jersey. The primary mission of the NJTFO is to provide advanced technical search and rescue capabilities to victims who are trapped or entombed in collapsed buildings. The NJTFO is a world-class operation whose response system mirrors the Federal Emergency Management Agencies guidelines on urban search and rescue and the appropriate National Fire Protection Association Standards.

The training, commitment, and expertise of the NJTFO has saved lives. In fact, New Jersey Task Force One was one of the first units to arrive on the scene at the World Trade Center on September 11, and they bravely conducted search, rescue, medical, and planning and logistics operations on site.

In this era of terrorism and heightened homeland security we should be doing all we can to show our commitment to our first responders. This designation would do just that for New Jersey Task Force One. More importantly, by making NJTFO a part of the National Urban Search and Rescue Team they would be eligible for Federal funding that is vital to helping them fulfill their mission. The honor of joining the other 28 members of the National Urban Search and Rescue Response System is a recognition that the NJTFO is more than deserving of.

I urge the Senate to enact this legislation and ask for a copy of this bill to be printed in the RECORD.

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

S. 446

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

**SECTION 1. ADDITION OF TASK FORCE TO NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.**

(a) FINDINGS.—Congress finds that—

(1) the terrorist attacks of September 11, 2001, demonstrated the importance of enhancing national domestic terrorism preparedness;

(2) 26 of the 28 urban search and rescue task forces included in the National Urban Search and Rescue Response System of the Federal Emergency Management Agency were called into action in the wake of the events of September 11;

(3) highly qualified, urban search and rescue teams not included in the National Urban Search and Rescue Response System were the first teams in New York City on September 11;

(4) the continuing threat of a possible domestic terrorist attack remains an important mission for which the United States must prepare to respond; and

(5) part of that response should be to increase the number of urban search and rescue task forces included in the National Urban Search and Rescue Response System.

(b) ADDITION OF NEW JERSEY TASK FORCE 1.—The Director of the Federal Emergency Management Agency shall designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System.

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By Mr. DOMENICI:

S. 447. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great diversity of unique plant and animal species. The ecosystem makes up an indispensable part of Southwest's treasured ecological diversity. As such, it is important that we teach our young ones an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a nonprofit institution that has spent the past 6 years providing hands-on science education to K–12th graders. To achieve this mission, the Nature Park provides classroom presentation, field trips, schoolyard ecology projects, and teacher work shops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA–Agriculture Research Service, USDA–ARS, property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA–ARS has approved the land transfer, noting the critically important mission of the Desert Park. I have no doubt that Senators on both sides of the aisle will recognize the importance of this land transfer.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 447

*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 ''Jornada Experimental Range Transfer Act of 2005''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) BOARD.—The term ''Board'' means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

**SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.**

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

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By Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, and Mrs. MURRAY):

S. 448. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Ms. MURKOWSKI. Mr. President, this week the people of my State of Alaska pause to recognize two giant figures in the fight for equal rights and justice under the law, the late Elizabeth and Roy Peratrovich. On February 16, 2005, the State of Alaska once again observed Elizabeth Peratrovich Day. Activities to celebrate the legacy of Elizabeth and Roy Peratrovich are taking place in schools and cultural centers throughout Alaska this week. This coming Saturday, the Alaska Native Heritage Center in Anchorage will conduct a day-long celebration of the Peratrovich legacy.

Roy and Elizabeth are to the Native peoples of Alaska what Dr. Martin Luther King, Jr., and Rosa Parks are to African Americans. Everybody knows about Dr. Martin Luther King, Jr. and Rosa Parks, but hardly anyone outside the State of Alaska knows about Roy and Elizabeth Peratrovich. Today, I rise to once again share the Peratrovich legacy with the Senate.

Elizabeth was born in 1911, about 17 years before Dr. King. She was born in Petersburg, AK. After college she married Roy Peratrovich, a Tlingit from Klawock, AK, and the couple had three children. Roy and Elizabeth moved to Juneau. They were excited about buying a new home. But they could not buy the house that they wanted because they were Native. They could not enter the stores or restaurants they wanted. Outside some of these stores and restaurants there were signs that read ''No Natives Allowed.'' History has also recorded a sign that read ''No Dogs or Indians Allowed.''

On December 30, 1941, following the invasion of Pearl Harbor, Elizabeth and Roy wrote to Alaska's Territorial Governor:

> In the present emergency our Native boys are being called upon to defend our beloved country. There are no distinctions being made there. Yet when we patronized good business establishments we are told in most cases that Natives are not allowed.
>
> The proprietor of one business, an inn, does not seem to realize that our Native boys are just as willing to lay down their lives to protect the freedom he enjoys. Instead he shows his appreciation by having a 'No Natives Allowed' sign on his door.

In that letter Elizabeth and Roy noted:

> We were shocked when the Jews were discriminated against in Germany. Stories were told of public places having signs, ''No Jews Allowed.'' All freedom loving people were horrified at what was being practiced in Germany, yet it is being practiced in our own country.

In 1943, the Alaska Legislature, at the behest of Roy and Elizabeth considered an antidiscrimination law. It was defeated. But Roy and Elizabeth were not defeated. Two years later, in 1945, the antidiscrimination measure was back before the Alaska Terrritorial Legislature. It passed the lower house, but met with stiff opposition in the Territorial Senate.

One by one Senators took to the floor to debate the closely contested legislation. One Senator argued that ''the races should be kept further apart.'' This Senator went on to rhetorically question, ''Who are these people, barely out of savagery, who want to associate with us whites with 5,000 years of recorded civilization behind us?''

Elizabeth Peratrovich was observing the debate from the gallery. As a citizen, she asked to be heard and in accordance with the custom of the day was recognized to express her views.

In a quiet, dignified and steady voice this ''fighter with velvet gloves'' responded, ''I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded history behind them of our Bill of Rights.''

She was asked by a Senator if she thought the proposed bill would eliminate discrimination, Elizabeth Peratrovich queried in rebuttal, ''Do your laws against larceny and even murder prevent these crimes? No law will eliminate crimes but at least you as legislators can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination.''

When she finished, there was a wild burst of applause from the gallery and the Senate floor alike. The territorial Senate passed the bill by a vote of 11 to 5. On February 16, 1945, Alaska had an antidiscrimination law that provided that all citizens of the territory of Alaska are entitled to full and equal enjoyment of public accommodations. Following passage of the anti-discrimination law, Roy and Elizabeth could be seen dancing at the Baranof Hotel, one of Juneau's finest. They danced among people they didn't know. They danced in a place where the day before they were not welcome.

There is an important lesson to be learned from the battles of Elizabeth and Roy Peratrovich. Even in defeat, they knew that change would come from their participation in our political system. They were not discouraged by their defeat in 1943. They came back fighting and enjoyed the fruits of their victory 2 years later.

Twenty-four years before Alaska's statehood and 18 years before Dr. Martin Luther King, Jr. spoke of his dream for racial equity under the law, Alaska had a law protecting civil rights. Elizabeth would not live to see the United States adopt the same law she brought to Alaska in 1945. She passed away in 1958 at the age of 47, 6 years before civil rights legislation would pass nationally.

In addition to the annual observance of Elizabeth Peratrovich Day, the State of Alaska has acknowledged Elizabeth Peratrovich's contribution to history by designating one of the public galleries in the Alaska House of Representatives as the Elizabeth Peratrovich Gallery.

But what about Roy? Why has his role not been recognized? Roy Peratrovich passed away in 1989 at age 81. He died 9 days before the first Elizabeth Peratrovich Day was observed in the State of Alaska. Perhaps it was because Roy was still alive at the time this honor was bestowed, it is Elizabeth who has gotten all the credit for passage of the antidiscrimination

Members of the Peratrovich family tell me that this is not entirely unjustified because without Elizabeth's stirring speech the antidiscrimination law would not have passed. But they also point out, as does the historical record, that Elizabeth and Roy were a focused and effective team. History should recognize that the antidiscrimination law was enacted due to the joint efforts of Roy and Elizabeth Peratrovich. I rise today to do my part toward that end.

Joined by my colleagues, the distinguished senior Senator from Alaska, Mr. STEVENS, and my distinguished colleague from the State of Washington, Ms. CANTWELL, I am pleased to once again offer legislation to recognize the contributions of Roy and Elizabeth Peratrovich with a Congressional Gold Medal. I invite all of my colleagues to join with me in cosponsoring this important legislation. Congressional Gold

Medals have been awarded to a number of African Americans who have made contributions to the cause of civil rights, among them, Rosa Parks, Roy Wilkins, Dorothy Height, the nine brave individuals who desegregated the schools of Little Rock, Arkansas, and others involved in the effort to desegregate public education.

With the opening of the very popular National Museum of the American Indian last year our Nation is focusing on the many contributions of our first people and the challenges they have faced throughout our Nation's history. It is time that we also acknowledge the work of American Indians, Alaska Natives and Native Hawaiians in the struggle for civil rights and social justice. Honoring Elizabeth and Roy Peratrovich's substantial contribution with a Congressional Gold Medal is a fine start.

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. 448

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

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) Elizabeth Wanamaker, a Tlingit Indian, was born on July 4, 1911, in Petersburg, Alaska.

(2) Elizabeth married Roy Peratrovich, a Tlingit Indian from Klawock, Alaska, on December 15, 1931.

(3) In 1941, the couple moved to Juneau, Alaska.

(4) Roy and Elizabeth Peratrovich discovered that they could not purchase a home in the section of Juneau in which they desired to live due to discrimination against Alaska Natives.

(5) In the early 1940s, there were reports that some businesses in Southeast Alaska posted signs reading ''No Natives Allowed''.

(6) Roy, as Grand President of the Alaska Native Brotherhood, and Elizabeth, as Grand President of the Alaska Native Sisterhood, petitioned the Territorial Governor and the Territorial Legislature to enact a law prohibiting discrimination against Alaska Natives in public accommodations.

(7) Rebuffed by the Territorial Legislature in 1943, they again sought passage of an anti-discrimination law in 1945.

(8) On February 8, 1945, as the Alaska Territorial Senate debated the anti-discrimination law, Elizabeth, who was sitting in the visitor's gallery of the Senate, was recognized to present her views on the measure.

(9) The eloquent and dignified testimony given by Elizabeth that day is widely credited for passage of the anti-discrimination law.

(10) On February 16, 1945, Territorial Governor Ernest Gruening signed into law an act prohibiting discrimination against all citizens within the jurisdiction of the Territory of Alaska in access to public accommodations and imposing a penalty on any person who shall display any printed or written sign indicating discrimination on racial grounds of such full and equal enjoyment.

(11) 19 years before Congress enacted the Civil Rights Act of 1964, and 18 years before the Reverend Dr. Martin Luther King, Jr. delivered his ''I Have a Dream'' speech, one of America's first antidiscrimination laws was enacted in the Territory of Alaska, thanks to the efforts of Elizabeth and Roy Peratrovich.

(12) Since 1989, the State of Alaska has observed Elizabeth Peratrovich Day on February 16 of each year, and a visitor's gallery of the Alaska House of Representatives in the Alaska State Capitol has been named for Elizabeth Peratrovich.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED. —The President is authorized, on behalf of the Congress, to posthumously award a gold medal of appropriate design to Elizabeth Wanamaker Peratrovich and Roy Peratrovich, in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 3. DUPLICATE MEDALS.**

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

**SEC. 4. STATUS AS NATIONAL MEDALS.**

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such sum as may be appropriate to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

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By Ms. MURKOWSKI:

S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, more than 30 years have passed since Congress enacted the Alaska Native Claims Settlement Act which settled the aboriginal land claims of the first inhabitants of Alaska by making each eligible Alaska Native a shareholder in 1 of 13 regional corporations and many of these people shareholders in a village corporation as well. Each of the corporations was capitalized with land and money.

The Alaska Native Claims Settlement Act was a bold experiment, and its implementation was not without controversy. As originally enacted, the law provided that a shareholder of an Alaska Native Corporation could sell his or her stock on or after December 18, 1991, without any intervening action by the corporation.

This provision could have resulted in massive sales of stock by Native shareholders in the ensuing years and caused the wholesale transfer of Native assets to non-Native interests. Thanks to the leadership of the Senator from Alaska, Mr. STEVENS, this catastrophe was averted through a series of amendments to the Act, signed into law in 1987, which forbade the sale of corporate stock without the consent of the corporation's shareholders.

This landmark legislation brought an end to the speculation about whether the Native corporations would survive long enough to fulfill the goal that Congress set for them, which was to be the springboard for the economic, social and political empowerment of Alaska's Native people, or alternatively execute the temporary transfer of land and capital which would ultimately end up in non-Native hands. I am proud, that none of the Native corporations have opened their stock to purchase by outsiders. In fact, I see nothing on the horizon to suggest that any of the corporations will take up this question in the foreseeable future.

If history is any guide, the Alaska Native Corporations are destined to remain in Native hands for a long time to come. This is good news for the Native people of Alaska and it is good news for my State as a whole.

I rise today to offer legislation, requested by the Alaska Federation of Natives and the Association of ANCSA Presidents and CEOs, which is intended to address a piece of unfinished business left by the 1987 amendments to the act.

Under the act, as originally passed, stock in an Alaska Native corporation was generally only available to an Alaska Native born on or before December 18, 1971 and those who might inherit stock from a deceased shareholder. The original legislation gave little thought to offering those born after December 18, 1971 a role in the corporation. In effect, the original legislation disenfranchised an entire generation born after the cutoff date from having a stake in the Native corporations. It disenfranchised an entire generation of young people from playing a role in the governance of the Native corporations and from having an ownership interest in their Native lands.

The 1987 amendments allowed the shareholders of a Native corporation to remedy this unintended consequence by allowing new stock to be issued to the descendants of a corporation's original shareholders provided that a majority of the outstanding shares agreed. Under the 1987 amendments, such stock could only be issued to those descendants who had one quarter or more Alaska Native blood. A subsequent technical amendment allowed the stock to be issued to descendants without regard to their blood quantum, at the option of each corporation's shareholders.

Time has demonstrated that the remedy for incorporating the generation

born after December 18, 1971 is an imperfect one. This is sad because one of the most important responsibilities faced by the Board of Directors of any corporation is to plan for its own succession and the succession of the corporation's leadership.

Since 1987, less than a handful of the 13 regional Native corporations have put the question of enrolling the next generation to their shareholders. However, all of the corporations that have considered the question have voted in the affirmative.

Why then have more corporations not taken the question to a vote? The answer seems to lie in the voting requirements imposed by the 1987 amendments, which essentially requires an affirmative vote of a supermajority of the shares represented in person or by proxy at a shareholder meeting. In order for a corporation to obtain an affirmative vote of a majority of its outstanding shares, something of the order of 80 percent of the corporation's stockholders must be represented at the meeting in person or by proxy. Under present law, any shareholder who does not attend the meeting or submit a proxy is deemed to have voted in the negative.

When Doyon, Limited, the regional Native corporation for Interior Alaska, took the question of enrolling the generation of descendants born between 1971 and 1992 to its shareholders at its 1992 annual meeting, some 79.2 percent of the shareholders expressed an opinion in person or proxy. Still, the decision to approve the enrollment passed by the narrowest of margins. This was a record quorum for the corporation, which had 9,061 original shareholders, and the record has yet to be broken.

Sealaska Corporation, the regional Native corporation for Southeast Alaska, had more original shareholders than any other regional Native corporation. Sealaska had 15,700 original shareholders, each owning 100 shares of stock. Sealaska has never enjoyed a quorum of 79.2 percent and is pessimistic that such a quorum could ever be mustered. Accordingly, Sealaska, which has been pondering the question of enrolling the next generation for many years, has been deterred from putting the question to a stockholder vote by the supermajority voting requirement in the 1987 amendment.

Whether Sealaska enrolls the generation born after 1971 is not up to me. It is up to the shareholders of Sealaska. But I think the Congress owes it to the next generation of Alaska Natives to offer a level playing field when it comes to participation in their Native corporations.

In addressing the Alaska Native community, I often make reference to a marvelous book by Alexandra J. McClanahan entitled ''Growing Up Native in Alaska.'' In this book, A.J. profiled 27 Alaska Natives born between 1957 and 1976 and allowed them in their own words to speak about what it means to be an Alaska Native. Some of the people profiled in the book received stock under the 1971 act while others missed the deadline. I will quote from this book for the RECORD.

One of these 27 Alaska Natives is Jaeleen Kookesh-Araujo, a Tlingit Indian, who grew up in the village of Angoon, AK. Jaeleen is a bright young attorney who works at one of Washington's most respected law firms. She is precisely the type of person who is well positioned to lead her regional corporation, Sealaska, into the future. And she is one of many Alaska Natives who was born after December 18, 1971. Jaeleen has an opportunity to participate in Sealaska's governance because her parents gave her some of their stock as a gift, but she remains concerned that others of her generation have been left out.

This is what Jaeleen said about why it is important to make stock available to the descendants.

> I am a shareholder thanks to my parents gifting me shares, but there are a lot of young people who are never going to be shareholders. If you have one parent with several children, they can try to allocate shares to all of them, but some may be left out. Or, maybe you have a Native child who has been adopted who doesn't have parents with shares—whatever. There are going to be a lot of young Native people left out of this corporate structure, and it's really sad. Eventually, there may be a problem because you're going to have a lot of young, talented Alaska Native people going out to get educated. They're going to have a lot of expertise and education in ways that might benefit the corporation, and yet you have to wonder if they're really going to want to be involved in these Native corporations that they don't even belong to. I do want to be involved in the Native corporations because this is my ancestors' land that they're managing and developing and protecting . . .

I am not going to tell you that each of the 27 young people that A.J. profiled feels the same way. Another young Native profiled in A.J.'s book supported the status quo in spite of the fact that he was born 2 days after the cutoff.

> I really don't think it's necessary to adjust for the future generations. The idea of gifting and willing stock is a really efficient method, and I think we ought to stick with that, rather than having to expand and degrade the stock, allowing the children to be shareholders. It's unfair that we as children born after December 18th are not shareholders, but in order to keep the integrity of the stock, I think it's essential that we continue on with the method of granting, gifting and willing stock.

The final quote is from a Doyon shareholder who was involved in that company's decision to make new stock available to those born between 1971 and 1992.

> When I first started I thought, ''I don't want my dividend to get smaller.'' I was an intern in Doyon's Shareholder Relations, so I was involved in the committee that was studying the issue to enroll children born after 1971. When it was time to vote, I thought: ''Darned if I'm letting my nieces and nephews not be involved.'' I was a total turnaround. There was no way I was going to leave them out. There was no difference between me and them. They were just born later.

As you can see, there may not be unanimity on the question of whether new stock should be made available to the descendants. But I think we all can agree that the debate is a healthy one and the debate will not take place in earnest unless Congress relaxes the supermajority standard imposed by the 1987 amendments.

The legislation I am introducing today would allow the shareholders of a Native corporation to authorize new stock for those born after December 18, 1971 by a majority vote of the shares present and voting at a duly constituted meeting of the shareholders. Shareholders who want to make the stock available will have the opportunity to vote yes. Those who do not will have the opportunity to vote no. Those who choose not to participate, place the fate of the question in the hands of those who choose to participate. The majority prevails.

The 1987 amendments authorized Native corporations to make additional shares available to Native elders and to enroll those who were eligible to receive stock as original shareholders but who failed to enroll. The number of missed enrollees is expected to be small. My legislation would change the voting standard for these two categories to a majority of the shares present and voting as well.

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

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

S. 449

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

**SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking ''(d)(3)'' and inserting ''(3)'';

(2) in the matter preceding subparagraph (A), by striking ''of this section'' and inserting ''or an amendment to articles of incorporation under section 7(g)(1)(B)'';

(3) in subparagraph (A)—

(A) by striking '', or'' and inserting ''; or''; and

(B) by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''; and

(4) in subparagraph (B), by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''.

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By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. KERRY, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 450. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 450

*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 ''Count Every Vote Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VOTER VERIFICATION AND AUDITING

Sec. 101. Promoting accuracy, integrity, and security through preservation of a voter-verified paper record or hard copy.
Sec. 102. Requirement for mandatory recounts.
Sec. 103. Specific, delineated requirement of study, testing, and development of best practices.
Sec. 104. Voter verification and audit capacity funding.
Sec. 105. Reports and provision of security consultation services.
Sec. 106. Improvements to voting systems.

TITLE II—PROVISIONAL BALLOTS

Sec. 201. Requirements for casting and counting provisional ballots.

TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

SUBTITLE A—SHORTENING VOTER WAIT TIMES

Sec. 301. Minimum required voting systems, poll workers, and election resources.
Sec. 302. Requirements for jurisdictions with substantial voter wait times.

SUBTITLE B—NO-EXCUSE ABSENTEE VOTING

Sec. 311. No-excuse absentee voting.

SUBTITLE C—COLLECTION AND DISSEMINATION OF ELECTION DATA

Sec. 321. Data collection.

SUBTITLE D—ENSURING WELL RUN ELECTIONS

Sec. 331. Training of election officials.
Sec. 332. Impartial administration of elections.

SUBTITLE E—STANDARDS FOR PURGING VOTERS

Sec. 341. Standards for purging voters.

SUBTITLE F—ELECTION DAY REGISTRATION AND EARLY VOTING

Sec. 351. Election day registration.
Sec. 352. Early voting.

TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

Sec. 401. Voter registration.
Sec. 402. Establishing voter identification.
Sec. 403. Requirement for Federal certification of technological security of voter registration lists.

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

Sec. 501. Prohibition on certain campaign activities.

TITLE VI—ENDING DECEPTIVE PRACTICES

Sec. 601. Ending deceptive practices.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

Sec. 701. Voting rights of individuals convicted of criminal offenses.

TITLE VIII—FEDERAL ELECTION DAY ACT

Sec. 801. Short title.
Sec. 802. Federal Election Day as a public holiday.
Sec. 803. Study on encouraging government employees to serve as poll workers.

TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

Sec. 901. Transmission of certificate of ascertainment of electors.

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

Sec. 1001. Strengthening the Election Assistance Commission.
Sec. 1002. Repeal of exemption of Election Assistance Commission from certain Government contracting requirements.
Sec. 1003. Authorization of appropriations.

## TITLE I—VOTER VERIFICATION AND AUDITING

**SEC. 101. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH PRESERVATION OF A VOTER-VERIFIED PAPER RECORD OR HARD COPY.**

(a) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

(1) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

''(2) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

''(A) VOTER VERIFICATION.—

''(i) The voting system shall produce an individual voter-verifiable paper record of the vote that shall be made available for inspection and verification by the voter before the vote is cast.

''(ii) The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verifiable paper record before the permanent voter-verified paper record is preserved in accordance with subparagraph (B)(i).

''(B) MANUAL AUDIT CAPACITY.—The permanent voter-verified paper record produced in accordance with subparagraph (A) shall—

''(i) be preserved within the polling place, in the manner, if any, in which all other paper ballots are preserved within that polling place, or, in the manner employed by the jurisdiction for preserving paper ballots in general, for later use in any manual audit;

''(ii) be suitable for a manual audit equivalent to that of a paper ballot voting system; and

''(iii) be available as the official record and shall be the official record used for any recount conducted with respect to any Federal election in which the system is used.''.

(2) PROHIBITION OF USE OF THERMAL PAPER.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) PROHIBITION OF USE OF THERMAL PAPER.—The voter-verified paper record produced in accordance with paragraph (2)(A) shall not be produced on thermal paper, but shall instead be produced on paper of archival quality.''.

(3) CONFORMING AMENDMENT.—Section 301(a)(1)(A)(ii) of the Help America Vote Act (42 U.S.C. 15481(a)(1)(A)(ii)) is amended by inserting ''and before the paper record is produced under paragraph (2)'' before the semicolon at the end.

(b) VOTER-VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES AND LANGUAGE MINORITY VOTERS.—Paragraph (3) of section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(3)) is amended to read as follows:

''(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES AND FOR LANGUAGE MINORITIES.—

''(A) IN GENERAL.—The voting system shall—

''(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(ii) be accessible for language minority individuals to the extent required under section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1), in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(iii) satisfy the requirement of clauses (i) and (ii) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

''(iv) if purchased with funds made available under title II on or after November 1, 2006, meet the voting system standards for disability access (as outlined in this paragraph).

''(B) VERIFICATION REQUIREMENTS.—Any direct recording electronic voting system or other voting system described in subparagraph (A)(iii) shall use a mechanism that separates the function of vote generation from the function of vote casting and shall produce, in accordance with paragraph (2)(A), an individual paper record which—

''(i) shall be used to meet the requirements of paragraph (2)(B);

''(ii) shall be available for visual, audio, and pictorial inspection and verification by the voter, with language translation available for all forms of inspection and verification in accordance with the requirements of section 203 of the Voting Rights Act of 1965;

''(iii) shall not require the voter to handle the paper; and

''(iv) shall not preclude the use of Braille or tactile ballots for those voters who need them.

The requirement of clause (iii) shall not apply to any voting system certified by the Independent Testing Authorities before the date of the enactment of this Act.

''(C) REQUIREMENTS FOR LANGUAGE MINORITIES.—Any record produced under subparagraph (B) shall be subject to the requirements of section 203 of the Voting Rights Act of 1965 to the extent such section is applicable to the State or jurisdiction in which such record is produced.''.

(c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)), as amended by subsection (a)(2), is amended by adding to the end the following new paragraphs:

''(8) INSTRUCTION OF ELECTION OFFICIALS.—Each State shall ensure that election officials are instructed on the right of any individual who requires assistance to vote by reason of blindness, other disability, or inability to read or write to be given assistance by a person chosen by that individual under section 208 of the Voting Rights Act of 1965.

''(9) PROHIBITION OF USE OF UNDISCLOSED SOFTWARE IN VOTING SYSTEMS.—No voting system shall at any time contain or use any undisclosed software. Any voting system containing or using software shall disclose the source code, object code, and executable representation of that software to the Commission, and the Commission shall make that source code, object code, and executable representation available for inspection upon request to any citizen.

''(10) PROHIBITION OF USE OF WIRELESS COMMUNICATION DEVICES IN VOTING SYSTEMS.—No voting system shall use any wireless communication device.

''(11) CERTIFICATION OF SOFTWARE AND HARDWARE.—All software and hardware used

in any electronic voting system shall be certified by laboratories accredited by the Commission as meeting the requirements of paragraphs (9) and (10).

''(12) SECURITY STANDARDS FOR MANUFACTURERS OF VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—

''(A) IN GENERAL.—No voting system may be used in an election for Federal office unless the manufacturer of such system meets the requirements described in subparagraph (B).

''(B) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph are as follows:

''(i) The manufacturer shall conduct background checks on individuals who are programmers and developers before such individuals work on any software used in connection with the voting system.

''(ii) The manufacturer shall document the chain of custody for the handling of software used in connection with voting systems.

''(iii) The manufacturer shall ensure that any software used in connection with the voting system is not transferred over the Internet.

''(iv) In the same manner and to the same extent described in paragraph (9), the manufacturer shall provide the codes used in any software used in connection with the voting system to the Commission and may not alter such codes once certification by the Independent Testing Authorities has occurred unless such system is recertified.

''(v) The manufacturer shall implement procedures to ensure internal security, as required by the Director of the National Institute of Standards and Technology.

''(vi) The manufacturer shall meet such other requirements as may be established by the Director of the National Institute of Standards and Technology.''.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

**SEC. 102. REQUIREMENT FOR MANDATORY RECOUNTS.**

On and after the date of the enactment of this Act, the Election Assistance Commission shall conduct random unannounced manual mandatory recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for State and local office held at the same time as such an election for Federal office) in 2 percent of the polling locations (or, in the case of any polling location which serves more than 1 precinct, 2 percent of the precincts) in each State and with respect to 2 percent of the ballots cast by uniformed and overseas voters immediately following the election and shall promptly publish the results of those recounts in the Federal Register. In addition, the verification system used by the Election Assistance Commission shall meet the error rate standards described in section 301(a)(5) of the Help America Vote Act of 2002.

**SEC. 103. SPECIFIC, DELINEATED REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES.**

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is amended by—

(1) redesignating section 247 as section 248; and

(2) by inserting after section 246 the following new section:

**''SEC. 247. STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES TO ENHANCE ACCESSIBILITY AND VOTER-VERIFICATION MECHANISMS FOR DISABLED VOTERS.**

''The Election Assistance Commission shall study, test, and develop best practices to enhance accessibility and voter-verification mechanisms for individuals with disabilities.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 104. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.**

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

**''PART 7—VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING**

**''SEC. 297. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.**

''(a) PAYMENTS TO STATES.—Subject to subsection (b), not later than the date that is 30 days after the date of the enactment of the Count Every Vote Act of 2005, the Election Assistance Commission shall pay to each State an amount to assist the State in paying for the implementation of the voter-verification and audit capacity requirements of paragraphs (2) and (3) of section 301(a), as amended by subsections (a) and (b) of section 2 of such Act.

''(b) LIMITATION.—The amount paid to a State under subsection (a) for each voting system purchased by a State may not exceed the average cost of adding a printer with accessibility features to each type of voting system that the State could have purchased to meet the requirements described in such subsection.

**''SEC. 298. APPROPRIATION.**

''There are authorized and appropriated $500,000,000 to the Election Assistance Commission, without fiscal year limitation, to make payments to States in accordance with section 297(a). Furthermore, there are authorized and appropriated $20,000,000 to the Election Assistance Commission, for each of fiscal years 2006 through 2010, in addition to any amounts otherwise appropriated for administrative costs to assist with conducting recounts, the implementation of voter verification systems, and improved security measures.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. 105. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.**

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.), as amended by section 103, is amended by—

(1) redesignating section 248 as section 249; and

(2) by inserting after section 247 the following new section:

**''SEC. 248. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.**

''(a) REPORT TO CONGRESS ON SECURITY REVIEW.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit to Congress a report on a proposed security review and certification process for all voting systems used in elections for Federal office, including a description of the certification process to be implemented under section 231.

''(b) REPORT TO CONGRESS ON OPERATIONAL AND MANAGEMENT SYSTEMS.—Not later than 3 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall submit to Congress a report on operational and management systems applicable with respect to elections for Federal office, including the security standards for manufacturers described in section 301(a)(7), that should be employed to safeguard the security of voting systems, together with a proposed schedule for the implementation of each such system.

''(c) PROVISION OF SECURITY CONSULTATION SERVICES.—

''(1) IN GENERAL.—On and after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall provide security consultation services to States and local jurisdictions with respect to the administration of elections for Federal office.

''(2) APPROPRIATION.—To carry out the purposes of paragraph (1), $2,000,000 is appropriated for each of fiscal years 2006 through 2010.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 106. IMPROVEMENTS TO VOTING SYSTEMS.**

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking '', a punch card voting system, or a central count voting system''.

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting ''punch card voting system,'' after ''any''.

(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

(d) RESIDUAL VOTE BENCHMARK.—.

(1) IN GENERAL.—The error rate of the voting system (as defined under section 301 of the Help America Vote Act of 2002) in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by Election Assistance Commission.

(2) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in paragraph (1), the Election Assistance Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Commission shall base the benchmark issued and maintained under this subparagraph on evidence of good practices in representative jurisdictions.

(3) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(A) Congress finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(B) In establishing the benchmark described in subparagraph (B), the Election Assistance Commission shall—

(i) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(ii) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

**TITLE II—PROVISIONAL BALLOTS**

**SEC. 201. REQUIREMENTS FOR CASTING AND COUNTING PROVISIONAL BALLOTS.**

(a) ELIGIBILITY OF PROVISIONAL BALLOTS.—

(1) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by inserting at the end the following new sentence: ''The determination of eligibility shall be made without regard to the location at which the voter cast the provisional ballot and without regard to any requirement to present identification to any election official.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to States and jurisdictions on and after November 1, 2006.

(b) TIMELY PROCESSING OF BALLOTS.—

(1) IN GENERAL.—Subsection (a) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The appropriate State election official shall develop, according to guidelines established by the Election Assistance Commission, reasonable procedures to assure the timely processing and counting of provisional ballots, including—

''(A) standards for timely processing and counting to assure that, after the conclusion of the provisional vote count, parties and candidates may have full, timely, and effective recourse to the recount and contest procedures provided by State law; and

''(B) standards for the informed participation of candidates and parties such as are consistent with reasonable procedures to protect the security, confidentiality, and integrity of personal information collected in the course of the processing and counting of provisional ballots.''.

(2) EFFECTIVE DATE.—Subsection (d) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(d)) is amended—

(A) by striking ''Each State'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each State''; and

(B) by inserting at the end the following new paragraph:

''(2) PROCESSING.—Each State shall be required to comply with the requirements of subsection (a)(6) on and after the date that is 6 months after the date of the enactment of the Count Every Vote Act of 2005.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date of enactment of this Act.

## TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

### Subtitle A—Shortening Voter Wait Times

**SEC. 301. MINIMUM REQUIRED VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.**

(a) MINIMUM REQUIREMENTS.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

### "Subtitle C—Additional Requirements

**"SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.**

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299.

''(b) VOTING SITE.—For purposes of this section and section 299, the term 'voting site' means a polling location, except that in the case of any polling location which serves more than 1 precinct, such term shall mean a precinct.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and subtitle C''.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

### "Subtitle E—Guidance and Standards

**"SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.**

''(a) IN GENERAL.—Not later than January 1, 2006, the Commission shall issue standards regarding the minimum number of voting systems, poll workers, and other election resources (including all other physical resources) required under section 321 on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—

''(1) IN GENERAL.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory distribution of such systems, workers, and other resources, and shall take into account, among other factors, the following with respect to any voting site:

''(A) The voting age population.

''(B) Voter turnout in past elections.

''(C) The number of voters registered.

''(D) The number of voters who have registered since the most recent Federal election.

''(E) Census data for the population served by such voting site.

''(F) The educational levels and socio-economic factors of the population served by such voting site.

''(G) The needs and numbers of disabled voters and voters with limited English proficiency.

''(H) The type of voting systems used.

''(2) NO FACTOR DISPOSITIVE.—The standards shall provide that any distribution of such systems shall take into account the totality of all relevant factors, and no single factor shall be dispositive under the standards.

''(3) PURPOSE.—To the extent possible, the standards shall provide for a distribution of voting systems, poll workers, and other election resources with the goals of—

''(A) ensuring an equal waiting time for all voters in the State; and

''(B) preventing a waiting time of over 1 hour at any polling place.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster or terrorist attack.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described under subtitle E;''.

**SEC. 302. REQUIREMENTS FOR JURISDICTIONS WITH SUBSTANTIAL VOTER WAIT TIMES.**

(a) IN GENERAL.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

### "TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES

**"SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES.**

''(a) IN GENERAL.—Each jurisdiction for which the Election Assistance Commission determines that a substantial number of voters waited more than 90 minutes to cast a vote in the election on November 2, 2004, shall comply with a State remedial plan established under this section.

''(b) STATE REMEDIAL PLANS.—For each State or jurisdiction which is required to comply with this section, the Election Assistance Commission shall establish a State remedial plan to minimize the waiting times of voters.

''(c) JURISDICTION.—For purposes of this section, the term 'jurisdiction' has the same meaning as the term 'registrar's jurisdiction' under section 8 of the National Voter Registration Act of 1993.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

### Subtitle B—No-excuse Absentee Voting

**SEC. 311. NO-EXCUSE ABSENTEE VOTING.**

Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

**"SEC. 322. NO-EXCUSE ABSENTEE VOTING.**

''(a) IN GENERAL.—Each State and jurisdiction shall permit any person who is otherwise qualified to vote in an election for Federal office to vote in such election in a manner other than in person without regard to any restrictions on absentee voting under State law.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Any ballot cast under subsection (a) shall be submitted and processed in the manner provided for absentee ballots under State law.

''(2) DEADLINE.—Any ballot cast under subsection (a) shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for the receipt of absentee ballots under State law, whichever is later.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after October 1, 2006.''.

### Subtitle C—Collection and Dissemination of Election Data

**SEC. 321. DATA COLLECTION.**

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 323. PUBLIC REPORTS ON FEDERAL ELECTIONS.**

''(a) IN GENERAL.—Not later than 6 months after a Federal election, each State and jurisdiction shall publicly report information on such election, including the following information with respect to the election:

''(1) The total number of individuals of voting age in the population.

''(2) The total number of individuals registered to vote.

''(3) The total number of registered voters who voted.

''(4) The number of absentee and overseas ballots requested, including the numbers of such ballots requested by military personnel and citizens living overseas.

''(5) The number of absentee and overseas ballots cast, including the numbers of such ballots cast by military personnel and citizens living overseas.

''(6) The total number of absentee and overseas ballots counted, including the number of such ballots which were cast by military personnel and citizens living overseas that were counted.

''(7) The total number of absentee and overseas ballots rejected, including the numbers of such ballots which were cast by military personnel and citizens living overseas

that were rejected, and the reasons for any such rejections.

''(8) The number of votes cast in early voting at the polls before the day of the election.

''(9) The number of provisional ballots cast.

''(10) The number of provisional ballots counted.

''(11) The number of provisional ballots rejected and the reasons any provisional ballots were rejected.

''(12) The number of voting sites (within the meaning of section 321(b)) in the State or jurisdiction.

''(13) The number of voting machines in each such voting site on election day and the type of each voting machine.

''(14) The total number of voting machines available in the State or jurisdiction for distribution to each such voting site.

''(15) The total number of voting machines actually distributed to such voting sites (including voting machines distributed as replacement voting machines on the day of the election).

''(16) The total number of voting machines of any type, whether electronic or manual, that malfunctioned on the day of the election and the reason for any malfunction.

''(17) The total number of voting machines that were replaced on the day of the election.

''(b) REPORT BY EAC.—The Commission shall collect the information published under subsection (a) and shall report to Congress not later than 9 months after any Federal election the following:

''(1) The funding and expenditures of each State under the provisions of this Act.

''(2) The voter turnout in the election.

''(3) The number of registered voters and the number of individuals eligible to register who are not registered.

''(4) The number of voters who have registered to vote in a Federal election since the most recent such election.

''(5) The extent to which voter registration information has been shared among government agencies (including any progress on implementing statewide voter registration databases under section 303(a)).

''(6) The extent to which accurate voter information has been maintained over time.

''(7) The number and types of new voting systems purchased by States and jurisdictions.

''(8) The amount of time individuals waited to vote.

''(9) The number of early votes, provisional votes, absentee ballots, and overseas ballots distributed, cast, and counted.

''(10) The amount of training that poll workers received.

''(11) The number of poll workers.

''(12) The number of polling locations and precincts.

''(13) The ratio of the number of voting machines to the number of registered voters.

''(14) any other information pertaining to electoral participation as the Commission deems appropriate.

''(c) Each State and jurisdiction shall be required to comply with the requirements of this section on and after November 1, 2006.''.

**Subtitle D—Ensuring Well Run Elections**

**SEC. 331. TRAINING OF ELECTION OFFICIALS.**

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**''SEC. 324. TRAINING OF ELECTION OFFICIALS.**

''(a) IN GENERAL.—Each State and jurisdiction shall require that each person who works in a polling place during an election for Federal office receives adequate training not earlier than 3 months before the election.

''(b) TRAINING.—The training required under subsection (a) shall, at a minimum, include—

''(1) hands-on training on all voting systems used in the election;

''(2) training on accommodating individuals with disabilities, individuals who are of limited English proficiency, and individuals who are illiterate;

''(3) training on requirements for the identification of voters;

''(4) training on the appropriate use of provisional ballots and the process for casting such ballots;

''(5) training on registering voters on the day of the election;

''(6) training on which individuals have the authority to challenge voter eligibility and the process for any such challenges; and

''(7) training on security procedures.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after August 1, 2006.''.

**SEC. 332. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**''SEC. 325. ELECTION ADMINISTRATION REQUIREMENTS.**

''(a) PUBLICATION OF STATE ELECTION LAWS.—

''(1) IN GENERAL.—Each State shall be required to publish all State laws, regulations, procedures, and practices relating to Federal elections on January 1 of each year in which there is a regularly scheduled election for a Federal office.

''(2) MAINTENANCE OF LAWS ON THE INTERNET.—Each State shall be required to maintain an updated version of all material published under paragraph (1) on an easily accessible public web site on the Internet.

''(b) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting voting in Federal elections and the administration of Federal elections since the most recent prior such election. If any State or local government makes any change affecting the administration of Federal elections within 15 days of a Federal election, the State or local government shall provide adequate public notice.

''(c) OBSERVERS.—

''(1) STANDARDS.—Each State shall issue nondiscriminatory standards for granting access to nonpartisan election observers. Such standards shall take into account the need to avoid disruption and crowding in polling places.

''(2) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to nonpartisan domestic observers (including voting rights and civil rights organizations) and international observers in accordance with the standards published under paragraph (1).

''(3) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (2) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

**Subtitle E—Standards for Purging Voters**

**SEC. 341. STANDARDS FOR PURGING VOTERS.**

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**''SEC. 326. REMOVAL FROM VOTER REGISTRATION LIST.**

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of—

''(1) all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section; and

''(2) the criteria, processes, and procedures used to determine which names were removed.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) PRIVACY.—No State or jurisdiction may disclose the reason for the removal of any voter from the voter registration list unless ordered to do so by a court of competent jurisdiction.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after September 1, 2006.''.

**Subtitle F—Election Day Registration and Early Voting**

**SEC. 351. ELECTION DAY REGISTRATION.**

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**''SEC. 327. ELECTION DAY REGISTRATION.**

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 299A; and

''(B) to cast a vote in such election and have that vote counted in the same manner as a vote cast by an eligible voter who properly registered during the regular registration period.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after October 1, 2006.''.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

**''SEC. 299A. ELECTION DAY REGISTRATION FORM.**

''The Commission shall develop an election day registration form for elections for Federal office.''.

**SEC. 352. EARLY VOTING.**

(a) REQUIREMENTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 328. EARLY VOTING.**

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have minimum uniform hours each day for which such voting occurs.

''(c) APPLICATION OF ELECTION DAY REGISTRATION TO EARLY VOTING.—A State shall permit individuals to register to vote at each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) in the same manner as the State is required to permit individuals to register to vote and vote on the day of the election under section 327.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 299B. STANDARDS FOR EARLY VOTING.**

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs and the public listing of the date, time, and location of polling places no earlier than 10 days before the date on which such voting begins.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster or a terrorist attack.''.

## TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

**SEC. 401. VOTER REGISTRATION.**

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after the date of the enactment of this Act—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) PROCESSING OF REGISTRATION APPLICATIONS.—

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 329. PROCESSING OF REGISTRATION APPLICATIONS.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, each State and jurisdiction shall accept and process a voter registration application for an election for Federal office unless there is a material omission or information that specifically affects the eligibility of the voter.

''(b) PRESUMPTION TO REGISTER.—There shall be a presumption that persons who submit voter registration applications should be registered.

''(c) PRESUMPTION TO CURE MATERIAL OMISSION.—Each State and jurisdiction shall—

''(1) provide a process to permit voters an opportunity to cure any material omission within a reasonable period of time; and

''(2) accept any application which is so cured as having been filed on the date on which such application is originally received.

''(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this subsection on and after October 1, 2006.''.

(2) MATERIAL OMISSION.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 299C. STANDARDS FOR MATERIAL OMISSION FROM REGISTRATION FORMS.**

''(a) IN GENERAL.—The Election Assistance Commission shall establish guidelines as to what does and does not constitute a 'material omission or information that specifically affects the eligibility of the voter' for purposes of section 329.

''(b) CERTAIN INFORMATION NOT A MATERIAL OMISSION.—In establishing the guidelines under subsection (a), the Commission shall provide that the following shall not constitute a 'material omission or information that specifically affects the eligibility of the voter':

''(1) The failure to provide a social security number or driver's license number.

''(2) The failure to provide information concerning citizenship or age in a manner other than the attestation required under section 9(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973-gg-7).''.

(c) INTERNET REGISTRATION.—

(1) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 249 as section 250 and by inserting after section 248 the following new section:

**"SEC. 249. STUDY ON INTERNET REGISTRATION AND OTHER USES OF THE INTERNET IN FEDERAL ELECTIONS.**

''(a) STUDY.—The Commission shall conduct a study on—

''(1) the feasibility of voter registration through the Internet for Federal elections; and

''(2) other uses of the Internet in Federal elections, including—

''(A) the use of the Internet to publicize information related to Federal elections; and

''(B) the use of the Internet to vote in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

**SEC. 402. ESTABLISHING VOTER IDENTIFICATION.**

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(3) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this subsection on and after November 1, 2006.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 299D. VOTER IDENTIFICATION.**

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

### "PART 8—PHOTO IDENTIFICATION

**"SEC. 298A. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications.

''(b) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card and who cannot obtain an identification card without undue hardship.

''(c) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298B; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

**"SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 298A.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

**SEC. 403. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.**

(a) IN GENERAL.—Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking ''measures to prevent the'' and inserting ''measures, as certified by the Election Assistance Commission, to prevent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

## TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

**SEC. 501. PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

''CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS AND VOTING SYSTEM MANUFACTURERS

''SEC. 319A. (a) PROHIBITION.—

''(1) CHIEF STATE ELECTION OFFICIALS.—It shall be unlawful for any chief State election

official to take part in prohibited political activities with respect to any election for Federal office over which such official has managerial authority.

''(2) VOTING SYSTEM MANUFACTURERS.—It shall be unlawful for any person who owns or serves as the chief executive officer, chief financial officer, chief operating officer, or president of any entity that designs or manufacturers a voting system to take part in prohibited political activities with respect to any election for a Federal office for which a voting system produced by such manufacturer is used.

''(b) DEFINITIONS.—For purposes of this section:

''(1) CHIEF STATE ELECTION OFFICIAL.—The term 'chief State election official' means the individual designated as such under section 10 of the National Voter Registration Act of 1993.''

''(2) PROHIBITED POLITICAL ACTIVITIES.—The term 'prohibited political activities' means campaigning to support or oppose a candidate or slate of candidates for Federal office, making public speeches in support of such a candidate, fundraising and collecting contributions on behalf of such a candidate, distributing campaign materials with respect to such a candidate, organizing campaign events with respect to such a candidate, and serving in any position on any political campaign committee of such a candidate.

''(b) OWNERSHIP.—For purposes of subsection (a)(2), a person shall be considered to own an entity if such person controls at least 20 percent, by vote or value, of the entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE VI—ENDING DECEPTIVE PRACTICES

### SEC. 601. ENDING DECEPTIVE PRACTICES.

(a) IN GENERAL.—

(1) Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) IN GENERAL.—No person''; and

(B) by inserting at the end the following new paragraph:

''(2) DECEPTIVE ACTS.—No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; nor shall any person knowingly deceive any person regarding the qualifications or restrictions of voter eligibility for any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions.''.

(2) The heading of section 2004(b) of the Revised Statutes is amended by striking ''OR COERCION'' and inserting ''COERCION, OR DECEPTIVE ACTS''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by inserting at the end the following:

''(b) DECEPTIVE ACTS.—Whoever knowingly deceives any person regarding—

''(1) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; or

''(2) the qualifications or restrictions of voter eligibility for any general, primary, run-off or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions

shall be fined under this title, imprisoned not more than one year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

### SEC. 701. VOTING RIGHTS OF INDIVIDUALS CONVICTED OF CRIMINAL OFFENSES.

(a) SHORT TITLE.—This title may be cited as the Civic Participation Act of 2005.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(B) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(C) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(D) An estimated 4,700,000 individuals in the United States, or 1 in 44 adults, currently cannot vote as a result of a felony conviction. Women represent about 676,000 of those 4,700,000.

(E) State disenfranchisement laws disproportionately impact ethnic minorities.

(F) Fourteen States disenfranchise some or all ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(G) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(H) In those States that disenfranchise ex-offenders, an ex-offender's right to vote can only be restored through a gubernatorial pardon or order, or a certificate granted by a parole board. Some States require waiting periods as long as 10 years after completion of the sentence before an ex-offender can initiate the application for restoration of the right to vote.

(I) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. Many States do not offer a restoration procedure for Federal offenders who have completed supervision. The only method available to such persons is a Presidential pardon.

(J) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(K) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(L) The discrepancies described in this paragraph should be addressed by Congress, in the name of fundamental fairness and equal protection.

(2) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

(c) DEFINITIONS.—In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

(d) RIGHTS OF CITIZENS.—The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense

(e) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this section.

(2) PRIVATE RIGHT OF ACTION.—

(A) NOTICE.—A person who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

(B) ACTION.—Except as provided in subparagraph (C), if the violation is not corrected within 90 days after receipt of a notice provided under subparagraph (A), or within

20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(C) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under subparagraph (A) before bringing a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(f) RELATION TO OTHER LAWS.—

(1) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this section shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this section.

(2) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this section shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(g) NOTIFICATION OF RESTORATION OF VOTING RIGHTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 330. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.**

''(a) NOTIFICATION.—

''(1) IN GENERAL.—On the date determined under subsection (b), each State shall notify any qualified ex-offender who resides in the State that such qualified ex-offender has the right to vote in an election for Federal office pursuant to the Civic Participation Act of 2005 and may register to vote in any such election.

''(2) QUALIFIED EX-OFFENDER.—For the purpose of this section, the term 'qualified ex-offender' means any individual who resides in the State who has been convicted of a criminal offense and is not serving a felony sentence in a correctional institution or facility and who is not on parole or probation for a felony offense.

''(b) DATE OF NOTIFICATION.—The notification required under subsection (a) shall be given on the later of the date on which such individual is released from a correctional institution or facility for serving a felony sentence or the date on which such individual is released from parole for a felony offense.

''(c) DEFINITIONS.—Any term which is used in this section that is also used in the Civic Participation Act of 2005 shall have the meaning given to such term in that Act.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after the date of the enactment of the Civic Participation Act of 2005.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to citizens of the United States voting in any election for Federal office after the date of the enactment of this Act.

(2) AMENDMENTS.—The amendment made by subsection (g) shall take effect on the date of the enactment of this Act.

## TITLE VIII—FEDERAL ELECTION DAY ACT

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Federal Election Day Act of 2005''.

**SEC. 802. FEDERAL ELECTION DAY AS A PUBLIC HOLIDAY.**

(a) ELECTION DAY AS A FEDERAL HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by inserting after the matter relating to Columbus Day, the following undesignated paragraph:

''Federal Election Day, the Tuesday next after the first Monday in November in each even numbered year.''.

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (42 U.S.C. 15381(b)) is amended by striking paragraph (10) and by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 803. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.**

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 250 as section 250A and by inserting after section 249 the following new section:

**"SEC. 250. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.**

''(a) STUDY.—The Commission shall conduct a study on appropriate methods to encourage State and local government employees to serve as poll workers in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2006, $100,000 shall be authorized solely to carry out the purposes of this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

**SEC. 901. TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS.**

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended—

(1) by inserting ''and before the date that is 6 days before the date on which the electors are to meet under section 7,'' after ''under and in pursuance of the laws of such State providing for such ascertainment,''; and

(2) by striking ''by registered mail'' and inserting ''by overnight courier''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

**SEC. 1001. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.**

(a) RULEMAKING AUTHORITY.—Part 1 of subtitle A of Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by striking section 209.

(b) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.), as amended by subsection (a), is amended by inserting after section 208 the following new section:

**"SEC. 209. SUBMISSION OF BUDGET REQUESTS.**

''Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.''.

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the Election Assistance Commission;''.

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

**"SEC. 299E. TECHNICAL SUPPORT.**

''At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking ''for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)'' and inserting ''$35,000,000 for fiscal year 2006 (of which $4,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for the succeeding fiscal year''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 1002. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.**

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of enactment of this Act.

**SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.**

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

''(4) For fiscal year 2006, $3,000,000,000.

''(5) For each fiscal year after 2006, such sums as are necessary.''.

Mrs. BOXER. Mr. President, today I join Senator CLINTON in introducing the Count Every Vote Act of 2005.

The 2000 election exposed a number of serious problems with the accuracy and fairness of election procedures in this country, as well as the reliability of certain types of voting technology. As a result of those irregularities, many eligible voters were effectively disenfrachised and thus deprived of one of our most fundamental rights.

In the 2004 election, we again saw serious irregularities when voters across this country went to the polls to cast their votes. From untrustworthy electronic voting machines, to partisan secretaries of state, to outrageously long lines at the polls, the election system was far from what voters are entitled to have.

At Kenyon College in Ohio, for example, voters were made to wait in line until nearly 4 a.m. to vote because there were only two machines for 1,300 voters. In the Columbus area alone, an estimated 5,000 to 10,000 voters left

polling places, out of frustration, without having voted. In Cleveland, thousands of provisional ballots were disqualified after poll workers gave faulty instructions to voters.

Because of these irregularities—as well as voting irregularities in many other places—I joined Congresswoman STEPHANIE TUBBS JONES of Ohio in objecting to the certification of the Ohio electoral votes on January 7, 2005. I did this to cast the light of truth on a flawed system that must be fixed now. Americans deserve a system where every vote is counted and can be verified. And, Congress must do more to give confidence to all of our people that their votes matter.

In 2002, Congress passed the Help America Vote Act (HAVA), which took important steps toward electoral reform. Since the enactment of HAVA, however, concerns have been raised about the security of voting machines and the inability of the majority of voters who may use these machines to be able to adequately verify their vote and to ensure that the vote they intended was both cast and counted. In addition, many other problems in our Federal election system—including long wait times in which to vote, the erroneous purging of voters, voter suppression and intimidation, and unequal access to the voting process—remain.

Last year, I sponsored legislation to address some of these issues. I also joined Senator CLINTON and former Senator Bob Graham in introducing an election reform bill. I am pleased to again join Senator CLINTON today to introduce the Count Every Vote Act of 2005—the CEVA Voting Act. It requires voting machines to have a voter-verified paper trail for use by all individuals, including language minority voters, illiterate voters, and voters with disabilities; and it mandates national standards in the registration of voters and the counting of provisional ballots. All provisions of this legislation are to be in effect no later than the November 2006 Federal election.

Mr. President, in a democracy, the vote of every citizen counts. We must make sure that every citizen's vote is counted—and counted accurately and fairly so that the American people have confidence in the results. HAVA was a good first step. The CEVA Voting Act is the next step, and I encourage my colleagues to join me in this effort.

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By Mr. AKAKA:

S. 451. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Pet Safety and Protection Act of 2005. My legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally.

Over 30 years ago, Congress passed the Animal Welfare Act, AWA, authorizing the Secretary of Agriculture to set and enforce standards protecting animals used in biomedical research, bred for commercial sale, exhibited to the public, or commercially transported from inhumane treatment. Despite the well-meaning intentions of the AWA and the enforcement efforts of the U.S. Department of Agriculture, USDA, the act fails to provide reliable protection against the actions of some unethical animal dealers.

Under the AWA, class B animal dealers are defined as individuals whose business includes the purchase, sale, or transport of animals in commerce, including dogs and cats intended for use at research facilities. To the dismay of animal welfare advocates and pet owners, some class B, or ''random source,'' dealers have resorted to theft and deception to collect animals for resale. In many instances these animals were found living under inhumane conditions.

As recently as August of 2003, USDA agents executed a warrant to investigate a class B dealer from Arkansas suspected of violations of the AWA for the second time in several years. Many claims have been levied against this dealer, and approximately 125 dogs were seized by federal agents during this week-long search. The complaint investigated by the USDA against the dealer alleged that the respondents' veterinarian provided for them falsified official health certificates for cats and dogs, and also provided them with blank, undated, and signed health certificates. It also alleged that the dealer failed to provide the barest standards of care, husbandry, and housing for the animals on the premises. In addition, it alleged that its proprietors were aware that some of the companion animals brought to the facility were stolen, and that the business maintained a list of over 50 ''bunchers,'' individuals who obtain animals and sell them to ''random source'' animal dealers. Bunchers have a variety of methods of obtaining companion animals, including responding to newspaper ads offering free animals, trespassing on private property to abduct the animals from yards, and house burglaries.

I am pleased to report that the civil trial against this class B dealer was settled on January 28, 2005. Under the agreement, the dealer and others associated with the business had their licenses permanently revoked. In addition, fines up to $262,700 were imposed by the USDA, which included a personal civil penalty of $12,700. The dealer also is prohibited from engaging in any activities under which the licenses were revoked for 5 years.

While this case resulted in a landmark settlement, I would like to remind my colleagues that if it were not for an outside organization that filed a complaint with the USDA, this class B dealer could still be in operation today. We, in Congress, need to ensure that dealers such as the one in Arkansas are unable to acquire, house, and sell pets.

The Pet Safety and Protection Act of 2005 strengthens the AWA by prohibiting the use of class B dealers as suppliers of dogs and cats to research laboratories. Contrary to what others might say, my legislation will not be a burden on research facilities because only 2 percent of the approximately 2,051 class B dealers in the United States currently sell cats and dogs to research facilities.

I am not here to argue whether animals should or should not be used in research. Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against cancer, Alzheimer's, tuberculosis, AIDS, and a host of other life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities and the poor treatment of these animals by some class B dealers.

My legislation preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the AWA. Legitimate sources for animals include USDA-licensed class A dealers, breeders, and research facilities, municipal pounds and shelters, and legitimate pet owners who want to donate their animals to research. These sources are capable of meeting the demand for research animals. The National Institutes of Health, in an effort to curb abuse and deception, have already adopted policies against the acquisition of dogs and cats from class B dealers.

The Pet Safety and Protection Act of 2005 also reduces the USDA's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, thousands of dollars are spent on regulating dealers. To discourage any future violations of the AWA, my bill increases the penalties to a minimum of $1,000 per violation.

I reiterate that this bill in no way impairs or impedes research but will end the fraudulent practices of some class B dealers, as well as the unnecessary suffering of these animals in their care. I urge my colleagues to support this important legislation.

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By Mr. CORZINE:

S. 452. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on Commerce, Science, and Transportation.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Tsunami Early Warning and Relief Act, to significantly decrease losses in the event of a future tsunami anywhere in the world. This bill would direct the

National Oceanic and Atmospheric Administration, NOAA, to establish and administer a Global Tsunami Disaster Reduction Program, based on the successful program which NOAA operates in the Pacific Ocean.

I traveled to South and Southeast Asia in the wake of last year's Indian Ocean tsunami that led to the death of more than 160,000 people and a widespread humanitarian crisis. What I witnessed in Indonesia, Thailand and Sri Lanka was the most incredible destruction I have ever seen. I can only imagine that the devastation from the tsunami rivals Hiroshima and Nagasaki in the level of sheer destruction, damage, displacement and loss of life.

Around the world, and right here in the United States, highly populated coastal areas are vulnerable to potential devastation on the scale of the Indian Ocean tsunami. As we continue to assist our South Asian friends in their reconstruction effort, we must also do everything in our ability to reduce human, ecological and economic damage in the event of another tsunami. We cannot allow such a natural disaster to separate families, orphan children and destroy livelihoods once again.

There is no magic solution. Coastal areas, by nature, will face significant damage if a tsunami strikes. However, an advance warning would go a long way to reduce the loss of life in particular. Had governments in South Asia been able to inform their citizens of the approaching tsunami, tourists would not have been tanning on the beach and coastal markets would not have been obliviously going about their everyday business. While they would not have been perfect, rudimentary coastal evacuations could have taken place—and as a result we would not see the awful human cost that I witnessed this January.

We currently operate an effective warning system in the Pacific Ocean, which warns our citizens and coastal governments about potential tsunami threats faced in Hawaii, Alaska and West Coast states. This system utilizes a sophisticated network of buoys in the Pacific Ocean that monitor rising and falling water levels. Using this data, and seismic observation of the ocean floor, NOAA is able to adequately assess the threat posed to coastal residents by natural activity in the Pacific and inform emergency service agencies in regions that face imminent threats.

The Tsunami Early Warning and Relief Act would expand NOAA's successful Pacific tsunami monitoring and communications program to the Atlantic Ocean, Caribbean Sea, Indian Ocean, and other areas around the world that are vulnerable to tsunamis. Furthermore, this legislation expands NOAA's Tsunami Ready Program, which disseminates tsunami communications to coastal communities and coordinates evacuation strategies for these regions.

In conclusion, expansion of tsunami warning and readiness programs are critical to the lives and livelihoods of coastal residents in the United States and around the world. For all of us, the devastating aftermath of the Indian Ocean tsunami is a call to action that we must improve our reflexes when it comes to tsunamis. I urge my colleagues to consider this legislation, and other tsunami warning systems proposed by my colleagues, and to move forward as quickly as possible so that we never again have to see the devastation, death, broken families and orphaned children that we see right now in South Asia.

I ask unanimous consent that the text of the Tsunami Early Warning and Relief Act be a printed in the RECORD.

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

S. 452

*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 ''Tsunami Early Warning and Relief Act of 2005''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) A tremendous undersea earthquake near Sumatra, Indonesia, created a tsunami whose devastation spread throughout South Asia, Southeast Asia, and East Africa, leading to the death of more than 160,000 people on December 26, 2004. As of February 4, 2005, more than 140,000 people are still missing. The tsunami-affected countries include Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(2) The tsunami resulted in massive destruction affecting millions of people who now require a great amount of short-term survival assistance and long-term rehabilitation and reconstruction assistance.

(3) Compared to past disasters, the Indian Ocean earthquake and tsunami led to historic destruction of the social service infrastructure, businesses, and livelihoods. The devastation caused by the tsunami has resulted in many separated families and countless unaccompanied and orphaned children.

(4) An effective global tsunami warning system is critical for preventing future humanitarian disasters and for protecting national security, since tsunamis occurring anywhere around the globe could impact the United States at home and United States national interests abroad.

(5) The National Oceanic and Atmospheric Administration has already built a system of tsunami buoys in the Pacific Ocean which has been proven to provide critical information and enhance the Nation's response to tsunamis. The National Oceanic and Atmospheric Administration has the technical capability to upgrade and expand this system so that it covers the entire globe and is integrated into larger ocean observing efforts.

(6) Consistent funding and international cooperation would be needed to deploy a broader global tsunami warning system.

(7) Effective local emergency management capabilities are needed to relay tsunami warning information to coastal communities and their residents.

## TITLE I—TSUNAMI WARNING SYSTEMS

**SEC. 101. GLOBAL PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a Global Tsunami Disaster Reduction Program within the National Oceanic and Atmospheric Administration for the establishment of a tsunami warning system to protect vulnerable areas around the world, including Atlantic Ocean, Carribean Sea, Gulf of Mexico, Indian Ocean, Mediterranean Sea, and European areas.

(b) INTERNATIONAL COOPERATION.—The Secretary of State, in consultation with the Director of the National Oceanic and Atmospheric Administration, shall work with foreign countries that would benefit from the warning system described in subsection (a), and through international organizations, for the purposes of—

(1) sharing costs;

(2) sharing relevant data;

(3) sharing technical advice for the implementation of dissemination and evacuation plans; and

(4) ensuring that the Global Earth Observation System of Systems program has access to and shares openly all relevant information worldwide.

**SEC. 102. EXPANSION OF UNITED STATES TSUNAMI READY PROGRAM.**

The Director of the National Oceanic and Atmospheric Administration shall work with coastal communities throughout the United States to build upon local coastal and ocean observing capabilities, improve abilities to disseminate tsunami information and prepare evacuation plans according to the requirements of the Tsunami Ready program of the National Oceanic and Atmospheric Administration, and encourage more communities to participate in the program.

**SEC. 103. SEISMIC ACTIVITY MONITORING.**

The Director of the National Oceanic and Atmospheric Administration shall coordinate with the United States Geological Survey and the Department of State to work with other countries to enhance the monitoring, through the Global Seismic Network (GSN), of seismic activities that could lead to tsunamis, to support the programs described in sections 101 and 102.

**SEC. 104. ANNUAL REPORT.**

The Director of the National Oceanic and Atmospheric Administration shall transmit an annual report to Congress on progress in carrying out this title.

**SEC. 105. DEFINITION.**

For purposes of this title, the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

**SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce for carrying out this title—

(1) $38,000,000 for fiscal year 2006; and

(2) $32,000,000 for fiscal year 2007 and for each subsequent fiscal year.

## TITLE II—RELIEF, REHABILITATION, AND RECONSTRUCTION ASSISTANCE RELATING TO INDIAN OCEAN TSUNAMI

**SEC. 201. ASSISTANCE.**

(a) AUTHORIZATION.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance for—

(1) the relief and rehabilitation of individuals who are victims of the Indian Ocean tsunami; and

(2) the reconstruction of the infrastructures of countries affected by the Indian Ocean tsunami, including Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(b) TERMS AND CONDITIONS.—Assistance under this section may be provided on such

terms and conditions as the President may determine.

**SEC. 202. REPORT.**

The President shall transmit to Congress, on a quarterly basis in 2005, on a biannual basis in 2006, and as determined to be appropriate by the President thereafter, a report on progress in carrying out this title.

**SEC. 203. DEFINITION.**

In this title, the term ''Indian Ocean tsunami'' means the tsunami that resulted from the earthquake that occurred off the west coast of northern Sumatra, Indonesia, on December 26, 2004.

**SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the President to carry out this title such sums as may be necessary for fiscal year 2006 and each subsequent fiscal year.

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By Mr. SMITH (for himself, Mr. KOHL, Mr. LUGAR, Mrs. CLINTON, Mr. BROWNBACK, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 453. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleagues, Senators KOHL, LUGAR, LIEBERMAN, BROWNBACK, CLINTON, LAUTENBERG, and FEINGOLD, to introduce this important piece of legislation. Legislation that will ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you may know, Congress as part of Personal Responsibility and Work Opportunity Reconciliation Act, PRWORA, modified the SSI program to include a seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrant to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens Congress provided the 7-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than 7 years because applicants are requited to live in the United States for a minimum of 5 years prior to applying for citizenship and the INS often takes 3 or more years to process the application. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

If Congress does not act to change the law, reports show that over the next 4 years nearly 30,000 elderly and disabled refugees and asylees will lose their Supplemental Security Income, SSI, benefits because their 7-year time limit will expire before they become citizens. Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2006 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional 2 years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a 2-year extension. We believe this will provide the time necessary to complete the process. .

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman GRASSLEY and other members of the Finance Committee to secure these changes during consideration of TANF reauthorization.

Mr. KOHL. I rise today to join Senator SMITH and a bipartisan group of Senators in introducing the SSI Extension for Elderly and Disabled Refugees Act. This bill builds both on a proposal in the President's budget, and on legislation we introduced last year, to serve the neediest individuals in our society.

Wisconsin is the home for hundreds of thousands of Hmong family members who were resettled there in the years after the Vietnam War, some as recently as the 1990s. Many of these Hmong fought with the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America has served as a shelter for Jews and Baptists fleeing religious persecution in the former Soviet Union; and for Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom. I am proud of the example our policies set with respect to the treatment of those seeking refuge.

But I am disappointed in our decision to allow these people to enter the country and then deny them the means to live. Thousands of people who fled religious and political persecution to seek freedom in the U.S. are being punished by a short-sighted policy. A provision in the 1996 welfare reform bill restricted the amount of time that elderly and disabled refugees and asylees could be eligible for Supplemental Security Income, SSI, benefits. These benefits serve as a basic monthly income for individuals who are 65 or older, disabled or blind. Over the next 4 years, it is estimated that 40,000 refugees and political asylees could lose these important benefits on which they often rely.

The 7-year time limit on SSI benefits for legal humanitarian immigrants has already impacted individuals and families across the country, and will impact thousands more without Congressional action. The provision specifically mandated that to avoid losing this important support, refugees and asylees must become citizens within the 7 year limit. Unfortunately, this has proved impossible for far too many. The process of becoming a citizen only truly begins after a refugee has resided in the U.S. for 5 years as a lawful permanent resident. And beyond that, there are many other barriers, such as language skills and processing and bureaucratic delays within the various agencies, which an immigrant must overcome before they become naturalized. Beginning in 2003, immigrants trapped in this process—too often the most vulnerable elderly and families—began to lose their SSI benefits with no hope of recourse.

This inherent flaw in the system has to be changed. That is why we are reintroducing the SSI Extension for Disabled and Elderly Refugees Act. This legislation extends the amount of time that refugees and asylees have to become citizens to 9 years. In addition, the bill contains a ''reach back'' provision: it retroactively restores benefits to those individuals who have already lost them for an additional 2 years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

Across the country, states are recognizing the peril that faces individuals who lose these benefits. Most recently, in January, the State of Illinois passed legislation that allows individuals to obtain monthly grants through a State program, if their Federal SSI benefits are suspended. This action highlights the need for Congress to act. We cannot continue to pass the buck to cash-strapped States. I believe we must act now to protect these individuals.

I cannot stress how important this legislation is to many in the State of Wisconsin. Last year there were several stories across the state regarding the plight of Hmong families and individuals whose citizenship has been delayed and were faced with losing their benefits. That was a year ago, and Congress failed to pass the legislation that Senators SMITH, LUGAR, FEINGOLD and I had worked so hard on. We cannot let another year go by without helping these individuals.

In addition to the Hmong population in Wisconsin, almost every State in the

country is home to immigrants who will be affected by the limit. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

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By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 455. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes; to the Committee on Foreign Relations.

Mr. COLEMAN. Mr. President, today I am introducing legislation to reverse the decline in the number of international students studying at American colleges, universities, and high schools. I am very pleased to be joined by my friend and colleague, Senator BINGAMAN, who cares deeply about these issues as I do.

Policies implemented to keep our country safe in the wake of September 11 have had the unintended consequence of dramatically reducing the number of international students studying in the United States. Total international applications to U.S. graduate schools fell 28 percent from fall 2003 to fall 2004, and 54 percent of all English as a Second Language (ESL) programs have reported declines in overall applications at a time where countries such as the U.K., Canada, and Australia are experiencing increases.

Why is this a concern for our country?

From a foreign policy perspective, America needs all the Ambassadors of goodwill we can get. In a world that too often hates Americans because they do not know us, international education represents an opportunity to break down barriers. It is in our local and national interest for the best and brightest foreign students to study in America because these are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

My caseworkers in Minnesota have dealt with literally hundreds of student visas cases. One case in particular stands out—that of Humphrey Tusimiirwe, a brilliant student from Uganda who was having difficulty getting his student visa for study at St. Thomas. Fortunately, after several calls to the U.S. Ambassador, Humphrey's story ultimately had a happy ending, and he is going to be part of our panel at the University of Minnesota. But too many other students are barred from coming to study in America, and far too many are choosing to not study in the U.S. and instead go elsewhere.

I have heard from Minnesota's colleges and universities. The presence of international students on campuses gives American students an irreplaceable opportunity to learn about other cultures and points of view. That's why this legislation has the endorsement of the University of Minnesota, the MnSCU student association, the Minneapolis Star Tribune and Rochester Post Bulletin, and others. International education is a $13 billion industry, and foreign students who pay full tuition help keep costs down for American students. In Minnesota alone, international students contribute some $175 million to our economy.

Finally, I think this is an economic competitiveness issue too. Attracting the world's top scientific scholars helps to keep our economy competitive. Too many of the world's best scientists are opting against studying in the U.S. because of the barriers we have imposed. We need the world's best and brightest to continue to do their research here, and to continue to use their talents to improve American innovation and ultimately create American jobs. Many of America's most innovative business leaders and top CEOs came to the U.S. as international students.

At the same time, laws are in place to make sure companies hire American workers first, and my legislation would not change that. That's why I will introduce legislation, the COMPETE Act, that will make sure American students have the math, science, and engineering skills needed to stay competitive.

While the State Department has made some very important strides, such as extending the validity of Visas Mantis security clearances and speeding up their processing time, there are still too many qualified students unable to get visas to study in America, and too many who today are deterred from even applying.

That's why I am pleased once again to join with my friend the Senator from New Mexico in introducing the American Competitiveness Through International Openness Now (ACTION) Act. Our bill calls for a number of steps that would help America regain our place as the top destination for international students, scholars, scientists and exchange visitors.

First, our bill calls for a strategic marketing plan similar to strategies implemented by the U.K., E.U., Canada and Australia to help America regain lost ground in attracting the world's best and brightest. There is a perception around the world that America is no longer a welcoming place, so we need to be deliberate and smart in our efforts to change that view.

The bill calls for more realistic standards for visa evaluations by updating a 50-year old criterion for visa approval and admittance to the United States. Under the so-called 214(b) rule, young people currently need to prove that they have ''essential ties'' to their home countries and no intention of emigrating to the U.S. But in this age of globalization, it is increasingly difficult for a 20-year old to do this. Many have lived and studied in other countries, and some have lost their parents to AIDS. They don't own a house or a business, they don't have spouses or children. Consular officers treat every student as an intending immigrant, and it is exceedingly difficult for a student to prove otherwise.

Our legislation calls for commonsense changes to management of the SEVIS system, which tracks international students and visitors. Under this legislation, the database would be run more effectively, and fees would be collected in a more fair manner.

The bill also sets standards for more timeliness and certainty in the student visa process, upgrading communication between government agencies dealing with student visas and enabling them to identify security risks and clear those who are not a threat more quickly.

I spent time in Minnesota last Friday listening to my constituents' views about this bill and the positive effect it would have on Minnesota colleges and universities. The response was overwhelming. These summits prompted me to add a section to the bill dealing specifically with students who have to return home for family emergencies, and a section to help intensive English programs compete with their counterparts in the U.K. and Australia.

We have often seen that prejudice is bred by isolation. Those who only look at this country through a keyhole can draw all kinds of outrageous conclusions. But exposure and interaction bring people together. Especially in a time when we are burdened with the question, ''Why do they hate us?'' we need to enhance those opportunities for people to see us as we really are. International exchanges present precisely this opportunity.

International education brings too much to our campuses, our communities, our economy and our national security to become another victim of the age of terrorism. If we can take ACTION to reverse the decline now, all Americans will reap the benefits for decades to come.

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. 455

*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 ''American Competitiveness Through International Openness Now Act of 2005'' or as the ''ACTION Act of 2005''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The United States has a strategic interest in encouraging international students, scholars, scientists, and exchange visitors to visit the United States to study, collaborate in research, and to develop personal relationships.

(2) Openness to international students, scholars, scientists, and exchange visitors serves vital and longstanding national foreign policy, educational, and economic interests and the erosion of such openness undermines the national security interests of the United States.

(3) Educating successive generations of future world leaders has long been a foundation of the United States international influence and leadership.

(4) Open scientific exchange enables the United States to benefit from the knowledge of the world's top students and scientists and has been a critical factor in maintaining the

United States leadership in science and technology.

(5) International students studying in the United States and their families contribute nearly $13,000,000,000 to the United States economy each year, making higher education a major service sector export.

(6) The total number of applications submitted by foreign applicants to graduate schools in the United States for enrollment during the fall of 2004 declined 28 percent from the number of such applications submitted for enrollment during the fall of 2003.

(7) The total number of foreign students enrolled in graduate schools in the United States during the fall of 2004 declined 6 percent from the number of such enrollments during the fall of 2003.

(8) The number of foreign students enrolled in schools in the United States during the 2003–2004 academic year decreased by 2.4 percent from the number of such students the 2002–2003 academic year, marking the first absolute decline in foreign enrollments since the 1971–1972 academic year.

(9) The policies implemented by the United States since September 11, 2001, and the public perceptions they have engendered, have discouraged many foreign students from studying in the United States and have frustrated the efforts of many foreign scholars and exchange visitors from visiting the United States.

(10) The United States must improve its student, scholar, scientist, and exchange visitor screening process to protect against terrorists seeking to harm the United States.

(11) The United States has seen a dramatic increase in requests for Visa Mantis checks, checks designed to protect against illegal transfers of sensitive technology, from approximately 1,000 in fiscal year 2000 to approximately 18,500 in fiscal year 2004.

(12) Concerns related to the international student monitoring system known as ''SEVIS'' have also contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(13) Other countries have instituted aggressive strategies for attracting foreign students, scholars, and scientists, and have adjusted their policies to encourage and accommodate access to universities and scientific exchange. One such country, Australia, has increased enrollment by foreign students in educational institutions in Australia by more than 53 percent since 2001.

(14) The European Union has set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. Part of this strategy is aimed at enhancing economic competitiveness by making the European Union the most favorable destination for students, scholars, and researchers from other regions of the world.

(15) In order to maintain United States competitiveness in the world economy, build vital relationships with future world leaders, and improve popular perceptions of the United States overseas, the United States requires a comprehensive strategy for recruiting foreign students, scholars, scientists, and exchange visitors.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SEVIS.—The term ''SEVIS'' means the program to collect information relating to nonimmigrant foreign students and other exchange program participants required by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 110 Stat. 3009–546).

**SEC. 4. AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.**

The Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

**''SEC. 115. STRATEGIC PLAN FOR INTERNATIONAL EDUCATIONAL EXCHANGE.**

''(a) REQUIREMENT FOR PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President, in consultation with institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, shall develop a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to the United States for study and exchange activities.

''(2) CONTENT.—The strategic plan shall include the following:

''(A) A marketing plan that utilizes the Internet and other media resources to promote and facilitate study in the United States by foreign students.

''(B) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, Homeland Security, and Energy in promoting and facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(C) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(D) A plan to utilize the educational advising centers of the Department of State that are located in foreign countries to promote study in the United States and to prescreen visa applicants.

''(E) A description of the lines of authority and responsibility for foreign students in the Department of Commerce.

''(F) A description of the mandate related to foreign student and scholar access to educational institutions in the United States for the Department of Education.

''(G) Streamlined procedures within the Department of Homeland Security related to foreign students, scholars, scientists, and exchange visitors.

''(H) Streamlined procedures to facilitate international scientific collaboration.

''(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President shall submit the strategic plan to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(b) RECIPROCITY AGREEMENTS.—It is the sense of Congress that the United States should negotiate reciprocity agreements with foreign countries with the goal of mutual agreement on extending the validity of student and scholar visas to 4 years and permitting multiple entry on student and scholar visas.

''(c) ANNUAL REPORT.—

''(1) REQUIREMENT.—The President, acting through the Secretary of State, in consultation with the Secretary of Education, Secretary of Commerce, Secretary of Homeland Security, and Secretary of Energy, shall submit to Congress an annual report on the implementation of the strategic plan required by subsection (a) and on any negotiations with foreign countries related to the reciprocity agreements referred to in subsection (b).

''(2) CONTENT.—An annual report submitted under this subsection shall include a description of the following:

''(A) Measures undertaken to enhance access to the United States by foreign students, scholars, scientists, and exchange visitors and to improve inter-agency coordination with regard to foreign students, scholars, scientists, and exchange visitors.

''(B) Measures taken to negotiate reciprocal agreements referred to in subsection (b).

''(C) The number of foreign students, scholars, scientists, and exchange visitors who applied for visas to enter the United States, disaggregated by applicants' fields of study or expertise, the number of such visa applications that are approved, the number of such visa applications that are denied, and the reasons for such denials.

''(D) The average processing time for an application for a visa submitted by a foreign student, scholar, scientist, or exchange visitor.

''(E) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that require inter-agency review.

''(F) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that were approved after receipt of such applications in each of the following:

''(i) Less than 15 days.

''(ii) Between 15 and 30 days.

''(iii) Between 31 and 45 days.

''(iv) Between 46 and 60 days.

''(v) Between 61 and90 days.

''(vi) More than 90 days.

''(3) SUBMISSION OF REPORT.—Not later than November 30 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in this subsection.''.

**SEC. 5. FAIRNESS IN THE SEVIS PROCESS.**

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section (8 U.S.C. 1101(a)(15)(F)) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) REPORT ON IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the feasibility of—

(1) entering data into the SEVIS database and collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)) only after the applicant's visa has been approved; or

(2) refunding the fee required by such section in the event that the applicant's visa has been denied.

**SEC. 6. REFORMING SEVIS DATABASE MANAGEMENT.**

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall—

(1) develop policies that permit authorized representatives of SEVIS-approved schools or programs to make corrections to a student, scholar, or exchange visitor's record directly within the SEVIS database;

(2) in the case of such corrections that cannot be made by such representatives, ensure that sufficient resources are made available to enable such corrections to be made in a timely manner;

(3) develop policies to prohibit the detention or deportation of a student who is found to be out of status as a result of a SEVIS database error; and

(4) review the regulations and technology used in the SEVIS system, in order to streamline processes and reduce the time required for SEVIS-approved universities and programs to perform data entry tasks.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the implementation of this section.

**SEC. 7. INTEROPERABLE DATA SYSTEMS.**

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the Director's progress in ensuring that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

**SEC. 8. FACILITATING ACCESS.**

(a) FINDING.—Congress finds that improvements in visa processing would enhance the national security of the United States by—

(1) permitting closer scrutiny of visa applicants who might pose threats to national security; and

(2) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that improvements in visa processing should include—

(1) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(2) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(3) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(4) a provision of the necessary resources to fund a visa processing system that meets the requirements of this Act.

(c) VISA PROCESSING.—

(1) IN GENERAL.—Not withstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance for foreign students, scholars, scientists and exchange visitors in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations and for people previously approved for visas who had to depart the United States for family emergencies; and

(C) give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, to view as ''recreational in nature'' courses of a duration no more than 1 semester or its equivalent, and not awarding certification, license or degree, for purposes of determining appropriateness to visitor status.

(2) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall publish final regulations for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness for international student, scholar, scientist, and exchange visitor visas that—

(A) establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process;

(B) establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review;

(C) provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining; and

(D) establish a special review process to resolve any cases whose resolution is still pending after 60 days.

(d) STANDARDS FOR VISA EVALUATIONS.—

(1) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(A) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial resources to complete a course of study in the United States''; and

(B) by striking ''and solely'' after ''temporarily''.

(2) PRESUMPTION OF STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to appropriate congressional committees on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, scientists and exchange visitors through prescreening of applicants by the government or a university in the country in which the individual resides, a Department of State educational advising center located in a foreign country, or other appropriate entity;

(2) the feasibility of developing the capability to collect biometric data without requiring an applicant for a visa to appear in person at a United States mission in a foreign country; and

(3) the implementation of the guidance described in subsection (b), including the training of consular officers, and the effect of such guidance and training on visa processing volume and timeliness.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act, including for the consular affairs and educational and cultural exchange functions of the Department of State, the visa application review and SEVIS database management function of the Department of Homeland Security, for the Departments of Education, Commerce, and State to develop an implement a marketing plan to attract international students, scholars, scientists, and exchange visitors, and for database improvements in the Federal Bureau of Investigations as specified in section 7.

Mr. BINGAMAN. Mr. President, I rise today, along with Senator COLEMAN, to introduce the American Competitiveness Through International Openness Now (''ACTION'') Act of 2005.

A few days ago, I came to the Senate floor to discuss the importance of the United States taking steps to ensure that we remain the world leader in terms of scientific research and innovation. There is a global competition underway for dominance in science and technology, and I remain concerned that the federal resources we are allocating for research and development are completely insufficient. At a time when other countries are investing more in R & D, we are cutting back Federal support of key science programs. Our Nation's economic competitiveness depends on reversing this trend.

We must also do all we can to continue to develop a highly skilled domestic workforce. It is paramount that we improve math and science education in our school systems, and spend more on graduate education in science and engineering. Maintaining the world's best education system is essential for ensuring Americans well-paying jobs and critical for our economic and national security.

Another area that we must also address in order to ensure U.S. competitiveness in the world economy is visa processing for scientists, engineers, and students wishing to come to the United States. Red tape and delays, although improving, still plague our overseas embassies and threaten our long-term economic security.

The ACTION Act of 2005 would address this important issue.

A country's immigration system helps determines its relationship to the global marketplace. The system can either be conducive to the free flow of ideas, scientists, and international business ventures, or it can provide disincentives to the flow of international talent and scientific collaboration.

Since September 11, the United States has adopted a number of visa policies aimed at making the United States and the traveling public more secure. Unfortunately, those policies have also had a significant impact on scientific collaboration with other countries and have made it problematic for exchange students to come to the United States with the ease they once enjoyed. While the United States has an obligation to thoroughly vet visa applicants, we need to find ways to do so that keep us engaged with the rest of the world and keep our efforts

focused on those that seek to do us harm.

Our international economic competitors are taking proactive steps to encourage highly talented students and graduates to come to their countries and study in their universities. In contrast, the attitude that the United States seems to be projecting to highly talented foreign scientists and students is one of complacency. This not only damages our image abroad, but also hampers research in the nation's laboratories and universities.

Recent studies from the National Science Foundation and the Council of Graduate Schools, as well as State Department statistics, have documented a sharp decline in the foreign students seeking advanced scientific and technical degrees in graduate schools across the United States. The National Science Foundation has found that the combination of an overly restrictive U.S. policy towards issuing visas, the growing perception that the United States is hostile to foreigners, and the increase in opportunities overseas has significantly challenged our ability to attract the best and brightest from around the world to come to the U.S. to study and engage in open scientific exchange.

The 2003–2004 academic year marked the first absolute decline in foreign student enrollments since the early 1970's. And in the fall of 2004, international student applications to graduate schools dropped 28 percent from the same time in 2003.

In contrast, other countries have instituted aggressive strategies for attracting students, scholars, and scientists and have sought to encourage access to universities and promote scientific collaboration. One such example is Australia, which has increased international student enrollment 53 percent since 2001. The European Union has also set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. A key part of this strategy is aimed at making the E.U. the most favorable destination for students, scholars, and researchers from around the world.

Our university system is the envy of the world, and where we have a longstanding record of producing the best trained and most innovative scientists and engineers, and we must not concede our leadership in this area.

It is also important to note that international students play an important economic role—the Institute of International Education recently determined that through tuition and living expenses, foreign students contribute roughly $13 billion to the U.S. economy.

In particular, the ACTION Act of 2005 would help keep international students and scientist coming to the United States to participate in essential research and exchange programs by: improving visa processing in a manner consistent with national security; requiring the President to develop a strategic plan to enhance the recruitment and access of students, scholars, and scientist coming to the United States; reforming the SEVIS system, which tracks students, to allow approved schools to make corrections to a student's record to correct database errors; and by facilitating that the FBI and the State Department develop interoperable data systems.

Openness to international students and scientist is an important aspect of maintaining American competitiveness in the world economy, and I ask my fellow colleagues to join me in supporting this essential bill.

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By Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS):

S. 456. A bill to amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Pathways to Independence Act of 2005, along with Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS. This bill includes two important provisions that we will work to include in TANF reauthorization. These provisions will help States work with TANF recipients who have disabilities to transition them into work.

In July 2002, the General Accounting Office reported that as many as 44 percent of TANF families have a parent or child with a physical or mental impairment. This is almost three times as high as among the non-TANF population in the United States. In eight percent of TANF families, there is both a parent and a child with a disability; among non-TANF families, this figure is one percent. The GAO's work confirmed the findings of earlier studies, including work by the Urban Institute and the HHS Inspector General.

These figures mean that we need to make sure that TANF reauthorization legislation gives States the ability and incentives to help families meet their current needs, while also helping them to move from welfare to work. This is the lesson that Oregon and many other States have already learned as they developed and refined their TANF programs.

The first provision of my bill provides a pragmatic approach to helping parents with disabilities and substance abuse problems receive the treatment and other rehabilitative services they will need to succeed in a work setting. It is designed so that, over time, States can gradually increase the work activity requirements, while continuing to provide clients with rehabilitative services. Under this proposal, much like in other proposals under consideration, a person participating in rehabilitation can be counted as engaged in work activity for three months. After the first three months, if a person continues to need rehabilitative services, the State can continue to count participation in those activities for another three months, so long as that person is engaged in some number of work hours, to be determined by the State.

The next step of my proposal builds on the concept of partial credit that is being considered in the Senate Finance Committee. If, after six months, a State determines that a person has a continuing need for rehabilitative services, the State may create a package that combines work activity with these services. The State will receive credit for the individual's efforts so long as at least one-half of the hours in which the individual participates are in core work activities. For example, if a State receives full credit for a person who works 30 hours per week, and the State has determined that an individual needs rehabilitative services beyond six months, that individual would need to be engaged in core work activities for at least 15 hours per week to get full credit, with the remaining 15 hours spent in rehabilitative services. Similarly, if partial credit is available for a person who works 24 hours per week, then a State could receive that same partial credit if the person was engaged in core work activities for at least 12 hours per week, with the remaining 12 hours spent in rehabilitative services.

This approach is appealing for many reasons. First, it allows states to design a system in which a person can move progressively over time from rehabilitation toward work. Second, it gives states credit for the time and effort they will need to invest to help people move successfully from welfare to work by allowing States to use a range of strategies to help these families. Third, it creates a more realistic structure for individuals with disabilities and addictions who may otherwise fall out of the system either through sanction or discouragement, despite their need for financial support. Finally, this approach is appealing because it is designed to work within the structure of the final TANF reauthorization bill.

I look forward to working with my co-sponsors, Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS, and with the Chairman of the Finance Committee on these important provisions in the upcoming months, and I urge my colleagues to join us in support of this legislation.

I also wish to thank all of the organizations that have expressed support for this bill. I have received support letters from those organizations, and I ask unanimous consent that those letters be printed in the RECORD

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

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

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
*February 17, 2005.*

Hon. GORDON SMITH,
*Senate,*
*Washington, DC.*
Hon. SUSAN M. COLLINS,
*Senate,*
*Washington, DC.*
Hon. JOHN D. ROCKEFELLER IV,
*Senate.*
*Washington, DC.*
Hon. JAMES M. JEFFORDS,
*Senate,*
*Washington, DC.*
Hon. LINCOLN D. CHAFEE,
*Senate,*
*Washington, DC.*

DEAR SENATORS SMITH, JEFFORDS, COLLINS, CHAFEE, AND ROCKEFELLER: We are writing to thank you for introducing legislation that addresses a key problem facing TANF families with a parent with a disability. We believe that this provision, if included in the larger TANF reauthorization bill, will significantly improve the ability of states to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. We enthusiastically support this legislation.

Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the Temporary Assistance for Needy Families (TANF) block grant.

The research is clear that many TANF families include a parent or a child with a disability, and in some families, there is both a child and a parent with a disability. The numbers are high—GAO has found that as many as 44 percent of TANF families have a child or a parent with a disability—and need to be addressed in the policy choices that Congress makes in TANF reauthorization. We believe that, by designing policies that take into account the needs of families with a member with a disability, Congress can help the states move greater numbers of these families off of welfare and toward greater independence. Without reasonable supports, however, and through no fault of their own, these families sometimes fail at work activity and are often subject to inappropriate sanctioning and the crises that flow from abrupt—and often prolonged—loss of income.

Your bill would provide low-income families with members with disabilities real opportunities to achieve self-sufficiency. Under current law, states have the flexibility—either through a waiver such as Oregon has or as a result of the caseload reduction credit—to ensure that a parent with a disability, including a substance abuse problem, receives the rehabilitative services she needs in order to move towards work. In recent years, increasing numbers of states have used this flexibility as they realized that some parents would need more specialized help if they were going to successfully leave TANF. Some of the current reauthorization proposals, however, limit states to counting three or six months of rehabilitative services as work activity. Such short limits on rehabilitative services would be inadequate to help many families with members with disabilities find and sustain employment, and, in light of proposed increases in state participation rates, would discourage states from designing programs and requirements that work for people with the most severe barriers.

Your bill will allow states to count rehabilitative services as work activity beyond six months as long as the state TANF agency works collaboratively with other public or private agencies in determining disability and the services that will be provided and the rehabilitative services are mixed with significant work activity. We believe this mix of work activities and supports will help an individual with severe barriers move toward greater independence. The provision would allow states to count individuals participating in rehabilitative services after six months as long as at least one-half of the hours in which the individual participates are in core work activities. This will allow states to create a progression of work activity hours combined with rehabilitative services over time that will assist in moving the family from welfare to work at a pace that is designed to lead to success for that family.

CCD is not asking Congress to exempt individuals with disabilities from participation in the TANF program. On the contrary, we are looking for the essential assistance and supports that will help families move off of welfare toward greater independence. Your bill does not create any exemptions from participation requirements, and in fact, provides the necessary assistance and supports that can come with participation in the TANF program. Under the bill, states would have to engage the same number of recipients in welfare-to-work activities as under the standard set in a new reauthorization law. The provision simply allows states to utilize a broader range of activities to help recipients with barriers move to work. In short, this is a way to make the TANF program work for parents with disabilities and substance abuse problems. The provision would give states credit when recipients with barriers are engaged in activities and, thus, will encourage states to assist families with barriers to progress toward work in a manner and at a pace that is more tailored to their needs and disabilities.

Thank you again for introducing this legislation and your leadership on this very important issue. We look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center on Budget and Policy Priorities
Council for Exceptional Children
Council of State Administrators of Vocational Rehabilitation
County Welfare Directors Association of California
Easter Seals
Epilepsy Foundation
Goodwill Industries International
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Law Center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
The Arc of the United States
United Cerebral Palsy

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FEBRUARY 17, 2005.

Hon. GORDON SMITH,
*U.S. Senate,*
*Washington, DC.*
Hon. SUSAN M. COLLINS,
*U.S. Senate,*
*Washington, DC.*
Hon. JOHN D. ROCKEFELLER IV,
*U.S. Senate,*
*Washington, DC.*
Hon. JAMES M. JEFFORDS,
*U.S. Senate,*
*Washington, DC.*
Hon. LINCOLN D. CHAFEE,
*U.S. Senate Washington, DC.*

DEAR SENATORS SMITH, JEFFORDS, ROCKEFELLER, COLLINS, AND CHAFEE: Thank you for introducing the ''Pathways to Independence Act of 2005.'' The provision included in this bill, if included in the TANF reauthorization legislation, will improve the ability of states to help TANF recipients with disabilities, including substance abuse problems, to move towards work and greater independence.

Your bill improves on provisions in the Personal Responsibility and Individual Development for Everyone (PRIDE) Act, which passed the Senate Finance Committee in the last Congress and has now been introduced as part of S. 6. The current Senate version of the PRIDE Act allows states to count rehabilitative services towards the work participation rate for up to six months, as long as some core work activity is combined with the rehabilitative services in the second three-month period. The Smith-Jeffords bill builds on this and would allow states to count participation in rehabilitative activities beyond six months, so long as the individual participates in at least one-half the required core work activity hours. The bill also would encourage states to work collaboratively with other agencies that have expertise in identifying disabilities and developing appropriate service plans to address those disabilities.

The encouragement of collaboration is a critical component of the bill. It is our experience that many states have used the flexibility of current law to begin developing such collaborative approaches to working with families who face multiple barriers to employment and independence. However, we are concerned that the increased participation rate requirement contemplated in TANF reauthorization proposals will discourage states from continuing such collaborative approaches to helping families progress on the pathway to independence. Unless states are provided more flexibility in determining what activities count towards the participation rate, we fear states that are already providing critical services will no longer be able to provide them.

For example, last year, the Vermont Vocational Rehabilitation Agency, working in conjunction with the state's TANF agency, reported that it had recently assisted 109 recipients with disabilities in achieving successful employment (defined as stable employment for 90 days). Only 14 of the 109 TANF recipients with disabilities (or 12.8 percent) achieved stable employment in six months or less. Without flexibility to go beyond six months in providing rehabilitative services to people with disabilities, as provided by the Smith-Jeffords bill, Vermont would have risked penalties by offering rehabilitative services beyond six months and 95

of the 109 TANF recipients with disabilities would have been unlikely to receive the services they needed to become successfully employed.

Similarly, drug and alcohol treatment programs that serve women with children, including women receiving TANF assistance, generally require more than six months of services. Indeed, 54 percent of these family-based treatment programs extend beyond six months and demonstrate successful outcomes of upwards of 60 percent of parents achieving lasting sobriety and family stabilization. Family-based treatment programs combine job training, parenting classes, education, and life skills training in their substance abuse treatment plans. These programs also include employment as an essential aspect of the treatment plan, when a particular individual is ready to engage in work. Allowing individuals time to complete treatment is critical. An Oregon study showed that those who completed drug treatment received wages 65 percent higher than those who did not. Nationally, SAMHSA research demonstrates that the longer parents stay in substance abuse treatment programs the more likely they are to succeed: of parents who stayed in treatment for more than six months, 71 percent achieved sustained recovery after completing treatment as well as six months post-discharge.

The goal should be to help parents with disabilities, including substance abuse problems, obtain whatever help they need—for however long they need, as determined by the state and local agencies working together—to help them successfully move from welfare to work. Allowing states to receive credit for only a limited number of months of rehabilitative services will mean that some parents do not get the intensive help they need to succeed.

We are also quite concerned that many of the families who are unable to obtain the services they need will end up in the child welfare system. It is the most disadvantaged families, those with barriers such as mental or physical disabilities or problems with substance abuse, who are at greatest risk of making the transition into the child welfare system.

Thus, neither families nor states can afford an inflexible and ineffective approach to addressing barriers in the TANF program. States must be permitted to count participation in activities that help parents with disabilities successfully participate in the workplace and care for their children, for as long as those activities are needed to help the family progress towards greater independence. We believe that your bill provides this needed flexibility and will encourage state agencies to work collaboratively in assisting these families. Thank you again for introducing this legislation.

Sincerely,

Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Association of People with Disabilities
American Association on Health and Disability
American Counseling Association
American Dance Therapy Association
American Federation of Teachers
American Humane Association
American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
American Professional Society on the Abuse of Children
American Psychological Association
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Black Administrators in Child Welfare Inc.
Brain Injury Association of America
Center for Law and Social Policy
Center on Budget and Policy Priorities
Child Welfare League of America
Children Awaiting Parents
Children's Defense Fund
Children's Healthcare Is a Legal Duty
Coalition on Human Needs
Community Anti-Drug Coalitions of America
Council for Exceptional Children
Council of Learning Disabilities
Council of State Administrators of Vocational Rehabilitation
Easter Seals
Epilepsy Foundation
Episcopal Community Services
Goodwill Industries International
Helen Keller National Center
Legal Action Center
Legal Momentum
Lutheran Services in America
National Alliance of Children's Trust and Prevention Funds
National Alliance to End Homelessness
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of School Psychologists
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Association for Children of Alcoholics
National Association for Children's Behavioral Health
National Child Abuse Coalition
National Coalition on Deaf-Blindness
National Council of La Raza
National Council on Alcoholism & Drug Dependence
National Education Association
National Indian Child Welfare Association
National Law center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
Protestants for the Common Good
Research Institute for Independent Living
School Social Work Association of America
The Arc of the United States
Therapeutic Communities of America
United Cerebral Palsy
Union for Reform Judaism
Voices for America's Children
Women of Reform Judaism
YWCA USA

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S. 456

*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 ''Pathways to Independence Act of 2005''.

**SEC. 2. STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.**

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.—

''(i) INITIAL 3-MONTH PERIOD.—At the option of the State, if the State agency responsible for administering the State program funded under this part determines that an individual described in clause (iv) is not able to meet the State's full work requirements, but is engaged in activities prescribed by the State, the State may deem the individual as being engaged in work for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) for not more than 3 months in any 24-month period.

''(ii) ADDITIONAL 3-MONTH PERIOD.—A State may extend the 3-month period under clause (i) for an additional 3 months only if, during such additional 3-month period, the individual engages in rehabilitative services prescribed by the State and a work activity described in subsection (d) for such number of hours per month as the State determines appropriate.

''(iii) RULES FOR CREDIT IN SUCCEEDING MONTHS.—

''(I) IN GENERAL.— If the State agency responsible for administering the State program funded under this part works in collaboration or has a referral relationship with other governmental or private agencies with expertise in disability determinations or appropriate services plans for adults with disabilities (including agencies that receive funds under this part) and one of these entities determines that an individual treated as being engaged in work under clauses (i) and (ii) continues to be unable to meet the State's full work requirements because of the individual's disability and continuing need for rehabilitative services after the conclusion of the periods applicable under such clauses, then for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b), the State may receive credit in accordance with subclause (II) for certain activities undertaken with respect to the individual.

''(II) CREDIT FOR ACTIVITIES UNDERTAKEN THROUGH COLLABORATIVE AGENCY PROCESS.—Subject to subclause (III), if the State undertakes to provide services for an individual to which subclause (I) applies through a collaborative process that includes governmental or private agencies with expertise in disability determinations or appropriate services for adults with disabilities, the State shall be credited for purposes of the monthly participation rates determined under paragraphs (1)(B)(i) and (2)(B) of subsection (b) with the lesser of—

''(aa) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this clause for the month; or

''(bb) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

''(III) LIMITATION.—A State shall not receive credit under this clause towards the monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) unless the State reviews the disability determination of an individual to which subclause (I) applies and the activities in which the individual is participating not less than every 6 months.

''(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an individual described in this clause is an individual who the State has determined has a disability, including a substance abuse problem, and would benefit from participating in rehabilitative services while combining such participation with other work activities.

''(v) DEFINITION OF DISABILITY.—In this subparagraph, the term 'disability' means a

physical or mental impairment, including substance abuse, that—

''(I) constitutes or results in a substantial impediment to employment; or

''(II) substantially limits 1 or more major life activities.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2005.

Mr. JEFFORDS. Mr. President, it is a pleasure for me to introduce today, along with my colleagues Senators SMITH, COLLINS, CHAFEE, and ROCKEFELLER, the ''Pathways to Independence Act of 2005.'' This legislation is the product of a bipartisan effort to ensure that those individuals in our welfare system who face the toughest barriers to work, such as individuals with disabilities or substance abuse problems, are provided the best opportunity for future success and productivity. This legislation gives states the tools and incentives necessary to assist them in moving individuals from welfare to work.

The current welfare system has been widely regarded as a success in moving individuals off the welfare rolls, and states have been given incentives to do so. While this approach has been regarded as successful, it has one major flaw. Although the states are provided incentives for removing people from the welfare rolls, no incentives exist for placing individuals into sustainable employment. States receive the same credit for moving a welfare recipient into a high paying job as they do for sanctioning that person outright. This perverse incentive has been particularly difficult for the many welfare recipients who have disabilities or struggle with substance abuse problems. In many states it is easier to write these people off than to give them the support necessary to become truly independent.

In Vermont, approximately 15 percent of the welfare caseload has been diagnosed with a disability and receive services through the Vermont Department of Vocational Rehabilitation. Vermont's effort to provide these services enables welfare recipients to, move from welfare to work. However, these services are not included in the core work activities allowed under the current welfare law. Vermont receives no credit or incentive for moving these individuals to independence. This policy is wrong. If we truly want welfare to be an initiative that helps people to become independent and self-sufficient, then our policies must reflect our intentions. That is where ''The Pathways to Independence Act of 2005'' comes into play.

The ''Pathways to Independence Act of 2005'' would allow states to count certain rehabilitation services for individuals with disabilities and treatment for substance abuse toward work activities. Here's how it works: the legislation would give states the ability to count a welfare recipient who is engaged in work, or work preparation activities, to participate in a drug treatment program for three months. At the end of this 3-month period, the state would be given the opportunity to reevaluate the status of the individual and decide whether to continue treatment for an additional 3 months. This is the same process that is envisioned in the ''Personal Responsibility and Individual Development for Everyone (PRIDE) Act'' that the Finance Committee is planning to consider this spring. The PRIDE approach would then require an individual with a severe barrier to meet the same standard as a non-disabled individual. However, the ''Pathways to Independence Act'' would allow the state to continue treatment for the individual, provided that the individual is meeting at least half of the regular work requirements and following their treatment program for the remaining hours.

This is a common sense proposal. It is consistent with the research on providing effective support programs for people with disabilities and effective treatment programs for people struggling with substance abuse leading to sustainable employment. By allowing states to count these individuals in the ''working'' category, we provide the states with the necessary incentives to engage those most difficult to serve in meaningful ways that will help them to work. It will allow the states to place people with disabilities and substance abuse problems on a pathway to independence.

The ''Pathways to Independence Act of 2005'' would supply the states with the tools and incentives necessary to provide welfare recipients with the greatest chance for independence and self-sufficiency. If we truly want to take the necessary steps towards achieving this goal and improving upon our current welfare system, this legislation must be part of any welfare reform reauthorization that is enacted.

I would like to thank the members of the Consortium for Citizens with Disabilities for their help in developing this legislation and their strong letter in support of this initiative. I especially want to thank my colleague from Oregon, Senator SMITH, for his commitment to this legislation and all of our cosponsors in this endeavor.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 58—COMMENDING THE HONORABLE HOWARD HENRY BAKER, JR., FORMERLY A SENATOR OF TENNESSEE, FOR A LIFETIME OF DISTINGUISHED SERVICE

Mr. FRIST (for himself, Mr. BYRD, Mr. REID, Mr. ALEXANDER, Mr. COCHRAN, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. WARNER, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Whereas Howard Henry Baker, Jr., son of Howard Henry Baker and Dora Ladd Baker, was heir to a distinguished political tradition, his father serving as a Member of Congress from 1951 until his death in 1964, his stepmother Irene Baker succeeding Howard Baker, Sr. in the House of Representatives, and his grandmother Lillie Ladd Mauser having served as Sheriff of Roane County, Tennessee;

Whereas Howard Baker, Jr. served with distinction as an officer in the United States Navy in the closing months of World War II;

Whereas Howard Baker, Jr. earned a law degree from the University of Tennessee Law School in Knoxville where, during his final year (1948–1949), he served as student body president;

Whereas after graduation from law school Howard Baker, Jr. joined the law firm founded by his grandfather in Huntsville, Tennessee, where he won distinction as a trial and corporate attorney, as a businessman, and as an active member of his community;

Whereas during his father's first term in Congress, Howard Baker, Jr. met and married Joy Dirksen, daughter of Everett McKinley Dirksen, a Senator of Illinois, in December 1951, which marriage produced a son, Darek, in 1953, and a daughter, Cynthia, in 1956;

Whereas Howard Baker, Jr. was elected to the Senate in 1966, becoming the first popularly elected Republican Senator in the history of the State of Tennessee;

Whereas during three terms in the Senate, Howard Baker, Jr. played a key role in a range of legislative initiatives, from fair housing to equal voting rights, the Clean Air and Clean Water Acts, revenue sharing, the Senate investigation of the Watergate scandal, the ratification of the Panama Canal treaties, the enactment of the economic policies of President Ronald Reagan, national energy policy, televising the Senate, and more;

Whereas Howard Baker, Jr. served as both Republican Leader of the Senate (1977–1981) and Majority Leader of the Senate (1981–1985);

Whereas Howard Baker, Jr. was a candidate for the Presidency in 1980;

Whereas Howard Baker, Jr. served as White House Chief of Staff during the Presidency of Ronald Reagan;

Whereas Howard Baker, Jr. served as a member of the President's Foreign Intelligence Advisory Board during the Presidencies of Ronald Reagan and George H.W. Bush;

Whereas following the death of Joy Dirksen Baker, Howard Baker, Jr. married Nancy Landon Kassebaum, a former Senator of Kansas;

Whereas Howard Baker, Jr. served with distinction as Ambassador of the United States to Japan during the Presidency of George W. Bush and during the 150th anniversary of the establishment of diplomatic relations between the United States and Japan;

Whereas Howard Baker, Jr. was awarded the Medal of Freedom, the Nation's highest civilian award; and

Whereas Howard Baker, Jr. set a standard of civility, courage, constructive compromise, good will, and wisdom that serves as an example for all who follow him in public service: Now, therefore, be it

*Resolved,* That the Senate commends its former colleague, the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country and confers upon him the thanks of a grateful Nation.

## SENATE RESOLUTION 59—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 59

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, ''strongly condemn[ed] the brutal repression taking place in China'' and ''solemnly request[ed] the Chinese authorities... to put an end to the repressive actions against those who legitimately claim their democratic rights'';

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2003 Country Reports on Human Rights Practices states that, during 2003, ''The [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses,'' and, furthermore, that ''there was backsliding on key human rights issues during the year'';

Whereas, according to the same Department of State report, credible sources estimated that as many as 2,000 persons remained in prison in the People's Republic of China at the end of 2003 for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in four separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the January 13, 2005, resolution of the European Parliament called on the European Union to maintain its arms embargo on the People's Republic of China until the European Union ''has adopted a legally binding Code of Conduct on Arms Exports and the People's Republic of China has taken concrete steps towards improving the human rights situation in that country... [including] by fully respecting the rights of minorities'';

Whereas a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that ''[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers'';

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that ''there has been a dramatic change in the military balance between China and Taiwan,'' and that ''[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan'';

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in 1979 the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that ''[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole'';

Whereas the United States has numerous security interests in the East Asia and Pacific region, including the security of Japan, Taiwan, South Korea, and other key areas, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western, even United States, origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the United States Government;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that ''Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003,'' and that ''[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran'';

Whereas, as recently as December 20, 2004, the United States Government determined that seven entities of the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, should be subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States and several European countries to curb illicit weapons activities in Iran: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in upcoming meetings with European officials;

(4) encourages the United States Government to make clear in discussions with Governments in Europe that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to close any loopholes in its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable;

(C) to more carefully regulate and monitor the end-use of exports of sensitive dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) improvement in the export control practices of the People's Republic of China; and

(D) an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles.

Mr. SMITH. Mr. President, I rise today to submit a resolution on the European Union's expressed intent to lift its arms embargo against China.

During the EU-China summit meeting last December, the European Union indicated that it is likely to lift the arms embargo it imposed against China after the 1989 Tiananmen Square massacre. Evidently, the ''strategic partnership'' the EU seeks with China and base economic interests trump the human rights considerations that were the reason for instituting the embargo in the first place. How the EU proceeds on this issue will reveal a great deal about the role it seeks to play in the world.

In helping the Chinese develop their military capabilities, the Europeans see two principal benefits. China's enhanced military prowess would serve as a more effective counterweight to American power, theoretically strengthening the EU's hand in international political and strategic decisions. Additionally, European defense industries stand to gain billions of euros in Chinese contracts which, for EU leaders, seems too good to resist.

Sadly, the EU seems to be giving in to Chinese blackmail. Because China views the continued arms embargo as an international black eye and an embarrassing reminder of the Tiananmen crackdown, it has aggressively lobbied the Europeans to lift it, even saying that their trade relationship will be jeopardized if the embargo remains in place.

It is important to remember the reason for imposing the embargo: China's brutal reaction to the democratic movement in 1989 that resulted in the death of hundreds of Chinese and the imprisonment of thousands more. So, when we consider the future of the embargo it seems self-evident to evaluate the current state of human rights in China today.

Though the government's methods may be more refined than we saw in June 1989, the situation remains bleak. Chinese citizens who attempt to exercise basic rights are dealt with harshly. People are jailed for writing essays. Priests are beaten and abused. Churches are closed, their leaders detained. Birth planning policies are cruelly implemented. The Chinese people are still unable to speak freely, to meet without interference, or to worship in peace.

Although respect for basic human rights is one of the values that define the Euro-Atlantic tradition, the EU seems ready to discard it at will. It is foolish for them to call on China to improve its human rights record and then talk of rewarding them by lifting the embargo. I cringe to think of the message that sends to the brave Chinese dissidents fighting for democracy.

The EU claims that lifting the embargo will not change the status quo. Its argument is based on the EU's 'Code of Conduct' that lays out minimal standards (including respect for human rights and preservation of regional peace) for EU nations to consider before approving arms sales. There would be no explosion of military sales to China if the embargo is lifted, EU leaders say. But not only is the Code of Conduct ineffective, it is purely voluntary. And if its terms are violated, it is not legally enforceable.

Even if the EU were to strengthen the code of conduct and improve its transparency, I am confident that EU members would ignore its provisions if they deem it economically advantageous. Otherwise, I doubt their defense industries would be as enthusiastic about access to the Chinese marketplace.

There are serious consequences if the EU proceeds down this road. By giving China access to advanced military systems, including surveillance and communication equipment, the EU would be directly responsible for modernizing the Chinese military. On a regional basis, the delicate strategic balance in the Taiwan straits will be altered, and as one Pentagon official states, China will be able to kill Americans more effectively. China's recent threatening moves against Japan will be seen as more dangerous. And whether the EU admits it or not, China will have a greater capability to suppress internal dissent.

This may not matter to Europe. But they should carefully consider the impact this move would have on the transatlantic relationship that they claim to value. I can guarantee that if the EU lifts its arms embargo against China, the Congress will reassess the close defense and intelligence cooperation that the United States has with Europe and work to reverse the liberalization of technology transfers to our European partners. To do otherwise would be irresponsible. If we share advanced technology with the EU which then allows China even limited access to it, our forces in the Pacific are more vulnerable to Chinese misadventure.

Last November, British Foreign Minister Jack Straw told me that the United Kingdom did not want to jeopardize its close defense relationship with the U.S. over the arms embargo issue. Yet, apparently the British believe that this is an instance where it can play the role of a good European, rather than an American partner. I take heart that there are some EU members that still believe in the importance of taking a stand on human rights grounds. Unfortunately, I am not certain their views can prevail in Brussels.

I am pleased that my distinguished colleague, Senator BIDEN, has joined me in submitting this resolution today, along with Senators BROWNBACK, KYL, CHAMBLISS, and ENSIGN.

President Bush will be traveling to Europe next week, where he will meet with senior European and EU leaders. This resolution states our strong support of the United States arms embargo on China and urges the European Union to maintain its embargo as well. It also urges the President to raise our objections to the EU lifting its embargo and to engage the Europeans during his meetings next week in a discussion on how doing so could adversely affect the transatlantic relationship. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China in light of serious human rights concerns.

I believe, and it is expressed in the resolution, that this situation presents us with an opportunity to work with the EU to strengthen the transatlantic relationship. By working together actively on a common strategy to improve human rights in China, end the Chinese military build-up against Taiwan, improve Chinese export control practices, and bring an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles, we are more likely to achieve our common goal.

But I am concerned that the strident competitiveness of some senior European leaders and their obsession with hampering America's ability to operate in the world is impacting U.S. national security interests, rather than purely economic or commercial ones. Multipolarity is not a policy goal, it's a recipe for disaster. At what cost is the EU trying to counter American power? In order to play a greater role in the world, they are willing to risk one that is more dangerous.

## SENATE RESOLUTION 60—SUPPORTING DEMOCRATIC REFORM IN MOLDOVA AND URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A DEMOCRATIC AND FAIR ELECTION PROCESS FOR THE MARCH 6, 2005, PARLIAMENTARY ELECTIONS

Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on August 27, 1991, Moldova declared independence from the Soviet Union;

Whereas parliaments were elected in Moldova in free and fair multiparty elections during 1990, 1994, and 1998;

Whereas international observers stated that the May 2003 local elections for mayors and regional councilors, despite scattered reports of irregularities, were generally consistent with international election standards;

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of political and economic freedom, has designated Moldova's political environment as ''partly free'' and, using a scale of 1 to 7 (with 1 being the most free), assigned a rating of 3 for political rights in Moldova and 4 for civil liberties in Moldova;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and candidates from presenting their views and qualifications to potential voters;

Whereas, in a genuinely democratic election, parties and candidates are free to organize supporters and conduct public meetings and events;

Whereas ensuring that parties and candidates enjoy unimpeded access to television, radio, print, and Internet media on a nondiscriminatory basis is fundamental to a free, fair, and democratic election;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and to seek and acquire information upon which to make an informed vote in a manner that is free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas Moldova is scheduled to conduct parliamentary elections on March 6, 2005;

Whereas reports indicate that national and local officials in Moldova are increasing their control and manipulation of the media as the election date approaches;

Whereas there have been widespread reports of harassment of opposition candidates and workers by the police in Moldova;

Whereas other reports indicate that intimidation of independent civil society monitoring groups by authorities in Moldova is occurring on an increasingly frequent basis;

Whereas such actions are inconsistent with Moldova's history of the holding of free and fair elections and raise grave concerns regarding the commitment of the authorities in Moldova to conducting free and fair elections;

Whereas the parliamentary elections scheduled for March 6, 2005 will provide a test of the extent to which the Government of Moldova is committed to democracy, free elections, and the rule of law; and

Whereas the holding of truly free and fair elections in Moldova, including a free and democratic campaign preceding an election, are vital to improving the relationship between Moldova and the United States and to the United States providing support for resolution of the Transnistria conflict and for the provision of assistance to Moldova through the Millennium Challenge Account: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Moldova since Moldova declared independence from the Soviet Union on August 27, 1991;

(2) recognizes that a precondition for the full integration of Moldova into the Western community of nations is the establishment of a genuinely democratic political system in Moldova;

(3) supports the sovereignty, independence, and territorial integrity of Moldova;

(4) encourages all political parties in Moldova to offer genuine solutions to the serious problems that face Moldova, including human trafficking, corruption, unemployment, and territorial issues;

(5) expresses its strong and continuing support for the efforts of the people of Moldova to establish full democracy, including the rule of law and respect for human rights;

(6) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe (OSCE) for the holding of democratic elections;

(7) urges the Government of Moldova to ensure—

(A) the full transparency of election procedures before, during, and after the parliamentary elections scheduled to be held on March 6, 2005;

(B) the right to vote for all citizens of Moldova;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis; and

(D) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(8) pledges its enduring support and assistance to the people of Moldova for the establishment of a fully free and open democratic system that is free from coercion, the creation of a prosperous free market economy, the establishment of a secure independence, and Moldova's assumption of its rightful place as a full and equal member of the Western community of democracies.

## SENATE RESOLUTION 61—RECOGNIZING THE NATIONAL READY MIXED CONCRETE ASSOCIATION ON ITS 75TH ANNIVERSARY AND ITS MEMBERS' VITAL CONTRIBUTIONS TO THE INFRASTRUCTURE OF THE UNITED STATES

Mr. INHOFE submitted the following resolution; which was considered and agreed to:

S. RES. 61

Whereas the National Ready Mixed Concrete Association was founded and incorporated in the Commonwealth of Pennsylvania on the 26th day of December, 1930;

Whereas the founders of the National Ready Mixed Concrete Association possessed the leadership and vision to establish a single voice for the ready mixed concrete industry;

Whereas the National Ready Mixed Concrete Association represents and acts on behalf of the industry before all divisions of government and those public and private organizations whose work affects the ready mixed concrete business;

Whereas the National Ready Mixed Concrete Association has been a pioneer in the field of concrete technology through groundbreaking research and advanced scientific methods in the practical use and applications of ready mixed concrete;

Whereas the National Ready Mixed Concrete Association has gained national distinction by developing innovative breakthroughs in engineering, aggressive market promotion, and its contribution toward the creation of the first undergraduate degree in concrete industry management in the United States;

Whereas the National Ready Mixed Concrete Association leads the concrete industry through its education and certification programs;

Whereas the National Ready Mixed Concrete Association today represents 1,300 producer member companies, both national and multinational, that employ thousands of workers and operate in every congressional district in the United States;

Whereas the National Ready Mixed Concrete Association continues today to assist producers in the ready mixed concrete community through the introduction of innovative safety procedures, modern health initiatives, and progressive environmental control programs in an effort to enhance the performance level of the industry; and

Whereas the National Ready Mixed Concrete Association will continue to look toward the future by forging alliances within the ready mixed community, and by becoming more educated in business operations and more knowledgeable about the product and the role of ready mixed concrete in the construction and building of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the National Ready Mixed Concrete Association for its 75 year history and its contributions to the construction of the infrastructure of the United States, including homes, buildings, bridges, and highways;

(2) recognizes that the National Ready Mixed Concrete Association has been and will continue to be an invaluable asset in developing the history and character of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the National Ready Mixed Concrete Association as an expression of appreciation and for public display at the National Ready Mixed Concrete Association's 2005 national convention.

## SENATE RESOLUTION 62—SUPPORTING THE GOALS AND IDEALS OF A ''ROTARY INTERNATIONAL DAY'' AND CELEBRATING AND HONORING ROTARY INTERNATIONAL ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY

Mr. DURBIN (for himself, Mr. OBAMA, Mr. STEVENS, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first service club and 1 of the largest nonprofit service organizations;

Whereas there are more than 1.2 million Rotary International club members comprised of professional and business leaders in more than 31,000 clubs in more than 165 countries;

Whereas the Rotary International motto, ''Service Above Self'', inspires members to provide humanitarian service, meet high ethical standards, and promote international good will;

Whereas Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas in 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas polio cases have dropped by 99 percent since 1988, and the world now stands on the threshold of eradicating the disease;

Whereas Rotary International is the largest privately-funded source of international scholarships in the world and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore career fields in other countries;

Whereas 8,000 secondary school students each year experience life in another country through Rotary International's Youth Exchange Program;

Whereas over the past 5 years, members of Rotary International in all 50 States have hosted participants in Open World, a program sponsored by the Library of Congress, and therefore have earned the honor of serving as Open World's most outstanding host;

Whereas there are approximately 400,000 Rotary International club members in more than 7,700 clubs throughout the United States sponsoring service projects to address critical issues such as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad; and

Whereas February 23, 2005, would be an appropriate date on which to observe Rotary International Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of a ''Rotary International Day'' to celebrate the centennial anniversary of Rotary International; and

(2) recognizes Rotary International for 100 years of service to improving the human condition in communities throughout the world.

## SENATE RESOLUTION 63—CALLING FOR AN INVESTIGATION INTO THE ASSASSINATION OF PRIME MINISTER RAFIQ HARIRI AND URGING STEPS TO PRESSURE THE GOVERNMENT OF SYRIA TO WITHDRAW FROM LEBANON

Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. REID, Mr. FRIST, Mr. LEVIN, Mr. DODD, Mr. CORZINE, Mr. ALLEN, and Mr. CHAFEE)) submitted the following resolution; which was considered and agreed to:

S. RES. 63

Whereas on February 14, 2005, Rafiq Hariri, the former Prime Minister of Lebanon, was assassinated in a despicable terrorist attack;

Whereas the car bomb used in the assassination killed 16 others and injured more than 100 people;

Whereas the intent of the terrorists who carried out the assassination was to intimidate the Lebanese people and push Lebanon backward toward chaos;

Whereas Rafiq Hariri served as Prime Minister of Lebanon for a total of 10 years since the end of the Lebanese war in 1991;

Whereas Rafiq Hariri helped revitalize the economy of Lebanon and rebuild its shattered infrastructure and pioneered and directed the rebirth of Beirut's historic downtown district;

Whereas Rafiq Hariri stepped down as Prime Minister on October 20, 2004;

Whereas Syria maintains at least 14,000 troops and a large number of intelligence personnel in Lebanon;

Whereas there is widespread opposition in Lebanon to the continuing Syrian presence in Lebanon;

Whereas the United Nations Security Council issued a Presidential Statement (February 15, 2005) condemning the terrorist bombing that killed Rafiq Hariri and calling on ''the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act'';

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the political independence and sovereignty of Lebanon, the withdrawal of foreign forces from Lebanon, and the disarmament of all militias in Lebanon;

Whereas Syria is the main supporter of the terrorist group Hezbollah, the only significant remaining armed militia in Lebanon;

Whereas Hezbollah supports Palestinian terrorist groups and poses a threat to the prospects for peace in the Middle East;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) was enacted into law on December 12, 2003; and

Whereas the President has recalled the United States Ambassador to Syria for urgent consultations: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the cowardly and despicable assassination of Rafiq Hariri, the former Prime Minister of Lebanon;

(2) extends condolences to Prime Minister Hariri's family and the people of Lebanon;

(3) supports United Nations Security Council Resolution 1559 (September 2, 2004), which calls for the withdrawal of all foreign forces from Lebanon;

(4) urges the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination;

(5) urges the President to consider imposing sanctions under the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note); and

(6) supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections monitored by international observers.

## SENATE RESOLUTION 64—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PREPARE A COMPREHENSIVE STRATEGY FOR ADVANCING AND ENTERING INTO INTERNATIONAL NEGOTIATIONS ON A BINDING AGREEMENT THAT WOULD SWIFTLY REDUCE GLOBAL MERCURY USE AND POLLUTION TO LEVELS SUFFICIENT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT

Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, Mr. LAUTENBERG, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 64

Whereas mercury is a persistent, bioaccumulative, and toxic heavy metal;

Whereas mercury is found naturally in the environment but is also emitted into the air, land, and water in various forms in the United States and around the world during fossil fuel combustion, waste incineration, chlor-alkali production, mining, and other industrial processes, as well as during the production, use, and disposal of various products;

Whereas mercury air pollution has the ability to both deposit locally and travel thousands of miles in a global atmospheric pool of emissions before eventual deposition, crossing national boundaries and becoming a shared global burden;

Whereas the United Nations Environment Programme reported that, on average, anthropogenic emissions of mercury since preindustrial times have resulted in 50- to 300-percent increases in deposition rates around the world;

Whereas the United Nations Environment Programme reported that global consumption of mercury equaled 3,337 tons in 1996, and that all mercury releases to the global environment total approximately 5,000 tons each year;

Whereas mercury air pollution can deposit into lakes, streams, and the oceans where it is transformed into toxic methylmercury and bioaccumulates in fish and fish-eating wildlife;

Whereas the National Academy of Sciences confirmed that consumption of mercury-contaminated fish and seafood by pregnant women can cause serious neurodevelopmental harm in the fetus, including such detrimental effects as intelligence quotient deficits, abnormal muscle tone, decreases in motor function, attention, or visuospatial performance, mental retardation, seizure disorders, cerebral palsy, blindness, and deafness;

Whereas the 1997 Mercury Study Report submitted by the Administrator of the Environmental Protection Agency to Congress found that every region of the United States is adversely affected by mercury deposition;

Whereas the Food and Drug Administration, the Environmental Protection Agency, and 44 States currently have advisories warning the public to limit consumption of certain fish that are high in mercury content;

Whereas, of the 4,000,000 children born every year in the United States, a scientist at the Environmental Protection Agency estimates that approximately 630,000 are exposed to mercury levels in the womb above the safe health threshold, caused primarily by maternal consumption of mercury-tainted fish;

Whereas these health and environmental effects of mercury contamination can impose significant social and economic costs in the form of increased medical care, special educational and occupational needs, reduced economic performance, and disruptions in recreational and commercial fishing and hunting, and can create disproportionate health, social, and economic impacts among subpopulations dependent on subsistence fishing;

Whereas the Environmental Protection Agency has estimated that the United States is a net emitter of mercury in that the United States contributes 3 times as much mercury to the global atmospheric pool of air emissions as it receives through deposition;

Whereas the United States Geological Survey has not reported mercury consumption figures for key sectors in the United States economy since 1996, thereby creating important information gaps relating to domestic mercury use and trade;

Whereas the quantity of domestic fugitive chlor-alkali sector emissions has been labeled an enigma by the Environmental Protection Agency;

Whereas, in accordance with Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (42 U.S.C. 7401 et seq.), the Environmental Protection Agency determined in December 2000 that a maximum achievable control technology standard for mercury and other air toxic emissions for electric utility steam generating units in the United States is appropriate and necessary, and listed coal- and oil-fired electric utility steam generating units for regulation, thereby triggering a statutory requirement that maximum achievable controls be implemented at every existing coal- and oil-fired electric utility steam generating unit by not later than December 2005;

Whereas other major stationary sources have already implemented maximum achievable control technology standards for mercury and other air toxics, as required by the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas effective mercury and other heavy metal removal techniques have been demonstrated and are available on an industrial scale in the major stationary source categories;

Whereas the lack of effective emission control standards in other countries can give foreign industries a competitive advantage over United States businesses;

Whereas alternatives and substitutes have been demonstrated and are available to reduce or eliminate mercury use in most products and processes;

Whereas the European Commission reports that mercury mining, the closing of mercury cell chlor-alkali facilities, and the phasing out of other outmoded industrial processes in the United States and Europe are contributing significantly to imports of mercury in the developing world;

Whereas the Department of Defense announced in April 2004 that it will consolidate and store its stockpile of approximately 5,000 tons of mercury rather than allow the surplus to enter the global marketplace;

Whereas from 1996 through 2004, the Environmental Council of the States adopted or renewed 9 resolutions highlighting the importance of substantially reducing mercury use and releases in the United States and around the world, and of managing excess supplies of mercury so that they do not enter the global marketplace;

Whereas many States, including California, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, are already implementing their own laws, regulations, and other strategies for tracking or reducing various forms of mercury use and pollution, and the Governors of States in New England have set a goal of virtually eliminating mercury emissions in that region;

Whereas the European Commission is developing a mercury strategy that is aimed at comprehensively addressing all aspects of the mercury cycle, including the use, trade, and release of mercury;

Whereas the United States is a party to the Protocol on Heavy Metals of the Convention on Long-Range Transboundary Air Pollution, done at Aarhus, Denmark on June 24, 1998, which entered into force in December 2003 and commits the United States to a basic obligation to limit air emissions of mercury and other heavy metals from new and existing sources, within 2 and 8 years respectively, using the best available techniques;

Whereas the current parties to the Convention and the Protocol represent only a portion of anthropogenic emissions of heavy metals annually that are subject to transboundary atmospheric transport and are likely to have significant adverse effects on human health or the environment;

Whereas the 22nd session of the United Nations Environment Programme Governing Council concluded that there is sufficient evidence in the Programme's Global Mercury Assessment of significant global adverse impacts to warrant international action to reduce the risks to human health and the environment from releases of mercury;

Whereas the United Nations Environment Programme invited submission of governmental views on medium- and long-term actions on mercury and other heavy metals, which will be synthesized into a report for presentation at the 23rd session of the Governing Council occurring February 21 to 25, 2005, with a view to developing a legally binding instrument, a non-legally binding instrument, or other measures or actions; and

Whereas the United States has taken no position on any such instrument: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) the United States should engage constructively and proactively in international dialogue regarding mercury pollution, use, mining, and trade; and

(2) the President should prepare a comprehensive strategy—

(A) to advance and enter into international negotiations on a binding agreement that would—

(i) reduce global use, trade, and releases of mercury to levels sufficient to protect public health and the environment, including steps to—

(I) establish specific and stringent targets and schedules for reductions in mercury use in the United States, and emissions below levels for calendar year 2000, beyond current domestic and global efforts;

(II) end primary mercury mining in the near future and establish a system to ensure excess mercury supplies do not enter the global marketplace; and

(III) require countries to develop regional and national action plans to address mercury sources and uses;

(ii) include all countries that use, trade, or release significant quantities of mercury into the environment from anthropogenic sources;

(iii) require the application of the best available control technologies and strategies to control releases from industrial sectors in the very near future, including minimizing releases from coal-fired power plants and replacing obsolete mercury products and processes, including the mercury cell chlor-alkali process;

(iv) contain mechanisms for promoting and funding the transfer and adoption of less emitting technologies and mercury-free processes, and for facilitating the safe cleanup of mercury contamination;

(v) establish a standardized system to document and track the use, production, and trade of mercury and mercury-containing products, including a licensing requirement for mercury traders; and

(vi) incorporate explicit mechanisms for adding toxic air pollutants with similar characteristics in the future;

(B) to delineate the preferred structure, format, participants, mechanisms, and resources necessary for achieving and implementing the agreement described in subparagraph (A);

(C) to enter into bilateral and multilateral agreements to align global mercury production with reduced global demand and minimize global mercury releases, while negotiating the agreement described in subparagraph (A);

(D) to initiate and support a parallel international research effort that does not delay current or planned mercury pollution or use reduction efforts—

(i) to collect global data to support the development of a comprehensive inventory of mercury use, mining, trade, and releases; and

(ii) to develop less emitting technologies and technologies to reduce the need for, and use of, mercury in commerce;

(E) to review monitoring capabilities and data collection efforts of the United States for domestic mercury use, trade, and releases to ensure there is sufficient information available for any implementing legislation that may be necessary for compliance with existing protocols and future global mercury agreements;

(F) to work through existing international organizations, such as the United Nations, the International Standards Organization, and the World Trade Organization, to encourage the development of programs, standards, and trade agreements that will result in reduced use and trade of mercury, the elimination of primary mercury mining, and reductions in releases of mercury and other long-range transboundary air pollutants; and

(G) to present at the 23rd session of the United Nations Environment Programme Governing Council a plan for carrying out immediate and long-term actions to reduce global mercury pollution and global exposure to mercury in order to advance the goal of achieving a binding international agreement on mercury.

## SENATE RESOLUTION 65—CALLING FOR THE GOVERNMENT OF CAMBODIA TO RELEASE CHEAM CHANNY FROM PRISON, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas, on February 3, 2005, the Cambodian National Assembly voted in a closed-door session to strip the immunity of Sam Rainsy Party opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

Whereas local and national press, foreign diplomats, and other observers were refused entry into the National Assembly during the vote;

Whereas the stripping of the parliamentary immunity of Sam Rainsy, Cheam Channy, and Chea Poch places the fate of these opposition parliamentarians in the hands of a notoriously corrupt and politicized judicial system;

Whereas Sam Rainsy, Cheam Channy, and Chea Poch face trumped-up charges of a highly political nature that are intended to silence the democratic opposition;

Whereas Cheam Channy is currently imprisoned in a military jail and, in contravention of Cambodia law, is subject to the jurisdiction of the Military Court in Cambodia;

Whereas the National Assembly vote is yet another attempt to intimidate the democratic opposition in Cambodia, attempts which include the unsolved killing of political activists, including Chea Vichea and Om Radsady, and unsolved attacks against peaceful and legal demonstrations, including the grenade attack against the Khmer Nation Party in March 1997 during which an American citizen was injured;

Whereas the United States, United Nations, and other organizations and individuals have strongly condemned the National Assembly vote as a blow to the democratic development of Cambodia;

Whereas international donors acknowledged during a consultative group meeting in Phnom Penh, Cambodia, last month that accountability and transparency are vital to the country's economic and social development;

Whereas the National Assembly vote underscores the lack of commitment of Prime Minster Hun Sen and National Assembly President Norodom Ranariddh to democracy, accountability, transparency, and the rule of law in Cambodia; and

Whereas President George W. Bush issued a proclamation on January 12, 2004, that entry

into the United States should be denied to former and current corrupt public officials and their families: Now therefore be it

*Resolved,* That the Senate—

(1) calls upon the Government of Cambodia to immediately and unconditionally release Cheam Channy;

(2) calls upon the Cambodian National Assembly to reverse its recent action to strip the immunity of opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

(3) urges the Secretary of State, the Secretary-General of the United Nations, international financial institutions, and democracies around the world to continue to publicly and forcefully condemn the Cambodian National Assembly vote;

(4) urges international donors to consider imposing appropriate sanctions against the National Assembly and the Government of Cambodia unless and until it reverses its recent action;

(5) calls upon the Secretary of State to impose visa restrictions on members of the Cambodian National Assembly and their families who voted to strip the immunity of Sam Rainsy, Cheam Channy, and Chea Pok, consistent with the President's Proclamation of January 12, 2004, regarding the denial of visas to corrupt public officials and their families; and

(6) calls upon Prime Minister Hun Sen and Cambodian National Assembly President Norodom Ranariddh to cease and desist their efforts to undermine democracy, human rights, and the rule of law in Cambodia.

## SENATE RESOLUTION 66—URGING THE GOVERNMENT OF THE KYRGYZ REPUBLIC TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR PROCESS FOR THE PARLIAMENTARY ELECTIONS SCHEDULED FOR FEBRUARY 27, 2005

Mr. MCCAIN (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 66

Whereas on August 31, 1991, the Kyrgyz Republic declared independence from the Soviet Union;

Whereas the Kyrgyz Republic has been ruled by a single President since gaining independence in 1991 after the collapse of the Soviet Union;

Whereas President Askar Akaev's initial years of power were marked by numerous democratic reforms, including the establishment of independent media and opposition party representation in a bi-cameral parliament;

Whereas in recent years, these democratic reforms have been scaled back or eliminated;

Whereas today in the Kyrgyz Republic, virtually all major television outlets are controlled or influenced by the President's family or the state;

Whereas the political system of the Kyrgyz Republic has been characterized by the Department of State as marred by ''serious irregularities'' and its human rights record has been described by the Department of State as ''poor'';

Whereas in 2002, Government forces shot 4 opposition demonstrators in the southern Aksy region;

Whereas in 2003, President Akaev called for a referendum, with little notice, on a group of Constitutional amendments, leaving both voters and the opposition unprepared to effectively participate in the vote;

Whereas the 2003 referendum vote on the Constitutional amendments was not transparent and contained numerous instances of fraud;

Whereas a genuinely free and fair democratic election requires a period of political campaigning in an environment in which administrative action, violence, intimidation, and detention do not hinder the parties, political associations, or the candidates from presenting their views and qualifications to the citizenry;

Whereas unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis is fundamental to a genuinely free and fair democratic election;

Whereas a genuinely free and fair election requires that all eligible citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote, and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion;

Whereas the Government of the Kyrgyz Republic, as a participating state in the Organization for Security and Cooperation in Europe (OSCE), has accepted numerous specific commitments governing the conduct of elections, including the provisions of the Copenhagen Document;

Whereas reports indicate that authorities within the Kyrgyz government have stepped up repressive activities ahead of the parliamentary elections scheduled for February 27, 2005, including unfairly excluding opposition candidates from running for office, launching new restrictions on freedom of assembly, harassing opposition supporters and civil society activists, publicly warning against a ''Ukraine scenario'', and attempting to equate political opposition with subversion; and

Whereas the parliamentary elections scheduled for February 27, 2005, will provide an unambiguous test of the extent of the commitment of the Kyrgyz authorities to implementing democratic reforms and building a society based on free elections and the rule of law:

Now, therefore, be it

*Resolved,* That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and the Kyrgyz Republic since the restoration of independence in 1991;

(2) expresses its strong and continuing support for the efforts of the Kyrgyz people to establish a full democracy, the rule of law, and respect for human rights in the Kyrgyz Republic;

(3) urges the Kyrgyz Republic to meet its Organization for Security and Cooperation in Europe commitments on democratic elections; and

(4) urges the Kyrgyz authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2005 parliamentary elections;

(B) the right to vote for all eligible citizens of the Kyrgyz Republic;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis; and

(D) the right of opposition parties and candidates to assemble freely, campaign openly, and contest the upcoming elections on an equal basis as all other parties, including the party currently in control of the Parliament.

## SENATE CONCURRENT RESOLUTION 14—EXPRESSING THE SENSE OF CONGRESS THAT THE CONTINUED PARTICIPATION OF THE RUSSIAN FEDERATION IN THE GROUP OF 8 NATIONS SHOULD BE CONDITIONED ON THE RUSSIAN GOVERNMENT VOLUNTARILY ACCEPTING AND ADHERING TO THE NORMS AND STANDARDS OF DEMOCRACY

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. BURNS, Mr. BAYH, Mr. CHAMBLISS, Mr. SMITH, and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the countries that comprise the Group of 7 nations are pluralistic societies with democratic political institutions and practices, committed to the observance of universally recognized standards of human rights, respect for individual liberties, and democratic principles;

Whereas in 1991 and subsequent years, the leaders of the Group of 7 nations, heads of the governments of the major free market economies of the world who meet annually in a summit meeting, invited then-Russian President Boris Yeltsin to a post-summit dialogue;

Whereas in 1998, the leaders of the Group of 7 nations formally invited President Boris Yeltsin of Russia to participate in an annual gathering that subsequently was known as the Group of 8 nations, although the Group of 7 nations have continued to hold informal summit meetings and ministerial meetings that do not include the Russian Federation;

Whereas the invitation to President Yeltsin to participate in the annual summits was in recognition of his commitment to democratization and economic liberalization, despite the fact that the Russian economy remained weak and the commitment of the Russian Government to democratic principles was uncertain;

Whereas under the leadership of President Vladimir Putin, the Russian Government has attempted to control the activities of independent media enterprises, nongovernmental organizations, religious organizations, and other pluralistic elements of Russian society in an attempt to mute criticism of the government;

Whereas under the leadership of President Putin, the Russian Government has suppressed the activities of independent journalists, international observers, and human rights monitoring organizations, and has blocked the renewal of the mandate of the Organization for Security and Co-operation in Europe (OSCE) to operate inside Chechnya in an attempt to block public scrutiny of the war in Chechnya;

Whereas the suppression by the Russian Government of independent media enterprises has resulted in widespread government control and influence over the media in Russia, stifling freedom of expression and individual liberties that are essential to any functioning democracy;

Whereas the arrest and prosecution of prominent Russian business leaders who had supported the political opposition to President Putin are examples of selective application of the rule of law for political purposes;

Whereas the courts of the United States, the United Kingdom, Spain, and Greece have consistently ruled against extradition warrants issued by the Russian Government after finding that the cases presented by the Prosecutor General of the Russian Federation have been inherently political in nature;

Whereas Russian military forces continue to commit brutal atrocities against the civilian population in Chechnya and have been implicated in abductions of Chechen civilians who filed cases before the European Court of Human Rights;

Whereas leaders of the Group of 7 nations have repeatedly expressed that a military solution in Chechnya is not possible;

Whereas in the aftermath of the tragic siege of School No. 1 in Beslan, Russia that occurred during September 2004, which was an act of terrorism abhorrent to all civilized people, President Putin cited violence in the North Caucasus as a pretext for consolidating centralized power and proposed to abolish the popular election of regional governors in favor of presidential appointment of such officials;

Whereas the catastrophic consequences of the siege of School No. 1 in Beslan and of the continued violence in Chechnya demonstrate the need to search for political solutions and to commence negotiations between the Government of Russia and moderate Chechen separatists, giving moderates credence over extremist elements;

Whereas the Government of Russia initially supported the undemocratic results of the November 21, 2004, runoff in the Ukrainian presidential election, in spite of widespread election fraud and mass demonstrations in support of a new, legitimate election, which raised concerns among the Group of 7 nations that the commitment of the Government of Russia to democratic standards is waning;

Whereas a wide range of observers at think tanks and nongovernmental organizations have expressed deep concern that the Russian Federation is moving away from the political and legal underpinnings of a market economy and have identified the continuing war in Chechnya as a major threat to stability and democracy in Russia; and

Whereas the continued participation of the Russian Federation in the Group of 8 nations, including the opportunity for the Russian Government to host the Group of 8 nations in 2006 as planned, is a privilege that is premised on the Government of Russia voluntarily accepting and adhering to the norms and standards of democracy, including governmental accountability, transparency, and the rule of law: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the selective prosecution of political opponents and the suppression of free media by the Russian Federation, and the continued commission of widespread atrocities in the conduct of the brutal war in Chechnya, do not reflect the minimum standards of democratic governance and rule of law that characterize every other member state in the Group of 8 nations;

(2) the continued participation of the Russian Federation in the Group of 8 nations, including the opportunity for the Russian Government to host the Group of 8 nations summit in 2006 as planned, should be conditioned on the Russian Government accepting and adhering to the norms and standards of free, democratic societies as generally practiced by every other member nation of the Group of 8 nations, including—

(A) the rule of law, including protection from selective prosecution and protection from arbitrary state-directed violence;

(B) a court system free of political influence and manipulation;

(C) a free and independent media;

(D) a political system open to participation by all citizens and which protects freedom of expression and association; and

(E) the protection of universally recognized human rights; and

(3) the President and the Secretary of State should work with the other members of the Group of 7 nations to take all necessary steps to suspend the participation of the Russian Federation in the Group of 8 nations until the President, after consultation with the other members of the Group of 7 nations, determines and reports to Congress that the Russian Government is committed to respecting and upholding the democratic principles described in paragraph (2).

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 17, 2005, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2006 and future years defense program.

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

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 17, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Daniel R. Levinson, to be Inspector General, Department of Health and Human Services, Washington, DC; Harold Damelin, to be Inspector General, Department of the Treasury, Washington, DC; and Raymond Wagner, Jr., to be a Member of the Internal Revenue Service Oversight Board, Washington, DC.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 17, 2004, at 9:30 a.m. to hold a hearing on Russia.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, February 17, 2005, at 10 a.m., in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 17, 2005, at 9:30 a.m., in Senate Dirksen Office Building Room 226.

I. Legislation: S. 256, A bill to Amend Title 11 of the United States Code, and for Other Purposes Act of 2005, [Grassley, Hatch, Sessions]

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''The President's Fiscal Year 2006 Budget Request for the SBA'' on Thursday, February 17, 2005, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 17, 2005, at 2:30 p.m., to hold a closed hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, February 17, at 2:30 p.m. to review the National Park Service's implementation of the Federal Lands Recreation Enhancement Act authorized in Public Law 108–447.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORK FORCE, AND THE DISTRICT OF COLUMBIA

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, February 17, 2005, at 10 a.m. for a hearing entitled, ''Programs in Peril: An Overview of the GAO High-Risk List.''

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

## UNANIMOUS-CONSENT AGREEMENT—S. 256

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, February 28, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of S. 256, the bankruptcy reform bill, provided that consideration of the bill during Monday's session be for the purpose of debate only.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

## ADJOURNMENT OF THE TWO HOUSES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.

Con. Res. 66, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 66) was agreed to, as follows:

H. CON. RES. 66

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, February 17, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 1, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 17, 2005, or Friday, February 18, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the calendar: All nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Mark W. Anderson, 0000
Brigadier General John H. Bordelon, Jr., 0000
Brigadier General Thomas L. Carter, 0000
Brigadier General Howard A. McMahan, 0000
Brigadier General James M. Sluder, III, 0000
Brigadier General Martin M. Mazick, 0000
Brigadier General Thomas A. Dyches, 0000

*To be brigadier general*

Colonel Roger A. Binder, 0000
Colonel David L. Commons, 0000
Colonel James L. Melin, 0000
Colonel Brian P. Meenan, 0000
Colonel Mike H. McClendon, 0000
Colonel James F. Jackson, 0000
Colonel Kevin F. Henabray, 0000
Colonel Elizabeth A. Grote, 0000
Colonel Michael C. Dudzik, 0000
Colonel Bruce E. Davis, 0000
Colonel Thomas R. Coon, 0000
Colonel Carl M. Skinner, 0000
Colonel Michael B. Newton, 0000
Colonel Robert L. Chu, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Karl W. Eikenberry, 0000

IN THE MARINE CORPS

The following named officers for apointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Thomas A Benes, 0000
Brigadier General William D Catto, 0000
Brigadier General Walter E Gaskin, Sr, 0000
Brigadier General Timothy R Larsen, 0000
Brigadier General Michael E Ennis, 0000
Brigadier General Michael R Lehnert, 0000
Brigadier General George J Trautman, III,
Brigadier General Richard C Zilmer, 0000
Brigadier General Willie J Williams, 0000
Brigadier General Duane D Thiessen, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel George J Allen, 0000
Colonel Raymond C Fox, 0000
Colonel Anthony M Haslam, 0000
Colonel David R Heinz, 0000
Colonel Steven A Hummer, 0000
Colonel Anthony L Jackson, 0000
Colonel Richard M Lake, 0000
Colonel Robert E Milstead, Jr, 0000
Colonel Michael R Regner, 0000
Colonel David G Reist, 0000
Colonel Melvin G Spiese, 0000
Colonel John E Wissler, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. William J. Fallon, 0000

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

*To be admiral*

Vice Adm. Robert F. Willard, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, US.C., section 601:

*To be admiral*

Adm. John B. Nathman, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Terrance T. Etnyre, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN51 AIR FORCE nomination of Thomas S. Hoffman, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN52 AIR FORCE nominations (2) beginning HERBERT L. ALLEN JR., and ending DALE A. JACKMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN53 AIR FORCE nomination of Leslie G. Macrae, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN54 AIR FORCE nomination of Omar Billigue, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN55 AIR FORCE nominations (3) beginning Corbert K. Ellison, and ending Gisella Y. Velez, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN56 AIR FORCE nomination of Gretchen M. Adams, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN57 AIR FORCE nomination of Michael D. Shirley Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN58 AIR FORCE nominations (3) beginning GERALD J. HUERTA, and ending ANTHONY T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN59 AIR FORCE nomination of Michael F. Lamb, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN60 AIR FORCE nominations (11) beginning DEAN J CUTILLAR, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN129 AIR FORCE nomination of James D. Shaffer, which was received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN130 AIR FORCE nominations (207) beginning THOMAS WILLIAM ACTON, and ending DEBRA S. ZELENAK, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN141 AIR FORCE nominations (2) beginning BARBARA S. BLACK, and ending VINCENT T. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN142 AIR FORCE nomination of Glenn T. Lunsford, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN143 AIR FORCE nomination of Frederick E. Jackson, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN144 AIR FORCE nominations (2) beginning ROBERT G. PATE, and ending DWAYNE A. STICH, which nominations were received by the Senate and appeared n the Congressional Record of February 8, 2005.

PN145 AIR FORCE nomination of Kelly E. Nation, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN146 AIR FORCE nominations (7) beginning LOURDES J. ALMONTE, and ending ROBERT J. WEISENBERGER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN147 AIR FORCE nominations (128) beginning BRIAN F. * AGEE, and ending LUN S.

YAN, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN148 AIR FORCE nominations (63) beginning MICHELLE D. * ALLENMCCOY, and ending ERIN BREE * WIRTANEN, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN150 AIR FORCE nominations (355) beginning JAMES R. ABBOTT, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN151 AIR FORCE nominations (45) beginning JOSEPH B. ANDERSON, and ending KONDI WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN152 AIR FORCE nominations (22) beginning JEFFERY F. BAKER, and ending DAVID L. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN153 AIR FORCE nominations (45) beginning COREY R. ANDERSON, and ending ETHAN J. YOZA, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN154 AIR FORCE nominations (16) beginning JANICE M. * ALLISON, and ending DANNY K. * WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE ARMY

PN15 ARMY nomination of Robert A. Lovett, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN16 ARMY nomination of Martin Poffenberger Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN17 ARMY nomination of Timothy D. Mitchell Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN18 ARMY nominations (3) beginning WILLIAM F. BITHER, and ending PAUL J. RAMSEY JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN19 ARMY nomination of William R. Laurence Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN20 ARMY nominations (5) beginning MEGAN K. MILLS, and ending MARIA A. WORLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN21 ARMY nominations (4) beginning TIMOTHY K. ADAMS, and ending JOHN L. POPPE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN22 ARMY nominations (2) beginning JOSEPH W. BURCKEL, and ending FRANK J. MISKENA, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN23 ARMY nomination of Frank J. Miskena, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN24 ARMY nominations (8) beginning ROSA L. HOLLISBIRD, and ending BETH A. ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN25 ARMY nominations (2) beginning BRUCE A. MULKEY, and ending JEROME F. STOLINSKI JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN26 ARMY nomination of Matthew R. Segal, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN27 ARMY nominations (2) beginning CASANOVA C. OCHOA, and ending CHARLES R. PLATT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN28 ARMY nominations (2) beginning KENNETH R. GREENE, and ending WILLIAM F. ROY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN29 ARMY nominations (6) beginning JAMES E. FERRANDO, and ending TERRY R. SOPHER JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN30 ARMY nominations (9) beginning BILLY J. BLANKENSHIP, and ending WILLIAM J. ONEILL, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN31 ARMY nominations (9) beginning MARK E. COERS, and ending RICHARD A. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN32 ARMY nominations (8) beginning JEFFREY T. ALTDORFER, and ending JOSEPH E. ROONEY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN33 ARMY nominations (4) beginning DAVID C. BARNHILL, and ending KENNETH B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN34 ARMY nomination of David B. Enyeart, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN35 ARMY nomination of David A. Greenwood, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN36 ARMY nomination of Sandra W. Dittig, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN37 ARMY nomination of John M. Owings Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN38 ARMY nomination of Daniel J. Butler, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN42 ARMY nominations (21) beginning SCOTT W ARNOLD, and ending KEITH C WELL, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN44 ARMY nominations (33) beginning PAUL T BARTONE, and ending JEFFREY P ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN45 ARMY nominations (10) beginning CYNTHIA A CHAVEZ, and ending JACLYNN A WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN46 ARMY nominations (17) beginning FRANCIS B AUSBAND, and ending SCOTT A WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN47 ARMY nominations (34) beginning LORETTA A ADAMS, and ending CLARK H WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN48 ARMY nominations (60) beginning ROBERT D AKERSON, and ending BETH A ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN49 ARMY nominations (37) beginning PRISCILLA A BERRY, and ending CATHERINE E WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN155 ARMY nominations (47) beginning JAN E. ALDYKIEWICZ, and ending ROBERT A. YOH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE MARINE CORPS

PN65 MARINE CORPS nominations (346) beginning JASON G ADKINSON, and ending JAMES B ZIENTEK, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN156 MARINE CORPS nominations (2) beginning JORGE E. CRISTOBAL, and ending DONALD Q. FINCHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN157 MARINE CORPS nominations (2) beginning RONALD C. CONSTANCE, and ending JOEL F. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN159 MARINE CORPS nomination of Frederick D. Hyden, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN160 MARINE CORPS nomination of Kathy L. Velez, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN161 MARINE CORPS nomination of John R. Barclay, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN162 MARINE CORPS nominations (4) beginning MATTHEW J. CAFFREY, and ending WILLIAM R. TIFFANY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN163 MARINE CORPS nominations (5) beginning JEFF R. BAILEY, and ending JULIO R. PIRIR, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN164 MARINE CORPS nominations (2) beginning JACOB D. LEIGHTY III, and ending JOHN G. OLIVER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN165 MARINE CORPS nominations (4) beginning STEVEN M. DOTSON; and ending CALVIN W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN166 MARINE CORPS nominations (8) beginning WILLIAM H. BARLOW, and ending DANNY R. MORALES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN167 MARINE CORPS nominations (2) beginning ANDREW E. GEPP, and ending WILLIAM B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN168 MARINE CORPS nominations (5) beginning WILLIAM A. BURWELL, and ending WILLIAM J. WADLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN169 MARINE CORPS nominations (5) beginning KENRICK G. FOWLER, and ending STEVEN E. SPROUT, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN170 MARINE CORPS nominations (2) beginning JAMES P. MILLER JR., and ending MARC TARTER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN171 MARINE CORPS nomination of David G. Boone, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN172 MARINE CORPS nomination of Michael A. Lujan, which was received by the

Senate and appeared in the Congressional Record of February 8, 2005.

PN173 MARINE CORPS nominations (2) beginning MICHAEL A. MINK, and ending LOUANN RICKLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN175 MARINE CORPS nomination of Eloise M. Fuller, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN176 MARINE CORPS nominations (2) beginning JOHN T. CURRAN, and ending THOMAS J. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE NAVY

PN61 NAVY nomination of STEVEN P. DAVITO, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN62 NAVY nomination of EDWARD S. WAGNER JR., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN63 NAVY nominations (36) beginning SAMUEL ADAMS, and ending RANDY J VANROSSUM, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN133 NAVY nominations (14) beginning JASON K BRANDT, and ending RONALD L WITHROW, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## DISCHARGE AND REFERRAL OF S. 70 AND S. 69

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 70 and that the bill be referred to the Committee on Finance.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 69 and that the bill be referred to the Committee on Veterans' Affairs.

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

## SUPPORTING DEMOCRATIC REFORM IN MOLDOVA

## RECOGNIZING THE NATIONAL READY MIXED CONCRETE ASSOCIATION ON ITS 75TH ANNIVERSARY

## SUPPORTING THE GOALS AND IDEALS OF A ''ROTARY INTERNATIONAL DAY''

## CALLING FOR AN INVESTIGATION INTO THE ASSASSINATION OF PRIME MINISTER RAFIQ HARIRI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 60, S. Res. 61, S. Res. 62, and S. Res. 63, which were submitted earlier today, en bloc; that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolutions (S. Res. 60, S. Res. 61, S. Res. 62, and S. Res. 63) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 60

Whereas, on August 27, 1991, Moldova declared independence from the Soviet Union;

Whereas parliaments were elected in Moldova in free and fair multiparty elections during 1990, 1994, and 1998;

Whereas international observers stated that the May 2003 local elections for mayors and regional councilors, despite scattered reports of irregularities, were generally consistent with international election standards;

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of political and economic freedom, has designated Moldova's political environment as ''partly free'' and, using a scale of 1 to 7 (with 1 being the most free), assigned a rating of 3 for political rights in Moldova and 4 for civil liberties in Moldova;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and candidates from presenting their views and qualifications to potential voters;

Whereas, in a genuinely democratic election, parties and candidates are free to organize supporters and conduct public meetings and events;

Whereas ensuring that parties and candidates enjoy unimpeded access to television, radio, print, and Internet media on a nondiscriminatory basis is fundamental to a free, fair, and democratic election;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and to seek and acquire information upon which to make an informed vote in a manner that is free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas Moldova is scheduled to conduct parliamentary elections on March 6, 2005;

Whereas reports indicate that national and local officials in Moldova are increasing their control and manipulation of the media as the election date approaches;

Whereas there have been widespread reports of harassment of opposition candidates and workers by the police in Moldova;

Whereas other reports indicate that intimidation of independent civil society monitoring groups by authorities in Moldova is occurring on an increasingly frequent basis;

Whereas such actions are inconsistent with Moldova's history of the holding of free and fair elections and raise grave concerns regarding the commitment of the authorities in Moldova to conducting free and fair elections;

Whereas the parliamentary elections scheduled for March 6, 2005 will provide a test of the extent to which the Government of Moldova is committed to democracy, free elections, and the rule of law; and

Whereas the holding of truly free and fair elections in Moldova, including a free and democratic campaign preceding an election, are vital to improving the relationship between Moldova and the United States and to the United States providing support for resolution of the Transnistria conflict and for the provision of assistance to Moldova through the Millennium Challenge Account: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Moldova since Moldova declared independence from the Soviet Union on August 27, 1991;

(2) recognizes that a precondition for the full integration of Moldova into the Western community of nations is the establishment of a genuinely democratic political system in Moldova;

(3) supports the sovereignty, independence, and territorial integrity of Moldova;

(4) encourages all political parties in Moldova to offer genuine solutions to the serious problems that face Moldova, including human trafficking, corruption, unemployment, and territorial issues;

(5) expresses its strong and continuing support for the efforts of the people of Moldova to establish full democracy, including the rule of law and respect for human rights;

(6) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe (OSCE) for the holding of democratic elections;

(7) urges the Government of Moldova to ensure—

(A) the full transparency of election procedures before, during, and after the parliamentary elections scheduled to be held on March 6, 2005;

(B) the right to vote for all citizens of Moldova;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis; and

(D) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(8) pledges its enduring support and assistance to the people of Moldova for the establishment of a fully free and open democratic system that is free from coercion, the creation of a prosperous free market economy, the establishment of a secure independence, and Moldova's assumption of its rightful place as a full and equal member of the Western community of democracies.

S. RES. 61

Whereas the National Ready Mixed Concrete Association was founded and incorporated in the Commonwealth of Pennsylvania on the 26th day of December, 1930;

Whereas the founders of the National Ready Mixed Concrete Association possessed the leadership and vision to establish a single voice for the ready mixed concrete industry;

Whereas the National Ready Mixed Concrete Association represents and acts on behalf of the industry before all divisions of government and those public and private organizations whose work affects the ready mixed concrete business;

Whereas the National Ready Mixed Concrete Association has been a pioneer in the field of concrete technology through groundbreaking research and advanced scientific methods in the practical use and applications of ready mixed concrete;

Whereas the National Ready Mixed Concrete Association has gained national distinction by developing innovative breakthroughs in engineering, aggressive market promotion, and its contribution toward the creation of the first undergraduate degree in concrete industry management in the United States;

Whereas the National Ready Mixed Concrete Association leads the concrete industry through its education and certification programs;

Whereas the National Ready Mixed Concrete Association today represents 1,300 producer member companies, both national and multinational, that employ thousands of workers and operate in every congressional district in the United States;

Whereas the National Ready Mixed Concrete Association continues today to assist producers in the ready mixed concrete community through the introduction of innovative safety procedures, modern health initiatives, and progressive environmental control programs in an effort to enhance the performance level of the industry; and

Whereas the National Ready Mixed Concrete Association will continue to look toward the future by forging alliances within the ready mixed community, and by becoming more educated in business operations and more knowledgeable about the product and the role of ready mixed concrete in the construction and building of the United States: Now, therefore, be it

*Resolved*, that the Senate—

(1) congratulates the National Ready Mixed Concrete Association for its 75 year history and its contributions to the construction of the infrastructure of the United States, including homes, buildings, bridges, and highways;

(2) recognizes that the National Ready Mixed Concrete Association has been and will continue to be an invaluable asset in developing the history and character of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the National Ready Mixed Concrete Association as an expression of appreciation and for public display at the National Ready Mixed Concrete Association's 2005 national convention.

Mr. INHOFE. Mr. President, it is my honor to submit today a resolution congratulating the National Ready Mixed Concrete Association on reaching a historic milestone—its 75th anniversary. The NRMCA entered this world in 1930 when the Nation was facing some trying times. The country was suffering from a deep economic depression and midwestern farmers were struggling through a drought. Still, many people were flocking to the movies to see ''All Quiet on the Western Front'' and ''Cimarron,'' which went on to win the Academy Award for best picture. Golfer Bobby Jones won both the British Open and the U.S. Open and in Pennsylvania, a group of men met to officially form the National Ready Mixed Concrete Association.

The founders of the NRMCA wanted to establish a single voice for the ready mixed concrete industry to represent the industry before all levels of government. They wanted the NRMCA to set product quality standards for the entire ready mixed concrete industry, without governmental intervention or mandates.

If you were to ask the founders today about the progress of their National Ready Mixed Concrete Association, I am certain the founders would be proud of the association's accomplishments and the quality of the ongoing work.

While the National Ready Mixed Concrete Association continues to represent the ready mixed industry, it has also become the leader in the practical use and applications of ready mixed concrete, a pioneer in the development and implementation of its education and certification programs, and a strong hand reaching out to ready mixed concrete State associations, ready mixed producers, and other members across the country.

In my State, the Oklahoma Ready Mixed Concrete Association has a close working relationship with the NRMCA. These benefits can be felt across the State as the use of ready mixed concrete continues to increase. In the latest data, Oklahoma ready mixed production hit 5,440,000 cubic yards by the end of 2003. That is an increase of more than 1 million cubic yards from just 7 years earlier when ready mixed concrete production was at 4,206,000 cubic yards.

The growing use of ready mixed concrete has spurred a host of new ready mixed concrete companies and businesses in the State and made the ones already in existence even stronger. People in Oklahoma know some of the names of the ready mixed companies just by the names on the side of the concrete trucks traveling on the roads and highways. Familiar names include:

Adair: Arkhola Sand & Gravel Co., Stillwell, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK.

Alfalfa: Alva Concrete, Alva, OK; Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK; Kimball/Fairview Ready Mix, Inc., Fairview, OK.

Atoka: Harold's Redi Mix, Lehigh, OK; Joe Brown Co., Inc., Atoka, OK; Rustin Concrete Company, Atoka, OK; Twin Cities Ready Mix, Inc., McAlester, OK.

Beckham: Dolese Bros. Co., Elk City, OK.

Blaine: B & W Ready Mix, Inc., Watonga/Okeene, OK; Ogle Ready Mix, Inc., Kingfisher, OK.

Bryan: Dolese Bros. Co., Durant, OK; Rustin Concrete Company, Durant, OK.

Caddo: Atlas-Tuck Concrete, Inc., Chickasha, OK; Carnegie Concrete Company, Carnegie, OK; Dolese Bros. Co., Anadarko, OK.

Canadian: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., El Reno/Piedmont/Yukon, OK; Ensey Concrete & Construction, Okahoma City, OK; Ogle ReadyMix, Inc., Kingfisher, OK; Schwarz Ready Mix, Inc., El Reno, OK—Yukon, OK—Piedmont, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Carter: Day Concrete & Block Company, Ardmore, OK; Dolese Bros. Co., Ardmore, OK.

Cherokee: Arkhola Sand & Gravel Co., Tahlequah, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK—Muskogee.

Choctaw: Rustin Concrete Company, Hugo, OK.

Cleveland: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., Moore/Norman, OK; Ensey Concrete & Construction, Oklahoma City, OK; Perma Ready Mix, Newalla, OK; Schwarz Ready Mix, Inc., Norman, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Coal: Harold's Redi Mix, Lehigh, OK; Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Ada, OK; Rustin Concrete Company, Atoka, OK; Twin Cities Ready Mix, Inc., McAlester, OK.

Comanche: Atlas-Tuck Concrete, Inc., Cache/Lawton, OK; Lawton Transit Mix, Inc., Lawton, OK; Southwest Ready Mix, Lawton, OK.

Cotton: Atlas-Tuck Concrete, Inc., Duncan—Duncan, Cache/Lawton, OK; Dolese Bros. Co., Duncan, OK; Lawton Transit Mix, Inc., Lawton, OK; Southwest Ready Mix Lawton, OK.

Craig: Rainbow Concrete Company, Div. APAC–Okla., Inc., Vinita, OK.

Creek: Rainbow Concrete Company, Div. APAC–Okla., Inc., Tulsa, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Custer: Dolese Bros. Co., Clinton, OK—Weatherford, OK.

Delaware: Rainbow Concrete Company, Div. APAC–Okla., Inc., Grove, OK; NEO Concrete & Materials (DBA Green Country Concrete), Grove, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK.

Dewey: Kimball Ready Mix, Inc., Seiling, OK.

Garfield: Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK.

Garvin: L.A. Jacobson, Inc., Pauls Valley, OK—Lindsay, OK; Wynnewood, OK.

Grady: Atlas-Tuck Concrete, Inc., Chickasha, OK—Tuttle, OK; Dolese Bros. Co., Chickasha, OK; Sooner Ready Mix, LLC, Oklahoma City, OK; Schwarz Ready Mix, Inc., Tuttle, OK.

Grant: Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK; PC Concrete Company, Inc., Ponca City, OK.

Greer: Altus Ready Mix, Altus/Hobart, OK; Southwest Ready Mix, Altus, OK.

Harmon: Altus Ready Mix, Altus, OK; Southwest Ready Mix, Altus, OK.

Haskell: Arkhola Sand & Gravel Co., Webbers Falls, OK; Twin Cities Ready Mix, Inc., McAlester—Stigler, OK; Wilburton, OK.

Hughes: Van Eaton Ready Mix, Holdenville, OK.

Jackson: Altus Ready Mix, Altus, OK; Southwest Ready Mix, Altus, OK.

Jefferson: Dolese Bros. Co., Waurika, OK.

Johnston: Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Tishomingo, OK.

Kay: PC Concrete Company, Inc., Ponca City, OK.

Kingfisher: Ogle Ready Mix, Inc., Kingfisher, OK; Schwarz Ready Mix, Inc., Okarche, OK.

Kiowa: Carnegie Concrete Company, Carnegie, OK; Altus Ready Mix, Altus/Hobart, OK.

Latimer: Twin Cities Ready Mix, Inc., McAlester—Wilburton, OK; Poteau—Stigler, OK.

Leflore: Twin Cities Ready Mix, Inc., Poteau, OK—Stigler, OK; Wilburton, OK.

Lincoln: Dolese Bros. Co., Stillwater, OK; Kerns Ready Mixed Concrete, Stillwater, OK; Perma Ready Mix, Newalla, OK; Stillwater Concrete & Materials, Inc., Stillwater, OK; Block Sand Company, McLoud, OK; Dolese Bros. Co., Shawnee, OK; Van Eaton Ready Mix, Shawnee, OK.

Logan: Dolese Bros. Co., Guthrie, OK; Ogle Ready Mix, Inc.

Love: Dolese Bros. Co., Marietta, OK.

Major: Kimball Ready Mix, Inc., Fairview, OK.

Marshall: Dolese Bros. Co., Madill, OK; Rustin Concrete Company Madill, OK.

Mayes: Kemp Stone Company, Inc., Pryor, OK; Mayes County Petroleum Pryor, OK; Rainbow Concrete Company, Div. APAC–Okla., Inc., Pryor, OK; Twin Cities Ready Mix, Inc., Tahlequah—Tulsa, OK.

McClain: Atlas-Tuck Concrete, Inc., Newcastle, OK; Dolese Bros. Co., Newcastle, OK; Dolese Bros. Co., Blanchard, OK; L.A. Jacobson, Inc., Purcell, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

McCurtain: Rustin Concrete Company, Broken Bow, OK—Idabel, OK, Valliant, OK.

McIntosh: Foresee Ready Mix Concrete, Eufaula, OK—Checotah, OK; Twin Cities Ready Mix, Inc., McAlester—Muskogee, OK, Stigler, OK.

Murray: Dolese Bros. Co., Davis, OK—Sulphur, OK.

Muskogee: Arkhola Sand & Gravel Co., Webbers Falls, OK; Twin Cities Ready Mix, Inc., Muskogee, OK—Tahlequah Tulsa, OK.

Noble: Perry Ready Mix, Inc., Perry, OK.

Nowata: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Rainbow Concrete Company, Div. APAC–Okla., Inc., Vinita, OK.

Okfuskee: Van Eaton Ready Mix, Holdenville, OK.

Oklahoma: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., Oklahoma City/Edmond/Midwest City, OK; Ensey Concrete & Construction, Oklahoma City/Midwest City, OK; Goddard Ready Mixed Concrete, Oklahoma City/Choctaw/Midwest City, OK; Perma Ready Mix, Newalla, OK; Schwarz Ready Mix, Inc., Oklahoma City, OK—Edmond, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Okmulgee: Okmulgee Ready Mix Concrete Co., Twin Cities Ready Mix, Tulsa, OK.

Osage: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Black Gold Concrete Skiatook, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Ottawa: NEO Concrete & Materials (DBA Miami Concrete), Miami, OK; NEO Concrete & Materials (DBA Fairland Ready Mix), Fairland, OK.

Pawnee: Perry Ready Mix, Inc., Perry, OK.

Payne: Dolese Bros. Co., Stillwater, OK; Kerns Ready Mixed Concrete, Stillwater, OK.

Pittsburg: Dolese Bros. Co., McAlester, OK; Twin Cities Ready Mix, Inc., McAlester, OK–Wilburton, OK.

Pontotoc: Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Ada, OK; L.A. Jacobson, Inc., Stratford, OK.

Pottawatomie: Block Sand Company, McLoud, OK; Ensey Concrete & Construction, Dolese Bros. Co., Shawnee, OK; Perma Ready Mix, Newalla, OK; Van Eaton Ready Mix, Inc., Shawnee, OK.

Pushmataha: Rustin Concrete Company, Antlers, OK; Twin Cities Ready Mix, Inc., McAlester, OK–Wilburton, OK.

Roger Mills: Dolese Bros. Co., Elk City, OK.

Rogers: A & M Concrete, Inc., Catoosa, OK; Black Gold Concrete, Skiatook, OK; Rainbow Concrete Company, Div. APAC-Okla., Inc., Collinsville, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Seminole: Dolese Bros. Co., Seminole, OK.

Sequouah: Arkhola Sand & Gravel Co., Sallisaw, OK; Twin Cities Ready Mix, Inc., Muskogee, OK–Tahlequah, Poteau, OK.

Stephens: Atlas-Tuck Concrete Co., Inc., Duncan/Marlow, OK; Dolese Bros. Co., Duncan, OK.

Tillman: Atlas-Tuck Concrete Co., Inc., Frederick, OK.

Tulsa: Black Gold Concrete, Skiatook, OK; J & J Sand Co., Broken Arrow, OK; Rainbow Concrete Company, Div. APAC-Okla., Inc., Tulsa/Bixby, OK; Twin Cities Ready Mix, Inc., Tulsa, OK; Viking Concrete Company, Broken Arrow, OK.

Wagoner: A & M Concrete, Inc., Catoosa, OK; Greenhill Materials, Catoosa, OK; Ark River Sand of Oklahoma, Coweta, OK; Twin Cities Ready Mix, Inc., Muskogee, OK–Tahlequah, Tulsa, OK.

Washington: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Black Gold Concrete, Skiatook, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Washita: Carnegie Concrete Company, Carnegie, OK; Dolese Bros. Co., Cordell, OK.

Woods: Alva Concrete Alva, OK.

Producer members of the Oklahoma Ready Mixed Concrete Association include: A & M Concrete, Inc.; Altus Ready-Mix, Inc.; Alva Concrete; Arkhola Sand & Gravel Co.; Atlas-Tuck Concrete, Inc.; B & W Ready Mix, L.L.C.; Bartlesville Redi-Mix, Inc.; Black Gold Concrete; Block Sand Company, Inc.; Carnegie Concrete Company; Day Concrete & Block Co.; Dolese Bros. Co.; Enid Concrete Company; Foresee Ready Mix Concrete, Inc.; Goddard Concrete Co., Inc.; Jennings Stone Co., Inc.; Kerns Ready Mixed Concrete, Inc.; Kimball Ready Mix, Inc.; L.A. Jacobson, Inc.; Lawton Transit Mix, Inc.; NEO Concrete & Materials, Inc.; DBA Fairland Ready-Mix; NEO Concrete & Materials, Inc.; DBA Green Country Concrete; NEO Concrete & Materials, Inc.; DBA Miami Concrete; Ogle Ready Mix, Inc.; Okmulgee Ready Mix Concrete Co.; PC Concrete Company, Inc.; Perma Ready Mix; Perry Ready-Mix, Inc.; Rustin Concrete Company; Schwarz Ready Mix, Inc.; Sooner Ready Mix, L.L.C.; Southwest Ready Mix; Stillwater Concrete & Materials, Inc.; Twin Cities Ready Mix, Inc.; Van Eaton Ready Mix, Inc.

In fact, these ready mixed concrete companies operating in the State today help Oklahoma grow.

All along, the National Ready Mixed Concrete Association has been in the forefront serving as a single voice for the industry.

I have had a close relationship with the National Ready Mixed Concrete Association ever since I was elected to Congress in 1986. It is in this spirit that I offer this resolution congratulating the National Ready Mixed Concrete Association on its 75th anniversary.

S. RES. 62

Whereas Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first service club and 1 of the largest nonprofit service organizations;

Whereas there are more than 1.2 million Rotary International club members comprised of professional and business leaders in more than 31,000 clubs in more than 165 countries;

Whereas the Rotary International motto, ''Service Above Self'', inspires members to provide humanitarian service, meet high ethical standards, and promote international good will;

Whereas Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas in 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas polio cases have dropped by 99 percent since 1988, and the world now stands on the threshold of eradicating the disease;

Whereas Rotary International is the largest privately-funded source of international scholarships in the world and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore career fields in other countries;

Whereas 8,000 secondary school students each year experience life in another country through Rotary International's Youth Exchange Program;

Whereas over the past 5 years, members of Rotary International in all 50 States have hosted participants in Open World, a program sponsored by the Library of Congress, and therefore have earned the honor of serving as Open World's most outstanding host;

Whereas there are approximately 400,000 Rotary International club members in more than 7,700 clubs throughout the United States sponsoring service projects to address critical issues such as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad; and

Whereas February 23, 2005, would be an appropriate date on which to observe Rotary International Day: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of a ''Rotary International Day'' to celebrate the centennial anniversary of Rotary International; and

(2) recognizes Rotary International for 100 years of service to improving the human condition in communities throughout the world.

Mr. DURBIN. Mr. President, I offer this resolution, S. Res. 62, celebrating and honoring Rotary International on the occasion of its centennial anniversary. I am pleased to have Senator STEVENS and Senator OBAMA join me in submitting this resolution.

From a small gathering of friends in Chicago on February 23, 1905, Rotary International has grown to become one of the largest non-profit service organizations in the world. There are approximately 400,000 Rotarians in the United States, and 1.2 million members worldwide.

Rotarians have undertaken countless projects, large and small, to improve the well-being of communities around the world. They have promoted international exchange and learning as a means of building goodwill and understanding between nations.

In 1985, Rotary International began working with the U.S. Centers for Disease Control and Prevention, the World Health Organization, and UNICEF toward a bold goal: to eliminate polio from the earth.

Since then, Rotarians have contributed over half a billion dollars toward the global effort to eradicate polio, and their dedication and commitment is paying off. Since 1988, the number of polio cases in the world has dropped by 99 percent. The world now stands on the threshold of eradicating the disease.

Winston Churchill reminded us, ''We make a living by what we get, we make a life by what we give.'' With this resolution, we honor the century of service that the men and women of Rotary International have given. I look forward to continuing to work with them in the years ahead.

S. RES. 63

Whereas on February 14, 2005, Rafiq Hariri, the former Prime Minister of Lebanon, was assassinated in a despicable terrorist attack;

Whereas the car bomb used in the assassination killed 16 others and injured more than 100 people;

Whereas the intent of the terrorists who carried out the assassination was to intimidate the Lebanese people and push Lebanon backward toward chaos;

Whereas Rafiq Hariri served as Prime Minister of Lebanon for a total of 10 years since the end of the Lebanese war in 1991;

Whereas Rafiq Hariri helped revitalize the economy of Lebanon and rebuild its shattered infrastructure and pioneered and directed the rebirth of Beirut's historic downtown district;

Whereas Rafiq Hariri stepped down as Prime Minister on October 20, 2004;

Whereas Syria maintains at least 14,000 troops and a large number of intelligence personnel in Lebanon;

Whereas there is widespread opposition in Lebanon to the continuing Syrian presence in Lebanon;

Whereas the United Nations Security Council issued a Presidential Statement (February 15, 2005) condemning the terrorist bombing that killed Rafiq Hariri and calling on ''the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act'';

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the political independence and sovereignty of Lebanon, the withdrawal of foreign forces from Lebanon, and the disarmament of all militias in Lebanon;

Whereas Syria is the main supporter of the terrorist group Hezbollah, the only significant remaining armed militia in Lebanon;

Whereas Hezbollah supports Palestinian terrorist groups and poses a threat to the prospects for peace in the Middle East;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) was enacted into law on December 12, 2003; and

Whereas the President has recalled the United States Ambassador to Syria for urgent consultations: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the cowardly and despicable assassination of Rafiq Hariri, the former Prime Minister of Lebanon;

(2) extends condolences to Prime Minister Hariri's family and the people of Lebanon;

(3) supports United Nations Security Council Resolution 1559 (September 2, 2004), which calls for the withdrawal of all foreign forces from Lebanon;

(4) urges the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination;

(5) urges the President to consider imposing sanctions under the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note); and

(6) supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections monitored by international observers.

Mr. BIDEN. Mr. President, my resolution, S. Res. 63, calls for an international investigation into Monday's assassination of Prime Minister Rafiq Hariri of Lebanon. The resolution also urges the President to take steps to pressure Syria to leave Lebanon.

I am pleased that Senators LUGAR, REID, LEVIN, DODD, CORZINE, ALLEN, and CHAFEE have joined in co-sponsoring this resolution.

The despicable murder of Rafiq Hariri has deprived Lebanon of a dedicated and effective leader.

It also is an attempt at intimidating the Lebanese people and pushing the country backward toward chaos. It must not succeed.

In Lebanon and beyond, many suspect that Syria is responsible. That's understandable—Syria has an extensive intelligence and military presence in Lebanon, its opposition to Hariri is well known, and it continues to play a destabilizing role in Lebanese affairs.

Syria must get out of Lebanon—now.

Prime Minister Hariri's emergence as an opponent to Syrian meddling in Lebanon was seen as a serious threat in Damascus. The fact that he was a Muslim holding such opinions was even more problematic, as this reflects the spread of anti-Syrian sentiment in recent years beyond the Maronite Christian community.

Cooperation across confessional lines in Lebanon complicates the ability of Syria to maintain its grip over Lebanese affairs.

That is why Syria forced Prime Minister Hariri to resign last October. And that is why Syria, through its Lebanese allies, had been trying to dilute Hariri's influence by redrawing electoral districts ahead of parliamentary elections due later this Spring.

The resolution I have introduced condemns the assassination, extends condolences to Mr. Hariri's family and the Lebanese people; it demands that Syria immediately withdraw its troops and intelligence personnel from Lebanon; it urges the President ask the United Nations Security Council to go beyond Tuesday's statement condemning the assassination by passing a resolution establishing an independent investigation.

I would add parenthetically that many in Lebanon are skeptical of an investigation that would be carried out by a government they perceive as taking its orders from Syria.

The resolution urges the President to consider imposing additional sanctions under the Syria Accountability Act.

Finally, it supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections for parliament this Spring monitored by international observers.

Mr. President, I'd like to add a word about what this resolution does not do. It does not in any way, shape, or form even hint at supporting the use of force against Syria.

I think it is important to state that clearly, given the mistrust of many in Congress over the administration's intentions after the mishandling of Iraq.

The intent of this resolution is to encourage the President to work with the international community to investigate the assassination and to use diplomatic pressure for Syria to leave Lebanon.

In fact, this tragic incident offers an opportunity to work closely with France. It was French-U.S. cooperation which resulted in the passage of a United Nations Security Council resolution last September calling for the withdrawal of all foreign forces from Lebanon. And just yesterday President Chirac made a personal visit to Lebanon to console Hariri's family. I commend him for this important gesture.

I urge President Bush to use his meeting with President Chirac on Monday to coordinate the next diplomatic steps.

If France were to recall its Ambassador to Syria, the rest of Europe would follow France's lead. If France and the United States together called for a United Nations Security Council resolution to establish an independent investigation, I believe such a resolution would pass. Such cooperation would send a signal more powerful to the Syrians than any unilateral U.S. moves.

Given the lingering mistrust between Europe and the U.S. over Iraq, France may at first be hesitant. That is why I believe President Bush should engage personally with President Chirac to develop a joint diplomatic strategy and to dispel any apprehensions about our intentions.

Mr. President, Rafiq Hariri's assassination was about more than the murder of one leader. It was an attempt to kill the hopes and aspirations for freedom in Lebanon.

There are those who argue that we have no national interest in the independence of Lebanon. Given our bitter experiences in Lebanon, I can understand their apprehensions. But I disagree that we have no interest in Lebanese independence.

The Syrian presence in Lebanon enables the terrorist group Hezbollah to continue to operate as the only significant armed militia 14 years after the end of the Lebanese civil war. Hezbollah enables Syrian and Iranian hardliners to try and derail renewed hopes for Israeli-Palestinian peace. Based on my recent meetings with Israeli and Palestinian leaders, it is clear that Hezbollah, through its support for Palestinian terrorist groups, is seen as a significant threat to a fragile peace process.

That is why I believe we do have an important interest in diminishing Syria's involvement in Lebanon.

At this moment, it is essential that the forces of terror hear a unified voice from the civilized world. They must not be seen as succeeding, lest they are emboldened to take even more aggressive action in other arenas. Instead, Monday's attack must be seen as a decisive setback for Syria and its allies.

I urge the President and the Secretary of State to act quickly on the recommendations offered in this resolution.

Rafiq Hariri's death must not be in vain, and the Lebanese people whom he served deserve answers—and action.

Let us hope that this barbarous murder marks the beginning of the end of Syria's presence and interference in Lebanon.

I yield the floor.

## DESIGNATING THE YEAR 2005 ''THE YEAR OF FOREIGN LANGUAGE STUDY''

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of S. Res. 28 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) designating the year 2005 ''The Year of Foreign Language Study.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 28) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 28

Whereas according to the 2000 decennial census of the population, 9.3 percent of Americans speak both their native language and another language fluently;

Whereas according to the European Commission Directorate General for Education and Culture, 52.7 percent of Europeans speak both their native language and another language fluently;

Whereas the Elementary and Secondary Education Act of 1965 names foreign language study as part of a core curriculum that includes English, mathematics, science, civics, economics, arts, history, and geography;

Whereas according to the Joint Center for International Language, foreign language study increases a student's cognitive and critical thinking abilities;

Whereas according to the American Council on the Teaching of Foreign Languages, foreign language study increases a student's ability to compare and contrast cultural concepts;

Whereas according to a 1992 report by the College Entrance Examination Board, students with 4 or more years in foreign language study scored higher on the verbal section of the Scholastic Aptitude Test (SAT) than students who did not;

Whereas the Higher Education Act of 1965 labels foreign language study as vital to secure the future economic welfare of the United States in a growing international economy;

Whereas the Higher Education Act of 1965 recommends encouraging businesses and foreign language study programs to work in a mutually productive relationship which benefits the Nation's future economic interest;

Whereas according to the Centers for International Business Education and Research program, foreign language study provides the ability both to gain a comprehensive understanding of and to interact with the cultures of United States trading partners, and thus establishes a solid foundation for successful economic relationships;

Whereas Report 107–592 of the Permanent Select Committee on Intelligence of the House of Representatives concludes that American multinational corporations and nongovernmental organizations do not have the people with the foreign language abilities and cultural exposure that are needed;

Whereas the 2001 Hart-Rudman Report on National Security in the 21st Century names foreign language study and requisite knowledge in languages as vital for the Federal Government to meet 21st century security challenges properly and effectively;

Whereas the American intelligence community stresses that individuals with proper foreign language expertise are greatly needed to work on important national security and foreign policy issues, especially in light of the terrorist attacks on September 11, 2001;

Whereas a 1998 study conducted by the National Foreign Language Center concludes that inadequate resources existed for the development, publication, distribution, and teaching of critical foreign languages (such as Arabic, Vietnamese, and Thai) because of low student enrollment in the United States; and

Whereas a shortfall of experts in foreign languages has seriously hampered information gathering and analysis within the American intelligence community as demonstrated by the 2000 Cox Commission noting shortfalls in Chinese proficiency, and the National Intelligence Council citing deficiencies in Central Eurasian, East Asian, and Middle Eastern languages: Now, therefore, be it

*Resolved,* That—

(1) it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security;

(2) the Senate—

(A) designates the year 2005 as the ''Year of Foreign Language Study'', during which foreign language study is promoted and expanded in elementary schools, secondary schools, institutions of higher learning, businesses, and government programs; and

(B) requests that the President issue a proclamation calling upon the people of the United States to—

(i) encourage and support initiatives to promote and expand the study of foreign languages; and

(ii) observe the ''Year of Foreign Language Study'' with appropriate ceremonies, programs, and other activities.

## DESIGNATING THE ROBERT T. MATSUI UNITED STATES COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 7, S. 125.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 125) to designate the United States courthouse located at 501 I Street in Sacramento, California, as the Robert T. Matsui United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD, all without further intervening action or debate.

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

The bill (S. 125) was read the third time and passed, as follows:

S. 125

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

**SECTION 1. DESIGNATION.**

The United States courthouse located at 501 I Street in Sacramento, California, shall be known and designated as the ''Robert T. Matsui United States Courthouse''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert T. Matsui United States Courthouse''.

## AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the senior Senator from Virginia and the junior Senator from Virginia be authorized to sign duly enrolled bills and joint resolutions.

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

## AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, February 23, from 10 a.m. to 12 noon.

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

## APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 109th Congress: Senator TED STEVENS of Alaska, President Pro Tempore; Senator THAD COCHRAN of Mississippi, Majority Co-Chairman; Senator JOHN KYL of Arizona, Majority Co-Chairman; Senator RICHARD LUGAR of Indiana; Senator JOHN WARNER of Virginia; Senator JEFF SESSIONS of Alabama; Senator TRENT LOTT of Mississippi, Majority Co-Chairman; Senator GORDON SMITH of Oregon; and Senator LINCOLN CHAFEE of Rhode Island.

The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during

the 109th Congress: the Honorable TRENT LOTT of Mississippi.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 109th Congress: the Honorable MICHAEL D. CRAPO of Idaho.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senator as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 109th Congress: the Honorable GORDON H. SMITH of Oregon.

## MEASURE READ THE FIRST TIME—H.R. 310

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 310) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

Mr. FRIST. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

## MEASURES PLACED ON THE CALENDAR—S. 397 AND S. 403

Mr. FRIST. Mr. President, I understand there are two bills at the desk and due for their second readings. I ask unanimous consent that the clerk read the titles of the bills for a second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the titles of the bills for a second time.

The assistant legislative clerk read as follows:

A bill (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.

A bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Mr. FRIST. Mr. President, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection has been heard. The bills will be placed on the Senate calendar.

## AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 5, S. Res. 50, the committee funding resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 50) authorizing expenditures by committees of the Senate for the periods March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 50) was agreed to, as follows:

S. RES. 50

*Resolved,*

**SECTION 1. AGGREGATE AUTHORIZATION.**

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2005, through September 30, 2005, in the aggregate of $52,563,753, for the period October 1, 2005, through September 30, 2006, in the aggregate of $92,292,337, and for the period October 1, 2006, through February 28, 2007, in the aggregate of $39,287,233, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2005, through September 30, 2005, for the period October 1, 2005, through September 30, 2006, and for the period October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

**SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,090,901, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $3,670,623, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,562,289, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 3. COMMITTEE ON ARMED SERVICES.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,859,485, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,778,457, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,886,176, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,196,078, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,611,167, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,388,363, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 5. COMMITTEE ON THE BUDGET.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,367,870, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,915,179, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $36,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,518,660, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,463,046, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,080,372, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,588,267, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,923,302.

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,133,032.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,185,132.

**SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public

Works is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,696,689, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $4,732,998, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,014,046, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 9. COMMITTEE ON FINANCE.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,765,508, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,610,598, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,813,662, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 10. COMMITTEE ON FOREIGN RELATIONS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,095,171, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,434,387, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,313,266, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $5,112,891, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,977,796, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,821,870, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or

unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2005, through February 28, 2007, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66, agreed to February 26, 2003 (108th Congress) are authorized to continue.

**SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,545,576, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $7,981,411, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,397,620, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 13. COMMITTEE ON THE JUDICIARY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,946,007, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the

period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,686,896, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,698,827, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,383,997, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,431,002, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,035,189, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,302,943, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,286,820, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $973,120, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,193,865, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,900, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,096,382, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $892,457, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 17. SPECIAL COMMITTEE ON AGING.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,445,446, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,537,525, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,080,025, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445 (105th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,050,594, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,355,503, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,279,493, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 19. COMMITTEE ON INDIAN AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,124,384, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $1,972,189, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $838,771, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 20. SPECIAL RESERVE.**

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2005, 2006, and 2007, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2005, through September 30, 2005; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2005, through September 30, 2006; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2006, through February 28, 2007.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

## ORDERS FOR FRIDAY, FEBRUARY 18, 2005, AND MONDAY, FEBRUARY 28, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, February 18. 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 Senator BURR then be recognized to deliver the Washington Farewell Address, as provided under the previous order; provided further that upon the conclusion of the Farewell Address, the Senate stand adjourned under the provisions of H. Con. Res. 66 until 2 p.m. on Monday, February 28; provided that when the Senate reconvenes on Monday, February 28, 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 proceed to consideration of Calendar No. 14, S. 256, the bankruptcy reform bill, as provided under the previous order.

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

## PROGRAM

Mr. FRIST. Mr. President, tomorrow morning Senator BURR will carry out a long-held Senate tradition by reading George Washington's Farewell Address. I encourage those Members who have never witnessed this tradition to come to the floor tomorrow morning.

Immediately following the reading of the Farewell Address, the Senate will adjourn for the Presidents Day recess. When the Senate returns on Monday, February 28, we will begin consideration of the Bankruptcy Reform Act for debate only. The next rollcall vote will occur on Tuesday, March 1, and Members will be informed when that vote is scheduled. Again, I thank my colleagues for their hard work over the past few weeks and wish everyone a safe Presidents Day recess.

## ADJOURNMENT UNTIL TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Friday, February 18, 2005, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate February 17, 2005:

DEPARTMENT OF JUSTICE

ANTHONY JEROME JENKINS, OF VIRGIN ISLANDS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF

THE VIRGIN ISLANDS FOR THE TERM OF FOUR YEARS, VICE JAMES ALLAN HURD, JR., RESIGNED.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JEFFREY GILBERT COLLINS, RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, February 17, 2005.

### DEPARTMENT OF DEFENSE

BUDDIE J. PENN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL MARK W. ANDERSON
BRIGADIER GENERAL JOHN H. BORDELON, JR.
BRIGADIER GENERAL THOMAS L. CARTER
BRIGADIER GENERAL THOMAS A. DYCHES
BRIGADIER GENERAL MARTIN M. MAZICK
BRIGADIER GENERAL HOWARD A. MCMAHAN
BRIGADIER GENERAL JAMES M. SLUDER III

*To be brigadier general*

COLONEL ROGER A. BINDER
COLONEL ROBERT L. CHU
COLONEL DAVID L. COMMONS
COLONEL THOMAS R. COON
COLONEL BRUCE E. DAVIS
COLONEL MICHAEL C. DUDZIK
COLONEL ELIZABETH A. GROTE
COLONEL KEVIN F. HENABRAY
COLONEL JAMES F. JACKSON
COLONEL MIKE H. MCCLENDON
COLONEL BRIAN P. MEENAN
COLONEL JAMES L. MELIN
COLONEL MICHAEL B. NEWTON
COLONEL CARL M. SKINNER

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KARL W. EIKENBERRY

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL THOMAS A. BENES
BRIGADIER GENERAL WILLIAM D. CATTO
BRIGADIER GENERAL MICHAEL E. ENNIS
BRIGADIER GENERAL WALTER E. GASKIN, SR
BRIGADIER GENERAL TIMOTHY R. LARSEN
BRIGADIER GENERAL MICHAEL R. LEHNERT
BRIGADIER GENERAL DUANE D. THIESSEN
BRIGADIER GENERAL GEORGE J. TRAUTMAN III
BRIGADIER GENERAL WILLIE J. WILLIAMS
BRIGADIER GENERAL RICHARD C. ZILMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL GEORGE J. ALLEN
COLONEL RAYMOND C. FOX
COLONEL ANTHONY M. HASLAM
COLONEL DAVID R. HEINZ
COLONEL STEVEN A. HUMMER
COLONEL ANTHONY L. JACKSON
COLONEL RICHARD M. LAKE
COLONEL ROBERT E. MILSTEAD, JR
COLONEL MICHAEL R. REGNER
COLONEL DAVID G. REIST
COLONEL MELVIN G. SPIESE
COLONEL JOHN E. WISSLER

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

ADM. WILLIAM J. FALLON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

*To be admiral*

VICE ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

ADM. JOHN B. NATHMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. TERRANCE T. ETNYRE

### IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS S. HOFFMAN TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH HERBERT L. ALLEN, JR. AND ENDING WITH DALE A. JACKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF LESLIE G. MACRAE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF OMAR BILLIGUE TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH CORBERT K. ELLISON AND ENDING WITH GISELLA Y. VELEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF GRETCHEN M. ADAMS TO BE MAJOR.

AIR FORCE NOMINATION OF MICHAEL D. SHIRLEY, JR. TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GERALD J. HUERTA AND ENDING WITH ANTHONY T. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF MICHAEL F. LAMB TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DEAN J. CUTILLAR AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF JAMES D. SHAFFER TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS WILLIAM ACTON AND ENDING WITH DEBRA S. ZELENAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BARBARA S. BLACK AND ENDING WITH VINCENT T. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF GLENN T. LUNSFORD TO BE COLONEL.

AIR FORCE NOMINATION OF FREDERICK E. JACKSON TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT G. PATE AND ENDING WITH DWAYNE A. STICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF KELLY E. NATION TO BE CAPTAIN.

AIR FORCE NOMINATIONS BEGINNING WITH LOURDES J. ALMONTE AND ENDING WITH ROBERT J. WEISENBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. AGEE AND ENDING WITH LUN S. YAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE D. ALLENMCCOY AND ENDING WITH ERIN BREE WIRTANEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES R. ABBOTT AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH B. ANDERSON AND ENDING WITH KONDI WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY F. BAKER AND ENDING WITH DAVID L. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH COREY R. ANDERSON AND ENDING WITH ETHAN J. YOZA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JANICE M. ALLISON AND ENDING WITH DANNY K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF ELOISE M. FULLER TO BE COLONEL.

### IN THE ARMY

ARMY NOMINATION OF ROBERT A. LOVETT TO BE COLONEL.

ARMY NOMINATION OF MARTIN POFFENBERGER, JR. TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TIMOTHY D. MITCHELL, JR. TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH WILLIAM F. BITHER AND ENDING WITH PAUL J. RAMSEY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF WILLIAM R. LAURENCE, JR. TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MEGAN K. MILLS AND ENDING WITH MARIA A. WORLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY K. ADAMS AND ENDING WITH JOHN L. POPPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JOSEPH W. BURCKEL AND ENDING WITH FRANK J. MISKENA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF FRANK J. MISKENA TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROSA L. HOLLISBIRD AND ENDING WITH BETH A. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH BRUCE A. MULKEY AND ENDING WITH JEROME F. STOLINSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF MATTHEW R. SEGAL TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CASANOVA C. OCHOA AND ENDING WITH CHARLES R. PLATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH KENNETH R. GREENE AND ENDING WITH WILLIAM F. ROY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES E. FERRANDO AND ENDING WITH TERRY R. SOPHER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH BILLY J. BLANKENSHIP AND ENDING WITH WILLIAM J. ONEILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH MARK E. COERS AND ENDING WITH RICHARD A. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JEFFREY T. ALTDORFER AND ENDING WITH JOSEPH E. ROONEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID C. BARNHILL AND ENDING WITH KENNETH B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF DAVID B. ENYEART TO BE COLONEL.

ARMY NOMINATION OF DAVID A. GREENWOOD TO BE COLONEL.

ARMY NOMINATION OF SANDRA W. DITTIG TO BE COLONEL.

ARMY NOMINATION OF JOHN M. OWINGS, JR. TO BE COLONEL.

ARMY NOMINATION OF DANIEL J. BUTLER TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SCOTT W. ARNOLD AND ENDING WITH KEITH C. WELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL T. BARTONE AND ENDING WITH JEFFREY P. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH CYNTHIA A. CHAVEZ AND ENDING WITH JACLYNN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH FRANCIS B. AUSBAND AND ENDING WITH SCOTT A. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LORETTA A. ADAMS AND ENDING WITH CLARK H. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH ROBERT D. AKERSON AND ENDING WITH BETH A. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PRISCILLA A. BERRY AND ENDING WITH CATHERINE E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH GEORGE A. ABBOTT AND ENDING WITH DONALD R. ZOUFAL, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAN E. ALDYKIEWICZ AND ENDING WITH ROBERT A. YOH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JASON G. ADKINSON AND ENDING WITH JAMES B. ZIENTEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JORGE E. CRISTOBAL AND ENDING WITH DONALD Q. FINCHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH RONALD C. CONSTANCE AND ENDING WITH JOEL F. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATION OF FREDERICK D. HYDEN TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KATHY L. VELEZ TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF JOHN R. BARCLAY TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH MATTHEW J. CAFFREY AND ENDING WITH WILLIAM R. TIFFANY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JEFF R. BAILEY AND ENDING WITH JULIO R. PIRIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JACOB D. LEIGHTY III AND ENDING WITH JOHN G. OLIVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN M. DOTSON AND ENDING WITH CALVIN W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM H. BARLOW AND ENDING WITH DANNY R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH ANDREW E. GEPP AND ENDING WITH WILLIAM B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM A. BURWELL AND ENDING WITH WILLIAM J. WADLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH KENRICK G. FOWLER AND ENDING WITH STEVEN E. SPROUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES P. MILLER, JR. AND ENDING WITH MARC TARTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATION OF DAVID G. BOONE TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL A. LUJAN TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL A. MINK AND ENDING WITH LOUANN RICKLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN T. CURRAN AND ENDING WITH THOMAS J. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE NAVY

NAVY NOMINATION OF STEVEN P. DAVITO TO BE CAPTAIN.

NAVY NOMINATION OF EDWARD S. WAGNER, JR. TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH SAMUEL ADAMS AND ENDING WITH RANDY J. VANROSSUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

NAVY NOMINATIONS BEGINNING WITH JASON K. BRANDT AND ENDING WITH RONALD L. WITHROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.