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Senate

EXECUTIVE SESSION

NOMINATION OF JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The clerk will report.

The assistant legislative clerk read the nominations of James C. Dever, III, of North Carolina to be United States District Judge for the Eastern District of North Carolina; and Robert J. Conrad, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we now taking up the nominations of Robert J. Conrad and James C. Dever to be U.S. district judges in North Carolina?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I am glad to hear that because I couldn't hear the clerk report it.

Mr. President, I am pleased to report that the Senate Judiciary Committee has recommended to the full Senate on reports filed that Robert J. Conrad, Jr., should become U.S. district court judge for the Western District of North Carolina. Mr. Conrad comes to this position with a very distinguished record. He is a former U.S. attorney for North Carolina. As assistant U.S. attorney, he made a name for himself in the prosecution of terrorism financing cases and campaign finance. Attorney General Ashcroft named Mr. Conrad to the Advisory Committee on Terrorism Financing, and Mr. Conrad testified before the Judiciary Committee on that subject. He was instrumental in prosecuting supporters of the Hezbollah terrorist cell in North Carolina in a very highly celebrated case.

Prior to his appointment as U.S. attorney, he served as an assistant U.S. attorney for 12 years. I can tell you, with some experience in that kind of position, you really learn a lot as assistant prosecuting attorney. Sometimes I am asked what is the best job I ever had, Senator or district attorney, and I say assistant district attorney. That is where there is a great deal of experience.

He has had bipartisan support from Democrats. The North Carolina attorney general, Roy Cooper, and former Attorney General Janet Reno praised him very highly.

I would now like to make a comment about the other nominee, James C. Dever, III, who has been recommended by the Judiciary Committee to be the U.S. district court judge for the Eastern District of North Carolina. Mr. Dever is a U.S. magistrate judge in the Eastern District. He comes to this position as a highly respected attorney, a magistrate judge, recommended to be promoted to the district court by the bipartisan Merit Selection Panel of district court judges of the Eastern District. He has a very distinguished academic record. He served in the Air Force for 4 years, from 1988 to 1992. He was a member of the Air Force General Counsel's Honors Program. He served with great distinction. He has been an adjunct professor at the Norman Adrian Wiggins School of Law at Campbell University since 1997. He clerked for Judge Clifford Wallace on the Court of Appeals for the Ninth Circuit. He is rated in the highest category among lawyers by Martindale-Hubbell. I recommend that my colleagues support both of these meritorious nominees, and I yield the floor.

Mr. LEAHY. Mr. President, these confirmations will be the 207th and 208th of 218 nominees brought before the full Senate for a vote to be confirmed. The Senate will have confirmed four more lifetime appointments to the Federal courts this year. With the year being almost one-third concluded, the Republican majority is gaining on the pace it set in 1999 when Senate Republicans allowed President Clinton to appoint only 17 district court judges and not a single nominee to the circuit courts that entire session.

These 208 judicial confirmations mean that even with the slow start this year because the President has refused to nominate consensus nominees, or anyone for 29 judicial vacancies, we are currently within 37 confirmations of the 6-year total achieved under the Senate Republican majority during the Clinton administration. That means if the Senate confirms another dozen judges this year and 30 next year, we will have equaled the total of which Senate Republicans were so proud during the Clinton years. The year I chaired the Judiciary Committee, the Senate confirmed 72 of President Bush's nominees. If the President and Senate Republicans would work with us rather than foment conflict and confrontation, we could easily surpass their record.

Of the 45 judicial vacancies that will remain after these confirmations, President Bush has not even sent nominees for 29 of those vacancies. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees. The Democratic leader and I sent the President a letter in this regard on April 5, but we have received no response. Indeed, to date the President has only sent the Senate one new judicial nominee all year.

Despite the efforts of the Senate Republicans to create a crisis, the truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton two terms, more than during the term of this President's father,

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

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and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The two district court nominees being confirmed today, Robert Conrad and James Dever, are nominees who have raised concerns. When they were first nominated their home-State Senator had serious questions about them. A home-State Senator's views on a Federal court nominee has a long history of importance in the Senate. The Constitution says we should give the President advice on judicial appointments, and the views of home-State Senators have been very important. Candidly, I wish the White House had heeded Senator Edwards' advice and reconsidered these nominations.

After reading some of Mr. Conrad's more inflammatory writings, I do not wonder at Senator Edwards' objections. In particular, I am concerned about what some of the things he has written say about his ability to be a fair judge, and to give all who come before him a fair hearing. Listen to what he wrote about Sister Helen Prejean, one of the bravest and most caring people I have ever met. He calls her book, ''Dead Man Walking,'' ''liberal drivel,'' and shows nothing but contempt for her compassionate work with condemned prisoners. The rhetoric he uses is heated, and his bias for the death penalty is clear. Will any defendant in a capital case who comes before a Judge Conrad feel that they will get a fair hearing from him? Will he feel that a Judge Conrad can put aside personal prejudices and preconceptions? I hope so.

Another example is the not-too-subtly titled article, ''Planned Parenthood, A Radical, Pro-Abortion Fringe Group.'' Mr. Conrad's view of the well-respected family planning organization is that it is a ''most radical legal advocate of unfettered abortion on demand,'' and argues they do nothing to reduce teen pregnancy. The Planned Parenthood organization that I know, both in Vermont and nationally, works hard to reduce crisis pregnancies and to preserve families' rights to plan their own futures. His statements make me wonder whether any person going before a Judge Conrad in a case involving reproductive rights, or indeed any issue related to personal privacy, will feel their arguments have been fairly heard. Will he be able to follow the law as written? Again, for the sake of future litigants and the independence of our judiciary, I hope so.

I have similar concerns about Judge Dever. I see why Senator Edwards wanted better consultation on these district court nominees. Judge Dever's only two Supreme Court briefs argued against State legislative redistricting action designed to comply with the Voting Rights Act of 1965. When I asked Judge Dever to give me some assurance that he would be impartial when called upon to hear a redistricting case, he could only state that he believed he would be fair.

Much of Judge Dever's experience is in the area of representing Republican clients. While employed at a law firm, he provided legal services to several Republican campaigns and has been listed on the Republican National Lawyers Association webpage as an affiliated lawyer. I would like to believe that Judge Dever was nominated based on his own merits, and that his personal relationships will not affect his ability to rule impartially if he is confirmed. I have concerns.

I take seriously the views and support of the current North Carolina Senators. I hope that their support of these nominees is justified and that these nominees will serve in accordance with their oath to treat all who come before them fairly.

Today, again, Senate Democrats are demonstrating their willingness to work with the President and Senate Republicans.

I regret that in spite of all of our actions, the Republican majority seems intent on forcing a confrontation and breaking the Senate Rules in order to change them. The majority leader has apparently cast his lot with those who would alter the role of the Senate as a check and a balance on the choices of a powerful President. The Federal judiciary should not become an extension of the executive or a wholly-owned subsidiary of his political party.

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become knows as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home-state Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms. As we proceed to confirm two more lifetime appointments to the Federal courts, I urge Senate Republicans to reconsider and not to head down the destructive path represented by the nuclear option.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield the remainder of time on this side to the Senators from North Carolina, Senator DOLE and Senator BURR, to be divided equally.

Mrs. DOLE. Mr. President, it is my privilege to support Jim Dever for a seat on the U.S. district court in Eastern North Carolina. This seat has been vacant for 6 years and is considered a judicial emergency by the Judicial Conference. In fact, a vote for Jim Dever will end the longest district court vacancy in the United States. Jim Dever, who is an outstanding editor in chief of the Duke University law Journal, lives in Raleigh and currently serves as U.S. magistrate judge in the Eastern District of North Carolina.

Raleigh, the State's capital and the district's largest city, is without a resident district court judge. Elevating Jim to the district court will end this problem. Not one objection has been raised about Jim Dever's qualifications. He has broad bipartisan support. Robinson Everett, a Duke law professor and former Chief Judge of the Court of Appeals for the Armed Forces, describes Jim Dever as having ''all the requisite qualities.'' ''He will be a 'superb jurist.'''

I am also delighted to support Bob Conrad, nominated in April 2003, to be U.S. district judge for the Western District of North Carolina. Bob is sorely needed. As our courts confront the ramifications of the Supreme Court's recent decision on the Federal minimum sentence guidelines, it is reasonable to expect we will have even higher caseloads and need more judges to deal with them.

Bob Conrad is known for his prosecution of the cigarette smuggling ring funding the terrorist group Hezbollah, and in 1999, Bob Conrad was appointed by then-Attorney General Janet Reno to head the U.S. Justice Department's investigation into campaign fundraising abuses.

Bob is a graduate of Clemson and the University of Virginia Law School. He served as a Federal prosecutor in Charlotte, starting in 1989. From 2001 until 2004, he was the U.S. attorney for the Western District of North Carolina. Currently he is in private practice at one of the largest law firms in the world as a partner in its Charlotte office.

Both of these North Carolina nominees come with tremendous credentials, and it is my privilege to give them my strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina

Mr. BURR. Mr. President, I also rise in support of two fine and highly qualified individuals to be confirmed to the

Federal bench, Robert Conrad to be a U.S. District Court Judge for the Western District of North Carolina and James Dever to be U.S. District Court Judge for the Eastern District of North Carolina.

Bob Conrad was nominated by the President on April 28, 2003. Bob Conrad is now a partner at the law firm of Mayer, Brown, Rowe, and Maw in Charlotte, North Carolina. He has served as a U.S. Attorney for the Western District of North Carolina. He is a graduate of Clemson University and the University of Virginia Law School.

Bob Conrad possesses the qualities necessary to serve as a U.S. District Court Judge. He is fairminded, evenhanded, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. Bob is also a devoted husband to his wife Ann, and he is a loving father to his five children.

Today, we consider his nomination for the Western District Court judgeship for the great State of North Carolina. I believe Bob Conrad's integrity, compassion, and intelligence have earned him strong bipartisan support, and he will again serve ably as a representative of our country. I am pleased that almost 2 years since his nomination, Bob Conrad will be confirmed by the Senate.

President Bush has also nominated James Dever to be U.S. District Court Judge for the Eastern District of North Carolina on May 22, 2002. After almost 3 years, James Dever's nomination is now reaching the floor for a vote. He served as U.S. Magistrate Judge on the U.S. District Court for the Eastern District for North Carolina since 2004. Prior to that, the judge was a member of the Raleigh law firm of Maupin Taylor, and Judge Dever graduated with high honors from Notre Dame, where he attended on a 4-year ROTC scholarship. Judge Dever also graduated with high honors from Duke University Law School, where he was editor and chief of the Duke Law Journal. Judge Dever also served his country in the U.S. Air Force.

The Eastern District post to which Judge Dever has been nominated is the longest district court vacancy in the nation. In fact, it has been vacant since 1997. In 1999, the Administrative Office of the Courts declared the district as a judicial emergency, and it has been categorized that way for the last 6 years.

For some time, the State of North Carolina has felt the absence of U.S. District Court Judges. However, the Eastern District in particular, which comprises almost half of the counties in North Carolina and has over 3 million people, has arguably suffered the most.

James Dever will bring to this post the qualities and character that will continue to make North Carolinians proud of him. James Dever is highly regarded by his colleagues and he has a record of public service. He is a bright, accomplished individual with a proven record. His supportive family includes his loving wife Amy and their three children.

Today I urge my colleagues to vote in favor of these two esteemed attorneys. North Carolina, and the United States as a whole, will benefit substantially from the confirmation of these well-respected men to the Federal bench.

I yield back all time and call for the question.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nominations en bloc of James C. Dever, III, to be United States District Judge for the Eastern District of North Carolina, and of Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina.

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

PROVIDING FOR ADJOURNMENT

Mr. MCCONNELL. I ask unanimous consent the Senate now proceed to the consideration of S. Con. Res. 29, 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 (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring): That when the Senate recesses or adjourns at the close of business on Thursday, April 28, 2005, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 9, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate or his designee, after consultation with the Minority Leader, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I rise to discuss a matter of grave importance to our economy and national security. The issue is energy policy and what it will take to put us on a path toward energy diversification and away from our overdependence on foreign oil.

Tonight we will hear from the President about how he plans to lower gas prices. In the State of Washington we have seen a rise of almost 50 cents a gallon in 1 year. I look forward to hearing what the President has to say about lowering those gas prices. I do not believe his plan to drill in the Arctic National Wildlife Refuge will help make any difference in the prices in the near term.

I will address what is a broader energy debate this Senate is about to start. Energy is the lifeblood of our economy. It keeps our cars running, our companies competitive, our citizens safe, and our Nation secure. It is the future source of job growth for America.

The House has passed an energy bill and the Senate will start shortly on its own plan. We need to tell America where we are going on this important journey to set about an energy policy in America that we can be proud of.

We are at a critical juncture. The pain being felt at the gas pump by Americans is a wake-up call to all of us that we need to take action. Now is the moment our Nation must make a conscious choice to tackle the challenges ahead in a straightforward and serious manner, and get to the heart of what is a very enormous problem.

What our country needs is an energy policy that bets on American ingenuity and investment rather than gambling our future on the good will of the Saudi Royal Family or the OPEC cartel. There is no doubt in my mind, and history shows this, when this Nation devotes its tremendous resources and innovative spirit to confronting a threat such as that posed by the high cost of energy and overdependence on foreign supply, we can succeed. History has shown in our country, we have made significant shifts in investment when our national goals were set in the right direction.

Americans are familiar with the ambitious goals set by President John F. Kennedy when he challenged this Nation to put a man on the moon within a decade. But it was not just rhetoric. President Kennedy tripled the budget for the space program between 1961 and 1962. He also asked us to double the number of scientists and engineers working on the project over a 5-year period. President Kennedy recognized the importance of this investment and America won an international race to put a man on the moon.

A less recounted story, but nonetheless significant to our country's history, was the shift in gears this country made when we embarked on the Manhattan Project. In 1942, President Franklin Roosevelt authorized $85 million for what would become the Manhattan Project. Within 2 years, our entire national budget for atomic research grew from $6,000 to $85 million. In the midst of World War II, the President had decided it was in our Nation's

strategic interest to make this investment. Three years later, the Manhattan Project ushered in the nuclear age and the United States won the race to become a superpower. The Manhattan Project changed the course of history. That $2 billion investment also has influenced domestic and international policy ever since that time.

A little less dramatic but no less important for consumers and businesses across America, there is another example of how this country shifted gears and focused on investment and energy policy. In the 1970s we woke up to the fact that our country was defending, in support of, the only democracy in the Middle East. As a result, we ended up with an OPEC oil embargo. Our economy was stalled and we waited in long gas lines to fill up our tanks.

What did Congress do during that crisis? Among many things, we passed the Energy Policy and Conservation Act of 1975 which made our cars more efficient. In 1978, we passed the Public Utility Regulatory Policy Act which led to diversifying our source of electricity generation by lowering the barriers for new generation of cleaner and more efficient power.

In the mid-1970s, oil was used to generate electricity for homes and fuel for our economy; we got 20 percent of our Nation's electricity from oil. But because of our actions during the 1970s, being aggressive, today oil is only 2 percent of our electricity portfolio. During this time, consumers also began making choices to switch from home heating oil to other sources. In fact, since that time period, the number of homes that use home heating oil has dropped about 35 percent.

So we have seen in our history that we can take aggressive steps and shift our investments toward a new strategy. Certainly that is what we need to do now to get this country moving toward a more independent energy future. In other words, we showed the leadership that is lacking today in making the right investments.

We are in an international race because of the economics of oil and where our oil dependence is leading us. First, even if every last deposit geologically present in the United States was tapped, the fact remains that the United States sits on 3 percent of the world's oil reserves. Today, the United States imports about 60 percent of its oil supply. Dependence on oil means dependence on foreign sources of oil. It is a geological and economic fact of life: We cannot drill our way to energy independence.

Where are the prices today? According to DOE's Energy Information Administration, gas prices for this week have reached a national average of $2.24. As I said, in my home State, that is a little higher at $2.48. What we understand is that gas prices for the future are also going to be high if we stay this course. The gas prices that have hovered about $50 a barrel for this year are up from about $30 a barrel in 2004. I don't know if any of my colleagues remember the 1990s, when oil was $15 a barrel.

The real concern is, what is the economic outlook for oil prices in the future? The World Economic Outlook Report issued earlier this month by the International Monetary Fund will have all my colleagues' attention. That is because it is projected that oil could spike to $100 a barrel between now and 2030.

These prices are driven in part by a tripling of demand by China. As the Chinese and Indian economies grow, so will their dependence on petroleum. And rising incomes in China mean they will own more automobiles. According to that same report of the International Monetary Fund, China will be consuming 19 million barrels of oil a day in 2030, more than triple the amount it used last year, and almost as much as the United States uses today.

We know demand for oil is going to increase, and we know the cost is going to go up. In fact, a Wall Street firm, Goldman Sachs, predicted the price of oil could reach $105 a barrel in the next few years and that the energy markets could be in the early stages of a superspike period, where we could see prices fluctuate as we did in the 1970s, when at times they quadrupled. So this is a very important issue, something this body needs to address, not with a Band-Aid, but with a long-term solution that will put our country on the right track.

If we do not think this is impacting other parts of our economy, particularly on the trade front, the Department of Commerce recently, in its monthly report, said the U.S. trade deficit in February worsened to $61 billion, in part because of the surging oil prices. So it is impacting our economy all around. But so long as this Nation fails to make progress on an energy policy that acknowledges the reality of geology and the international marketplace, we are jeopardizing our economic future.

I cannot say I agree with the President's energy proposal and policy goals. But I know he has said he knows this becomes a ''foreign tax on the American dream.'' I do agree with that. The American people want to see a different policy. They have not given the President high marks on his energy proposal.

In an AP poll taken last week, more than 50 percent of people said if gas prices stay as high as they are in the next several months, it will cause financial hardship for them. It is already causing financial hardship in many parts of my State. In fact, 57 percent of people in the same report said they have already cut back on other expenses to cope with rising gas prices.

Here is a telling figure: Sixty-two percent of the people say they disapprove of the handling of our nation's energy policy. I believe they mean they want to see a different approach. Mr. President, 87 percent of the American people say that conservation, fuel efficiency, and alternative energy sources are the best way to reduce America's overdependence on foreign oil. We need to listen to them and get an energy policy that reflects that reality.

The American people know it is time to get serious. They know some of the ideas we talk about here are the alternatives to our overdependence on oil—investment in wind power, wave power, solar power, and the ingenuity of American brainpower. Those ideas need to have their day in the Senate, where we can talk about the issues of alternative energy and modernizing our transmission grid.

Well, I can tell you this, we are going to have some challenging times agreeing to some of the proposals that are being passed over by the House of Representatives as they discuss an energy policy. Here in the Senate, I am encouraged that the chairman of the Senate Energy Committee, Senator DOMENICI, is actually reaching out to Members and trying to discuss the formation of what will be a productive energy debate and discussion, and a bipartisan effort that will merge these ideas about where we need to go for the future into a bill. So I appreciate the chairman's efforts, as he has discussed with Members of both the majority party and minority party some of the ideas the Senate should be considering in an energy strategy.

But if we are going to make dramatic progress, we need to make sure the President of the United States, who is endorsing the House proposal in his administrative statement of support, understands that proposal is a nonstarter. The American people want to see a real plan of diversification, insofar as they think the House proposal has fallen short. In fact, even the President's own economic advisers in the Energy Information Administration have concluded the House Republican energy plan will have a ''negligible'' impact on energy supply, energy prices, production, and imports—''negligible.'' In fact, the same economists concluded their proposal will have a 0.1 percent—that is less than 1 percent—impact on oil consumption by 2025.

So, in other words, the House energy plan, which the President is endorsing, is like treading water. It is like standing still, while our economy cannot stay afloat on these high gasoline prices, and while our businesses and consumers continue to be gouged.

Details of what is wrong with the President's plan ought to be front and center as we discuss our Senate proposal so as not to make the same mistakes and so we can move forward.

Because clearly, there is something wrong when we look at the priorities of the legislation the President has endorsed. For example, this proposal continues to provide subsidies in the wrong direction. Last year, this body rejected a proposal that would have given 60 percent of the tax incentives to the traditional industries; that is,

oil and gas. You would think turning that proposal down might have sent a message. But, instead, our colleagues in the other body now give 90 percent of the tax incentives to the same traditional industries and devote only 6 percent to new technologies.

If the President is serious about getting a proposal before August, he should start by making clear his opposition to a waiver, letting oil companies off the hook for groundwater-polluting chemicals such as MTBE. I do not believe granting immunity to polluters for groundwater cleanup costs and saying States should pay for it has a single thing to do with getting an energy policy that will put America on the right track.

Americans want to know our energy policy is about the common interest, not special interest. They want to know we are going to get a bill that helps us diversify off of our foreign sources of energy.

There are many other things the President's plan endorses that I think are dead wrong, and we are going to have plenty of time to talk about them. But I would mention them briefly.

For example, this current proposal fails to recognize how our country has been gouged by high energy costs from companies such as Enron. It does nothing to hold the line against what I call the latter-day Ken Lays, and would leave future Enrons with the opportunity to steal from consumers. What we need is a tough bill in relation to market manipulation that includes making sure utilities that continue to be sued by Enron are not the deep pockets for their extreme market manipulation and trading practices that the Federal Energy Regulatory Commission has failed to adequately deal with.

The President's endorsed energy plan also rolls back dozens of environmental rules and laws that were put in place to protect Americans' public health and safety. Many of them were put in by previous Republican administrations. So we are going to have lots of time to discuss this energy plan and proposal when we return and the Senate Energy Committee starts discussing this proposal. But because gas prices are still high, and because we still need to address where we are going as a country, I want to make sure this Senator stands firm on the fact that we cannot continue to tread water or stay in the same place. We need to take the same aggressive actions previous administrations did, as we changed our investment strategy, as we put the Nation on call for an emergent need, and moved forward on a policy.

That is what I call progress. The Europeans already understand this. That is why they are making a significant investment in renewable energy technology. The Japanese understand this. That is why their automakers are making big investments and cornering the market on fuel efficiency technologies and vehicles. And even China understands this because they have put in place higher fuel efficiency standards than in the United States. What we need to do is recognize the energy future by planning for it, not with half-baked policies that dither around the margins of the problem but with real leadership on an energy economy of the future.

I hope that tonight the President will address the American people and tell us what his real plan is to lower gas prices in the future, to give America an independence from our overdependence on foreign oil. I hope he will give this country the kind of boost that previous administrations have, by leading the way with new technology investments and a vision of the future that will give our country the national and economic security it deserves. I think he will find that there are many Americans waiting to hear that plan—there are farmers, environmentalists, businesspeople, certainly a number of us in the Senate and, I would say to the President, even some of the neocons of previous administrations who are ready to hear an energy strategy that gets us off of our overdependence on foreign oil. I look forward to those comments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006—CONFERENCE REPORT

Mr. GREGG. Mr. President, I ask unanimous consent that notwithstanding the receipt of the House message and having the Senate papers at the desk, the Senate begin consideration of the conference report to accompany the budget resolution; provided further that the time from now until the arrival of the ranking member be under the control of the chairman; provided further that when the ranking member arrives, he be recognized to be in control of a like amount of time.

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

Mr. GREGG. Mr. President, this order allows us to start opening statements on the budget. Senator CONRAD should be available around 6 o'clock this evening, and his side will control the time after he arrives, which will be commensurate with the time we control, which I presume will be approximately an hour that we will use now until 6 o'clock.

Mr. President, we are now turning to the budget of the United States, which is pending in the House and being debated in the House. This obviously is a major item for us as a Congress. It is very hard to take the position that a government that spends $2.6 trillion should not have an outline as to how it is going to spend that money, should not have a proposal and a policy for spending that money. That is why a budget is important.

A budget doesn't get into the specifics of how the dollars are spent, but it does set out a very substantial and important blueprint as to how those dollars will be spent and what the policies are that will affect spending and taxes as we move into the future.

The budget that we bring today is a result of a lot of hard work. I want to especially thank my colleague from North Dakota, the Democratic ranking member of the committee, and his staff, who have been extremely courteous and extraordinarily professional in the way they have approached the process. Senator CONRAD is someone I have enjoyed working with very much. We disagree, obviously, but the disagreements have been on policy, and certainly there has been nothing but a professional, cordial, and friendly relationship between us.

I also thank the majority leader and the assistant majority leader, Senator FRIST and Senator MCCONNELL, for their extraordinary effort. I especially thank members of my committee, all of whom have been very much engaged and who have been very involved in developing the budget.

In addition, I specifically thank Senator SMITH from Oregon, who has been a critical player in developing what is one of the core issues of this budget, which I will get into in a few minutes.

Of course, I especially thank the staffs, both the majority staff and minority staff, and especially the staff on our side, led by Scott Gudes, and our colleagues across the aisle in the House who worked so hard to get us to this point.

The budget we are bringing forward today is the result of what I consider to be some serious public policy problems we confront as a nation, and they involve the amount of spending the Federal Government is doing in relationship to revenues, and specifically the rate of growth of our spending and the fact that we are confronting very significant deficits not only in the short term but in the long term.

I want to go through a few charts to explain the parameters of the problem. I think it is critical that people understand that and understand how this budget was developed. We received testimony in the committee from the Comptroller General of the United States that there are on the books today obligations of the Federal Government that exceed projected revenues of the Federal Government amounting to approximately $44 trillion. Now, a trillion dollars is an incomprehensible amount of money for anybody to understand. I will try to

put it into context. This means we already have obligations that we have committed to as a government that we have not figured out how we are going to pay for, which in their total add up to $44 trillion, which amount of money compared, for example, to all of the taxes collected by the United States since we became a nation—all of the taxes collected during that time, over 200 years, total $38 trillion. So we actually have on the books more in obligation than we have collected in taxes in the history of the Nation.

To try to put it in another context, if you take all the net worth of everybody in this country—everybody's car, house, savings account, stock, every asset that everybody has in this country—and add it all together, it adds up to about $47 trillion.

This chart reflects the problem. The chart here is $44 trillion in outstanding obligations of the Federal Government. Over here we have the present net worth of the United States, which is $47 trillion. The amount collected since the beginning of the country is $38 trillion. The larger part of the chart reflects $44 billion, calculated on the actuarial life of these programs. The larger part of the chart is what the cost would be if you projected these programs out into infinity, which would be 100 years, which is about $84 trillion.

So you can see that we are confronting a massive fiscal problem as a nation. The effects of this problem will be that somebody is going to have to pay this bill. Our generation is running up the bill and we are passing it on to our children, and our children will have to bear a huge cost in order to pay off this $44 trillion in debt that we have added up. To pay that off, basically, their quality of life is going to have to be reduced, unless we get started on addressing this problem now.

Where does the $44 trillion come from? What are the obligations that created this huge number? This chart reflects it. It is entirely almost what is known as entitlements, or mandatory spending; it is the orange line. If you look at the mandatory spending, these are programs on the books that say, if you are a citizen and you have certain physical or demographic or income characteristics, you have a right to payment by the Federal Government. The majority of these entitlements, the mandatory spending is Social Security, Medicare, and Medicaid. These three items make up the vast majority of the cost of the $44 trillion, which is unpaid for. In fact, Medicare and Medicaid—the health care items of those three entitlements—represents about $27 trillion of the total of $44 trillion—$27 trillion of unfunded liabilities. That means after taking all of the taxes you pay, your HI tax—the hospital tax which you pay out of your payroll every week—there is still a debt, an obligation on top of those taxes of $27 trillion—a huge amount of money.

Well, now, some would represent that if we raise taxes, we can solve this problem. But we cannot. I want to explain why and the next chart does that.

Historically, the Federal Government has spent about 20 percent of the gross national product. That is what we spend as a Federal Government. We take the gross national product—20 percent of it—and spend it to govern. That has been in our history for quite a while, since the 1960 period. That is the blue line that runs across the chart. If you take the top three—Social Security, Medicare and Medicaid—just the cost of that, as projected out into the future, you will see that by about 2028, 2031—depending on what happens around here—the cost of those three programs to pay the benefits that have been committed under those three programs will exceed 20 percent of the gross national product.

What is the practical effect of that? It is that if that were allowed to occur, you would have no money available to pay for national defense, education, environmental protection, the building of roads, or for anything other than those three programs. It gets worse. The line keeps going straight up—this is where the $44 trillion comes in—as those programs continue to demand more and more in order to support them because of the obligations that are on the books. So you can raise taxes almost endlessly and never catch up with the spending that we have on the books.

That is the point. You cannot tax your way out of this problem. You simply cannot do it. You have to address these major programs and try to control their rate of growth so they are affordable, while still maintaining a benefit structure that is fair, especially to low-income Americans. If you don't do it, the practical effect would be that you will have to double the taxes on our children in the area of withholding in order to keep up with these costs during the period 2020 to 2040. That would mean our children, instead of being able to buy a house, a car, expand their education, or send their kids to college, they will have to pay a radically increased tax burden in order to support our generation. What is causing this huge explosion in costs? It is the fact that the baby boom generation is so large, the demographic shift is so huge, when our generation starts to retire because we go from a generation that has changed the culture of America throughout our lifetime to when we retire we will change the dynamics of the demand on the Federal Government; we shift that so radically that we put all these new costs on our children and our children's children to support our generation when we retire.

People have heard me say this before. These retirement systems—Medicare, Medicaid, Social Security—were structured on the concept that there would always be a pyramid, many more people paying into the system than taking out. In 1950, 16 people were paying into the system for every one person that was taking out. That is the pyramid concept, the genius of Franklin Roosevelt. Today, there are 3½ people paying into the system, and it is still affordable. But as we head into this next century and as this huge baby boom generation of which I am a member retires, there will only be two people paying into the system for every one person taking out. So we go from a pyramid to a rectangle, and you simply cannot support the system as it is structured.

The taxes on our children will far exceed their capacity to pay them in order to support the benefit structure. So how do we address this? Well, one way is to bury our heads in the sand and say it is not a problem and hope our children can handle the tax burden increase. But that is not acceptable. As leaders and as people charged with the responsibility of public policy in this country, we need to get ahead of this issue before we get to the problem. And that is where this budget comes into play.

The President sent us a budget which for the first time in 7 years stepped on the sacred ground of trying to address the entitlement costs of the Federal Government. Independent of the budget, of course, he has tried to address the Social Security issue. By law, the Budget Committee is not allowed to address Social Security. So that one is taken off the table for us as a committee. But we do have the capacity as a Budget Committee to step forward and try to do something about the issue of entitlements beyond Social Security, and that is what we are going to try to do in this budget. We are going to try to begin the process of relieving the pressure that is going to be put on the next generation.

This budget does three basic things. In the short term, it reduces the deficit in half over 4 years. It does this by aggressively controlling the rate of growth of discretionary spending that is nondefense. Specifically, we freeze it for 3 years. That is a very aggressive position. Nondefense discretionary spending is frozen for 3 years. But more importantly, we reestablish enforcement mechanisms known as spending caps. Members can come to the floor, and if a bill exceeds that freeze, they can make a point of order against that bill, and it will take 60 votes in the Senate to pass that bill. That is an important change, a very important change—not a change but a reinstitution of budget discipline.

What happened? Why don't we have caps today? We do, but they are very much at the margin. The problem is that because we did not pass a budget last year and because 2 out of the last 4 years we have not passed a budget, we have lost most of the really effective enforcement mechanisms or are on the verge of losing most of those enforcement mechanisms in the next budget cycle. So it is critical we get a budget to put those enforcement mechanisms back into place so we can control in the short term the rate of growth of a number of accounts but especially the discretionary accounts.

We put in place a budget which moves us toward reducing the deficit in half over 4 years. That is one deficit issue. More importantly, the big issue, which I have just discussed, which is this long-term fiscal catastrophe we are headed toward as a nation unless we do something about it, we begin to address that. We do not do radical steps in that direction. This is going to be a long and arduous process. It is difficult, and it is going to be a bumpy road, but what we do is we take some very significant steps down that road toward reintroducing fiscal restraint into the entitlement accounts that we have under our control and that we are willing to address.

We do this in two specific accounts that are critical: Medicaid and something called the Pension Benefit Guaranty Corporation. We can look at these three accounts—Social Security, Medicare, and Medicaid—as being the primary drivers of our problem, but there are other issues out there that are very significant in driving our fiscal problems, and one of them is the Pension Benefit Guaranty Corporation. It is a corporation that makes sure, if you have a pension, a defined benefit plan, and your company goes under, the Federal Government guarantees that pension.

The taxpayers end up with a bill for doing that, by the way. Mismanagement on a corporation's behalf, excessive benefits structure, poor management in the marketplace, a company goes under, and the taxpayers end up with the bill. That projected liability out there today, the contingent liability of the taxpayers of the United States for the Pension Benefit Guaranty Corporation, is estimated to be $25 billion to $30 billion, and it may be radically higher than that, to be very honest.

So we need to reform that system, and the budget we are addressing today begins that process. We try to address that niche issue of significant fiscal problems we have as a nation, which is correcting the Pension Benefit Guaranty Corporation.

Equally and even more important is we step forward on one of three entitlement accounts. We only have jurisdiction over two of the three, as I mentioned earlier. We step forward on the Medicaid issue, and we put in place—Senator SMITH basically orchestrated this, and he is going to talk about it—a process to move to get substantive reform in the Medicaid accounts so they are affordable and continue to deliver a quality service to kids in need and people who have to go into nursing homes and cannot afford it, but at the same time they are affordable.

What we do is have an advisory committee or a commission set up which will study the issue. It must report by September 1. We have a reconciliation instruction which says the committee of jurisdiction has to come back and reduce the rate of growth of Medicaid by $10 billion. I will get back to that. And we limit that action on the $10 billion reduction, so we delay it a year. So there is a year to get ready to do that.

I want to put this $10 billion in context because this is a major savings item of the budget in the area of entitlement reform. Over the next 5 years, we are going to spend $1.12 trillion, a huge amount of money, on Medicaid. This budget is suggesting that we reduce that rate of spending over the next 5 years by $10 billion; $10 billion on a $1.12 trillion base, approximately 1 percent. One would think we were scorching the Earth when we initially proposed this. Obviously not.

The practical effect of this is we are taking a program that is going to grow at 41 percent over the next 5 years and reducing its rate of growth to 39 percent. We can do that. If we are halfway decent as managers of the tax dollars of Americans, we can do that, reduce 1 percent off a program that is growing so quickly, reduce its rate of growth from 41 percent back to 39 percent.

In fact, we can do that, and we can actually give more services to more kids and more people who are deserving of it. The reason is that Medicaid, unfortunately, has some problems right now in the way it is functioning. There is a fair amount of Medicaid money which is being shifted from the delivery of service to needy children and to people who need help going into nursing homes over to simply the general operation of State government. That should not happen anymore, and we can end that.

Unfortunately, there is a lot of abuse, where people are spending down in order to qualify for Medicaid and hiding assets and transferring over to the taxpayers costs which they should fairly bear.

There are significant savings which can occur in the way we purchase pharmaceuticals under Medicaid. There is a whole list of items which Governors are willing to consider in order to accomplish savings. But what the Governors need is more flexibility. We give the Governors more flexibility and a little less rate of growth in this program, and they are going to deliver more services to more people at less cost. It is that simple. A good Governor will do that, and there are a lot of Governors out there willing to try.

So there has been a compromise we reached on Medicaid which has been orchestrated and energized by Senator SMITH of Oregon. I congratulate him for it. It is a good compromise because it will start us on the path toward looking at public policy which will start to address—it is not going to resolve the problem—will start to address the issue of this element of the entitlement problem, the Medicaid element of this chart, and it is one of the three major items.

In addition, as I mentioned, we have taken up the PBGC issue. This is the first budget in 7 years which has stepped on the sacred ground of entitlements and tried to manage them at least marginally. The total amount of entitlement for reconciliation savings—not all of it is entitlement—but the total amount of reconciliation savings in this bill is approximately $35 billion. That is a very reasonable number. That is a 5-year number. So it is something that can certainly be accomplished.

The third thing that this budget does is it continues to energize economic growth. When the President came into office, he was confronted with a very severe recession as a result of the burst of the Internet bubble. That was compounded, of course, by the attack of 9/11, which caused our economy to stumble severely as a result of the adjustment to what was a new world. Then we had to dramatically expand our commitment to national defense and homeland security in order to participate aggressively in finding the people who were responsible for this horrific act of 9/11 and making sure that we are as well prepared as possible in avoiding another attack.

So the President was confronted with an unfortunate set of facts relative to the economy, and there was a recession. But that recession's severity was significantly reduced because this President had the foresight to reduce the tax burden on America's workers early so that people were allowed to keep their money and there was incentive for entrepreneurship, an incentive to go out and work harder, and an incentive to create jobs. The recession was shallowed out as a result of that. Now we are seeing a dramatic turnaround in the amount of revenues the Federal Government is receiving because of that.

Revenues dropped precipitously, everyone knows that, but they dropped because we were in a recession and because we were attacked. The tax cut that was put in place has essentially helped us recover in the revenues area because people have gone out and they have become more productive as they have been willing to work harder, earn more, and create more jobs because the tax burden has been reduced. The function of that is that more incentive is created to be productive.

We are seeing the results. Last year, tax revenues grew at 9 percent. This year, they are going to grow around 7 percent or maybe even faster. The month of April, which has not been formally reported yet, looks like it is going to be one of the highest collection months as far as revenue goes in the history of the country, a dramatic jump in revenues as a result of the tax cut. For the foreseeable future it is expected under this budget, and I think under all economic assumptions, that tax revenues are going to continue to compound at a rate of about 6 to 6½ percent as a result of a strong economy, driven by a good tax policy.

We continue that tax policy in this bill. This bill does not assume any new tax cuts, but it does assume that tax

cuts that are on the books, that are very constructive, and which people use in their day-to-day life will be continued—tax cuts such as the R&D tax cut, the research and experimentation tax cut, the deduction for teachers' classroom expenses, the deduction for qualified education expenses, the deduction for State and local taxes, the welfare-to-work tax credit. These are tax credits that are continued.

We hear a lot of talk from the other side of the aisle that, oh, there are just not enough tax increases in this bill; we have to raise taxes. Which one of these deductions which is about to expire does the other side of the aisle want to allow to expire and put more burden on American workers? I doubt there are very many that would fall into that category that are on this list, and that is what this bill assumes—that we will continue in place tax proposals which encourage people to be more productive, such as the R&D tax cut, or give people a benefit they deserve, such as teachers being allowed to expense classroom costs, and that are popular. So we will continue a tax policy under this bill which will continue to energize economic growth.

As we have brought this budget forward, it puts us on a path to accomplishing positive steps in the area of fiscal responsibility and fiscal restraint. It is a budget which reflects the President's initial budget which was a commitment to trying to begin to address the deficits in the short run and, more importantly, the long-term issue of the fiscal problems we confront because of the demographic boom which I mentioned, which is coming at us. For that reason, it is a very positive budget.

I wish to make one more point about the budget before I yield to the Senator from Oregon, whose thoughts are very important here because he is one of the key players in addressing this critical issue of Medicaid. This budget is critical because it also puts back in place and actually energizes new initiatives in the area of enforcement mechanisms. These are procedural things, yes, and they are arcane things, yes. Most people do not understand what they are, that is true. But it was interesting, when Alan Greenspan testified before the Budget Committee last week, he said the most significant thing that had happened in the area of disciplining Federal spending was that we had budget enforcement mechanisms in place through the late 1990s and early 2000 period and we needed to reinitiate those initiatives. By law, we cannot pick them all up because this is a resolution, not a law. The way this works, we cannot pick them all up. But to the extent that the budget resolution can put back in place and strengthen enforcement mechanisms to allow this Congress to be disciplined in the way it spends money, this resolution does that in an extraordinarily aggressive way.

So this is a good resolution. It is a positive step. It takes us on the right direction toward fiscal discipline. I certainly hope my colleagues will support us in moving it forward.

Now I yield to the Senator from Oregon such time as he may consume.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank the chairman of the Budget Committee, Senator GREGG, for yielding time but much more for his patience with all of his colleagues—and I suppose myself primarily—during what has been a very difficult and grueling period of time for the majority and even some in the minority who are focused on this issue.

I also want to express my appreciation to BILL FRIST, the majority leader, and MITCH MCCONNELL, the whip, who have come at this responsibility of producing a budget with determination and understanding that without a budget, we have considerable chaos in this Chamber. To the general public it probably looks as if we are in chaos all the time, but they have seen nothing until they have seen us without a budget.

As I have approached this budget, two things have been apparent to me. No. 1, that we had to have a budget. I understand the institutional responsibility the majority carries when it comes to advancing the legislative work of the American people. I have also been mindful for some time that Medicaid needs reform, restructuring, and, in my view, restructuring not unlike what the State of Oregon has done with the Oregon health plan, to make sure that those intended to be served and covered, those legitimate and truly eligible, find access to this essential strand in America's safety net.

Each one of us in this Chamber comes from their own perspectives and with their own sense of responsibility, their own history from their States. In my case, I come from a State that prides itself on pioneering in many ways, not the least of which is in the area of health care. One of the crown jewels of that pioneering is the Oregon health plan, which was an effort on the part of one of our former Governors, John Kitzhaber, to find a way, with the resources available through the Federal match with State resources, to cover more people more effectively with preventive medicine and essential services in a way that gets the most bang for the medical buck.

Clearly, America will come to a point when more people of the baby boom generation come on to Medicaid where such a model or something similar will be necessary for our country to both afford it and to provide it. So as I approached this budget, it was with caution, especially caution due to the people who are covered by Medicaid. These are the elderly, the poor, the disabled, the unusually vulnerable in our society, who when they are thrown off of Medicaid are thrown into emergency rooms, where the cost of their medicine is simply shifted over time on to the escalating costs of private plans which many small businesses struggle today to continue to provide to their employees.

When we came to this debate, I was very mindful that the House of Representatives had passed a reconciliation number which, in the case of their Chamber, I believe was $18.5 billion over 5 years to the Ways and Means Committee and $20 billion to the House Commerce Committee, a total of $38.5 billion over 5 years. That is a very large number, and the programs to be affected were not Social Security. It was announced that Medicare would not be touched. That leaves, on the list of programs, very few.

So it was my feeling—despite my high regard for the budget chairman, Senator GREGG—that I needed to engage and, if I could, to take out the Senate number, which was $14 billion. He and others were honest enough to say it was to Medicaid. So the Senate went to zero.

Then comes the clash of institutional responsibility, the ability to do the Nation's business without in any way, in my view, putting such undue pressure upon Medicaid as a class of people that should not be borne in haste, or done in haste, by putting a budget number ahead of sound policy.

I know that the people in the medical community who are counting on us want us to do this right, if we do it at all. I know many of them would have liked a budget with a number that remained at zero. That has not been possible. But the minimum number that I was told, necessary to get a budget, was $10 billion over 5 years, with no cuts required in the first year. That also was coupled with the creation of a commission. You will look through this budget and you will not find a commission in it because that is not the kind of thing you put in a budget. A commission is something that Congress could create, but it can more quickly be created through an executive decision, with resources currently allocated, so that work can begin in a more timely way.

I want to make it also clear that the Secretary of Health and Human Services, the former Governor of Utah, Mike Leavitt, is a person in whom I have implicit confidence. He is a man of integrity. He is a man of his word. He is a man who understands that his reputation and mine are on the line in constructing the kind of commission that is inclusive, that is bipartisan, that is academic in its nature, and is charged with the responsibility to produce a Medicaid program—not just short term but long term—that is a system that we can be proud of and that will serve the people who need its coverage.

It is the strong desire of the Senate, and I do not speak for my Democratic colleagues, but my partner in this effort, Senator JEFF BINGAMAN of New Mexico, he and I and our staffs have been working across the aisle to create

the kind of credible structure to recommend to the Secretary. Ideally, and it is my strong urge and plea, this commission will be conducted by the Institute of Medicine. They will be charged to provide to us, by early September, their recommendations of what ways the Senate Finance Committee and the House Commerce Committee can respond to the reconciliation number. I will not prejudge what they will say, but I know they will say it in a way that will be acceptable to Republican and Democratic ears and will give this the kind of academic focus it truly deserves.

But that is a work in progress. Ultimately, you have to trust people to be good, to live up to the public statements they make. The President's administration has made it clear that they approve of the creation of this commission. The majority leader, Senator FRIST, has also assured me of a colloquy that will be part of this budget to the Senate, how we will proceed. Ultimately, the work of the commission will go to the Senate Finance Committee, and there we will take up deciding what should be done under reconciliation.

The Senate Finance Committee is composed of thoughtful people, all of whom, with few exceptions, are anxious to do this right and to serve the people that ought to be served. I hope that everyone will understand this has not been easy, but I think much has been achieved in terms of checks and balances as we proceed.

No one can deny that the awful arithmetic of American demographics confronts future Congresses with a demographic tsunami, and we have to find ways to keep our safety net strong without bankrupting our taxpayers and particularly our children and grandchildren. I think they would want us to do this carefully, to do it right, to do it on the basis of good policy instead of numbers which may, in some cases, be arrived at arbitrarily. But we are going to begin now because this budget should pass. I would say to all of my colleagues who are wondering, as I have, whether to vote for this budget: I have yet to vote for a budget with which I found myself in agreement with everything. I have never voted on a perfect piece of legislation.

But I also remember the time when my party was briefly in the minority and the majority party at the time was unable to come up with a budget at all, and we truly had a chaotic situation. We cannot have that if people are sincere about managing spending and setting this country on a path of promise-keeping, not just to those served, but also to today's and tomorrow's taxpayers.

So I ask my colleagues, particularly those who voted with me to remove the $14 billion, to now vote in good faith for this budget that Senator GREGG has brought to the floor. It has been a difficult process, and again I say I believe our leaders are to be credited. They have dealt in good faith. They have a tough job to do, and each of us in this Chamber has principles that we are trying to defend. But this is not the final number. The final number is done in the authorizing committees—in the House Commerce Committee and in the Senate Finance Committee. There is a long way to go. So to those who care about Medicaid, to those who are served by Medicaid: Be engaged and know that my office, my heart, my mind are open to you in order to do this right and not just to do it fast. But, having said that, it is necessary for us to go beyond where we are now, which is operating without a budget at all, because appropriations need to be made, important legislation has to pass, and a budget is the cornerstone of making all this work begin to proceed.

I thank Chairman GREGG for the time, for his understanding, and for his coming to the Senate and bringing the best budget we can produce under all the competing interests and demands.

This is, while not perfect—and I have a long list of things I would rather not be there—this is a beginning and not an ending. But we do not get to the end until we finish this budget.

I announce my support for it and urge all of my colleagues to join in approving it this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Oregon. His efforts have been immense. Quite honestly, the budget would not be on the floor and we would not have a chance if it were not for the Senator's courtesy and efforts. He had strong points and made them very effectively. As a result, we will make progress here not only on the entire budget but on what I consider to be the core element of this exercise, which is trying to get a reasonable approach to one of the major entitlement accounts.

I congratulate the Senator. He has had a huge impact. The Senator knows how to get things done around here. I appreciate his courtesy to me.

Mr. President, the time until Senator CONRAD arrives will be charged to my account. When Senator CONRAD arrives, he will take an equal amount of time to what we have used. That was the unanimous consent we entered into. After that, I ask unanimous consent time spent in quorum calls during the consideration of the bill be counted equally against both sides, the majority and the minority, for debate time.

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

Mr. GREGG. Mr. President, the Senator from Oregon has made the point very well, but what is important is important to the majority, specifically, the essence of governance. You cannot govern unless you are willing to set out the principles by which you govern, especially the blueprint which is going to guide you in the governance activity.

Obviously, one of the most significant things done when you are the majority party and you have the presence, you make the decisions, basic decisions as to how the country's finances will be managed and how moneys will be spent and that they will be shepherded well.

These are tax dollars. People work hard. Every day people are putting in a full day's work and the Federal Government, every day, comes along and says, You worked all day long, we will take ''X'' percentage of the money you earned. We will take it right out of your pocket and we will spend it on a series of things.

What is important is that the American people first know what we are going to spend it on and how we will spend it—that is where a budget comes into play—and that we be good shepherds of those dollars and use them effectively so people can retain as much money as possible in their pockets to spend on what they know is important in their lives, and the Government does not take it and spend it for them and tell them how their money should be spent, and that we function in a way we get the type of government that delivers the services that are critical to making sure we can defend ourselves and take care of the less fortunate in this Nation, make sure we have strong education, make sure we have good health systems, that we can continue as a nation to have a vibrant and a strong economy.

This all starts with a budget. It is that simple. This is not the end of the product. This is the beginning of the exercise. If you do not have that blueprint in place, it makes the rest of the process extremely complicated and much more difficult.

It is critical we pass this resolution. I strongly believe this resolution is a responsible effort to try to bring our fiscal house in order and to make strides in the area of controlling the rate of growth in spending so it is affordable for our taxpayers, but, more importantly, so it is affordable for the next generations who will have to pay the burden we put on the books today.

It does, for the first time, take that step in the area of entitlement or mandatory spending which has become 59 percent of the Federal Government. A lot of people say, what about the appropriations bills? Appropriations bills are the discretionary side of the budget. They represent less than 30 percent of Federal spending. Half of that is defense, which we have to do today in a very aggressive way because we have been attacked and are at war and people are out there who want to harm us. I held a hearing this morning on terrorists relative to their desire to use biological and chemical weapons against us. It is very sobering, to say the least, but we have to defend ourselves and it will take a lot of money to do that.

Of about 30 percent, half is defense, and the other part goes to nondefense discretionary so it is not the large part of the budget, of the appropriations bills that come through. The most significant part of the budget is the part

of the entitlement accounts which never come across the Senate as individual spending items such as appropriations bills do. They simply are on automatic pilot. Absolutely the only way we can address policy effectively in mandatory accounts is through something called the reconciliation process.

To quickly explain, that allows for the committees that have jurisdiction over these entitlement programs that are already in place and that have grown radically over the years to take another look at those programs and see if they are working as well as they could work. Medicaid is a classic example of a program that needs another look, where if we adjust it so Governors have more flexibility, we have a slower rate of growth in dollars, they can probably do a lot more for a lot more people if we give Governors the type of powers they need to accomplish that.

Reconciliation is the only avenue for effectively doing that type of a review of the mandatory side of the ledger which represents 59 percent of Federal spending today. The reason it is the only effective way is because we all know nothing can go through this Congress—we have been shown that in the last few weeks—nothing goes through this Congress that is controversial without 60 votes. We also know any sort of mandatory change is going to be controversial. Reconciliation gives the opportunity to use a majority rather than a supermajority to review these programs and to make progress in restraining their rate of growth and making them more effective in delivering services. That is why this budget is a unique budget.

It is the first budget we have a shot at passing in the last 2 years. The last 4 years we have only passed a budget twice. More importantly, since 1997, there has not been a budget which is a step forward to try to address the very critical element of where the Federal Government stands and how it spends money in the area of mandatory entitlement accounts which represent 59 percent of Federal spending.

With that, I reserve our time, recognizing it is going to run against our side of the aisle, with the understanding the ranking member, Senator CONRAD, will be here probably around 6 o'clock at which time I will yield the floor to Senator CONRAD.

I suggest the absence of a quorum with the understanding the time will run against our side.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered. Who yields time to the Senator from Tennessee?

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee such time as he may consume or such time until the Senator from North Dakota gets here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Is it in order for me to take about 7 or 8 minutes to speak on a subject other than the budget?

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

JOHN BOLTON

Mr. ALEXANDER. Mr. President, I thank the distinguished chairman. I am here to talk about President Bush's nominee to be our next permanent representative to the United Nations, John Bolton. I am privileged to be a member of the Foreign Relations Committee. A few weeks ago at Mr. Bolton's first day of hearing, I heard what I expected to hear. In fact, I was unusually impressed by what I heard. I listened to a man who has been confirmed four times by the Senate, who in the last 4 years has been Under Secretary of State for Arms Control and International Security, Assistant Secretary for International Organizations under the first President Bush, under whom I served, a person who graduated summa cum laude from Yale, received his JD from Yale, a person who helped repeal resolution 3379 equating Zionism with racism.

I listened very carefully. And while we have had a number of distinguished U.N. ambassadors, I rarely have seen anyone who had such a good grasp of diplomacy, of the United Nations, its resolutions, and its history. And during a period of about 7 hours, he handled himself well, and there were tough questions asked. I was impressed with the fact that he had been endorsed by five former Secretaries of State and by more than 50 former ambassadors. I was with one of those former ambassadors over the weekend, the former majority leader of this body, Howard Baker, with whom I and other Members had lunch Sunday. He remarked about how he had dealt with Secretary Bolton over the last 4 years in Tokyo. He liked him. He was impressed with him. He said he spoke frankly, that he would be a good ambassador.

The second day of hearings was a little different. I was surprised and disappointed by what I heard. There was a man named Carl Ford, who was well respected by members of the committee, who presented evidence that John Bolton had ''chewed out,'' to use colloquial words, intelligence analysts in the State Department. Mr. Ford, to his credit, didn't like that because those persons were down the line.

Mr. Ford was a pretty good witness because he didn't overstate his case. He acknowledged that it wasn't unusual for policy people and intelligence analysts to argue, for policy people to hope for intelligence that supported their positions. He just didn't like the fact that in this case he had heard about—he wasn't there, he had heard about—that Mr. Bolton in effect chewed out one of Mr. Ford's employees and Mr. Ford didn't like it. He told Mr. Bolton so and they exchanged words. That is what he said.

There have been some other things said about Mr. Bolton. I have had the privilege of being confirmed by the Senate and going through a hearing. I am surprised the number of things they can find to say about you when you go through a thing like that. I see the Senator from Massachusetts over there. He was chairman of the committee when I went through the nomination process, and the Democrats were in the majority at that time. So it is a good airing of about anything you can do and anything people can say about you. It serves a purpose.

There were some other things said. It was suggested that Mr. Bolton was misusing intelligence, compromising intelligence. But Mr. Ford himself said:

> In this particular case—

The one he was led there to complain about—

> there wasn't politicization [of the intelligence].

So that wasn't the case.

A little later, someone called up to say that Mr. Bolton had chased a USAID contractor around a Moscow hotel to stop her from damaging his client. This was when he was in the private sector. But then others, including the employer of that complaining person, disputed the complainer's account, and others did as well. So it boils down to the fact that the credible charge of Mr. Ford was that Mr. Bolton was rude to staff members below him in the bureaucracy.

I imagine Mr. Bolton is embarrassed by those charges. I didn't like to hear them. And perhaps he deserves to be embarrassed by the charges and perhaps he has learned a lesson. But what I heard doesn't change my vote, even though I hope it might change some of Mr. Bolton's ways of dealing with people with whom he works.

How significant is this charge that he was rude to people in the bureaucracy? As has been mentioned by others, if that were the standard for remaining in the Senate, we would have a hard time getting a quorum. There are regularly occasions when busy Senators, eager to make their own point, are rude to their staff and even shout at one another. In fact, the shouting was so loud in the Foreign Relations Committee room by some of the Senators, I could barely hear the charges about Mr. Bolton. That is not attractive, and I don't endorse it. It even caused me to think back about times that I may have become angry or impatient or startled in dealing with a staff member or another person, and made me redouble my efforts to make sure I swallow my pride and think about what I say and not do that anymore. It is not good business.

As I heard Senator VOINOVICH, who has a long reputation of caring for civil servants and caring about those things,

my guess is that was on his mind as well.

How significant is this? Here is what former Secretary of State Larry Eagleburger had to say about it Sunday in the Washington Post. This deserves special attention. Larry Eagleburger was Secretary of State for the first President Bush, but in a way he was more than that. He had 27 years in the foreign service. We hear about a football player is a football player's player or a man is a man's man or a woman is a woman's woman. Larry Eagleburger is a foreign service officer's Secretary of State. He had and has enormous respect from all those men and women who put their lives on the line around the world and in the United States in support of our diplomacy and foreign policy. Here is what he said:

> As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

That is where I am. I think the benefit of hearing Mr. Ford's testimony might be a little bit of a lesson to Mr. Bolton and a reminder to the rest of us of how unattractive it is to shout at an associate or unnecessarily dress down a staff member. I agree with Secretary Eagleburger. John Bolton has a distinguished background and record. He has dedicated himself to improving our country's foreign policy. His action toward subordinates might have been inappropriate. Perhaps he has learned a lesson, but it doesn't cause me to change my vote. I am glad to support him.

This is a critical time for the United Nations. Even the Secretary General acknowledges it is in need of reform. Billions of dollars filtered from the U.N. coffers to Saddam Hussein's pockets in the oil-for-food scandal. Top human rights abusers such as Sudan sit on the Human Rights Commission. United Nations peacekeepers in Africa have been found to rape and pillage. Just today, the United Nations appointed Zimbabwe to the Human Rights Commission.

Now the United Nations has many important roles in the world. I am glad we have it. I want it to work, but I believe the President is right in his thinking, that we need to take action to help the U.N. reform itself, and that a frank-talking, experienced diplomat named John Bolton is an excellent candidate for that commission. I intend to vote for him in committee and on the floor. It is my hope that when we come back after the recess, we will have the long hearing as we usually do, and all the Senators will have a chance to say what they have to say—hopefully without shouting at one another—and that we will report it to the floor and the Senate will approve Mr. Bolton's nomination and give him a chance to go to work in reforming the U.N.

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. CONRAD. 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. CONRAD. Mr. President, I rise in strong opposition to this budget. I believe it is a profound mistake for this country to stack additional debt upon already record levels of debt that I believe puts the long-term economic security of our country at risk.

The record is very clear. We now face record budget deficits, and we face them for as far as the eye can see. Those who have assured us repeatedly that deficits are being dealt with have failed the credibility test, and they have absolutely failed the test of fiscal responsibility. This budget bears no relationship to fiscal conservatism or fiscal responsibility, and this vote will be a defining vote on where Members stand with respect to fiscal responsibility for this country.

Here is the record on deficits. Since 2001 the deficits have soared to new records, levels we have never seen in the history of the country—$412 billion in 2004 and very little improvement anywhere in sight.

As we review back to 1980 the relationship between spending, here is what we see. The red line is the spending line of the United States, the green line is the revenue line. We can see spending has been brought down as a share of gross domestic product rather steadily until this administration. In fact, it is interesting, in the entire 8 years of the Clinton administration, spending came down steadily as a share of GDP. We have now had an increase, largely as a result of the attack of September 11 because 91 percent of this increase is defense, homeland security, aid to New York, and aid to the airlines.

Going forward, we see that spending will stay roughly at these levels going forward, with some slight additional increase as we get closer to the time when the baby boomers retire.

Look at the revenue line of the United States. Also during the Clinton administration, revenue rose each and every year so that finally we did away with deficits and, in addition, we actually stopped raiding the Social Security trust fund to use it for other purposes.

President Bush came to office, and the revenue side of the equation has collapsed. Last year, revenue was the lowest it has been as a share of GDP since 1959. The President said when revenue was high as a share of GDP, we must have tax cuts. Now that revenue is at a 50-year low, the President's answer is more tax cuts. The result is a huge ongoing gap between spending and revenue that means ever-increasing debt, and all of it at the worst possible time before the baby boomers retire.

Here is what the Comptroller General of the United States said in a speech to the National Press Club on February 2 of this year. He said:

> The simple truth is that our Nation's financial condition is much worse than advertised.

The Comptroller General of the United States had that exactly right. Our financial condition is far worse than advertised. In fact, my first chart showed the deficit at just over $400 billion in 2004, at $412 billion. But that is not how much was added to the debt that year. It was far more because the deficit understates the seriousness of our financial condition. So, too, does the budget that was sent to us by the President of the United States. The President told the American people that he is cutting the deficit in half over the next 5 years, but the only way he got there is just by leaving out things. He left out any war costs past September 30 of this year. Does anybody believe there is not going to be any war costs past September 30 of this year?

Here is what we have. The President sent up a supplemental. That passed the Senate and is in conference committee now. The supplemental is $82 billion for ongoing military operations in fiscal year 2005 but nothing past September 30. Look what the Congressional Budget Office tells us should be in the budget: $383 billion. That is their estimate of residual war costs.

Mr. SARBANES. Mr. President, will the Senator yield for a question on that chart?

Mr. CONRAD. Yes, I will be happy to.

Mr. SARBANES. As I understand it, the President's budget, and this budget resolution, do not provide anything for the long-term costs of Iraq, Afghanistan, and the continuing war on terror?

Mr. CONRAD. It does not. We have this supplemental, as the Senator knows, that is going through the process. We passed it in the Senate. It is in conference committee now. It is $82 billion. Much of it will be spent this year; some of it will slop over to next year. This is what the Congressional Budget Office says should be in any realistic budget—not $82 billion, but $380 billion, and it is this gap which is part of the unrealistic nature of the budget that is before us and the budget the President sent us.

Mr. SARBANES. So the budget is not really presenting a true picture of what we can anticipate in terms of expenditures; is that correct?

Mr. CONRAD. No, it really is not. I think any objective observer in reading this budget would have to say it is not

a realistic picture of our financial condition. It just leaves out things. In fact, when the President's people came to me and told me how they were going to cut the deficit in half, I said to them: Why don't you just leave out some more things and claim you balanced the budget because it would have about as much attachment to reality as this has.

Mr. SARBANES. Are there other items they have left out besides the costs of Iraq and Afghanistan?

Mr. CONRAD. There certainly are other items. One of the items that is left out is the true cost of the President's tax cut proposals because the President switched from 10-year budgeting to 5-year budgeting, and I think here is why. The dotted line shows the end of the 5 years, and this chart shows the cost of the President's tax cut proposals. As we can see, it is very interesting, right after the fifth year of this budget, the cost of the President's tax cut proposals takes off like a scalded cat. None of that is captured by the President's budget because his budget ends right here at this dotted line. But look what happens right past the dotted line. The revenue hemorrhage escalates dramatically, and it is not just there, but it is also with respect to the alternative minute tax, the old millionaire's tax that is rapidly becoming a middle-class tax trap.

Here is the trend line of the cost to fix the alternative minimum tax. It is straight up, and there is no funding in the President's budget to deal with it. So with 3 million people affected by the alternative minimum tax last year, 10 years from now it is going to be 40 million people a year. It costs $774 billion to fix. Last year, the President had 1 year of funding to deal with it. He has no funding in his budget this year to deal with it. And so, again, it is an unrealistic budget because it does not capture items we all know are going to have to be dealt with.

Perhaps most remarkably, the President's budget, as the budget before us, does not contain any money for the Social Security Program the President champions and that is championed by many on the other side of the aisle. There is no money. We know the President's proposal costs money. In fact, in the first 10 years, it costs $754 billion. There is no money in the budget. Over 20 years, the cost of the President's plan is $4.4 trillion—not a dime of it in the budget. This is not really a budget. It is a political statement, perhaps, but it is certainly not a budget.

When we go back and add back the items the President has left out, just the major items—the alternative minimum tax, the ongoing war costs, according to the Congressional Budget Office the cost of the President's privatization plan—instead of this trend line which the President is predicting, instead we see this hashed red line.

Over the next 10 years, this is where we see the deficits going under the President's plan. The budget before us has much the same pattern, exploding deficits for as far as the eye can see and at the worst possible time, right before the baby boomers retire.

Mr. SARBANES. What would the deficits be if all of these things are included?

Mr. CONRAD. As we see these deficits, we go back to this chart, and the President is saying they will be in the $200 billion range at the end of this 5-year period. We do not see that at all. As we can see, they will be in the $350 billion range. Of course, this, too, understates the real magnitude of our problem because it does not capture all that is being added to the debt.

Look where this goes the second 5 years—to deficits of $620 billion. In a moment I will get to how much is being added to the debt under this budget because I think that is critically important for people to understand. Our friends on the other side of the aisle talk a lot about deficits these days. They never talk about the debt. The debt is the accumulation of all the deficits.

Obviously we face a big demographic challenge going forward. I have indicated all of this is happening at a bad time because the baby boomers are about to retire. Here is what we see. We are going to go from about 40 million people eligible for Social Security and Medicare to 81 million eligible. That is a key reason we ought to be running more balanced budgets at this time.

The President told us back in 2002 that:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

That is what he told us. None of the Social Security money would be used to fund other spending initiatives or tax relief. Now we are able to have the benefit of several more years and we are able to look at the record and see what the President's budget will do going forward. The President said none of the Social Security surplus would be used for tax cuts, or other spending initiatives.

Under the budget that is before us from the President and under the budget before us by the majority party, every penny of the Social Security surplus is going to be used under the President's plan for the next 5 years and, by extension, the next 10 years, $2.5 trillion—$2.5 trillion of payroll tax money, which is supposed to be used to support Social Security, being used to pay for other things. In effect, it is being used to subsidize his massive income tax cuts for the wealthiest among us, and being used to pay for other things.

The irony of this is the President says Social Security is $3.7 trillion short over the next 75 years, but in his budget he is taking $2.5 trillion of Social Security money in the next 10 years alone and using it to pay for other things.

I think this whole picture becomes more clear if one puts it all together. This is the reason I so strongly oppose this budget that is on the floor. I say to my colleagues, anybody who votes for this budget should never make another campaign claim that they are fiscally responsible or fiscally conservative because this budget absolutely is a testimony to those who worship at the altar of debt. This budget builds debt on top of debt.

Going forward, this chart shows the Social Security trust fund surpluses, which are the green bars. The blue bars are the Medicare trust fund. The red bars are the President's tax cuts. What one sees is the Social Security and Medicare trust funds go cash negative at that very time the cost of the President's tax cuts explodes, driving us right over the cliff into massive deficit and debt. That is where this is all headed.

The President says Social Security is a problem and, of course, he is correct. The 75-year shortfall in Social Security is $4 trillion. The 75-year shortfall in Medicare is 7 times as much. The 75-year shortfall in Medicare is $29.6 trillion. This is according to the Social Security trustees.

One would say that is a big problem, that the President is not addressing this problem, not addressing these shortfalls. His proposals make it all worse. His proposals take more money out of Social Security. The budget that is before us takes $2.5 trillion of Social Security money over the next 10 years and uses it to pay for other things. Then the President comes with a proposal and says establish private accounts and divert more money out of Social Security, another $700 billion over the next 10 years. Over the next 20 years, he is talking about diverting over $4 trillion out of Social Security. That is real money. It is no wonder Social Security has a shortfall. The President is helping to create the shortfall.

The President told us in 2001:

> . . . (M)y budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. . . .

These are not my words. These are the President's words. The President said:

> . . . Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Those are good words. The President was right to utter them. The problem is if one compares the record to the rhetoric, there is no connection.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. When did the President make that statement?

Mr. CONRAD. That was made in March of 2001, when, the Senator will recall, he was assuring us we could afford to have a massive defense buildup,

deep tax cuts, that it would all add up and he would be able to protect Social Security and Medicare, not use the money for other purposes, and he would have maximum paydown of the debt. He was wrong on every single count. He was wrong by a country mile.

Mr. SARBANES. Grievously wrong. I gather we will probably see the true picture of what has happened over the succeeding 4 years, but we continue to run these deficits and we are getting deeper into debt all the time. Is that not correct?

Mr. CONRAD. It is very interesting to compare this statement where the President says he is going to have ''the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed,'' but here is what has actually happened. There is no debt reduction. The debt is exploding. This is just the publicly held debt. The gross debt would be even a worse picture.

I have taken the debt that is the most restrained version of the debt of the United States. The President inherited $3.3 trillion in debt in 2001. Under his plan, we are headed for over $9 trillion of debt by 2015. Increasingly, this money is being borrowed from abroad.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to.

Mr. SARBANES. If the debt keeps running up, then the carrying charge on the debt goes up every year. So more and more of the annual budget is consumed in order to pay the interest charge on the debt that was built up because deficits have been run before, is that correct?

Mr. CONRAD. The Senator is exactly correct. I think one of the things that is so disturbing about this is an increasingly large part of our budget is being consumed by interest costs to service this debt. It is going to do nothing but get worse. Part of the result of that is, not only are we borrowing money from ourselves but increasingly we are borrowing money from abroad. If we look at what we now owe abroad, here is what we see. These are stunning numbers, I might say, but this is the latest information we have on what we owe other countries.

We owe Japan over $700 billion. We owe China, now, almost $200 billion. We owe the United Kingdom over $171 billion. I am reading a book on George Washington. He would be turning in his grave to think our country owes Great Britain $171 billion. We owe the Caribbean Banking Centers over $100 billion. I don't know what the Caribbean Banking Centers constitute, or where they get their money, but we owe them over $100 billion. We owe South Korea over $67 billion.

The pattern that is so clear is the extraordinary increase in foreign holdings of our debt. The foreign holdings of our debt have increased almost 100 percent since President Bush took office. That is an utterly unsustainable course. Foreign holdings of our debt have gone up almost 100 percent since 2001.

Some people look at that and ask, what difference does it make? Isn't that just fine, someone is willing to loan us money? Shouldn't we take Japan's money? Shouldn't we take China's money? What is the difference it makes?

Here is the difference it makes: What happens when they decide to quit loaning us all this money? What happens if they decide they do not like the idea of loaning us this huge amount of money?

This was in the Financial Times in January of this year ''Central banks shun U.S. assets.'' ''Shifting reserves to eurozone will deepen Bush's difficulties in funding deficit.'' ''Actions likely to undermine dollar's value further.'' We can connect the dots.

Here is what has happened to the value of the dollar since 2002. Against the Euro, the dollar has declined 34 percent. If you were one of these countries holding all of these dollars and you see the value of the currency declining, might you get the idea it is time to put your money some other place? We have already seen the warning signs. South Korea, a month or so ago, indicated they might diversify out of dollar-dominated securities and the stock market went down 170 points. Weeks later, the Japanese Premier said they might diversify out of dollar-dominated securities and the dollar took a huge hit. In March of this year, perhaps the most successful American investor of our time, Warren Buffett, said he is going to bet against the American dollar again this year because of this pattern. The currency value is declining, and declining sharply. Warren Buffett tells us a key reason is these massive deficits we are running—trade deficit, budget deficit—are forcing us to borrow more and more money from abroad.

I say to those who might be listening, how does it make America stronger to borrow more and more money from abroad? How does that make us stronger?

Mr. SARBANES. Mr. President, that is the question I wanted to put to my colleague.

As I understand what is happening, we are becoming increasingly dependent economically on countries abroad. We are losing control over our own economic destiny.

They say, well, they are still willing to lend us this money. That may be, but in the course of doing it, we become more and more dependent upon them. They can continue to give us the money, we get deeper and deeper into the hole, which then raises the prospect that if they shift their policy, we can take a very serious hit. There is no commentator I have read who believes we can continue on this path indefinitely. At some time there will be a reckoning.

What has happened is the United States has become dependent on the kindness of strangers. We say we are No. 1, that we have the world's strongest economy. Yet we are in hock to everyone around the world.

The Senator showed the figures of the holdings of other countries. The China figures, which are still well short of Japan, are going up on an ascending trend that is almost breathtaking in terms of how much deeper we get into hock.

I ask the Senator, not only does that have serious economic implications, but doesn't it also reduce our ability to deal on important political and security issues when we are this indebted and this dependent on others in economic terms? They are in a position to give a real jolt to our economy if they choose to do so, which then, it seems to me, restricts our ability to deal on a whole range of other issues we may have with one or another of these countries.

Mr. CONRAD. Here we face these massive trade deficits. The trade deficit was over $600 billion last year. For the most recent month, after the dollar has declined dramatically, it is supposed to improve our trade situation. What happened to the trade deficit? Did it go down? No. In the most recent month, the trade deficit was $61 billion, the biggest ever. That is after the dollar has declined 34 percent. It makes our goods less expensive and makes foreign goods more expensive. That should have improved our trade position, and yet it did not.

We have a problem. The sooner we face up to it, the better. None of this adds up.

You can live beyond your means for a time. A family can do it. An individual can do it. A government can do it a lot longer because governments can print money. But there are consequences to that, as well.

Those who say deficits do not matter, go ask the German people about after World War I. Ask them whether they think deficits matter. We all know what happened in Germany after World War I. The currency collapsed because of their heavy foreign indebtedness after the war.

What did they do? You wanted to buy shoes? You filled a wheelbarrow full of the German currency because that is what it took to buy a pair of shoes.

We are not in that shape, and God forbid we ever get in that shape, but the trend lines are not favorable. They are not good.

Our foreign holdings of our debt have gone up almost 100 percent. In fact, that chart is a little out of date because the truth is, it is already over 100 percent. That is what has really happened. This debt is mushrooming every year, and under the budget that is before the Senate the debt of the United States is going to go up $600 billion a year each and every year of this budget.

They say they have the deficit going down, and yet the debt is going up. What kind of doubletalk is that? The deficit is going down, but the debt is

going up. It is going up $600 billion a year, every year. Anyone who votes for this budget is voting for it.

The budget before the Senate leaves out the full 10-year numbers because they know past the 5 years everything gets worse. It leaves out funding for the ongoing war beyond fiscal year 2006. It leaves out the alternative minimum tax reform. It leaves out the cost of Social Security privatization. When you add it all back, you get a very different result than our colleagues are showing the American people.

When you go back and create a real budget, here is what we find. Deficits, massive deficits each and every year going forward, never going below $572 billion. That is not the full increase in the debt. This leaves out things which we will get to in a moment.

Our friends on the other side say, well, we are reducing the deficit. In one meeting we had—in the conference committee Democrats were excluded, absolutely excluded from the negotiations on this budget. Let me repeat that: Democrats were not allowed or permitted to be in the room when these discussions were undertaken.

Mr. SARBANES. Will the ranking member yield on that point?

Mr. CONRAD. I am happy to.

Mr. SARBANES. Would the Senator agree with me that is an outrageous departure from the traditional practice in terms of how conference committees ought to operate? Traditionally, conference committees have met, both parties have been included in the conference committee, debate has taken place, issues have been raised, and decisions made. The majority may be able to impose their decisions because that is how it gets decided, but there is an opportunity to try to shape the debate and have an influence on what is decided.

In this instance, the Democratic members of the conference committee were completely excluded, except for one show-and-tell meeting that was held, a pro forma meeting.

Mr. CONRAD. Required by the rules.

Mr. SARBANES. Yes. Which had to be done; otherwise, presumably, it never would have happened. All these decisions were made by—and only by—the Republican members of the conference committee from the House and the Senate.

Now, it is an abuse of power, in my opinion. It is another reflection of an arrogance of power in terms of how the institution ought to operate. I think it is very important to register the point that this is what transpired. The American people need to understand that this budget resolution was not the consequence of a give-and-take in the normal legislative way. This was done by the majority simply imposing their will.

Mr. CONRAD. That, in fact, is the case. We were excluded in every way. The only time we were included is at the meeting that is required by the rules. There is a requirement there be at least one meeting of the conference committee, and we were there. We made our statements. We were ushered out, and that was the end of the conversation. I said I do not think that is the way our Forefathers intended the process to work. One of our colleagues on the other side said: Well, our Forefathers never envisioned political parties. That is true; they did not envision political parties. But they did envision the abuse of power by a majority. That is one of the things that consumed them in writing the Constitution of the United States. They were deeply concerned that a majority would run roughshod over the rights of a minority. They did not see it in terms of political parties. They did see it in terms of majority power and minority rights. This majority has adopted the view that it is only about majority power. That is a mistake. That is not what the Founding Fathers intended.

Here are the results of that kind of mistake. When you look at the deficits, our colleagues say they are going to improve the deficit. But in fact, here, as shown on this chart, is a comparison of the budget conference report and the deficits it produces compared to what would happen if we put the Government of the United States on autopilot.

If we just used the CBO baseline, we would have lower deficits than is produced by the work of this conference committee and the majority. In fact, they have increased the deficits by $168 billion over 5 years, over the CBO baseline. So they have made the deficits worse by $168 billion in comparison to what would have happened if we would have just put the Government on autopilot. When our friends say they are going to cut the deficit in half over the next 5 years, here is the strongest answer in factual terms I know of. It is right here. This is the fiscal year 2006 budget resolution from the GOP conference report. This is their own document, their own calculation, of what is going to happen to the debt of the United States each and every year under this budget. Here is what it says. It is not my document. This is their document. They say that the debt is going to go up by $683 billion the first year, by $639 billion the next year, by $606 billion the third year, by $610 billion the fourth year, by $605 billion the fifth year.

Where is the deficit cut in half? Where is it? Every year the debt is going up by over $600 billion. Just visually, on this chart, this is what we see. They are building a wall of debt. Here is where the debt stood, debt subject to limit, and where it will stand at the end of this fiscal year in September. If this budget is adopted—and I pray it is not, for the good of this country. For the economic security of America, I hope this budget is not adopted. Why? Because it builds a wall of debt. Each year, each and every year, the debt climbs by another $600 billion under this budget resolution.

Anybody who votes for this budget ought never to again claim they are fiscally responsible or fiscally conservative because they are taking us on a path of deficits and debt and decline unparalleled in American economic history. That is where this is all headed.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. As this wall of debt is built up, I want to come back again to the carrying cost on that debt. It has to be understood, in each annual budget, there is going to be a larger and larger amount to cover the interest charge on this expanding debt that is being built up year to year. Furthermore, if we run a risk that other countries are not going to want to hold our paper, as they are doing, we are probably going to have to raise our interest rates. In fact, interest rates are already on the way up, in any event. If you have to raise them even more, to get others to continue to hold our paper, the carrying charge is going to go up.

So the carrying charge is going to go up because the debt is going up, and it is also going to go up because the interest rates will be going up. So there will be a double blow dealt to the American economy, and a bigger and bigger chunk of each year's budget will be eaten up in paying the interest charges on this enormous debt. Isn't that correct?

Mr. CONRAD. What is stunning here is who is it going to go to? It used to be America financed its own debt; that is, we borrowed the money from ourselves. Increasingly, we are borrowing the money from abroad. Increasingly, we are dependent on the decisions of foreign central bankers to finance our veracious appetite for foreign capital.

The Senator is exactly right. As the debt increases, even if interest rates remained unchanged, the interest cost would go up because of the increasing debt, the increasing borrowing that we are doing as a nation. On top of that, we know the increasing debt will put pressure to increase interest rates because people are going to keep making us these loans, especially when the value of our currency is declining.

The only way to offset that is to increase the interest rates. So then you get hit by a double whammy, the double whammy of increased interest because your debt has increased and also it is increased because interest rates are increasing.

Mr. DORGAN. Mr. President, I wonder if my colleague, the Senator from North Dakota, would yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. DORGAN. Mr. President, I notice on our desks there is something called the conference report. It is what I asked Senator CONRAD about earlier today, whether he was aware of what was in the conference report. I guess that was at about noon or 1 o'clock. I believe the Senator responded that he

was not aware at that point because he had not seen it.

But because this is called a conference report, I would ask the Senator—you are the ranking member on the Budget Committee here in the Senate—were you a part of the conference? Were you a conferee?

Mr. CONRAD. Well, I was, in the sense that my colleagues chose me as a conferee, along with the distinguished senior Senator from Maryland, Mr. SARBANES, as well as the senior Senator from Washington, Mrs. MURRAY, but we were not invited to any of the working sessions. We were not invited to any of the negotiations. We were not invited to be any part of any of the discussion, other than the one meeting that is required by rule. It was a public session of the conference committee in which we were permitted to make short statements, but we were not part of any negotiation or any discussion.

(Mr. ALLEN assumed the Chair.)

Mr. DORGAN. Just to further inquire, you were selected by the Senate to be a conferee to this conference but, in fact, were not invited to the conference; is that the fact?

Mr. CONRAD. That would be the fact.

Mr. DORGAN. Let me ask the question: I asked midday whether you knew what was in this conference report, and I well understand now why you could not know if the conferees on this side of the aisle were not welcomed to the conference. In fact, if the conference was held without participation from the minority party, then I understand this report is produced, in whole, by the majority party. It is a big, thick document stuck on our desks maybe midafternoon or late this afternoon.

I was listening to the debate by my colleague, Senator CONRAD, and he was talking about deficits and debt. I thought maybe someone would challenge him on his figures. Wouldn't it be the case that it would be hard to challenge your figures because they come from page 4 and page 5 of the budget prepared by the majority party? In fact, what it says on page 4, which is their conference report—a conference they didn't allow the minority to participate in—is that each and every single year, they are going to have massive amounts of deficit spending. And they start with $7.9 trillion of debt on page 4 and end up with $11.1 trillion. Yet they are out here thumbing their suspenders, boasting about how terrific they are at reducing the Federal deficit.

Can you show me any place in here where they are reducing the Federal deficit? It looks to me, on page 4 or page 5, they are filling the tub with deficits.

Mr. CONRAD. Here it is. This chart shows graphically precisely, according to their numbers—not my numbers; these are their numbers—what they say their budget will do. It says they are going to increase the debt every year by $600 billion. They say they are going to cut the deficit in half over 5 years, but the debt goes up each and every year by over $600 billion. If that isn't doubletalk, I don't know what is. They say the deficit is going down, but the debt is going up. It is their own calculations. They are building a wall of debt that is unprecedented, and they are doing it right before the baby boomers begin to retire, and we all know what that means. They are going to present a future Congress and a future President with the most extraordinarily difficult choices that any Congress or any President has faced in this country's history because this is a complete lack of fiscal responsibility—deficits on top of deficits on top of debt, up, up, and away, no end in sight, and all of it at the worst possible time, before the baby boomers retire.

I say to my Republican colleagues: Any Republican colleague who votes for this budget ought to make a pledge here tonight that they will never again claim the mantle of fiscal responsibility, that they will never again claim to be fiscally conservative, because this is a borrow-and-spend budget of historic proportion. Our friends on the other side of the aisle have decided that the way to win elections is to borrow the money and use it to fund tax cuts and use it to fund spending and don't worry about anything adding up because they will be out of town before the bills come due.

Mr. DORGAN. If I may inquire further, isn't it the case that this budget document is actually a budget document that is wearing makeup? If you take the makeup off this document, what does it look like? Let's assume they put everything in this document that they know is going to happen. Then what does it look like? As bad as it is now, isn't it the case that this becomes a fiscal catastrophe?

Mr. CONRAD. In some ways, it is almost hard to place language on this document. The Senator says it has makeup. This isn't pretty with or without the makeup because the results of this are going to be a country that is deeper and deeper in debt, whose long-term economic security is put at risk, that more and more is dependent upon the decisions of foreign central bankers on our economic well-being. The harsh reality here is that you can live beyond your means for a while, but it catches up with you. And that is what this budget represents.

Our friends on the other side of the aisle want to spend money. Make no mistake about that. The spending is going up under this budget. They just don't want to pay for their spending. They prefer to borrow the money. They don't want to raise the taxes necessary to support their spending.

One could have more respect for their position if they did one of two things: if they either cut their spending to match their willingness to pay for it by raising revenue or if they were willing to raise the revenue to match their spending appetite. But our friends on the other side of the aisle are not willing to do either. They want to spend the money, but they don't want to raise the revenue to pay for it. Instead, their answer is, borrow the money. Borrow the money to fund tax cuts. Take the money from the Social Security trust fund, $2.5 trillion.

They say Social Security is short of money. So what is their answer? Their answer is to take $2.5 trillion out of it to pay for income tax cuts that go primarily to the wealthiest among us.

Here is the evidence of that because buried in this budget are additional tax cuts, dividends, capital gains that will give on average to those who are earning over $1 million a year in our society a $35,000 tax cut per year. For those who earn less than $50,000 a year, the vast majority of Americans, they will get $6 a year. This is our Republican friends' notion of a balanced plan—$35,000 a year for those who earn over $1 million a year, $6 for those who earn less than $50,000 a year. And for those who are fortunate enough to earn $50,000 to $200,000 a year, they would get $112. That is our Republican friends' notion of tax fairness.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. The number of people in this country who earn over $200,000 a year is less than 1 percent of all taxpayers, is it not?

Mr. CONRAD. It is.

Mr. SARBANES. It is a tiny group. So this tiny group under this chart will be receiving the overwhelming proportion of this tax cut that is included in this budget resolution.

Mr. CONRAD. Those who earn from $200,000 to $1 million a year get on average $1,480 under the tax cut plan that is contained here. Again, those who earn more than $1 million a year get, just on these tax provisions—by the way, these are just a couple of the tax provisions. This does not include the estate tax provisions that go overwhelmingly to the wealthiest among us. Just these two tax provisions would give $35,000 a year to those earning $1 million a year and $6 of tax cut to those who earn less than $50,000. It will give $112 to those who earn between $50,000 and $200,000.

I would just say that the priorities of this budget are also out of whack. This budget, in the year 2006, for those fortunate enough to earn over $1 million a year, the tax cuts going to that group of people will cost $32 billion in that year alone. That is the cost of the tax cuts for those earning over $1 million a year in that year alone: $32 billion. But they say there is not the money to restore the education cuts that are contained in this budget which would cost $4.8 billion. They say there is no money to do that. But there is eight times as much money to give tax cuts to those earning over $1 million a year. I guess one could say our Republican friends have said: It is seven times as important to give these tax cuts to those earning over $1 million a year as it is to restore these education cuts.

I don't share those priorities. I believe those are misplaced priorities. I don't think those are the priorities of the American people. They are profoundly wrong for the long-term economic strength of our country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. SARBANES. Is the $32 billion—the cost of the tax cut that goes to those making over a million dollars, is that just for 1 year?

Mr. CONRAD. That is for 1 year.

Mr. SARBANES. So, presumably, in the following year it will cost another $32 billion?

Mr. CONRAD. Actually, even more the next year.

Mr. SARBANES. That gives you a clear picture of what the priorities are in this budget. The priorities are to give $32 billion in tax cuts to millionaires, and yet to cut the education programs to almost below what they were in 2005; is that correct?

Mr. CONRAD. It is very hard to understand this set of priorities. The Senator is exactly correct. This is the amount this budget would need to add to restore education programs to the 2005 level. It would require $4.8 billion. They say, no, they cannot do that because they have to give $32 billion of tax benefits to those earning over a million dollars a year. And it is not just with respect to education, although I argue that education is the clearest priority for our country. What is it that will allow us to compete in this global world economy? What is it that is going to allow us to compete and win? It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You can see we are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It would cost $1.1 billion to maintain funding for law enforcement. But, no, they say you have to cut the COPS Program, shred the COPS Program. The COPS Program put 100,000 police on the street and helped reduce crime in this country. They say that has to go, we cannot afford it; but we can afford 30 times as much to give tax cuts to those earning over a million dollars a year.

A budget is a chance to make choices. That is what it is about. It is about priorities, about what is important. The choices that are being made by our friends on the other side are the choices to add to the debt, add to the deficits, take all the money from Social Security trust fund surpluses—every dime—and use it to pay for other things, including tax cuts that go overwhelmingly to the wealthiest among us.

Are those the priorities of the American people? You know, even wealthy people I talk to say these are not their priorities. I have had so many wealthy people say to me, ''I don't need another tax cut.'' A gentleman stopped me the other day—an enormously wealthy individual—and he said: Look, what matters to me is how my country does. I have been very fortunate. I have done extremely well here. I want others to have the chance I had.

That means they have to have a chance to get a good education, and that means our country has to do well. I don't know of a country anywhere, ever, that has gotten stronger by becoming more dependent on borrowing from other countries. I would like some of our colleagues to come out here and tell me what country became stronger by borrowing more money from foreign countries. Where is it written in history that a country made itself powerful and strong by borrowing more and more money from other countries? You know, so many people have warned us we are on an unsustainable course. The Comptroller General of the United States warned us we are on an unsustainable course of deficits and debt. The Chairman of the Federal Reserve Board has warned us we are on an unsustainable course of deficits and debt. Another thing the Chairman of the Federal Reserve Board told us is, you ought to reinstitute the budget disciplines that helped this country in the past, those budget disciplines that apply to both the spending and the revenue side.

But this budget doesn't do that. This budget has pay-go provisions that apply on the spending side. Here is what Chairman Greenspan said:

> A budget framework along the lines of the one that provided significant and effective discipline in the past needs, in my judgment, to be reinstated without delay. I am concerned that, should the enforcement mechanisms governing the budget process not be restored, the resulting lack of clear direction and constructive goals would allow the inbuilt political bias in favor of growing budget deficits to again become entrenched.

He said that in 2003 before the Senate Banking Committee. The Chairman of the Federal Reserve Board was right about that matter. But that is not what our friends have done here. They have not restored the budget disciplines that worked in the past. No, no. They have taken half of the formula.

The New York Times ran an editorial on Wednesday: ''In Search of Budget Moderates.'' I would write a different headline. My headline would be: In Search of People Who Are Fiscally Responsible.

> If you want to spend the money, raise the revenue to pay for it. If you don't have the stomach for raising the revenue to pay for it, cut your spending. Those are the choices that were put before our Republican colleagues. They chose to do neither. They chose instead to run up the debt of this country, which is already at record levels, and they said: Caution to the wind, let's add to the debt $600 billion a year each and every year of this budget. That is what is here. It is their own estimates. It is their own claims about their own budget. It is not somebody else's calculations; it is theirs and they are responsible. They will be held accountable for their votes tonight.

Mr. DORGAN. Will the Senator yield for a moment?

Mr. CONRAD. Yes, I am happy to.

Mr. DORGAN. The Senator made a very powerful presentation, as usual. This is an embarrassment—this train wreck of a budget that was brought to the floor of the Senate in a manner that excluded the minority party from participating, in a manner that excluded those who were designated as our conferees from participating, brought to the floor the afternoon it is to be considered. The only thing that trumps the bad numbers here is the bad judgment.

A hundred years from now, everybody here will be dead. Historians can look at this and determine what were our priorities, what was important in this country to the policymakers, and how they spent the money. This is an embarrassment, a train wreck. We are going to have a lot of discussion about choices and judgment. That is important, the choices of: What did we decide to invest in? Who got the tax cuts?

That is important. But the bad numbers the Senator has spoken about are staggering. I know nobody is going to come to the floor to respond directly to what he has described because there is no response to it.

As I conclude, I will say that some while ago somebody told me you don't understand the economic strategy that is employed here: Don't worry about the deficits; spend all this money, and give big tax cuts to upper income folks. Katie bar the door. Don't stare problems directly in the eye; don't deal with them. Let me explain it to you. You take three glasses and one apple. Cut the apple in half and put one-half in the first glass, put the other half of the apple in the second glass, and the third half in the third glass. I said: But there are only 2 halves.

He said: You don't understand our economic strategy.

I said: No, I sure don't.

That is exactly the basis on which they create a strategy. It is a mirage, a total myth. This document pretends to do something it doesn't. It is an embarrassment. The minority was not allowed to come to conference, and the majority that is supposed to represent the conservative movement in the United States has become the biggest spenders in the history of this country and the biggest supporters of Federal debt and deficits we have ever seen. And that is in this document. Do not take it from me, it is not my word, it is in black and white on page 4 and page 5. I am very anxious tonight for somebody to come down here and describe why and how they got to this point and how they justify it.

I appreciate the Senator yielding.

Mr. SARBANES. Mr. President, will the Senator yield for a final question?

Mr. CONRAD. Yes, I will.

Mr. SARBANES. The Senator has spoken in a very articulate way about fiscal responsibility. My own understanding is, looking back at history, when we have gone to war, as the President took us to war in Iraq, we have usually raised taxes to help cover the cost of the war or at least cover part of the cost of the war in an effort to be fiscally responsible.

In this administration, we went to war and, if I am not mistaken, at the same time the administration was pushing for tax cuts. So we were again being hit doubly. The cost of the war was being imposed on the budget affecting our deficit and debt situation, and at the same time they were seeking tax cuts—in other words, diminishing revenues—which also affected negatively our deficit and debt situation, and that is contrary to fiscal responsibility and contrary to what has happened in previous war engagements; is that not correct?

Mr. CONRAD. It is correct. Here we have a situation in which we are at war, and we have had very substantial tax cuts already. Last year the revenue was the lowest it has been as a share of gross domestic product since 1959. The deficits are at record levels. And the President's answer is spend more money and cut the tax base further, expanding the deficits, expanding the debt, and doing it all right before the baby boomers start to retire. It is truly a reckless course the President is taking us on. It is a reckless course. I hope at some point colleagues on both sides of the aisle will get serious about the long-term economic security of the country.

The Senator from Massachusetts has been extraordinarily patient. Mr. President, Senator KENNEDY has very graciously offered to wait until the Senator from West Virginia has concluded his remarks. We certainly thank him for his consideration. I yield such time as the Senator from West Virginia may use.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota and I thank the distinguished Senator from Massachusetts. The Senator from Massachusetts has been waiting prior to my arrival on the floor. I have no problem with waiting until he is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator for his generosity, but I look forward to listening to the Senator from West Virginia. I know we are going back and forth. I ask unanimous consent to proceed after the Senator from West Virginia.

The PRESIDING OFFICER. Will the Senator state his request once again? The Chair was unable to hear it.

Mr. KENNEDY. I was asking for recognition after the Senator from West Virginia. I withhold.

The PRESIDING OFFICER. I say to the Senator from Massachusetts, the time is under the control of the Senator from North Dakota.

Mr. CONRAD. How much time would the Senator like?

Mr. KENNEDY. If I could have a half an hour.

Mr. CONRAD. I am pleased to yield 30 minutes to the Senator from Massachusetts after the Senator from West Virginia has concluded.

Mr. KENNEDY. Mr. President, do I have it correct, I will have the opportunity for recognition after the Senator from West Virginia?

The PRESIDING OFFICER. The Senator from Massachusetts is correct, and the time for the Senator from Massachusetts is under the control of the Senator from North Dakota who stated that after the Senator from West Virginia has concluded, the Senator from Massachusetts will have 30 minutes to speak on the measure.

The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair. Mr. President, I thank again my friend from Massachusetts. I will try to be brief so that I do not impose on the Senator from Massachusetts.

Mr. President, in his book, ''Profiles in Courage,'' John F. Kennedy recalls the tale told by Lucius Quintus Cincinnatus Lamar, a U.S. Senator from the State of Mississippi. And I read from John F. Kennedy's book:

> Lamar, in the company of other prominent military and civilian officers of the Confederacy, was on board a blockade runner making for Savannah harbor. Although the high-ranking officers after consultation had decided it was safe to go ahead, Lamar related, the Captain had sent Sailor Billy Summers to the top mast to look for Yankee gunboats in the harbor, and Billy said he had seen ten. That distinguished array of officers knew where the Yankee fleet was, and it was not in Savannah; and they told the Captain that Billy was wrong and the ship must proceed ahead. The Captain refused, insisting that while the officers knew a great deal more about military affairs, Billy Summers on the top mast with a powerful glass had a much better opportunity to judge the immediate situation at hand.

''Profiles'' quotes Senator Lamar:

> Thus it is, my countrymen, you have sent me to the topmost mast, and I tell you what I see. If you say I must come down, I will obey without a murmur, for you cannot make me lie to you; but if you return me, I can only say that I will be true to love of country, truth, and God . . .

So ends the quote from John F. Kennedy's book, ''Profiles in Courage.''

Mr. President, I have been to the topmost mast. As the senior member of the Appropriations Committee that must implement this budget, as a Senator from a State that will suffer under this budget, as a taxpayer who must bear the debt burden of this budget, I see herein calamity, tragedy, and callous indifference.

Budget deficits, we now know, are not short-term aberrations emanating from an economic recession or the attacks of September 11, as some have long maintained. They are the inevitable result—the inevitable result—of structural imbalances embedded deep within this administration's failed fiscal policies.

From $158 billion 3 years ago, to $375 billion 2 years ago, to $413 billion last year, to $427 billion this year, this administration proposes record deficits for today, for tomorrow, and for the indefinite future. So this talk about cutting the deficit in half is fiction, nothing else but fiction. This budget excludes the long-term costs of military operations in Iraq. It excludes the costs of Social Security reform.

It looks no further than 5 years down the road, effectively concealing the consequences of the administration's proposals for more tax cuts. The American people must think Congress is out of its mind to believe that a budget that proposes such enormous deficits, while excluding so much, could serve as an example of tough decisions. Well it ''ain't'' so. Rising deficits suggest just the opposite—an inability to make tough decisions. For that matter, cheap shots at programs for the elderly and poor and for rural America hardly represent tough choices.

The administration has been clear that despite the deteriorating budget, it will not sacrifice its political priorities. The sacrifice, it insists, must come from others, must come from somebody else, must come from somewhere else; from veterans, who need health care; yes, from families who cannot afford to heat their homes; yes, from students who require Federal loans; oh, yes, from our police and firefighters who need training and equipment to cope with new dangers.

In my State of West Virginia, this budget will result in tens of millions of dollars in cuts for our schools, tens of millions of dollars in cuts in nutritional childcare and family services for lower income families. It will eviscerate economic development programs, likely resulting in half a billion dollars in cuts for the State and its localities over 5 years. Yes, let them suffer the cuts. It requires cuts in Medicaid. It requires cuts in other programs that will deny affordable health care to seniors and to families across the States. All together, the cuts included in this budget amount to nickels and dimes within the context of the $2.5 trillion budget. They do not fix the deficit problem. Talk about cutting the budget deficit in half, they do not fix the deficit problem. Even with these cuts, this budget will worsen the deficit by $33 billion this year. Think about that. The Congress is proposing to cut investments that are essential to the care of our seniors, essential to our veterans, essential to our schoolchildren, and the result is a $33 billion increase in the budget deficit.

Our constituents must wonder for what they are being asked to sacrifice. A few simple phrases describe this budget: High deficits and debt, more tax cuts for the wealthy that we cannot afford, more cuts to programs for the elderly, more cuts to programs for veterans, more cuts to programs for the schoolchildren, and not a dime to ensure the solvency of the Social Security and Medicare Programs.

I think highly of the Senator from New Hampshire. I am very fond of him. I admire him greatly. He has done yeoman's work as chairman of the Budget Committee. I cannot support this budget. I defer to that great Senator's expertise on many budgetary matters. He is absolutely superb as a chairman, but the only right vote that I can see from the topmost masts that I have climbed is a vote against this budget.

I again thank my friend from Massachusetts, Senator KENNEDY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe I have up to 30 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I first want to congratulate the Senator from North Dakota and my two other colleagues, my old friend and colleague from Maryland, Senator SARBANES, and Senator DORGAN, for their excellent presentation in terms of the budgetary impact of this budget.

I think they have explained very clearly, eloquently, and passionately the severe risks that this budget puts in terms of the economic future of this country and its relationships and dependency on other countries throughout the world.

I would like to address another aspect of this budget, and that is with regard to domestic priorities that are front and center for most families in this country. First, I would like to discuss the priority of education, and then, second, the budget cuts in Medicaid, which is a lifeline to millions of children and disabled people and women in our society, and third, the further undermining of our whole pension system, which has been included as part of this budget as well. We are having a great national debate on the issues of Social Security and the integrity of the Social Security fund. Under the provisions of this budget, we are going to find that the availability and the assurance of pensions is going to be seriously undermined and threatened as well.

But as an initial matter, I ask unanimous consent that an excellent statement by the Episcopal Church, the Evangelical Lutheran Church, the Presbyterian Church, the United Church of Christ, and the United Methodist Church, with regard to this budget, be printed in the RECORD.

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

WASHINGTON, DC,
April 28, 2005.

CONGRESS SHOULD REJECT THIS BUDGET

In response to the FY 2006 Budget Conference Report to be considered by Congress and as a follow-up to a March 8, 2005 press conference calling the President's FY '06 Budget ''unjust,'' five mainline protestant leaders issued the following statement:

On March 8, we as leaders of the Episcopal Church USA, Evangelical Lutheran Church in America, Presbyterian Church (USA), United Church of Christ, and United Methodist Church General Board of Church and Society, issued a joint statement questioning the priorities of President Bush's 2006 Federal Budget. We remembered the Gospel story of Lazarus and the rich man and noted that the 2006 budget had much for the rich man but little for Lazarus. It was our hope that Congress would take action on behalf of ''Lazarus.'' Sadly, all indications are that that has not been the case. Therefore, today we call upon Congress to reject this budget and go back to the drawing boards.

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care as well as concern for our global community. There are good programs that can help solve all of these problems. We know, we have seen them at work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing opportunities for our fellow women and men to pursue their God given gifts. We commend those who attempted to improve the FY '06 budget by adding funds for Medicaid, education, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and international family planning. We regret that the speed with which this document is being brought to the floor does not allow time for the careful examination such a document requires.

As we view the FY '06 Federal Budget through our lens of faith this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, 45 million without health insurance, or the 13 million hungry children. Worldwide it neither provides sufficient development assistance nor adequately addresses the Global AIDS pandemic. Therefore, we ask Congress to reject this budget and begin anew.

We conclude today, as we did March 8, by asking that together we ''pledge ourselves to creating a nation in which economic policies are infused with the spirit of the man who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him ''to bring good news to the poor.''

THE MOST REVEREND FRANK T. GRISWOLD,
Presiding Bishop and Primate of the Episcopal Church, USA.

THE RIGHT REVEREND MARK HANSON,
Presiding Bishop of the Evangelical Lutheran Church in America.

THE REVEREND DR. CLIFTON KIRKPATRICK,
Stated Clerk of the General Assembly, Presbyterian Church, (U.S.A.).

THE REVEREND JOHN H. THOMAS,
General Minister and President, United Church of Christ.

MR. JAMES WINKLER,
General Secretary, General Board of Church and Society, United Methodist Church.

Mr. KENNEDY. I will just read a few lines from this statement.

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. . . .

As we view the FY 2006 Federal Budget through our lens of faith, this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, the 45 million without health insurance, or the 13 million hungry children . . . Therefore, we ask Congress to reject this budget and begin anew.

Mr. President, with a budget we have a chance to make a difference. We have a chance to make a difference for working families and for millions of Americans who work hard every day, who care for their families, who want the best for their children, their communities, and their country. This budget should make a difference for them. It should be a budget for America, a fair budget that improves the lives of average Americans. That is not this budget.

President Bush and the Republican Congress had a chance to make a difference and they failed. In this budget, they choose instead to lavish more tax breaks on the wealthy at the expense of poor Americans who rely on Medicaid and at the expense of parents who want to send their children to college. It is Medicaid, strike one; education, strike two; and this budget is strike three. We ought to throw it out.

Here is how this budget harms education in America. Education is the golden door to opportunity for our citizens. Parents know that education makes the American dream possible for their children. Education is essential to our future competitiveness and our strength as a nation. We cannot compete in the world without skilled workers. We cannot maintain a strong defense without a skilled and dedicated military.

The budget proposed by the President and the Republican leadership in Congress fails our future. It fails American families struggling to pay for their children's college education. It fails American workers seeking to improve their skills and secure better jobs to support their families. It fails our companies looking for the best workers. It fails our military looking for the brightest recruits. It weakens America as we strive to compete in the global economy and maintain our security in a dangerous world.

American workers are being battered by the tidal wave of globalization and this budget does nothing for them. Nothing. Since this administration has been in office, 2.8 million manufacturing jobs have been lost. By the year 2015, 3.4 million jobs are at risk of being sent overseas.

This chart demonstrates, according to Forrester Research, one of the most authoritative analytical groups in terms of jobs being outsourced, the job

outsourcing projections we are facing. Do you think there was any effort at all in this budget conference to take into consideration this flow line, to be able to take the remedial steps by providing additional skills to our workers, such as training, increasing vocational schools, commitment in terms of adult education, continuing the upgrading of our skills? Absolutely not.

The wages of average workers are going down at a time when the cost of living is going up. At the same time, other nations are producing increased numbers of workers with advanced skills. China, today, is graduating 300,000 engineers; India, 200,000 engineers; the United States of America, 50,000 engineers. Better than half of those foreign nationals who graduate in the sciences from American universities are going back overseas. How are we going to be able to maintain national security? How are we going to be able to maintain our economy with these flow lines?

Look at what has happened since 1975 with regard to American production of scientists and engineers. The United States in 1975 was third in the world. The United States today is 15th in the world and we are in a downward slide.

This Senate said we were going to change that flow line. This Senate went on record by supporting, Republicans and Democrats alike, $5.4 billion to make sure we were going to be able to graduate 50,000 to 60,000 more engineers and scientists a year.

What did this conference do? They said, no, no. Did they say, we will give you 15,000 or 20,000 engineers? No. Or 10,000? No. Or 5,000? No. Or 1,000? No. Zero. Effectively, they zeroed that amendment out that had Democratic and Republican support alike not only with regard to math and science but also with regard to the TRIO Program, the Upward Bound Program, the GEAR UP program, the vocational education program, adult literacy programs, all the programs that provide additional training and help and assistance.

For the first time in a decade, this budget cuts the education budget. Page 34 of this budget, two-thirds of the way down, are the projections of 2005 through 2010. It is cutting our education commitment by some $15 billion over the next 5 years—not increasing it, not even holding its own—cutting education. Rejecting the Senate amendment that added $5.4 billion, the conferees instead cut $15 billion in the discretionary education budget.

If our country is to remain strong in this rapidly changing world, if our economy must work for everyone, every American must have an equal chance at the American dream.

No Child Left Behind is not just a political slogan; it is a solemn pledge to every parent and every child in America. But this budget leaves 3 million children behind. In 2006, 3 million children are left behind. Remember our commitment, that all children were going to reach proficiency over the period of the next 12 years? Under this budget, by 2013, we will be leaving 4.8 million children behind on the projections we have.

This budget cuts student aid, helping young people who would be able to go to college. Where do we find that in this budget? In the reconciliation part, it talks about $13.6 billion in cuts; $7 billion will come from the student aid program and $6.6 billion will come from pensions. That means the companies are going to have an increased tax. Companies will have to pay more into the Pensions Benefit Guaranty Corporation, big companies and small companies. That will discourage companies from maintaining their pension programs. That is what the administration wanted.

We had offsets for our amendment of $5.4 billion. What were the offsets? Closing corporate tax loopholes. Imagine the Republican majority saying all right, Senator KENNEDY, maybe you will close the tax loopholes you have identified, but not ours. But that is not the case. Those tax loophole closure provisions already had passed virtually unanimously in the Senate previously. The Senate voted for them and then did not use them, did not close them completely previously. Corporate tax loopholes to pay for education and training: That was the choice for the Budget Committee. And they said no to education, no to training, and yes to the corporate loopholes.

This budget with regard to education, is important not only for those who are going to college but for those who are trying to make it through K–12. Every child and every parent ought to understand the judgment made at the instigation of the leadership of the Republican Party—and this President—to make a reduction of $15 billion in education for the K–12 education; $13 billion in terms of higher education and the pension program; and the elimination of the $5.4 billion. We could have added funding for education. Instead this budget cuts education.

Money is not everything, but it is a clear indication of a country's priorities. What we are talking about with these investments, we were enhancing the Pell grant which would be available to 5.3 million young Americans who are qualified, are talented, and able to go to school but are having hard times making ends meet, and help and assistance to working families. That is what we were interested in doing. That is what was turned down.

Mr. SARBANES. Would the Senator yield the floor?

Mr. KENNEDY. I yield.

Mr. SARBANES. Wasn't the money in order not to do this to education contained in the Senator's amendment coming from closing corporate tax loopholes that had previously been passed by an overwhelming majority in this Senate?

Mr. KENNEDY. The Senator is absolutely correct. That was passed and accepted by Republicans and Democrats alike on previous legislation and was never incorporated, never utilized, as we say around here. So there had been an agreement that these were the most egregious loopholes and, therefore, we used that as an offset for the increase of the $5.4 billion in education funding.

The conference came back and said, no, we want those loopholes back and we are going to cut education for the neediest children, the TRIO Program, the Upward Bound Program, vocational education, and cut back on scholarship programs for the sons and daughters of working families in middle America. That is what is in this budget in education.

Mr. SARBANES. Isn't it a dramatic demonstration of a choice in priorities, that rather than choosing to fund education, to give young people these opportunities which have been paid for, what they now say is, we had to cut the programs because we have a deficit problem?

The very able Senator from Massachusetts took that into consideration when he proposed his amendment because he wasn't going to add to the deficit. He was going to cover the costs of the amendment by closing these egregious loopholes in corporate taxes. They came along and cut the education programs and allowed the egregious tax loopholes to continue. It is a dramatic demonstration of the priorities of this Republican budget.

Mr. KENNEDY. I was listening to the Senator's comments earlier about the foreign policy implications of debt. He has been active in areas of education. He knows from his own experience in the Foreign Relations Committee, the Banking Committee, the Joint Economic Committee, what is happening in the other countries.

What we saw on the front page of the Washington Post last week was that China was reducing their overall numbers in their military. What they are doing is enhancing their research and development and education and training programs because they are going to go smaller in terms of the total numbers of people in the military and go more into high-tech military equipment which require high level training and high skills.

Would the Senator not agree with me? They are graduating 300,000 engineers, and India is graduating 200,000 engineers. And General Electric has just moved its top research center over to—where? to Maryland or to Massachusetts? no—to India. And DEC, one of the leading, innovative companies in this country, has just opened their new research facility, hiring 3,000 Indian engineers. We are not just exporting jobs, we are seeing the export of research and technology. And what is our response? Cutting back on training young Americans and giving more tax breaks to individuals.

I say to the Senator, who has been here for years as a member of the Foreign Relations Committee, isn't he

troubled by these flow lines, not only with regard to our national security but in terms of our ability to be competitive?

Mr. SARBANES. Absolutely. And the Senator from Massachusetts has been sounding this clarion call. I make reference to the chart the Senator showed earlier, which shows what is happening in terms of our young people going into math and science and engineering as a percent of the 24-year-olds who could go into those fields to develop that kind of competence which we need in the so-called global economy.

Now, as I understand this chart, in 1975, the United States was third in the world, as shown over on the left side of the chart; is that correct?

Mr. KENNEDY. The Senator is——

Mr. SARBANES. In 1975, we were third in the world; is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. We are talking now about math, science, and engineering. Everyone talks about technology, the competition we are engaged in, and so forth. How do you compete in that world if you do not train the people and have the professionals with the skills to do it? We went from being third in the world as to the percentage of our young people going into math, science, and engineering, to where now, as of the year 2000, we are 15th in the world, as I read over on the right side of that chart.

We have slipped all the way back; there are 14 countries ahead of us worldwide in terms of the people they are putting into math, science, and engineering.

Mr. KENNEDY. Well, the Senator is exactly correct. If we think we are going to have the technological advantage in another 20 years, either commercially or militarily, with these kinds of flow lines, then we are dreaming dreams that never will exist. This is absolutely preposterous.

We have had an excellent presentation on the overall economic implications of this conference report, but we are talking about the human investment that makes the difference for us to be No. 1 competitively, both militarily and commercially.

The other point I want to mention to the Senator is that the loopholes we closed were the loopholes that were tax incentives for corporations to move jobs overseas. Do we understand? We, as a country, are concerned or should be concerned about outsourcing, sending jobs overseas. Now we are seeing that not only the jobs are going overseas, the research is going overseas, the education advantage is going overseas, the debt control is going overseas. And we are seeing the incentives to move those jobs overseas with the tax loopholes we closed.

But did the Republican budget conference keep the loopholes closed? No. They restored them. They restored them. They are back, now available to companies to go ahead and outsource American jobs. This is a performance that just defies reason—we heard over the course of the campaign, which was not all that long ago, how everyone was talking about—Republicans and Democrats—what we were going to do about outsourcing. They have given their answer, and they have given it to us tonight.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. SARBANES. I want to make sure I understand the Senator on this very point. As I understand it, the tax loopholes, or at least some of the tax loopholes the Senator was closing in order to be able to fund education, were incentives or inducements in the Tax Code to encourage American corporations to move their investment and operations out of the United States and send them overseas. Is that correct?

Mr. KENNEDY. That is correct. It is exactly right. And we had those agreed on, Republican and Democrat alike. I think it was by 76 votes here in the Senate on the FSC–ETI legislation.

So we had the offset of incentives that were moving jobs overseas. We were closing that loophole and investing in able, capable young Americans in higher education, in training teachers for math and science, of which we are in desperate need. No Child Left Behind has the guarantee that we are going to have a well-qualified teacher in every classroom by the year 2006. We are far behind. This would have given us an opportunity to meet that goal.

But most importantly, we would have given the helping hand to many other young people in the TRIO Programs and the Upward Bound Programs and the rest.

Mr. President, over 160 organizations representing students and educators supported our amendment. They generated thousands of calls to their legislators. Just in Massachusetts, I received more than 1,000 letters from adult education students and teachers urging that this amendment be retained, telling their stories about how adult education is changing their lives for the better. We have letters from colleges and universities across the country urging Congress to increase the Pell grants, to save the Perkins Loans Program. We have letters from students, counselors, and young adults urging us to save college preparation programs for first-generation students, such as TRIO and GEAR UP. Over 600,000 students have sought more information about this amendment.

On their own, five Republican Senators wrote the budget conference committee to tell them this President should support this amendment and the conference committee should support this amendment, and that the education and Pell grants needed their support. Yet this conference rejected all those pleas and cut education.

Now, the Republican leadership and the White House decided it was more important to maintain the loopholes to reward corporations that send jobs overseas rather than invest in our own young people here at home.

Our amendment embraced the hopes and dreams of millions of Americans. All parents want their children to have lives of fulfillment and opportunity, to raise strong and healthy families, and afford to live comfortably in safe neighborhoods.

When we first debated this resolution a little over a month ago, a majority in the Senate said no to the President's cuts in education. Today, a majority of the Senate should say no again. We should stop the raid on student aid and pass a budget that strengthens, not weakens, America.

Now, Mr. President, on another subject, just last month the Senate made it clear that cuts to the Medicaid Program were unacceptable. In a bipartisan vote, we agreed to not make any cuts until a bipartisan commission had time to examine the Medicaid Program and recommend possible reforms based on sound policy. Just this week, in an overwhelming, bipartisan vote, the House instructed the budget conferees not to cut Medicaid.

Yet the budget we will be voting on shortly not only cuts Medicaid—despite consensus in both the House and Senate against cuts—its cuts to the program are almost as deep as those we voted down in March. The Senate rejected the $15 billion in cuts to the Finance Committee. Yet this budget report that was drafted in the dark of night behind closed doors forces the Finance Committee to cut $10 billion.

If these cuts were not bad enough, the bipartisan Medicaid Commission has turned into a partisan commission that the administration can stack with members they know will recommend the cuts they have determined. Instead of a real examination of the Medicaid Program so that we can modernize the program with needed reforms, we will have a commission whose agenda will be to recommend cuts.

It is not just Medicaid that is at risk. What does it say about Republican priorities if this Republican budget cuts a program that provides health care for 53 million low-income Americans—children, parents, the elderly, and the disabled—in order to provide large, new tax cuts for the wealthy?

Republicans say they are for a culture of life, but Medicaid sustains that life. One-third of all the births in America are covered by Medicaid. Medicaid sustains life for a third of our mothers and our babies. But this budget says the lives of poor mothers and poor children are not that important after all. Under this budget, tax breaks for the rich are more important than life itself.

I want to show you what has happened with regard to low-income children. Since 1997, 23 percent of children in America were not covered. Now we have reduced that to 15 percent. We are making very important progress in terms of providing some insurance for

children. But now with this budget, we are going to see this line go back up because of the following.

If you look at this chart, you will see what is happening to children and also to low-income parents. The total number of low-income children has increased by 6.7 percent and 5.5 percent in terms of low-income parents who have lost their health insurance. We have seen a 1.7-percent growth in the Medicaid Program and an increase of 8 percent to cover low-income children. So we are making some progress, but not with this budget.

This budget takes away those gains for children. Take them away from the elderly. Take them away from the services for expectant mothers who are delivering. That is what this budget does, and that is what is so incredibly wrong in terms of this budget.

We know the harmful consequences of the lack of access to health care. In the early 1960s, President Kennedy commissioned a study to find out why half of our young military draftees were rejected for service. The study, which was released in 1964 and provided the basis for Medicaid coverage policy for children, found these young men had physical and mental developmental problems that were highly treatable if they had had access to health care as children. As a result, the Medicaid program was set up. That is the basis for it. And we have made enormous progress. Now we are going to see the undermining of that program.

Finally, Mr. President, the budget also includes a reserve fund for the Grassley-Kennedy bill to provide health coverage for families with disabled children. The bill is titled the ''Family Opportunity Act.''

For the last 5 years, Senator GRASSLEY and I have been fighting to get this legislation passed.

The Family Opportunity Act allows families of children with severe disabilities to buy health care coverage under the Medicaid program, without becoming poor, staying poor, or giving up custody of your child. It is legislation cosponsored by more than half of the United States Senate and over 200 disability, health care and other organizations.

Almost one in ten children in America has significant disabilities. But many do not have access to even the most basic health services they need because the private health insurance won't cover them.

In every one of these plans you read numerous exclusions that hurt children with disabilities—no coverage for hearing aids, for special health needs, for assistive technology, for services at school, and on and on and on.

These families aren't looking for a hand-out—just a helping hand. All they want is the opportunity to buy affordable coverage, because the private health insurance market won't offer it to them.

More than any other investment we can make in this budget, we should secure funding for these families who struggle everyday to afford the health care their children need to live healthy and successful lives.

I hope that we can finally see this profamily bill enacted into law this year.

The budget sets up a reserve fund for Senate action to bring the benefits of information technology to our inefficient health care system. Unfortunately, a similar reserve fund is not available for House action.

Information technology has revolutionized virtually every industry in America—only health care lags behind.

IT is critical to our efforts to bring costs down and improve quality. It can provide for more efficient delivery of care, and it can reduce errors and increase quality. HHS estimates that widespread use of IT can save as much as $140 billion a year.

The VA has implemented the most advanced IT system in the country over the past few years. The results have been remarkable. Since 1996, VA costs per patient have actually decreased 7 percent, while private sector costs per patient have increased by 62 percent. During this period, the VA has been widely recognized for improving its quality of care.

Obviously, not all of these successes have been due to information technology—but the VA system thinks that much of it has.

We have a tremendous opportunity to improve the ability of IT to make a real difference in the quality and efficiency of health care—but we have to act now.

I commend Senator GREGG and Senator CONRAD for working with the chairman of our Health Committee, Senator ENZI, and me as well as Senator GRASSLEY and Senator BAUCUS on the Finance Committee—to include this fund in the budget.

The fund is a small step in the right direction, but it will be a wasted step unless Congress enacts legislation to improve the use of health IT in America.

The two key components of any legislation, in my view are incentives for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay.

IT can cut costs in many ways. Our fragmented and uncoordinated health care system imposes high costs in duplication and waste. Patients with multiple chronic illnesses see as many as fourteen doctors a year.

Doctors repeat tests that have already been performed. Residents take histories that have already been taken. Patients show up for doctors' appointments that are essentially a waste of time because tests have been performed but the results have not been delivered.

It has been estimated that one in seven hospitalizations could be avoided if complete medical records were available for the patient. One out of five laboratory tests are duplicative of ones that have already been performed. This adds up to immense amounts of money. IT can reduce this needless duplication.

We as a nation cannot afford to miss this opportunity to make the investments needed to improve health care and cut costs.

My time is about up, but I must comment on how this budget resolution also attacks our defined benefits system. Pensions are more important than ever. We know of the assault that is on the very nature Social Security. Separate from Social Security, the number of secured, defined benefit plans is going down. This particular budget increases the premium tax on employers with a heavy burden on manufacturing companies. It will hurt small businesses. These premium increases will obviously hurt many workers and retirees, and it will also jeopardize long-term retirement stability. Pensions are important. They are a part of the quality of life for working American families. This budget does a disservice for them as well.

I hope this budget will be rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as I understand the Senator from North Dakota, Senator SARBANES wishes to speak for 10 minutes. I would suggest that Senator SARBANES speak for 10 minutes, then we to go Senator GRASSLEY for 15 minutes, then we go to Senator STABENOW; however you want. We will go back to your side for a half or so, and then we will come back over here. The next speaker on our side, after we go from Senator SARBANES to Senator GRASSLEY to—

Mr. CONRAD. Actually, we have Senator AKAKA and then Senator STABENOW.

Mr. GREGG. We may want to put Senator HUTCHISON between Senators AKAKA and STABENOW. But if not, we will go with that sequence.

Mr. CONRAD. Can I suggest that Senator HUTCHISON had indicated to staff she would be more interested in a little later time slot.

Mr. GREGG. Yes, around 9. But I assume we will hit that hour by that time.

Mr. CONRAD. If we went to Senator AKAKA for 10 minutes and then Senator STABENOW for 15, we would then be very close to 9 o'clock.

Mr. GREGG. Why don't we plan to do it that way. Then move to Senator HUTCHISON. With that being the general lay of the land, let's proceed.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend my very able colleague from

Massachusetts for a very powerful statement about the priorities in this budget. He is absolutely right.

The budget resolution is the single most important document we deal with in the Congress because it contains within it thousands of decisions that are critical to our national life, all of which reflect our choices about priorities.

As the Senator pointed out, this budget resolution makes it a priority to keep tax loopholes for large corporations, many of which induce them to send jobs overseas, rather than closing those loopholes—which have been overwhelmingly supported by the Senate, both Republicans and Democrats—in order to fund education. It is a clear example of the wrong set of priorities. I thank the Senator, first for his leadership in the Senate which got that amendment adopted, which would have done something for education in this country, and for articulating so well what is at stake here as we move ahead.

The budget presents very fundamental questions to us. What do we establish as priorities? Which programs are important? How do we balance programs with tax cuts, with deficit reduction? In my view, this budget does not reflect the right answers. It contains substantial cuts in a number of important domestic programs, including Medicaid, education, affordable housing—the list goes on and on.

The justification for these cuts is that we have a deficit problem to deal with. If you ask, why are you cutting these programs which we so desperately need, the answer that is given is: Well, we have a big deficit.

But the question that needs to be asked and understood is: Where did this deficit come from to begin with? When President Bush came into office in 2001, he inherited a surplus in the Federal budget. The projection was that we would run a $5.6 trillion surplus over the next 10-year period. Those were the projections.

In his first budget proposal, which included, in my view, an excessive tax cut, primarily for those at the top of the income scale, he said: We can proceed with tax relief without fear of budget deficits. That is what the President said: We can proceed with tax relief without fear of budget deficits.

The following year, with the budget already in deficit, having moved from surplus to deficit, the President advocated for another tax cut while promising, and I quote him:

> Our budget will run a deficit that will be small and short-term.

In fact, the President's budget that year stated that deficits would be so short-term that by today, by now, the Government would be back in surplus. How wrong he was.

Instead of the $5.6 trillion 10-year surplus projected when the President took office, the projections now are for a deficit over the same period of $3.7 trillion. When you factor in, as my able colleague from North Dakota stated earlier in the debate, some of the costs we know are coming, such as the continuing cost of the war in Iraq, the cost of reforming the alternative minimum tax, the cost of some of the President's proposals to make tax cuts permanent, that is a deterioration in our fiscal position of over $9 trillion.

There are a number of reasons for this fiscal reversal. Spending to recover from the attacks of September 11, to pay for operations in Iraq and Afghanistan have played a part. But the deficits are not primarily the result of increased spending by the Congress. By far the greatest factor contributing to the return of deficits and these disastrous projections is on the revenue side, and the primary reason on the revenue side is the President's tax cuts.

We are now living with the consequence of those tax cuts: deficits and debt as far as the eye can see. The architects of this budget claim that to deal with these deficits, we must have serious cuts in domestic programs. At the same time these serious cuts in education, health care, and housing are being made, this budget resolution contains billions of dollars in additional tax cuts for the wealthiest Americans. In fact, as my able colleague from North Dakota, Senator CONRAD, pointed out, in 2006 alone, the President's tax cuts are scheduled to give $32 billion to those making over $1 million a year. So for millionaires, there is going to be $32 billion in tax cuts in 2006.

The New York Times, in an editorial earlier this week, recognized that this budget is skewed toward the wealthy. Let me quote from that editorial:

> Congress is likely to approve a budget blueprint this week that manages to be profligate and mean-spirited at the same time. . . . It calls for generous tax cuts for investors, who hardly need more help, and for harsh spending cuts for the needy, who certainly do.

The Times hoped there would be pressure on the drafters of this budget sufficient to ''inject some common sense and human kindness into the process.''

Regrettably, that appears to have been a vain hope. This budget resolution contains $70 billion in tax cuts that are given fast-track procedural protection at the same time there are very deep cuts in a number of domestic programs.

There are those who seek to defend the spending cuts by saying that they are necessary in order to rein in the deficit. I want to say to them that these cuts are not about reducing the deficit; these cuts are about making room for tax breaks for wealthy people.

As the Washington Post reported, ''the cost of those tax cut extensions would more than nullify the savings from the spending cuts.'' Let me repeat that. ''The cost of those tax cut extensions would more than nullify the savings from the spending cuts.''

There are Medicaid cuts—so important to providing health care for our people—and education cuts, which set us back in the effort to fund our schools and undertake educational initiatives, which may well be the best investment America can make in its future strength.

We are failing to face up to the global competition in which we find ourselves, and we are making choices in this budget that are directly contrary to strengthening our economy and strengthening our Nation. Make no mistake about it, the argument that is made that we must cut these programs that are so essential to our people in order to address the deficit misses entirely the point that room is being made in this budget for further tax cuts for very wealthy people.

So the choice of priorities is the tax cuts on the one hand—more tax cuts, excessive tax cuts, for the very top of the income scale on the one hand—and cutting back on education and health care, the environment, and housing. As the Post pointed out and I quoted, the cost of those tax cut extensions would more than nullify the savings from the spending cuts.

These are the wrong priorities, the wrong choices. I urge my colleagues to vote against this disastrous budget resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has been accorded 15 minutes.

Mr. GRASSLEY. Mr. President, I first compliment the chairman of the committee, Senator GREGG, for his outstanding work in getting a budget before the Senate because that didn't happen last year. I am so glad we have a budget because it is discipline for the Congress, and anybody knows, when it comes to spending money, Congress needs discipline. So I urge my colleagues to support this conference report.

Of course, a budget resolution is more or less a blueprint. It sets the overall level of spending and also for revenue of the Federal Government. The budget itself does not change any law. As I said, it is a blueprint, ground rules, for all of the other spending and revenue legislation that will be considered in the Senate yet this year.

Under the Senate rules, any bill that exceeds the level set in the budget may be subject to a point of order that would require a 60-vote supermajority. That is where the discipline comes—when people want to spend more money without raising taxes or taking the money from some other program, then they would be beyond the budget, and consequently a point of order could be raised. It is very difficult to get a 60-vote supermajority in this body. Consequently, it keeps spending within the budget. So it is budget discipline that Congress needs.

By imposing the supermajority requirement, the budget encourages the Senate to stay within these overall limits that are in the document we are going to vote on tonight, while at the

same time providing the opportunity to exceed those limits if a supermajority can be gotten. And when there are extenuating circumstances, you have to assume extenuating circumstances get that sort of a vote in the Senate.

The annual budget process is often the subject of much controversy, as I think you can tell from the debate tonight. I want to take a moment and focus on a number of specific provisions as they relate to the committee that I chair, the Senate Finance Committee, which has the responsibility for all of the legislation that affects Medicaid and Medicare, as well as everything dealing with the raising of taxes or the decreasing of taxes involved with the income tax code.

The budget resolution conference report provides reconciliation instruction—in other words, mandating that the Finance Committee, like it mandates other committees to do similar things in their jurisdiction, to achieve $10 billion in program savings and $70 billion in tax relief.

While these instructions do not actually require the Finance Committee to enact any specific policy—that is our option how we meet these goals—there are a number of policies that are assumed and I think realistic within the numbers that are provided in the budget resolution.

The budget provides for $10 billion in savings from the Finance Committee, and I surely and confidently commit the Finance Committee to make every effort to work in a bipartisan fashion where we keep in mind principles that guide us in producing a better Medicaid Program.

The Finance Committee will look at proposed savings that will be shared equally—I should not say equally but shared proportionately between the Federal Government and the States because the Medicaid Program is a Federal-State partnership.

States are in trouble. We want to help them. We want to emphasize flexibility for the States through voluntary options that States can exercise to get more bang for the Medicaid dollar and even save money in the process, maybe in some instances, through flexibility, even serving a larger population than they now serve but with a more efficient expenditure of that money. The Finance Committee will do this while making a commitment not to eliminate coverage for Medicaid beneficiaries.

I look forward to taking action to improve Medicaid. Doing nothing is far worse for Medicaid. If we do not eliminate wasteful practices, if we do not provide States with this necessary flexibility, if we do not provide States the relief they are asking for, they are simply going to cut whole groups of people off the rolls to make their budget ends meet within their State legislative prerogative.

I recall reading in the paper a couple of months ago, I think it was the State of Mississippi found itself in a position where it could not afford everything the Federal Government mandated on Medicaid, and they just dropped 55,000 people from the rolls. They should not have to do that, they do not want to do that, and we can help them not to do that by giving more flexibility to the States.

That is why I say doing nothing is far worse for Medicaid beneficiaries than what we are going to attempt to do in the next few months through this reconciliation instruction to provide a rational, reasoned approach to protecting and strengthening the Medicaid Program. That is what we will do in meeting our instructions.

I am going to leave Medicaid now and go to the tax relief portions in this budget and comment on two aspects: The amount of relief for the budget period—that is the next 5 years—and the use of reconciliation to bring about the tax relief that a majority of this Senate is going to say we need.

Before I start with the numbers, I want to put in context the revenue side of the budget. Some have argued, and particularly we have heard this even tonight, that bipartisan tax relief has gutted the revenue base permanently, and that is hogwash. They argue that this change is a reason to raise taxes. People want to raise taxes, can you believe that, Mr. President, instead of not extending the tax relief that was voted in 2001, 2003, and I guess some in 2004?

The facts, according to the Congressional Budget Office—and remember, they work for everybody, Republicans and Democrats; they are not Republican or Democrat, they are professionals. Their statistics show otherwise.

I want to put a chart up and have my colleagues concentrate on Congressional Budget Office data, and this covers the period of time from 1960 to 2015, so we get a historical response to people who are saying we have permanently gutted the tax base.

This chart shows the volatility of revenue and its relationship to economic performance. When we suffer economically—and that is the green line on the chart—as related to the ups and downs in the growth of the economy, the gross domestic product, it shows that we suffered economically. You can see the red lines going up and down being revenue coming into the Federal Treasury in relationship to the growth or the sinking of the economy over this historical period of time. Then we also see when the economy grows, revenues go up. When the economy sinks, obviously, revenue coming into the Federal Government goes down.

We have heard so much about what this administration has done to the revenue base of the country. What we see in the first 4 years of the Bush administration—so you have to look at the years 2001 to 2005—you will remember we inherited a recession. I hope people on the other side of the aisle realize that the NASDAQ lost 50 percent of its value in the year 2000. I hope people remember that this economy started in a recession 3 months before President Bush was ever sworn in for the first time. So the bubble broke. We had those corporate scandals that date back to the midnineties becoming public in the year 2001. And then we can see from the chart that the uptick in the economy started late in the Bush administration and continues today.

The Congressional Budget Office shows, as we can see, revenue is coming back. So let's not confuse cause and effect. The tax reduction we voted on in 2001 and 2003 has helped the economy recover and the Federal Treasury is benefiting. So we have to look at what is projected out, starting this year and into the future.

We see the economy fairly stable for the next few years, and we see the revenue base high above the growth of the economy. So let's be clear, undertaxation of the American people is not the source of our budget problems. And all the people over here who think we ought to raise taxes, I wonder when they have their town meetings how many people in their town meetings say: I am undertaxed; I want to pay more taxes. I do not have people coming to my town meeting saying that. I think what the American people are saying is that Congress overspends, and this budget is all about discipline in spending. Undertaxation, I hope my colleagues understand over there, is not the source of our problems.

Now, let's start with a basic number. When the Senate Budget Committee considered the resolution a few weeks ago, Republicans laid out our plan for reconciled tax relief. This plan was a product of discussion with members of the Republican caucus, just like I presume the Democrats have discussions about tax policy among their people.

Our objective now is to preserve current law, levels of tax relief that were voted in 2001 and 2003, and anybody who says you should eliminate the tax cuts of 2001 and 2003, they are not saying eliminate the tax cuts, they are saying raise your taxes. That is what they are saying.

Our plan centers on a seamless extension of tax relief provisions that began in 2001. It is critical that these provisions be rationalized in a commonsense way. Assuring taxpayers of the continuity of promised tax benefits should be one of our highest priorities.

Taxpayers should not face a reversal of the level of tax relief we have delivered. Certainty of tax policy is absolutely necessary for economic growth, and economic growth is absolutely necessary for creating jobs. This objective is critical with respect to the widely applicable provisions dealing with capital gains and dividends, small business expensing, low-income savings, the alternative minimum tax, and college tuition deductibility.

Do those people over there who say we ought to eliminate the tax cuts of

2001 and 2003 think we ought to eliminate the college tuition deductibility? I do not think so. But that is where they would take us. Millions of taxpayers from all walks of life have come to rely upon these tax relief provisions, and they are going to expire if we do not do something about it. They are going to get an automatic tax increase without even a vote of Congress if we do not do something. We should have guts enough to vote for tax increases if we want to, not just sit idly by and let taxes go up.

Some on the other side have been critical of the $70 billion in reconciled tax relief that is in this budget resolution, as was Social Security reform. At my hearing this week we heard a lot of complaining about so-called Social Security reform, but we do not get a lot of answers from the other side on Social Security or on taxes. We do not get problem solving. We do not get any constructive dialogue.

Where is the Democratic plan for tax relief? Has anyone seen it? All we hear are criticisms. How many times have we heard about AMT? Answer: We have heard we ought to be doing something about AMT plenty of times. There is an AMT problem. I have a couple of charts that tell the story. I would like to have my colleagues look at the baseline.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is allotted an additional 5 minutes.

Mr. GRASSLEY. I want my colleagues to look at the baseline. We can see the orange line. That is the individual taxes based on historical average.

The AMT is part of the individual income tax. Historically, individual income taxes have been at about 8 or 9 percent. That is the red line. The AMT and the regular tax balloon proportionately, under current law, over the next 40 years is going to go up very dramatically. This balloon effect is due to the sunset of bipartisan tax relief and AMT.

Now let us focus a little bit closer. Let us look at the next chart. This chart shows that extension of the bipartisan tax relief still leaves individual taxes at record levels. The blue line shows individual taxes are going to be growing very dramatically. The chart also shows that fixing the AMT leaves individual income taxes at record levels, as we can see from the orange line. What we can see is we seriously do have an alternative minimum tax problem and fixing it will not gut the revenue base over the long term. It is common sense that an unfair tax such as the alternative minimum tax, that is out of control, should be fixed without regard to offsets.

Common sense plays out on the budget side as well. We have even heard incorrect assertions that this budget does not address the alternative minimum tax problem. Well, guess what. In this budget, there is room for extending the current patch or hold harmless for millions of families facing an alternative minimum tax.

We hear all about the fact that the budget does not have anything to do with the alternative minimum tax. Well, it does. I just said it does. It is part of it. But where is the Democratic plan for alternative minimum tax relief? Where is the response for even the current period we are talking about in this budget? I have been looking for a Democratic plan and I cannot find it.

This budget contains plans for tax relief. The reconciliation instructions give us the resources to maintain current law tax relief. Put another way, the reconciliation instruction is our best means to protect against the tax hike automatically foisted upon millions of American taxpayers.

Now I turn to the second aspect of the tax relief portion of the budget. We will hear a lot of criticism against the use of reconciliation for tax relief. It was not an easy choice. I prefer regular order in the Senate, but recent tax legislative history in the Senate suggests that the reconciliation option is an important tool to have at our disposal.

With partisan obstructionism on the part of Democratic leadership, many regular order tax relief packages over the last 2 years have been stalled in the Senate. Even tax relief packages that the Democrat leadership claims to support encounter that sort of partisan obstructionism.

Members will recall that several cloture votes were required to get the bipartisan FSC/ETI legislation through the Congress last October. Likewise, we were unable to go to conference with the House on the CARE Act and other popular tax relief packages because of Democratic leadership objections. The situation has only become worse this year. The climate may still be more difficult if the Democratic leadership acts on the threats they have talked about of shutting down the Senate if the controversy over judicial nominations is brought to the forefront. From a practical standpoint, there is a significant risk that reconciled tax relief may be the only tax relief vehicle that can pass the Senate in this environment. I hope that is not the case. It is prudent to consider a possibility. Because of this hostile partisan environment, a reconciliation bill may be the only known path to preserve the tax relief provided during the last 4 years. For this reason, our caucus viewed the reconciliation numbers as a comprehensive blueprint for preserving current law levels of tax relief.

There is $36 billion of tax relief for regular order tax relief we will have to offset. This amount is meant to cover packages such as a comprehensive energy bill.

What it comes down to is this: We need to take care of legislative business. We need to continue the tax relief promised to the American people, but we are better off with a plan that prevents tax hikes. I am pleased we have this plan.

Once again, I urge my colleagues to support the budget resolution.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for a period of 10 minutes.

Mr. AKAKA. Mr. President, I rise to speak in opposition to the conference report for the fiscal year 2006 budget resolution and associate my remarks with those of many of my colleagues. My reasons start with missed opportunities and misplaced priorities, added to fiscal irresponsibility. I could support this measure if it provided enough funding for education, for veterans, for health care, for law enforcement. But it fails in many ways in these areas and, instead, gives priority to tax cuts largely for the well-off. It also masks the full story by leaving out recent war costs, estimated costs for the President's reform plan for Social Security, and costs for fixing the alternative minimum tax that is extending into the middle class.

It is terrible that the conference report includes reconciled tax cuts of $70 billion that will drive our Nation further and further into debt. Moreover, it is dismaying that these tax cuts would be funded at the expense of working families. Health care costs are increasing. Our health care providers are confronted with inadequate reimbursements, rising costs, and an increasing demand to provide care for the uninsured. I have met with many of my own constituents, particularly doctors, nurses, and administrators, who have conveyed to me their deep concerns with their ability to continue to provide treatment for Medicare and Medicaid beneficiaries because the reimbursement costs are so low. The providers are unable to adequately meet their costs of providing care to beneficiaries.

The reductions in Medicaid included in the budget resolution will lead to further cuts in coverage and benefits for people without other health insurance. The cuts will prevent individuals from being able to access health care, which will increase the burden on our public health system. The Medicaid cuts will further erode the ability of hospitals, clinics, physicians, and other medical providers to meet the health care needs of our communities.

Medicaid programs are demanding a larger share of State spending than they have in recent years. Reducing the Federal commitment to Medicaid will push additional costs to the States and increase the number of people who are uninsured or underinsured. Shifting the burden of providing essential health care services to States and to providers is irresponsible. We need to work together to slow health care costs, but not by cutting programs on which so many people depend.

Medicaid is an essential part of the public safety net in my State, where Medicaid and QUEST provided essential health services to nearly 190,000 people in 2002. QUEST is Hawaii's Medicaid expansion program that provides

health coverage through managed care plans for eligible lower-income residents. Medicaid is an essential part of the health care safety net in all of our States. Denying treatment to people in need to support more reckless tax cuts for the wealthy is a significant mistake. Cuts in Medicaid and other programs, such as Medicare, will cause real pain to real people.

I am deeply frustrated that we are no longer able to move legislation forward that expands access to health care. Instead, access is being reduced through poorly thought out arbitrary cuts that will have detrimental effects on working families across the country.

The conference report also fails veterans. VA hospitals and clinics are already in difficult financial straits. Hospitals are millions of dollars in the red. Outdated medical equipment cannot be replaced. Nursing home beds are being closed. And large groups of veterans are being denied care. If the level of funding included in the budget resolution comes to fruition, things will continue to deteriorate.

It is abundantly clear that VA needs an additional $2.8 billion more than it was provided last year. The conference report does not include this level of funding. I remind my colleagues that payroll and inflation increases for doctors, nurses, and medications cost more than $1 billion.

Simply maintaining current services may not be enough to ensure that VA can meet the health care needs of veterans. Chronic illnesses of our aging veterans population and newly recognized challenges—such as the need to shape new programs for veterans affected by hepatitis C—will further strain VA's resources. We must anticipate increased and changing demands for treating complex diseases, such as hepatitis C, and ensure that veterans with multiple, overlapping medical problems receive all the treatment that they need. Additionally, we must be certain that VA has the resources it needs to care for those servicemembers returning from Operations Iraqi and Enduring Freedom. This became all the more important when the Senate rejected my amendment to add funding for VA to the war supplemental.

The budget resolution does nothing to provide the resources to rescind the ban on Priority 8 veterans from coming to VA for care. So far, 192,260 veterans have been turned away across the country, including 502 in my home State of Hawaii. We are even starting to see other groups of veterans being denied access to care. This sends the wrong message to our troops overseas.

When you add up payroll and inflation, new workload, and new initiatives, and factor in funding to support rescinding the ban on Priority 8 veterans, it is my view that VA needs at least a $2.8 billion increase in funding for fiscal year 2006. The budget resolution falls short.

Every time we work on a budget resolution I have to ask why education continues to be behind the curve. We tried to fix the anticipated cuts in education funding when the resolution was considered by this body in March, and although we were rebuffed on most amendments offered by my side of the aisle, I was heartened to see several of my colleagues across the aisle vote with us on the Kennedy higher education and workforce amendment.

Unfortunately, although the Senate spoke, conferees did not agree. Rather than sticking with the Senate position on important programs such as career and technical education, GEAR UP, TRIO, and workforce investment, the conference report before us continues to underfund or outright eliminate funding that these programs require to be successful. In addition, the conference report does nothing to cover the funding shortfall for No Child Left Behind compliance or to restore funding to 48 education programs recommended for termination in the President's budget. The list of programs includes the Excellence in Economic Education Act, which I authored to combat economic and financial literacy in grades K through 12.

With regard to cuts in the area of first responders and law enforcement, the conference report slashes certain major programs, including the Office of Community Oriented Policing Services. The package cuts over $1 billion in aid to state and local law enforcement and completely eliminates the COPS hiring program—both universal and school resource officers—in what is the fourth year in a row where such cuts are being made. During consideration of the budget in the Senate, an amendment attempted to restore funding to this vital program. Unfortunately, this, too, was not adopted.

In addition, the budget would deny resources to many of our first responders: firefighters, police, EMS workers and other first responders. The budget creates a shortfall of more than $1.6 billion with cuts to first responder programs, including the State Homeland Security grant program, Urban Area Security Initiative, firefighter assistance grants, the COPS program as I mentioned before, and Byrne Justice Assistance grants. An amendment to restore funding to our first responders was considered when the Senate took up the budget in March; however, we were again unsuccessful in restoring funding to these programs.

It is clear to me that this budget conference report fails families and communities across this country, including in my State of Hawaii. For these many reasons, I am unable to support the conference report. I urge my colleagues to oppose the conference report.

Mr. ROCKEFELLER. Mr. President, our annual budget should be a blueprint of our Nation's priorities. It should be a statement of our collective values and contain positive initiatives for growing our economy and preparing a better future for our children. Unfortunately, this budget does not achieve any of these objectives. This budget makes the Federal deficit worse than if we had done nothing, which means we will pass on an even greater burden of debt to our children and grandchildren. This blueprint also reflects a misguided set of priorities that sends a clear message to the least among us—our poor children, our disabled, and our elderly—that they are not as important as our wealthy.

It is unacceptable—and truly stunning—that Congress is being confronted with a budget resolution that contains $10 billion in cuts to Medicaid, a health care program for our most vulnerable citizens, while simultaneously offering an additional $106 billion in tax breaks, much of which is designated for our Nation's wealthiest citizens. Where is the justice in these numbers?

Last month, a bipartisan majority in the Senate rejected any cuts to Medicaid. Members on both sides of the aisle said no. But the Republican leadership ignored the result. On Tuesday, an overwhelmingly bipartisan majority in the House voted 348 to 72 to strike the Medicaid cuts from the budget. Again, the Republican leadership ignored the result, ignored what a majority of Members said. Now we are being asked once again to vote for these arbitrary cuts, even though we have already made our wishes and those of our constituencies known.

Because of the budget resolution before us, West Virginia could lose more than $84 million in Federal Medicaid funds over the next 5 years. This would put over 350,000 West Virginians who depend on Medicaid at significant risk for benefit reductions, increased cost-sharing, or the loss of health care coverage altogether.

These cuts are on top of the numerous unfunded mandates that the Federal Government has passed down in recent years. Twenty-nine States, including West Virginia, are facing a drop in their Federal medical assistance percentage, FMAP, next year because of a change in the statutory formula used to compute FMAP. This budget means that West Virginia will see a loss of approximately $17 million next year on top of the $36 million in Federal funds the State is already slated to lose under current law. I have said it before, and I will say it again—the hospitals, doctors, nursing homes and clinics in my State simply cannot afford to absorb cuts of this magnitude.

How can we suggest cutting $10 billion from such basic support for vulnerable individuals in the same legislation that is seeking over $100 billion in tax cuts?

This budget reflects the wrong priorities, the wrong principles, and the wrong decisions. These are priorities that I cannot—and refuse to—vote for.

Our most vulnerable citizens should not be a target for budget cuts, especially when we are offering $106 billion in tax breaks in the very same budget, a significant portion of which are directed to wealthy individuals who have

been treated to large tax cuts since 2001.

This resolution is wrong for West Virginia and it is wrong for our country. I urge my colleagues to vote ''no.''

Mr. ENZI. Mr. President, I rise today in support of the 2006 budget resolution conference agreement. I would like to begin my statement by complimenting my colleague from New Hampshire, Chairman GREGG, for his hard work and bringing this conference agreement to the floor. We need this budget resolution to maintain fiscal discipline and control spending. It establishes spending guidelines, and procedural hurdles for the floor when we fail to live by these guidelines. I commend Chairman GREGG today on his first resolution as chairman.

The budget process forces Congress to contemplate legislative and spending priorities each year. Fiscal year 2006 is especially challenging because I think most of us agree that deficit reduction must be a top priority. Under this resolution, we will consider a reconciliation bill later this year that will cut mandatory spending by $34.7 billion over 5 years. This will mark the 20th time that reconciliation has been used since 1980.

I have a long track record in support of deficit reduction, and I am committed to helping President Bush and Chairman GREGG achieve this goal. And $13.6 billion of the reconciled savings will come from programs that I oversee in my role as chairman of the HELP Committee. When we passed the budget out of the Senate, it contained $8.5 billion in reconciled savings. The HELP Committee's instruction increased 60 percent in the conference process. Let me point out that the HELP Committee will be responsible for producing nearly 40 percent of the total cuts of mandatory spending.

For the past month, I have been working with the administration and the Budget Committee to identify a savings number that the HELP Committee could realistically produce, without compromising the effectiveness of the programs under the committee's jurisdiction. Though the conference report exceeds my initial agreement of $8.5 billion in savings with Chairman GREGG, I understand that Congress is a bicameral institution—and that compromise is required to reach a final agreement. This conference agreement assumes reconciled savings of $7 billion on higher education reforms, and $6.6 billion in savings from Pension Benefit Guaranty Corporation premium increases.

I want to assure my colleagues that I will do my best to produce a reconciliation bill that delivers on this very heavy lift—and I want to reiterate, this budget imposes a very heavy lift on the HELP Committee. As chairman of the HELP Committee, I am committed to reviewing and strengthening programs under HELP's jurisdiction to ensure they are cost effective, not duplicative, and that accountability is enforced in order to find responsible savings to reduce our deficit.

That being said, I will not report any legislation from the committee that is either detrimental to the government programs, or their constituencies under my jurisdiction or that I feel compromises the financial health of private industry—even if that means falling short of reaching the $13.6 billion reconciliation instruction. I will move the committee toward the end zone, but my first duty as chairman is to ''do no harm,'' even if that means possibly falling a few yards short on deficit reduction targets.

The two issues that the reconciliation process will require the committee to immediately address are higher education reauthorization and pension reform. During the reauthorization of the Higher Education Act, the HELP Committee will need to find $7 billion in savings to reduce the deficit. My staff has already begun working with the Congressional Budget Office to identify policy options to reach this goal.

We are working to identify additional savings by reforming student loan programs, so that these funds could be used to provide more assistance to enhance low and middle income learners' access to higher education. This is the cornerstone of my ''lifelong learning'' vision for the higher education reauthorization bill. The availability of quality education is critical for America's long-term competitiveness in the global economy. Congress has an important opportunity to meet these challenges head on with the reauthorization of the Higher Education Act.

The conference agreement also proposes $6.6 billion in reconciled savings associated with changes to the Pension Benefit Guaranty Corporation. I want to inform my colleagues that this is a 230 percent increase from the $2 billion in reconciled savings agreed to under the Senate-passed Resolution. Right now the PBGC has a deficit of $23 billion, and I agree with the administration and Chairman GREGG that reforms are needed to shore up its solvency. Pension reform falls under the jurisdiction of both the HELP and Finance Committees—and Chairman GRASSLEY and I are committed to restoring the financial stability of the defined benefit pension system. The solvency of the PBGC is a critical component of these reforms.

I am pleased that conferees agreed to $70 billion in reconciled tax cuts, and that tax relief remains a priority for congressional Republicans and the administration. I understand that some members wanted a larger tax cut, but this figure will allow Congress to keep in place tax relief that has produced almost 2 years of consecutive job gains. We need to keep the trend going.

The conference agreement will allow the Finance Committee to extend key provisions like the reduction in tax rates on capital gains and dividends, the increase in expensing for small business under Section 179 and the ability of individuals in states without income taxes to deduct their local and State sales tax from their Federal income tax liability.

The resolution also demonstrates a commitment to energy development in Wyoming and in the entire United States. It is the first step towards developing a comprehensive energy policy in the 109th Congress. The energy reserve fund and the reconciliation instructions for an energy tax incentives package will lay the footwork for a policy that will help our Nation meet its energy needs in a fiscally responsible manner. Specifically, I would like to reinforce my support for recognizing the importance of developing clean coal technologies, something that is vital for the economy of Wyoming. I look forward to working so that these technologies receive the funding necessary to become viable.

Also important to the coal miners in my State is an instruction to the Judiciary Committee to reconcile mandatory savings that could presumably be used to increase certain fees on consumers of explosives. Coal companies and other mining entities are large purchasers of these commercial explosives, and I urge the Judiciary Committee to avoid increasing fees on them, as it would hit my State disproportionately hard at a time when no one wants to see higher energy costs.

I again thank and congratulate Chairman GREGG and his staff for their leadership on this resolution.

I also thank Majority Leader FRIST and his staff for their help in moving this important conference agreement across the finish line.

Finally, I commend my fine staff who worked tirelessly on the resolution—Amy Angelier, Kara Calvert, Diann Howland, David Thompson, Beth Buehlmann, and my HELP Committee Staff Director, Katherine McGuire.

Mr. OBAMA. Mr. President, I rise to speak about the budget resolution. I think that the budget process is one of those issues that doesn't translate too well outside of Washington. Most Americans know it involves a lot of fighting over a lot of numbers, but other than that what goes on here is largely obscured from public view.

Sometimes I think that is why Washington gets away with passing a budget like this one.

See, a budget is fundamentally about choices—not just choosing where to allocate funding—but where to place our most important values and priorities. And there are no free lunches here either.

We must choose—do we want to run up our debt with tax cuts and give the bill to our children, or do we want to get our fiscal house back in order? Do we want to hand more corporate tax breaks to companies with record profits while handing our veterans higher health care bills, or do we want to keep our promise to those willing to sacrifice in defense of our freedom?

These are the very real choices a budget asks us to make. And they have equally real consequences on people's lives.

When we cut $10 billion from Medicaid, what does that say to the 53 million Americans—25 million of whom are children—who rely on this program as their only source of health care? The thousands of seniors and kids in Illinois who will be turned away from a doctor's office when they get sick because we chose to end their coverage, what does that say to those Americans?

When we cut out a proposal to increase Pell grants that will send more kids to college, what does that say to the 220,000 who didn't attend last year for the simple reason that they couldn't afford it? What does it say to our kids who will have to compete with kids in India and China for jobs when we cut out proposals to provide new math and science teachers?

When we cut $351 million in funding for veterans' nursing homes and eliminate $100 million in State grants for VA facilities, what does that say to the veterans who have sacrificed for this Nation but who cannot seem to get this Nation to sacrifice anything for them? What does it say to these veterans when we provide only around 100 new employees to deal with a backlog of 480,000 compensation and pension claims that haven't even been looked at yet? And what does it say to the men and women who are willing to fight and die for this country when we are not doing much about the nearly 300,000 veterans who go to sleep without a roof over their heads every single night? What does that say to them? What do we say to them?

Maybe we tell them that the budget process is complicated; that we are in some tough times and have tough decisions to make; that we are not happy about the choices, but we have a huge deficit and no money left to spend.

Or maybe we tell them that we couldn't afford to do anything about these important problems because we chose to give out over $100 billion in tax breaks. $100 billion on top of the trillions in tax cuts we have already given out most of which have gone to those few who already have so much.

These tax cuts have driven us into the deepest debt in America's history and squandered our opportunity to deal with Social Security, Medicare, Medicaid, and the true costs of the war in Iraq. And yet when we try to do something fiscally responsible like pass an amendment that forces Congress to pay as it goes, we get rejected by those who want to keep borrowing and spending.

Right now, there are millions of middle-class families who are deeply in debt and struggling to pay the bills. This body couldn't wait to pass a bankruptcy bill to make sure they paid every penny of that debt, and yet it has now maxed out the country's credit card many times over. What does this say to Americans about taking responsibility for themselves?

A budget is about choices, and I believe the choices we have made here are just plain wrong.

In this budget, we should be meeting our responsibilities to our fellow Americans while still paying down the debt so we can meet our responsibilities to our children too. It doesn't have to be either-or—we can do both as long as we get our priorities in order. Many of us—Democrats and Republicans—have been trying to do this during the budget process. Unfortunately, the final product does not reflect those efforts. In the future, I hope that both parties can find a way to come together and make sure that America's budget reflects Americans' priorities.

Mr. LEAHY. Mr. President, I am truly frustrated in the failure of the budget resolution conference agreement to include the sense-of-the-Senate provision—which I offered and the Senate accepted by voice vote—that is intended to head off the administration's plans to raid the Crime Victims Fund of over $1.2 billion.

The Crime Victims Fund was created under the Victims of Crime Act of 1984, VOCA, as a ''separate account,'' meaning that the revenues in the fund are intended to be used solely for financial support of victim services. The fund does not depend at all on taxpayer revenues; it is derived from Federal criminal fines, forfeitures, and special assessments. Since its inception, amounts deposited into the fund in a given fiscal year have remained available to support victim services in subsequent fiscal years.

Following a proposal in the President's budget, this budget resolution conference agreement would rescind all amounts remaining in the fund at the end of fiscal year 2006—an estimated $1.267 billion. That would leave the fund with a balance of zero going into fiscal year 2007 to support vital victim services.

This is absolutely shameful and unacceptable. The budget is a statement of our Nation's priorities and with this agreement we say to crime victims, ''Sorry, but your suffering is no longer our concern.'' We are telling crime victims—the victims of child sexual and physical abuse, domestic violence, sexual assault, robbery, assault, DUI/DWI crashes, elder abuse, adults molested as children, and the survivors of homicide victims—that their concerns and suffering do not rise to the level of being a national priority.

The provision that we included in the Senate-passed budget resolution expressed the sense of the Senate that we reject the proposed rescission. It assumes that all amounts that have been and will be deposited into the Crime Victims Fund, including all amounts to be deposited in fiscal year 2006 and thereafter, will remain in the fund for use as authorized by the Victims of Crime Act.

The Crime Victims Fund is the Nation's premier vehicle for the support of victims' services. Nearly 90 percent of the fund is used to award State crime victim compensation and victim assistance formula grants. VOCA-funded victim assistance programs serve nearly 4 million crime victims each year. VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The fund also serves victims of Federal crimes. VOCA funding supports victim assistance services provided by U.S. Attorneys Offices and the FBI, as well as the Federal victim notification system. It is used for child abuse prevention and treatment grants, and it is also used to provide emergency relief to victims of terrorism and mass violence.

Since fiscal year 2000, Congress has set a cap on annual fund obligations expressly for the purpose of ensuring ''that a stable level of funding will remain available for these programs in future years.'' The ''rainy day'' fund created by this spending cap has been used to make up the difference between annual deposits and distributions three times during the past 6 years.

When Congress began considering caps on fund obligations, I proposed and Congress enacted an amendment to the Victims of Crime Act to clarify our intent to stabilize and preserve the fund for the benefit of victims. The amendment, now codified at section 10601(c) of title 42, requires that '' . . . all sums deposited in the fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the fund for obligation in future fiscal years, without fiscal year limitation.'' Thus, in both the authorization and the appropriations processes, Congress has clearly and emphatically stated its intent to maintain a stable source of Federal support for essential victim services.

Over the past 4 years, the Bush administration and this Republican Congress have squandered record surpluses and racked up $7.6 trillion in Federal debt as a result of reckless spending and budget-busting tax cuts. Now the President and this budget resolution conference agreement propose to reduce the deficit by siphoning off resources that we set aside to assist victims of crime.

The entire crime victims' community—including the National Center for Victims of Crime, the National Network to End Domestic Violence, the National Organization for Parents of Murdered Children, the National Children's Alliance, and Mothers Against Drunk Driving—stands united in opposition to the proposed rescission. These organizations represent the millions of Americans who become victims of crime every year. They have argued that rescinding the fund at the end of fiscal year 2006 would create a ''disastrous'' situation for victim service providers and their clients.

My friend and colleague, Senator CRAPO, recently joined me to lead a bipartisan group of 29 senators on a letter to the Senate Appropriations Subcommittee on Commerce, Justice and Science requesting that they oppose proposals to rescind all amounts remaining in the fund at the end of fiscal year 2006. Each of those Senators recognized that we bear a responsibility to victims of crime; that it is appropriate that compensation come from convicted criminals and provided to the victim; and that it is entirely inappropriate to expunge this money from the fund and transfer it into the pot of appropriated taxpayer dollars. In the House, a letter with the identical request has 91 bipartisan cosigners. Clearly broad Congressional support for the preservation of the fund exists.

In every State and every community across the country, the Crime Victims Fund plays an essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. It is an embarrassment that this budget resolution agreement fails to preserve the fund—as we promised we would—for the benefit of victims.

The PRESIDING OFFICER (Mr. BURR). The Senator from Michigan is now recognized for 15 minutes.

Ms. STABENOW. Mr. President, I rise this evening to strongly oppose this budget resolution, and I do so regretfully as a Member of the Budget Committee. I appreciate the courtesies of our chairman. I also very much appreciate the leadership of our ranking member, who has been so articulate and so committed throughout this process to a responsible budget resolution.

The individual pages of this budget resolution contain a lot of numbers and complicated legislative language, but, taken as a whole, this budget resolution is our Nation's values document. It is about the values and priorities of the American people, our shared values and priorities.

This budget reflects the wrong values and the wrong priorities for our country. The guiding values in our country are responsibility, opportunity, community, and security.

This budget is not responsible. In fact, it is incredibly irresponsible. It contains the largest deficits in the history of our country. Think about that: the largest deficits in the history of our country. It will add $1.4 trillion to the national debt over the next 5 years.

This budget will force our children and our grandchildren to pay for the misplaced priorities of this President and this Congress. This is reckless, this is wrong, and it does not reflect real American values.

The idea of America is based on optimism, that tomorrow can be better than today. We all want our children to have it better than we did. We all want to leave them with a good economy, not a stagnant one saddled with a large national deficit. We want our children to have great jobs, not a great big debt.

Unfortunately, since 2001, this administration and the Republican majority have turned a surplus of $5.6 trillion, created under the Clinton administration, into a deficit of $5.2 trillion. Back in 2001, I was very pleased to be part of a bipartisan group of Senators, including Senator SNOWE and Senator BAYH, who urged our colleagues to put in place something that would prevent us from sliding into this massive debt. We warned our colleagues and the administration about the possibility that our $5.6 trillion projected surplus may not hold up if we enacted large tax breaks for our wealthiest Americans.

In order to prevent this from happening, Senator SNOWE and Senator BAYH and I offered an amendment that created a trigger to the 2001 budget resolution that would have prevented overspending on either tax cuts or new spending. Despite support from Federal Reserve Chairman Alan Greenspan and a few of our Republican colleagues, our trigger was rejected by the majority.

I might add that, in coming before our Budget Committee, Chairman Greenspan once again talked about some kind of a mechanism that would get us back into balance, something like a trigger that should have been put in place at the time.

Unfortunately, as a result of the administration's reckless economic policies, we now have the highest deficits in the history of the country. We are borrowing money at a record pace, much of it coming from countries such as China and Japan who now hold 50 percent or more of our foreign debt, which has implications economically for us in our ability to bring trade actions and hold them responsible for following the rules. That has implications in our national security policy.

The value of the dollar is weak overseas, and our economy is basically stagnant after record job losses in the last 4 years. Our manufacturing sector, quite literally, is in a depression in my home State of Michigan, despite hardworking businesses and individuals. These large budget deficits and the stagnant economy are ruining opportunity in our country—opportunity, one of the basic values on which America was founded.

Older workers are losing their jobs and their health insurance. Younger workers have less hope for employment in most of our traditional industries that pay well and provide health insurance and other benefits.

There is nothing worse than ruining the American dream for our children. We can do better than this. Unfortunately, this budget undermines our children's chances to succeed by taking away opportunity. This budget saddles them with a massive national debt and a bad economy. It cuts the very programs that help them succeed, such as education and job training and, I might add, over the objections of this Senate, where the majority of people voted against many of these education cuts before the resolution passed the Senate.

This final document underfunds our public schools. It eliminates critical student financial aid programs for college students. As most people know, the cost of a college education is soaring. Now is not the time to be cutting assistance. Now is the time to increase it.

This is about creating opportunity for our children to succeed in a new global economy where skills are more important than ever. I remember Chairman Greenspan coming again before our committee, and in his written statement he expressed great concern about the growing skills gap between those who now have skills and those who do not have the skills they need to compete.

This document does not invest in our future. It takes away opportunity rather than investing in opportunity. When the cost of a college education becomes out of reach for our families, it will be harder and harder for our children to contribute to our economy and live the American dream. That is what this is all about. It needs to be what it is all about, making sure we are making critical investments as an entity together, as a Congress, as a Federal Government, as we do in our own families making investments for the future, as a businessperson would do making investments for the future.

This budget also helps break up our country's sense of community. It does so by undermining the commitments we have made to our veterans, our seniors, as well as our farmers.

When our service men and women risk their lives overseas, we make a promise to them. We make a promise to them that, God willing, they will come back alive and we will provide them the quality health care they need and deserve. In essence, we are saying, as a country: Thank you for your service. We want to help you as you come back and resume a civilian life.

Unfortunately, this budget makes cuts in veterans health care programs. Unbelievably, at a time of war, when more and more people are coming home and changing one cap for another, this conference report does not provide the full funding for veterans health care. Even though more and more of our brave men and women are coming home with extensive medical needs, even though many veterans have to wait up to 6 months to get into certain hospital services, this budget still cuts veterans health care. I believe this is morally wrong.

This budget also makes cuts in Medicaid health care. The Medicaid Program not only provides health care for low-income working families, but the majority of our Medicaid spending goes to pay for long-term care for our seniors and people with disabilities. Again, we stood, a majority of us here in the Senate, and said no to that proposal

when it was in the Senate budget resolution. Now it comes back to us in final form, and we see billions of dollars eliminated from critical health care services.

Many people who are in long-term care facilities are seniors who worked hard their entire lives. They paid their taxes. They provided for their children. And now many of them are living out the twilight of their lives in nursing homes. They deserve to do this with dignity.

As my colleagues know, seniors are not eligible for long-term care under the Medicaid health program until they have spent down almost all of their assets. That means many of these seniors have already spent all of their savings and all of their retirement. They have sold their house, and every month they turn over most of their Social Security check to the nursing home. They are basically broke. All they are asking is to live out their lives in dignity, with the health care they need. We can do better than that.

We can do better than this resolution. These cuts in Medicaid health care jeopardize their nursing home care, especially when States already are faced with major budget problems, making it tougher for them to provide quality care for our seniors.

Right now in my State of Michigan, 26 percent of the budget is Medicaid health care, and now we are going to add more burden to the State and force more cuts in care. The cuts in Medicaid health care in this budget are devastating.

This budget also cuts assistance to our struggling family farmers, many of whom could be forced to give up their homes and their farms. Currently they are struggling with unfair foreign competition and low prices. So these cuts will only make their already bad situation worse. The American people know that farmers are the backbone of our rural economy. They are small town community leaders. They work hard every day and are simply trying to survive in today's harsh economic climate. I know because I grew up in one of those small towns in Clare, and many of my family members have been in farming. Family farmers need our support to help deal with unexpected low prices and natural disasters. Unfortunately, this budget will make it harder for them to pass down their farms to their sons and daughters who could someday become our next community leaders.

Breaking our promise to veterans, taking away health care for our low-income seniors and families, and additional hardships on family farmers who grow our Nation's food is not consistent with our real American values.

This budget also makes cuts in assistance to our first responders. I had an amendment, both in committee and on the floor, that would have stopped these cuts. Unfortunately, there was not the support to do it. But our first responders work hard every day protecting our families. Despite the 2-year-old bipartisan Rudman report that identified our Nation's substantial homeland security unmet needs, we continue to provide $15 billion less than what is needed to adequately defend our Nation with first responders. This is according to a bipartisan report. We are not doing what we need to do to support our police officers and firefighters and emergency responders to keep us safe. What sense does that make? What is the response in this budget? Decreasing funding for first responders. Again, what sense does that make? This makes our Nation less secure. This budget goes against our real American values—responsibility, opportunity, community, security.

Some of my friends on the other side of the aisle will downplay the size of the deficits and provide a myriad of statistics on why these deficits don't matter. But we need to make sure the American people know the reality of the deficits. The reality is that these deficits are massive. We are not going to balance the budget by cutting nondefense, nonhomeland domestic discretionary spending. In fact, only if we eliminated all of our domestic spending, every single penny, eliminating everything from the National Institutes of Health in health research, the Justice Department, all of our transportation spending, veterans health care, education, the list goes on and on, only if we eliminated every penny would we just barely be able to balance the budget. We would have to eliminate all of it except defense in order to balance the budget because the deficit is so huge.

Slashing critical investments in our future, in our American quality of life will not make a dent in the deficit, but at the same time it will take away our opportunities for the future for our children. We can do better than this budget resolution. Americans deserve better than this budget resolution.

I believe our budget should reflect our values and our priorities as a nation. When we do our household budget, we have to make tough decisions and forgo some things to balance the books. We all have to go through that in our daily lives. We do this because we don't want our children to have to pay for our debts. Parents across the country work hard to build up a nest egg for their children so they can have an opportunity to get a good education, the skills they need, and a start in life as adults with a great chance to succeed. That is what we all want for our children.

This budget does exactly the opposite of what we want for our children, for our parents, for our communities. It does nothing to close egregious tax loopholes or ask our wealthiest Americans to pay their fair share of the costs of wars in Iraq or Afghanistan. At the same time, it pushes all of our soaring debt onto the shoulders of our children and grandchildren. This doesn't represent who we are as Americans. We believe we should help make a better country for our children and grandchildren. Because of the reckless budget priorities of the last 4 years, our children and grandchildren will inherit massive debt, high interest rates, and a sluggish economy.

We can do better. We can move toward a balanced budget. We can make critical investments in the future—in opportunity, education, innovation, homeland security, health care. We balanced the budget in the 1990s. We can do it again if we work together. American families deserve better than this budget resolution. I urge a ''no'' vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes from our side.

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

Mrs. MURRAY. Mr. President, tonight families in my home State of Washington and across the country are concerned. They are concerned about the security of their jobs, their communities, access to affordable health care, and a quality education. Unfortunately, rather than inspiring confidence, the budget we will vote on tonight leaves too many Americans questioning their future. On issue after issue, this budget falls short of what our communities and our country need to move forward.

I have served on the Budget Committee for 12 years. I have served through recessions. I have served through economic expansion. I have served during periods of record surpluses and record deficits. I know what responsible budgets look like because I have worked with chairmen of both parties to create them. Unfortunately, the budget that is before us tonight, the Republican budget, fails to create jobs, improve security, and meet our country's needs.

I am particularly concerned that this budget agreement, of which I am a conference member, was reached behind closed doors with just one party in the room. The Republicans control Congress, but that does not mean that half the country has lost its voice or that the majority has carte blanche to make decisions that affect our families and communities across the country.

This is becoming an all-too-common tactic of this majority party today. We have seen it with the power grab that seeks to undermine the Constitution and minority rights on our judicial nominations. While simultaneously moving toward breaking Senate rules, the needs of the American people are being ignored by shortchanging them with a pathetic budget that fails to protect our Nation's priorities or to fulfill our commitment to our children, to our seniors, to our veterans.

One powerful example of how this power grab will hurt the most vulnerable is the billions of dollars this budget cuts from Medicaid. At a time when

my State of Washington and other States are struggling to meet their health care costs, we should not be in this Chamber playing games with a program that helps ensure coverage to our most vulnerable residents. The guarantee of health insurance that Medicaid provides is a solemn commitment.

In March, a bipartisan majority of the Senate voted to strike the President's dangerous cuts to Medicaid, and just yesterday the House of Representatives too said no to the cuts. But tonight, ignoring the wishes of the majority of Americans and ignoring the wishes of both Houses of Congress, here we are voting on a budget that includes those exact dangerous and shortsighted cuts. As more and more working families struggle to pay for health care without the benefit of insurance, Congress has a responsibility to protect safety nets like Medicaid, not tear them down.

Those cuts—and this budget—are both irresponsible and they are wrong.

This budget offers too little help for families in Washington State. My State has struggled over the past few years to get back on its feet. But this budget doesn't give Washington State families the support they deserve as they work hard to turn our economy around and build for the future.

People in Washington State deserve a real Federal commitment as they work to create jobs, provide health care, and improve security and transportation. On the issues important to my State, this budget comes up short.

Not only is this budget bad for Washington State, it is also bad for our country's economic future. As Senator CONRAD said so eloquently a short time ago, it lines up massive deficits for years to come. I have to say it is astonishing to me that so many people in the majority speak of the need for fiscal discipline. The rhetoric does not match the reality of this budget.

We are currently fighting a war in Iraq and in Afghanistan, and we are paying for it entirely out of deficit spending. We are paying for today's war on the backs of our children and grandchildren, when we should be doing it responsibly as part of this budget. That is only one of the many major spending initiatives this budget chooses to ignore in favor of keeping the consequences on generations to come.

Tonight, the President was on television talking about our grandchildren. The budget before us robs our grandchildren of an education, of health care, an economic future, and hands them a tremendous debt that they will be responsible for paying. I think that is the most fiscally irresponsible action we can take.

Sadly, this budget also shortchanges our veterans. My home State of Washington is home to 700,000 veterans. They rely on the services that were promised when they signed up. Washington State has also sent thousands of brave men and women to serve in Iraq and Afghanistan, and now a large group is returning home, including 4,000 members of the National Guard.

That is why I have tried twice in this budget process to increase funding for veterans health care services. And twice the Republicans have said no. I even tried adding funding for this in the supplemental because caring for our veterans is a cost of war. Again, the majority party turned their backs on them.

I am extremely disappointed that Republicans in the Senate have chosen to turn their backs on the men and women who fought for us, our veterans. By denying the crisis at the VA, they are ignoring our responsibilities to fully provide for the men and women who risk their lives for our freedom.

I have heard the Republicans say we can take care of the needs of our veterans through the appropriations process. I am going to tell you, in the budget that is before us today, there will be not enough money to take care of our veterans through the appropriations alone. They will be competing with our military bases and other critical needs for precious few funds.

Our veterans, our military, and our future recruits deserve better. We send these brave men and women overseas to fight for us. They should not have to fight for the health care they have earned when they return home.

Next, let me turn to education. This budget fails to provide the funding that was promised in the No Child Left Behind Act. This budget comes up short of what our local schools need to fulfill a promise we made to our children.

I am also very concerned that this budget drastically cuts student loan programs and programs which provide critical early intervention and preparation for students to help them graduate from high school and succeed in college. There can be no better investment than those, and our young people are robbed of that in this budget.

Finally, I turn to transportation. When we invest in transportation infrastructure, we create jobs and we create economic growth. In fact, it is estimated that for every $1 billion we spend on transportation infrastructure, we create over 47,000 good-paying, family-wage jobs. We know investing in our transportation priorities today will help us improve our quality of life and provide for future economic growth.

If this Congress truly cared about investing in jobs, we would be here tonight considering a budget that includes the funding necessary to invest in our roads, our highways, and our bridges across this country. Unfortunately, once again, this budget that we are looking at tonight does not provide for our national priorities or for future economic growth.

At the start of the President's second term, this administration promised to restore bipartisanship and they promised to reach across party lines to meet the challenges of governing. I have to tell you, as a member of the joint House-Senate conference committee, I come here to tell my colleagues that we were not invited to the table. We were told our presence wasn't necessary.

This partisan, backroom dealing spells disaster for the entire budget process. Adoption of this budget resolution is only the first step in the lengthy budget process. It is far too early for this process to break down. I am really disappointed in the decision to ignore many of the bipartisan amendments that were adopted in the Senate and, as a member of the Senate Appropriations Committee, I have to say I fear that this kind of partisan tone will make past budget battles on the floor seem mild.

We have heard a lot about fiscal responsibility throughout this budget process. Unfortunately, those lessons are ignored in this budget resolution before us tonight. We are ignoring our priorities and our responsibilities, and we are increasing our deficits.

Mr. President, I urge my colleagues to reject this budget agreement and sit here tonight and agree to work on a budget agreement that does invest in our future and pays off our debts from the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Washington, Mrs. MURRAY. She is one of the most valuable members of the Senate Budget Committee. She is thoughtful, she works extraordinarily hard, she is well informed, and she makes a real contribution to the committee. I thank her publicly for what she has done. I have found her to be an exceptional colleague.

The Senator from Colorado is seeking time. How much time would the Senator need?

Mr. SALAZAR. About 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from Colorado.

Mr. SALAZAR. Mr. President, thank you for the debate we are having on the floor of the Senate this evening. I rise in opposition to the conference report on the budget resolution.

This budget keeps mountains of debt on our children and fails to fund the priorities of our Nation from veterans to children, law enforcement, and rural America. It is a bad budget.

The first problem is that this budget heaps more debt on our children and grandchildren than ever before. Counting what the President wants to borrow to privatize Social Security, this budget will add an additional $600 billion in debt each year for the next 5 years. That is irresponsible. That will amount to over $3 trillion in additional debt—debt which is more and more funded by foreign central banks.

This mountain of red ink ought to alarm the Nation. It has alarmed Fed Chairman Alan Greenspan, who has been warning us to do something about

it, and other great Americans like Warren Buffet.

We also know that this budget turns our priorities upside down. We ought to fulfill our commitment to the men and women who have laid their lives on the line for this country. Yet this budget shortchanges our veterans by at least $1.6 billion.

The paltry increase in the veterans health care budget in this conference report will not even cover the cost of inflation. The VA says that increases in its payroll and prescription drug inflation alone will cost $1.4 billion. VA's costs are sure to rise higher than that due to the increasing number of injured and disabled veterans returning home from Iraq and Afghanistan and other increasing pressures on the system.

At a time when we ought to be standing up for the men and women who wear the uniform for our country, we are retreating from this Nation's basic commitment to our soldiers and to our veterans.

The budget does nothing to rescind the ban on new priority 8 veterans enrolling in the system. Since January 2003, when the VA announced suspension of enrollment of new priority 8 veterans, more than 192,000 veterans across this country—that is 192,000 veterans across this country—and 2,000 veterans in my State of Colorado have sought assistance from the VA and they have been turned away. That is absolutely unacceptable and un-American. We ought to remember the forgotten America.

We ought to remember rural America. The budget before us cuts $3 billion from agriculture. That is not remembering the forgotten America. A coalition of Republicans and Democrats added back funding for payment in lieu of taxes programs here in the Senate just a few weeks ago. That was an important amendment to the budget reconciliation measure. Rural counties across the West rely on PILT funding from any number of local priorities, from schools to roads.

The budget this Senate is now considering tells mayors and county commissioners across this country that we cannot afford to invest in them and to invest in America's rural communities. For all of us who are from the West, who live in States that have so many acres that are owned by the Federal Government, this is something that should alarm each and every one of us from the West.

We ought to fund public security. Yet this budget accepts the President's priority for law enforcement and homeland security, and in so doing, the Nation and Colorado will suffer.

The COPS Program has helped put over 1,200 additional officers on the streets in Colorado and, yes, we have done a good job in fighting crime. Yet the COPS Program, as presented in this budget, will not allow the hiring of single additional school resource officer in our State or in the Nation.

By reducing the funding for the COPS Methamphetamine Enforcement and Clean-up Program by 62 percent, this budget would cripple efforts by law enforcement agencies in Colorado to combat meth production and distribution and to remove and dispose of hazardous materials at clandestine methamphetamine labs around our State and around our country.

This budget calls for $215 million, or a 30-percent cut, to the Assistance to Firefighters Grant Program. In 2004, the Assistance to Firefighters Grant Program provided 54 grants in my own State of Colorado, totaling $4.6 million. That program assists rural, urban, and suburban fire departments to increase their effectiveness in firefighting operations, firefighter health and safety programs, new fire apparatus, emergency medical service programs, and fire prevention and safety programs in local departments.

Like the President's proposed budget, this budget calls for the complete elimination of funding for the Edward Byrne Memorial Justice Assistance Grant Program which last year consolidated the old Law Enforcement Block Grant Program and the Byrne Formula Program. Funding under this program has been available for law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and finally, planning, evaluation, and technology improvement programs. This funding has gone a long way toward strengthening the criminal justice system at the State and local levels, but it will be no more.

With regard to these important programs, the effects of this budget on my State are clear. In fiscal year 2004, Colorado received $7.4 million in Byrne grant funding. This budget for fiscal year 2006 eliminates that funding.

Colorado received over $1 million in funding under the Local Law Enforcement Block Grant Program in fiscal year 2004. Several cities received tens of thousands of dollars in needed assistance, including cities such as Denver, Colorado Springs, and Aurora, and 20 other localities in the Colorado Division of Criminal Justice received grants from this program. Colorado cities now will receive nothing under these programs.

We ought not to forget 9/11 and the heroic efforts of the men and women in law enforcement and first responders who responded on that day. Standing with our President and standing with law enforcement around this Nation, we ought to be investing in those personnel who are at the front line of defense for our homeland security.

Finally, we ought to fund health care and education. This budget directs the Senate and House to save $32 million from Medicaid and student loans. I am proud, in my family, each of my brothers and sisters are first-generation college graduates. That is part of the American dream that was made a reality for me. That education has been a success for my family, as it has been a success for generations around America. We got that education because our parents and our faith instilled in us the value of books and ideas. We also got that education because we were able to rely on Federal assistance to go to college.

The price of college increases each year at rates well above inflation. Even so, this budget cuts funding for higher education for the first time in 20 years. I repeat, this budget cuts funding for education for higher education for the first time in 20 years.

Budgets are difficult. Every family in this country knows that. Every family makes its choices on how to invest its resources. Growing up as I did, I understand we cannot have everything we want. In fact, there are too many families in this country that struggle simply for survival every day.

Spending is not restrained in this document. In fact, it has increased and with it so will the deficits. Most importantly, budgets are also a statement of what we believe and what we value.

Why is it that in each and every case in this budget the needy lose and the most powerful win?

Why is it that the neediest among us are not rewarded but punished?

Why is it that every tough decision is taken not in this document but forced onto our children and onto their children?

I can only think of one word to accurately describe the set of priorities outlined in this document. It is wrong, and I will vote against it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The minority controls 2 hours 12 minutes, and the majority controls 3 hours 18 minutes.

Mr. CONRAD. Mr. President, I will take just a few minutes. We have other speakers on the way. I ask the chairman, does he have somebody who wishes to speak?

Mr. GREGG. Mr. President, responding to the Senator's inquiry, Senator HUTCHISON is here, and I think she will be ready to go in 5 to 10 minutes.

Mr. CONRAD. Mr. President, I will take just a few minutes to go back to the central point because I want to make certain that none of our colleagues have missed it tonight, and that is the budget on which we are about to vote dramatically increases the debt of the United States. We have heard a lot of talk about concern for the deficit. We have heard a lot of talk about the deficit being cut in half over the next 5 years. We have heard a lot of talk about the concern of the exploding debt of the United States. It is very important for my colleagues to know what they are about to vote on because those who vote in favor of this budget

are voting to dramatically increase the debt of the United States just before the baby boomers begin to retire.

I do not think it can be fairly said that anybody who votes for this budget is fiscally conservative or even fiscally responsible.

Here is why I say that: Right now, the debt of the United States subject to limit is $8 trillion. Under this budget, each and every year, the debt of the United States is going to increase by more than $600 billion, building a wall of debt that is going to hang like a noose around the neck of every citizen of this country. The President is fond of saying it is the people's money, let us give it back to them. Well, it is also the people's debt. When the President says give the people's money back to them, the problem is there is no money to give back. The money is all gone. Instead, what we have is a sea of red ink.

Now, my colleagues do not have to take it from me. This is my chart. I stand by it. But this is not based on my projections or my numbers; this is based on pages 4 and 5 out of this conference report. Here it is. This is the conference report, and if anybody wonders what the effect of this budget is, all they have to do is look on pages 4 and 5. It is right there. What does it say? It says that every year the debt is going to go up by over $600 billion. It says this year $683 billion; next year $639 billion; the next year $606 billion; the next year $610 billion; the next year $605 billion. Where is the cutting of the deficit in half? The debt is going up every year by over $600 billion, and my colleagues say they are cutting the deficit in half over 5 years? Where is it?

These are not my numbers. These are their numbers. These are the numbers provided in this conference report, and it shows exactly where we are headed. If this is where my colleagues believe we ought to go, vote for this budget. If my colleagues believe we ought to add $3 trillion to the national debt, vote for this budget. If my colleagues believe we ought to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, vote for this budget. If my colleagues think these are the priorities of the American people, vote for this budget.

The Senator from Colorado.

Mr. SALAZAR. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SALAZAR. The Senator describes this mountain of debt that we are piling up in this Nation and the trillions of dollars never before done in the country in the way that is happening today and has been happening over the last several years and will happen under this budget. That mountain of red debt is debt that every citizen is going to be responsible for in just the way the Senator described and debt we are going to pass on to our children and a mortgage that we are going to create for our children.

When I hear people such as Warren Buffett talk about this mountain of debt and what it means to this country, I am concerned about what it means with respect to the future strong economy of our country and what it means in terms of the ownership of this debt by foreign countries.

Would the Senator from North Dakota, who has studied these issues and is distinguished on the budget of this country, please let the American people know what it is that this budget means for the future of America if we continue to pile up this debt at this unprecedented pace?

Mr. CONRAD. It is very clear what it means because, as I have indicated, according to their own budget documents, this budget, which they have advertised as one that is fiscally responsible, increases the debt each and every year by more than $600 billion. The thing that is quite stunning is here is what has happened to foreign holdings of U.S. debt just since 2001. According to this chart, it has gone up 97 percent. The truth is this chart is a little bit behind the times. Foreign holdings of our debt have gone up more than 100 percent in just 4 years. The result is we owe Japan over $700 billion. We owe China almost $200 billion. We owe the United Kingdom over $170 billion. We even owe the Caribbean banking centers over $100 billion. Who would ever have believed the powerful, mighty United States owes the Caribbean banking centers over $100 billion? Here we are borrowing money from the Caribbean banking centers. Why, we have even borrowed over $65 billion from South Korea. I have never heard of a country building its strength by borrowing from abroad. I have never heard of a great power that made itself mightier by borrowing hundreds of billions of dollars from countries all over the world.

No, this is not a way to strength. This is a way to weakness. This is a way to dependency on foreign central banks. What happens if all of a sudden they decide they are going to start diversifying out of dollar-denominated securities? Well, we all know what could happen. If they did not show up at the bond market options at the U.S. Treasury Department, if they decided not to show up next Tuesday, interest rates would have to go up dramatically. What would that mean? That would mean higher prices on every mortgage, every car loan, every student loan. Every business in America that has to borrow for its financing would be adversely affected. Our competitive position would be hurt, and American economic strength would be damaged. That is the risk that is being run by this reckless policy of deficits and debt.

Mr. JOHNSON. Will my colleague from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. JOHNSON. Do I understand the ranking member of the Budget Committee correctly to say that what this budget proposes to do is to make room for a massive tax cut for those making over $1 million per year—not just millionaires but people who make $1 million each and every year—at a cost of $32 billion in the coming decade, and that we are going to have to borrow the money to provide for those tax cuts? In order to give multimillionaires a tax cut, we are going to borrow the money from Japan and China and then leave middle-class taxpayers to pay the debt service for the rest of their lives, literally, to cover the cost of that borrowing? That is absolutely astonishing. Is that what the Senator suggests this budget recommends that our Nation do?

Mr. CONRAD. Well, that is the plan. That is what this budget calls for. In 2006, this budget accounts for tax cuts to those who earn on average over $1 million a year, and the tax cuts in the year 2006 alone for those earning over $1 million a year—the cost will be $32 billion for that 1 year alone, and every penny of it borrowed. Where are we borrowing it from? Much of it is being borrowed from Japan, China, and countries all over the world. Does anybody really think that is a good idea?

Mr. JOHNSON. If my friend will yield further, what is further astonishing about this is that budgets have to do with priorities, much as it does with a family budget. One has to decide can they go to Disney World if they cannot yet figure out how to pay for their groceries or their car payment. That is what families do across North and South Dakota and across this country.

To put this in some perspective, this is a $32 billion tax cut next year just for Americans who average $1 million in income. We are being told that there is not enough money to provide full funding for veterans health care. They need about $3 billion to $3.5 billion more next year, we are told by our veterans organizations, in order to honor the service of people who have put their lives on the line and to whom we owe our liberty and freedom, but we are told, no, we cannot afford the $3 billion, $3.5 billion for them, but there is $32 billion for these multimillionaires we are going to borrow.

We are being told in school districts all across my State of South Dakota that No Child Left Behind is going to be underfunded by about $12 billion this year. My school districts are struggling. They are releasing teachers and counselors. They do not know what they are going to do. Yet we do not have that $12 billion, but we have $32 billion for Americans making over $1 million a year. It seems to me that these priorities are standing America's values on its head. This does not make any sense to any South Dakotan, Republican or Democrat, in my State, that this would be our Nation's priorities. And then to borrow the money, to boot? This is breathtaking.

I appreciate the Budget Committee ranking member's elucidation of these

issues because the American public needs to understand what is going on in this Chamber this evening. I fear this budget is selling America down the river in terms of our future priorities and our future financial obligations.

When it comes to massive foreign borrowing, does this not even impinge on the very notion of American sovereignty? Are we going to be able to make trade, military, and diplomatic decisions in the future if we are in hock up to our eyeballs to foreign nations, in order to pay off debt to multimillionaires? Does that not have profound long-term consequences for America?

Mr. CONRAD. Let me say what is stunning to me.

Mr. GREGG. I was going to make a point that the Senator would be recognized at 9:30.

Mr. CONRAD. We got into a dialog. We will end that and then we can get back to Senator HUTCHISON, who has been waiting patiently.

What is a little hard to understand about this budget, we are borrowing money at record amounts, much of it from abroad, in part, so we can provide $32 billion next year in tax reductions for the wealthiest among us.

Not only are we doing that in this budget, this budget also contemplates every dime of Social Security surplus—about $160 billion a year and growing every year of the 5 years of this budget—that surplus from Social Security is being taken and used to pay for other things when the President is traveling all over the country saying Social Security is short of money.

Somehow none of this quite adds up. Social Security is short of money, so this budget takes $160 billion a year of Social Security money and uses it to pay for other things? And we are borrowing $32 billion a year to provide tax breaks for those earning over $1 million a year? And much of it we are borrowing from abroad on top of the 100 percent increase we have already seen in the last 4 years in foreign holdings of United States debt? Something is way off track.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this may take a further response—and I know the Senator from Texas wants to go forward—to make clear what the budget does with regard to tax policy. This budget does not do anything outside of a baseline for taxes other than make it possible to extend a series of tax incentives to working Americans that are going to last. These include the research and experimentation tax credit, the deduction for teachers' classroom expenses, deduction for qualified education expenses, deduction for State and local taxes, welfare-to-work credit, work opportunity tax credit, and making sure the alternative minimum tax does not pick up a lot of working Americans which that tax was not supposed to cover.

The representation that this budget has language which initiates tax cuts for other people, whether wealthy or not, is simply wrong. The baseline of the budget for the next 5 years assumes what present tax policy is.

If the other side of the aisle desires to introduce a bill or proposal which raises taxes outside of the present baseline, if they want to raise taxes on wealthy working Americans, if they want to raise taxes on small business, which is what makes up most of the high tax bracket income in our country, they are perfectly within their right to do so, but they should not represent that this budget does anything in that area other than continue the current baseline.

What this budget does in the tax policy area is allow the tax writing committees to extend tax credits and tax deductions that go to working Americans, such as classroom teachers, which are going to lapse and which I suspect a majority of this body would support. That is important.

On the issue of Social Security, there is no other place that Social Security surplus can be invested today than in the Federal Government activity. The Senator from North Dakota knows that. The only thing Social Security surpluses can be used for today is to buy bonds which the U.S. Government issues, and they obviously financed.

So this representation that is being used to finance the operation of the Government, in reciting that as some sort of terrible action, is a reflection of the way the law works. You can invest anywhere else. If you want to invest in something else, as the President suggested, you can put it into personal accounts and let the people invest in stocks or bonds through the Social Security Administration as proposed and give people a real asset that they own outside of Government bonds. That is what the President has suggested. That is what has been rejected by the other side.

They cannot have it both ways. They cannot on the one hand say the law as it works is inappropriate because it funds the Government, and on the other hand say Americans should not be allowed to invest in some sort of activity through the Social Security Administration which would give them private ownership. The policy is inconsistent.

I yield to the Senator from Texas such time as she may consume.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has yielded to the Senator from Texas.

Mr. GREGG. The Senator wants to respond to what I said, I take it?

Mr. CONRAD. Yes.

Mr. GREGG. Obviously, the Senator has been responding to what I have been saying now for 2 hours. I have worked in 30 seconds, and I think we ought to give the Senator from Texas an opportunity.

Mr. CONRAD. I am happy to do that. The Senator from Texas has been very patient. Let's allow her to proceed, I will take a few minutes, and we will go on with the other Members scheduled.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee, the Senator from New Hampshire, as well as the Senator from North Dakota. It has been a lively debate.

I rise to support this budget. The committee has done an outstanding job. I will talk about some parts of the budget and talk about what I hope we will see in appropriations, but in the main, this budget does exactly what the President asked us to do in that it achieves the goal of cutting deficits in half within 5 years from the level he projected in 2004.

I heard the distinguished Senator from South Dakota earlier lament this was a budget that was going to somehow add to the debt service of middle-income Americans. It appears to me it does the opposite; that, in fact, it will cut the deficits in half.

We are cutting the deficits in this country, while at the same time providing for the priorities in spending. We are providing, for the first time since I can remember, a contingency fund for the war on terrorism. The Senate voted in an overwhelming majority to include a contingency fund for the war. In the past, we have had supplementals; and we have seen what happens on supplementals. They become Christmas trees. We are trying to fund the war on Iraq and all of a sudden so many other things turn up as emergencies. This is what busts the budget.

The distinguished committee did, in fact, put aside a $50 billion contingency fund to cover the costs of operations in Iraq. Maybe we will not have to have a supplemental next year; or if we do, it will be later in the year and will be fiscally responsible.

This is a budget that continues to reduce taxes. Every time in the history of our country when we have reduced taxes in a major way, where it could be felt, it has not added to the deficit; it has, in fact, added revenue. We saw our economy start stabilizing when we passed the 15-percent tax on capital gains and dividends, which was a cut in that tax. This budget provides for $105 billion over 5 years in reduced taxes. It assures we have the stability in the Tax Code that lets people know in 2007 we are not going to have an increase in the taxes that have already been cut; that people can count on the 15-percent tax on dividends and capital gains, at least for the next 5 years.

This would also accommodate the sales tax deduction on the Federal income tax for those States that do not have a State income tax. There has been an inequity in the Tax Code for years, where if you have an income tax in your State, you can deduct that income tax from your Federal tax because you should not have to pay tax on taxes. But if you are a sales tax State, you do not have that same opportunity.

This bill will allow—although this bill does not mandate anything because that is a Finance Committee responsibility—the sales tax deduction to be continued.

The budget allows for continuation of the teacher classroom expenses deduction. We know teachers—every one of us in this country knows teachers—who take money out of their own pockets to buy pencils or tablets or Crayons or whatever it is they need in the classroom, or which their pupils need and cannot afford, to make sure they have the tools for teaching. We allow them to deduct from their taxes the money they put into the classroom. We will be able to extend that deduction in this budget. We will have the opportunity to give teachers who are not paid enough a token of appreciation for the job they do.

And finally, it ensures the AMT will not hit the middle class in our country.

In the big picture, this budget is a very good resolution. Thank heavens, we are going to have a budget this year, which we did not have last year, so we will be able to say: Here is what we are going to spend, and we will stick to that spending level.

I want to mention one area where the budget fell short from what the Senate wanted it to do, and that is in the area of the administration of justice function. This function is the area which funds the Border Patrol. The Senate passed $42 billion to cover the cost of more Border Patrol agents and other administration of justice functions. The conference report is $41 billion. It is $1 billion less.

Now, I want to lay down a marker here because it is essential that when this budget goes to the Appropriations Committee, the Appropriations Committee should set aside money for more Border Patrol agents than the 210 that were in the President's budget. This must be done so we can beef up our borders against illegal intruders.

This is not a matter of illegal aliens coming here to work, although that is a major issue in this country. It is a matter of national security. We have seen some very brave people sitting on the border of Arizona and Mexico in the last few weeks. I have to say, these people have shown a commitment and a caring that should be acknowledged in the Senate, that they would care enough to realize that 10,000 people, it is estimated, are coming across the border illegally into our country every day. We are short of Border Patrol agents, and they are going out there and sitting a quarter of a mile apart to try to monitor and tell the Border Patrol when they see illegal activity.

There has been no violence. But it has made a huge impact. It has made an impact on the number of illegal crossings. And it has certainly made an impact on this country to see that many people are volunteering their efforts to care about the integrity of the borders of our country.

But it is not those volunteers' responsibility. It is the responsibility of the U.S. Government to patrol our borders and to assure that Americans are safe from illegal intruders. We are not doing the job. We are not doing the job when the FBI Director tells a congressional committee that people from countries with ties to al-Qaida are crossing into the United States through the border with Mexico. It is a security threat, and it is a homeland security threat.

Now, I do believe the supplemental appropriations that is working its way through Congress right now is going to have some help in the Border Patrol area. I know the chairman of the Homeland Security Subcommittee, the Senator from New Hampshire, is very aware and has visited the border himself to see what the problems are. So I do have confidence that in the Appropriations Committee we will address this issue. And we must. We must control our borders at a time when we know we are in a war against terrorism.

Mr. President, 97 percent of the illegal intruders are coming in through the southwest border. But this is a national issue. These people do not stop in Texas and Arizona and California and New Mexico. They go all through our country. It is estimated by Time magazine that there are 15 million illegal people in our country, and it has been estimated that it is really even more, probably 20 million.

Since 2001, 1,300 agents have been added to the force. But this is not sufficient to patrol 6,900 miles of border between Canada and the United States and Mexico and the United States. The issue that has recently started being observed is the aliens from countries other than Mexico who are crossing the border through Mexico, and because of a lack of resources, we are forced to release them practically immediately. This again, I hope, is going to be addressed in the supplemental appropriations.

The Commissioner of U.S. Customs and Border Protection recently said:

> We do not have enough agents; we don't have enough technology to give us the security we need. We need more agents and we need to do a smarter and better job.

Two groups of Arab males were discovered by patrol guards from Wilcox, AZ. One field agent said:

> These guys didn't speak Spanish, and they were speaking to each other in Arabic. It's ridiculous that we don't take this more seriously. We're told not to say a thing to the media.

We must take this issue seriously. The agent is correct.

I believe that we can address this issue in appropriations, and I believe that with $41 billion in this account, which is in this budget today, we will be able to allocate the resources to increase the number of Border Patrol agents and to increase the number of detention facilities so we will not have to release the illegal intruders, the ''other than Mexicans.'' We can do it if we prioritize it. The reason I am speaking tonight is to say we must prioritize it. We must take this seriously. It is an issue for our whole country, and it is an issue we must take seriously. We have the funds to do it in this budget, but I want to make sure it is a priority.

The Budget Committee has done a very credible job. This Budget Committee has presented a budget that will cut the deficit, over 5 years, in half at the same time that we are funding the war. And we have a contingency so we will not have to do it through supplemental appropriations. I thank the committee for responding to the will of the Senate when we voted overwhelmingly that we did not want to fund the war with supplementals. Fifty billion dollars is exactly the right amount to have in a contingency. That is responsible budgeting.

I appreciate what the Budget Committee has done. They have addressed our priorities. They have cut back in nonpriority areas, and have cut back in discretionary spending. I hope that as we go into the appropriations process, we will remember the need for more Border Patrol agents and more detention facilities to address this critical issue for the security of our homeland. I believe we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, you just heard the Senator from Texas say this budget is going to cut the deficit in half over the next 5 years. I wish that were true. But it is not. Here are the numbers. These are not my numbers. These are the numbers that are in this document, pages 4 and 5. This is what they say is going to happen if this budget is passed. It says the debt is going to go up $683 billion the first year, $639 billion the second, $606 billion the third, $610 billion the fourth, and $605 billion the fifth. Where is the deficit getting cut in half?

The amount that is being added to the debt every year is over $600 billion each and every year. I don't see the difference between revenue and spending, that gap, being cut in half anywhere. No, this is not a budget that is cutting any deficits. This is a budget that is increasing deficits.

The Senator said if we cut taxes, we will get more revenue. I wish that were true. That would be great. Why don't we cut taxes 50 percent and balance the budget, if that is the case?

Here are the facts. Here is what happened to spending and revenue since 1980. The red line is the spending line. The green line is the revenue line. This is spending as a share of gross domestic product in the 1980s. It was up in the 22–23 percent range. Then, in the 1990s, we saw the spending as a share of GDP come down. Revenue went up. Deficits were eliminated.

Then we got a new President in 2001. Look what happened to the revenue. Taxes were cut. Did revenue go up? No. Revenue didn't go up. Revenue went

down. Revenue went down dramatically from the highest share of GDP before the tax cuts to the lowest share of GDP since 1959.

This notion that you cut taxes and the revenue goes up is a fanciful notion. It is a wonderful idea. If that really worked, let's go out and cut taxes 50 percent and balance the budget.

That isn't the way it works. If you cut taxes, you get less revenue. That is what has happened—not just a little less, but a lot less under the President's proposals, which have opened up this chasm of deficits and debt.

Earlier, I was pointing out the cost of the existing tax cuts in 2006, for those making over $1 million a year, is $32 billion. That is a fact. The cost of the existing tax cuts in 2006 alone, for those earning over $1 million, is $32 billion. That is in this budget. I wish it wasn't in this budget, but it is. That is a matter of priorities. From where are we getting this money? We are borrowing it because we are in deficit. The President says it is the people's money. Indeed, it is. And it is the people's debt. And this budget is exploding the people's debt.

On the question of Social Security, I have pointed out that over the next 10 years, under the President's plan, $2.5 trillion of payroll taxes used to fund Social Security are being diverted to pay for other things. The Senator from New Hampshire says you have no choice. That is the law. Yes, you have a choice. Absolutely, you have a choice. This budget is a choice. Of course, the choice we could make is to balance the rest of the budget and use this money for the purpose intended, which is either to pay down the debt or prepay the liability of the country. That is a choice we could make. That is a choice I have offered my colleagues repeatedly, to so-called lockbox Social Security funds so they are only used for Social Security. But that is not what this budget does. This budget takes trillions of dollars of payroll taxes and uses it to pay for other things. That is going to come back and haunt us.

The President says Social Security is short $3.7 trillion. His budget over the next 10 years takes $2.5 trillion of Social Security money and uses it to pay for other things. Is that making the situation better or worse? It is pretty clear to me; it is making it worse.

Now this idea some of our friends on the other side have gotten into their heads—I don't know where they got it—that if you cut taxes, you wind up with more revenue. Let's go back. Let's reality test. In 2001, the President said: Massive tax cuts. And he said: If you make these massive tax cuts, it will spur the economy, and we will be able to fund a massive defense buildup, and we will be able to protect Social Security and Medicare. And we will be able to have maximum paydown of the debt.

None of those things happened. Go back to 2001. We were presented with this span chart, possible outcomes of the deficit, this range of outcomes. And the midpoint was chosen as the most likely outcome.

My Republican colleagues said: KENT, don't you understand, when we have these big tax cuts, we will get more revenue, and you will be above the top end of this range of possible outcomes. You are way too conservative.

Look what happened. We had the tax cuts. The red line is what actually happened.

We are way below the range of possible outcomes. After we enacted the tax cuts, they were supposed to give us more revenue. It didn't work.

With that, I will yield 15 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for his leadership on this budget. When there was a break here and another Senator was speaking, I asked Senator CONRAD an obvious question: Have you ever seen a worse budget since you have been in Congress? His answer was no. Well, I have not either. I cannot remember a budget this bad.

When you take a look at the budget deficits of President Bush, and now his Republicans in Congress, it reminds me of a lot of baseball players who were on steroids and in denial. We are seeing these budget deficits mushroom, and the so-called fiscally conservative Republicans are ignoring it. We need to send out an all points bulletin by the Capitol Police to find out if there is one fiscal conservative left on the Republican side of the aisle because each year now under President Bush we have been digging this deficit hole deeper and deeper.

Sadly, the party that used to stand up and say, we want to balance the budget—in fact, amend the Constitution to do it—has now raced away from that value, that principle, and we find ourselves in a terrible predicament. We have a budget that does not accurately reflect the cost of the war in Iraq. It does not reflect the President's proposal to privatize Social Security. It doesn't reflect making permanent all the tax cuts. It doesn't reflect the cost overruns for the President's Medicare prescription drug program. It doesn't reflect the true cost of plugging this tax loophole problem called the alternative minimum tax.

Do you know what BusinessWeek Magazine said? BusinessWeek is not a liberal publication. They said of President Bush's budget that it has become a comedy routine.

Listen to what they said:

> It resembles Swiss cheese, and the holes are more interesting than the substance.

They understand that this budget doesn't reflect the true spending of America. We understand that if this budget is enacted—and I am sure my Republican colleagues will march lockstep to the well to vote for it—we are going to find ourselves in the deepest deficits in the history of the United States of America. The President and his party are making history with the deepest deficits in our history and the fact that they are calling for tax cuts in the midst of a war. Tax cuts in the middle of a war? No President has ever done that. This President does it and does not flinch.

We met in the Appropriations Committee this afternoon with an $81 billion supplemental emergency appropriation because you cannot add it in the real budget. It is not a real budget item; it is an emergency budget item, although we are going into our third year in Iraq. The emergency keeps coming every single year. They won't add it to the real budget because it makes the deficit look a lot worse. That is the reality. Yet, at the same time, as the Senator from North Dakota explains to us, we find ourselves in this deficit hole with the budget that doesn't tell the truth about spending in America.

This President wants to stand up and give tax breaks to the wealthiest people in America. Just next year, as the Senator from North Dakota pointed out, there are $32 billion in tax cuts for Americans making over a million dollars a year. Did you listen to the President tonight on television? He spoke to the American people. This is what he said: We need to index Social Security benefits in a way that will reduce Social Security payments for some and increase them for lower income people. I am not going to object to increasing payments for lower income people. I think that is a fair, just, moral thing to do. But when you take a close look at the President's proposal, it means if you are making the average income—$60,000, let's say, and that is not a lot of money, but an average income—when you retire, the President's Social Security benefit change will take over 40 percent of your benefits away. The President said these higher income people—making $60,000 a year under the President's definition—must be prepared to sacrifice.

The spirit of sacrifice. Where is that spirit of sacrifice when it comes to millionaires next year, millionaires to whom the President's tax cuts will give $32 billion more to spend. If you are making $60,000, you need a spirit of sacrifice; if you make a million dollars, have a tax cut. How about $32 billion worth of tax cuts.

Then look at what this budget cuts: $10 billion in Medicaid cuts that reduce final funding for health care. Today, the Governor of my State and the mayor of the largest city came to talk to us about Medicaid. They talked to us about what that meant. Medicaid, where I live, is a critical program. Medicaid for most States is essential. Two out of three people in nursing homes in America today rely on Medicaid to pay their bills so they can live there from month to month. Medicaid provides health care to children, pregnant women, seniors, and people with disabilities. The budget resolution cuts $10 billion out of Medicaid. We passed an amendment on the floor to restore

that money, and I am glad a few Republican Senators stepped up and said we have to, you cannot cut this program. This is for the neediest people in America and, on a bipartisan basis, we restored the money. Sadly, it disappeared when it came to the conference. The conference budget resolution has put $10 billion in cuts right back into the budget. That is unfortunate.

Medicaid funding covers 130,000 new children in Illinois and 135,000 new parents because we worked hard to make sure that more people had health insurance. This cut will endanger that kind of coverage. As I said, Medicaid, the largest insurer in Illinois, covers more than 2 million people. More than 40 percent of the births in my State are covered by Medicaid, and it provides health insurance to almost 1 out of every 3 kids in my State. That is where the President goes to cut, so that he can fund tax cuts for people making over a million dollars.

Senator OBAMA and I have a town meeting every Thursday morning for visitors from Illinois. The question came up this morning about this whole tax cut proposal. I said that I am reminded that when I was with the President last week in Springfield for the opening of the Abraham Lincoln Presidential Center, we were driving out of town in our motorcade and someone had made a homemade sign and put it up right near the airport. The President could not miss it; nobody could miss it. The sign said this: ''Whose taxes would Jesus cut?'' Interesting, isn't it? If we are going to have justice and compassion in America, how can we cut health insurance for children, health insurance for the elderly in nursing homes, and then turn around and give a tax cut to people making over a million dollars a year?

The President has cited in his budget his affection for community health centers. Yet grants for community health centers will be cut by this budget. We are going to see nursing homes impacted. Providers to Medicaid patients, whether they are hospitals, pharmacists, or doctors, are going to see dramatic cuts in what they receive.

When you get down to the other aspects of this budget that are troubling, I have mentioned to the Senator from North Dakota that we are eventually going to get it right between the eyes with this alternative minimum tax. This was enacted to make sure some of the wealthiest people in this country paid something in taxes, but it has gotten out of hand. It has reached the point where it is affecting more and more middle-income families. If we don't stop it, it is going to create a great economic hardship on these taxpayers. The AMT applied to 3.3 million people in 2004. That number is going to jump to 35 million by 2010.

This budget refuses to acknowledge the obvious. If we are going to have a fair Tax Code, we have to deal with it. Rather than cut taxes on those making over $200,000 and those making over a million dollars a year, this administration and the Republicans in Congress prefer to cut veterans health care, cut No Child Left Behind mandated programs, and cut the health care on which many families and people across America rely.

I believe we can do better. I believe we should be sensible, understanding that fighting a war, as we must—a war on terrorism and a war in Iraq and Afghanistan—requires reality in budgeting; that if we are going to do this, the thought of tax cuts for the wealthiest people in America is off the table.

We may not balance the budget this year because a war is expensive and because the economy is weak and because our gasoline prices do hurt economic growth. But we certainly can see ourselves moving forward if we had a sensible budget resolution. Sadly, this budget resolution does not meet that test.

It is unfortunate that what we are doing today means that more deficits will be heaped on those of previous years. It is hard to imagine that only 5 or 6 years ago, under the previous President, we were generating surpluses in our Treasury, Social Security was stronger, we had an economy moving forward, and sadly since then we have gone into the doldrums. Things are getting progressively worse and more expensive.

As the Senator from North Dakota has pointed out, the mortgage holders for America are Japan, China, and Korea, the OPEC nations, and Caribbean nations, as well as those in Taiwan, Korea, and places such as that. It means we are in debt to them more than our children are in debt to them and that their grip on the American economy will be tighter in this budget resolution.

We are still going to have an all-points bulletin to find a fiscal conservative on the Republican side of the aisle who will vote against this budget. I hope they come to their senses and understand we cannot build a strong nation by these misplaced priorities.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the fiscal year 2006 budget, a budget which does not represent our Nation's priorities. In addition, this budget piles debt upon debt and then passes it on to our children and grandchildren who will have to pay for this irresponsibility.

Perhaps more disturbing, this budget puts tax cuts for the wealthiest Americans ahead of the interests of working families.

Some of my colleagues have consistently talked about the need to curb and cut social programs in healthcare, job training, and community development. However, I want to highlight what these cuts actually mean to people. We should not hide behind titles and statistics. We ought to truly understand how this budget affects the lives of those who have trusted Congress with their well-being.

First and most importantly, this budget resolution cuts Medicaid by $10 billion. Medicaid provides a critical safety net for 53 million Americans including more than 6 million in California. It provides health and long-term care coverage for more individuals than any other program. For most individuals, it is the health insurer of last resort.

I find it ironic that next week is ''Cover the Uninsured Week,'' a week devoted to calling attention to the 45 million uninsured Americans, 20 percent of whom are children, and millions more who are under-insured. Because of this budget resolution, the number of uninsured Americans will increase.

To give a sense of the magnitude of the Medicaid program, consider that Medicaid now provides health care for 1 in every 5 children. It pays for one-third of all births in this country, almost 40 percent of all long-term care expenses, a sixth of all drug costs, and half of the States' mental health services. It also is the largest payer of services for AIDS patients.

And who is at risk in California under this budget resolution?

Children, pregnant mothers, poor elderly, blind and disabled communities, military families, our parents and grandparents in nursing homes, employees working in long-term care facilities, community hospitals, and community clinics and health centers.

And, that is not all. The community hospital structure in the State of California operates based on a delicate balance of funding streams. $10 billion in Medicaid cuts threatens that delicate balance and it will have a ripple effect on many sectors, not just community hospitals.

Public hospitals in California rely on Medicaid as their primary source of funding—sixty-five percent of their patients are either insured through Medicaid or have no health insurance.

Medicaid allows patients to access the health care services they need to stay healthy by providing chronic care management, immunizations, cancer screenings, and outpatient care. These are necessary to keep people from getting their health care in hospital emergency rooms where costs are exponentially higher.

This is coming at a time when our health care system has already faced major reductions. Seven emergency room departments in California have closed over the past 18 months. Six of the seven were in Los Angeles County. This is in large part due to the low Medicaid reimbursement rates and the high number of uninsured and uncompensated care costs.

Last February, the L.A. Times reported that UCLA Healthcare, the largest medical complex in the University of California system, would soon be eliminating about 400 full-time positions, and again, this is due to low Medicaid reimbursement rates and an unexpected increase in the number of

indigent patients seeking care at UCLA hospitals.

I fear this situation will only worsen under this budget resolution.

California already ranks dead last among States for Medicaid spending per recipient and I am told it would take more than $1 billion to lift California out of that position.

To make matters worse, California's Federal Medical Assistance Percentage, or FMAP, is at 50 percent. That is the lowest allowable percentage under Federal law.

This budget resolution does not only affect healthcare. In community development, which I personally understand from my experience as a mayor, this budget drastically cuts the Community Development Block Grant, CDBG, program. This program is vital for low-income families and individuals in more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities.

In the last budget, my home state of California received over $526 million in CDBG funds, accounting for 12.8 percent of the total $4.1 billion grant program.

Over the past 5 years, the diverse use of CDBG funds have allowed Los Angeles County to develop almost 9,000 affordable housing units, to create and preserve over 2,000 jobs, to remove over 32 million square feet of graffiti, and to provide loans and technical assistance to over 5,000 businesses among other programs.

This budget is risking over 90,000 jobs and reducing much-needed training for 80,000 people. Basically, it is cutting employment opportunities to motivated people who seek training and want to work. These people are asking for our help and we are shutting the door to their future.

In terms of small businesses, this budget resolution cuts financial assistance to small businesses, the engine of our economic future, which comprises over 90 percent of all businesses in California.

In housing, only half of the 80,000 promised vouchers for low-income families and individuals will be restored under the Section 8 voucher program. These housing vouchers are essential to providing approximately 2 million low-income families, senior citizens and people with disabilities with a safe and affordable place to live.

In sum, this budget asks those communities who are in desperate need of medical services, housing, economic development, and job training, to fund tax cuts for the wealthiest Americans, to pay for the war, and to take the brunt of our budget cuts. This budget resolution will disproportionately affect children, poor working families, the elderly and many others in California. I must object to a budget that protects $70 billion in tax cuts and mandates more than $10 million in needed services. I cannot in good conscience support a budget that continues to ask even more from those who are less able to give.

Mr. FEINGOLD. Mr. President, this resolution is the latest in a string of budgets that continue to set records for fiscal recklessness.

The test of any budget is the bottom line, and any civics teacher looking at the bottom line would have to give this budget an ''F.'' It continues to drive us deeper into the deficit ditch, with little hope that we will ever climb out of it, and it is just as revealing for what it does not include as for what it does.

This budget fails to include a single penny for the President's most important domestic priority, his plan to privatize Social Security. While I strongly oppose such a plan, if the President and congressional leadership are serious about pushing their plan to privatize Social Security, the very least they can do is pay for it.

This budget fails to provide for long-term reform of the alternative minimum tax, something on which there is widespread, bipartisan agreement. But here again, instead of ensuring that this clear priority can move ahead, this budget remains silent.

And perhaps most importantly, this budget fails to restore the common sense pay-go budget rule that helped restrain our collective fiscal appetites, and made us pay for what we wanted to do. That is such a simple, straightforward proposition pay for what you want. It's what every family has to do. It's how the Clinton-Gore administration and Congress finally balanced the Federal books during the 1990s.

We are already in a deep budget hole. The only way we are going to get out is to stop digging. But instead of getting back on track to reducing our deficits, and beginning to pay down our enormous government debt, this budget has Congress digging the hole even deeper.

This budget is deeply flawed in many other ways, but let me discuss just one, the use of expedited budget procedures to impose a controversial and environmentally reckless proposal to drill for oil in the Arctic National Wildlife Refuge. As I noted during the mark-up of the budget resolution in committee, this is a fight that we should have in open debate, not through the abusive use of the reconciliation process that itself relies on the most dubious of budget assumptions.

As one of our colleagues put it, we should not abuse the budget and the budget reconciliation process ''in order to be immune from unlimited debate.'' Allowing oil drilling in this wildlife refuge is an issue that is too important to the public to be passed like this. We should debate it in the open during an energy debate, not further degrade the already adulterated reconciliation process.

This budget aggravates our fiscal problems by adding to the already mountainous Federal debt. It fails to restore desperately needed budget discipline. It corrupts the reconciliation process, originally intended to facilitate deficit reduction, by using it to worsen the bottom line by expediting more unfunded tax cuts, and by using it to shield a controversial attack on an environmental treasure.

In short, this budget is a disaster. The Nation would be better off without any budget resolution than with this one.

Mr. LIEBERMAN. Mr. President, once again we are on the floor of the Senate facing the destructive proposal to drill for oil in the Arctic National Wildlife Refuge. Before the day is out, the Senate will be voting on a budget resolution that, if adopted, will open the way for this destructive action. I cannot support such a proposal, and, as a result, I cannot support the budget resolution. This is what happens when we attempt to make policy decisions—in this case a disastrous one—outside the normal process of deliberation and full, unlimited debate.

I serve on the Senate Environment and Public Works Committee, which has jurisdiction over wildlife refuges. Under the National Wildlife Refuge System Administration Act, the management of the National Wildlife Refuge System, it is the Secretary of the Interior acting—''through the United States Fish and Wildlife Service''—who is to administer refuge lands.

For nearly 30 years, the wisdom of that approach has been borne out in the form of a thriving network of refuges and wilderness areas. Today, however, the Senate, without full deliberation and unlimited debate, is prepared to ignore the true purposes of a wildlife refuge, and run roughshod over them through a back-door budget-process maneuver.

This is clearly the wrong way to make this decision and the wrong decision to make.

Two months ago, more than 1,000 leading U.S. and Canadian scientists called on President Bush to protect the Arctic National Wildlife Refuge from oil drilling. In their letter to the President, dated February 14, 2005, the scientists questioned assertions that oil could be safely extracted from the Refuge and urged President Bush to ''support permanent protection of the coastal plain's significant wildlife and wilderness values.''

The scientists said oil development could seriously harm caribou, polar bears, muskoxen and snow geese—among other wildlife. They warned it could disrupt the fragile ecosystem of the coastal plain, which they said could lead to even more widespread injury to wildlife and its habitat.

The signers categorically rejected the notion that the impacts of drilling could be confined to a limited footprint, as pro-drilling forces claim, noting that the effects of oil wells, pipelines, roads, airports, housing facilities, processing plants, gravel mines, air pollution, industrial noise, seismic exploration and exploratory drilling would radiate across the entire coastal plain of the Arctic Refuge. What they said adds up to the obvious—that, by definition, opening up the refuge for oil

drilling will be the end of the Arctic National Wildlife Refuge as true wilderness.

The scientists who signed the letter are experts in the fields of ecology, wildlife, and conservation biology, natural resources management and cultural anthropology. They include Edward O. Wilson, winner of the National Medal of Science and two Pulitzer Prizes for his landmark books on social biology, and Anne Ehrlich, who is a well known biologist from my home State.

Hundreds of scientists are telling us that throwing the Arctic National Wildlife Refuge open to oil companies will harm wildlife and permanently disrupt the wild nature of this unique place. It simply does not make sense to destroy the Arctic refuge for oil that will not lower prices and will not make a noticeable dent in our dependency on foreign energy.

In particular, according to even the most optimistic projections of the Bush administration's own experts, Arctic refuge oil will only reduce our dependence on oil imports from 62 percent to 60 percent, 10 years from now. Clearly, that falls short of the type of impact needed to influence the price of oil on the world market. The numbers I just cited were projected in 2003, before the current steep climb in oil prices. They are the latest we have, and I doubt that the point changes—that the impact on our country's oil imports would be minimal even with the most optimistic view of Arctic oil. In fact, the recent jump in oil prices makes an even more important point—that drilling the Arctic refuge is a hunt for fool's gold; not only would it do little to change the flow of oil imports into our economy, but it would dangerously distract us from the real challenge our Nation—faces and the real solution our Nation needs—turning away altogether from our rampant usage of oil.

These arguments are well known and well understood. That is why the majority of the Nation opposes this drilling plan and why there are not the votes to authorize drilling were we to follow our regular way of doing our business.

But since there are not close to the votes in this Chamber needed to authorize drilling where the debate belongs—in the Energy bill—we are being forced to debate it in the context of the budget.

Is there anyone in this Chamber who believes that the purpose of this provision is to generate revenue for the budget? That in the context of a $2.6 trillion dollar budget, we must force the opening of a wildlife refuge to get an essential $2 billion of revenue? Of course not!

The real purpose of this provision is to frustrate the rules of the Senate—rules that not only protect the minority but also the very process of judicious deliberation—in order to jam through a provision through reconciliation that its proponents have been unable to pass for years. The generation of revenue? Merely incidental to that purpose.

Mr. President, I therefore ask my colleagues to look not just at the substance of this issue—on which the merits are clear—but to the policy principle at stake. If the procedural sleight of hand in this measure can stymie open and unlimited debate, where will we be drilling next? What other areas can we open for drilling, and incidentally gain revenue from, through the budget? The Great Lakes? The areas off of our coasts?

And what other measures, all across the substantive spectrum, could now be free from unlimited debate? Just ask yourself, how many provisions out there have been debated that incidentally generate revenue or incidentally reduce outlays? Are they all now to be free from unlimited debate?

As we all know, this institution's historic commitment to open and unlimited debate could soon be besieged on another front. Has the mere prospect of this already made us so cavalier about the Senate's long hallowed rule of law for itself?

Early last month, the senior Senator from West Virginia, Mr. BYRD, spoke so eloquently about the need to protect open debate and about the extent to which the Senate honors this tradition. Of course, our practice of open debate goes back to the very way in which our Founders and Framers conceived of the Senate. I have heard the Senator from West Virginia say, and have been moved by it, that the rule of unlimited debate is there to protect the Nation and its values from falling to the passions of the moment that destroy something timeless. I cannot think of a better example of that need than this, where we are threatened with the loss of an irretrievable piece of our natural heritage.

As we consider how to vote on this resolution, I suggest to my colleagues that this is not a time to ignore the basic conservative values of our country that teach us we ought not to look at every available natural resource area in our country as a place to exploit. Our values are stronger than that and longer term than that. Nature, after all, reminds us of our humanity, and provides us with transcendent moments—for tranquility and for gratitude for God's Creation. And that is what conservation and the battle over this provision are all about.

Today's vote asks us to decide whether we truly value, and will stand firm to protect, this great country's natural legacy. One hundred years ago, the great Republican President Teddy Roosevelt first showed us the way to do this, and acting in his spirit, President Eisenhower brought that protection to the Arctic range. Do we join them in valuing this land and protecting it or are we going to break ranks with those two great presidents and desecrate it, diminish it, change it forever for a small amount of oil? Is that really what our energy policy should be about? Does it really offer us any hope of more energy independence which we strive for? The answer of course is, no. It is not worth it.

The mark of greatness in a generation is not just the opportunities it builds for itself, but in the resources it creates and leaves for its children. Not least are wilderness resources.

I urge my colleagues to vote down this conference report.

Mrs. BOXER. Mr. President, I oppose this budget and will vote against it. All of my colleagues should. It sets the wrong priorities. It breaks promises to the American people. And it is the height of fiscal irresponsibility.

Let me begin with the priorities. The priorities of the American people are not the priorities of this budget.

It is quite clear what the priorities of this budget are: tax cuts for the wealthy. In just one year, this budget provides a tax cut for millionaires totaling $32 billion.

Meanwhile, education funding is cut almost $1 billion below the services we are providing now. A total of 48 education programs are eliminated. The promise that was made in the No Child Left Behind Act is broken by $12 billion. We should be increasing our commitment to our children, not cutting it.

Veterans programs—for those brave men and women who served our country and are currently serving our country in Iraq and Afghanistan—are cut $500 million. As more and more veterans return to this country, the demands on the VA system will only grow. This budget ignores them.

This budget provides no funding for additional police officers on the street, and two major programs to help local law enforcement are eliminated.

Medicaid—the health care program for the poor and disabled, a large portion of whom are children—is cut $10 billion.

Funding for the Centers for Disease Control—to prevent diseases and to fight outbreaks—is cut 9 percent.

The promise we made to our farmers in 2002 is broken with cuts of $3 billion.

What is going on here? Our children, our veterans, the safety of our streets, and the health of our people—all are taking a back seat to tax cuts for millionaires. This budget helps the wealthiest 1 percent of Americans at the expense of 99 percent of Americans.

You would think that with all of these cuts in spending for important programs, at least the budget would be balanced—or at least would be more fiscally responsible than it has been in the past 4 years.

You would be wrong. This budget increases our debt by $3.1 trillion over the next 5 years. In 2010, the Federal debt will be over $11 trillion.

That figure is so high, it is nearly incomprehensible. So let me put it another way: $11 trillion is $1 million every day for 30,000 years.

And 11 trillion in debt is not the whole story. This budget does not include the almost $400 billion in costs for the wars in Iraq and Afghanistan. This budget does not include over $700 billion in costs for the President's plan to privatize Social Security. This budget does not include over $700 billion to ensure that middle-class Americans are not hit with the alternative minimum tax.

Why aren't these included? Because it would mean even more debt. Debt upon debt upon debt upon debt. And most of it owed to those from foreign countries. We are borrowing from the Japanese, the Chinese, the British, and others—and sticking the bill to our children and grandchildren.

And speaking of the President's plan to privatize Social Security, I find it ironic that the President again tonight tried to scare the American people by saying that Social Security was going ''bankrupt,'' when at the same time, this budget steals $2.5 trillion over 10 years from the Social Security Trust Fund. Instead of tax cuts for millionaires, we should be paying back the Trust Fund.

Finally, this budget sets the stage for opening up the Arctic National Wildlife Refuge to oil drilling. It has nothing to do with the budget. It has nothing to do with increasing our energy independence. It has everything to do with destroying one of America's most environmentally pristine areas.

This budget has the wrong priorities, bankrupts our country, and destroys our environment. It should be soundly and overwhelmingly rejected.

Mr. BAUCUS. Mr. President, I rise today to oppose the conference report on the budget resolution. This budget moves the country in the wrong direction. This budget resolution would worsen our fiscal situation.

This budget resolution would increase Federal budget deficits rather than decrease them. On its face, this budget resolution would add $168 billion to Federal deficits and almost $1.5 trillion to Federal debt held by the public over the next 5 years. This includes $70 billion in reconciled tax cuts over 5 years that are completely unpaid for, and an additional $36 billion of unreconciled tax cuts over 5 years that are not paid for either. All of these additions to the deficit and debt held by the public are disconcerting on their own.

But that is not the full story. This resolution leaves out enormous budgetary costs in order to make the budget picture look rosier than it is. It provides no money to fix the alternative minimum tax. It assumes levels of nondefense discretionary spending for the next 5 years that are unrealistically way too low. It also leaves out funding that will undoubtedly be needed for our efforts in Iraq, Afghanistan and the war on terror. Furthermore, the budget resolution includes cuts in spending that are targeted to the wrong policy areas: toward low-income families, vital safety net programs, farmers, and ranchers. If the three omitted items were presented honestly, and the wrongly targeted spending cuts were removed, the resolution would increase deficits and debt held by the public by much larger amounts over the next 5 years than it does on its face. And I would hasten to add that not a dime of the nearly $750 billion for the President's Social Security privatization proposal over the next 10 years is included in this budget resolution. Not to mention the trillions of dollars this proposal would cost in later years.

I am particularly disappointed to see that the conference committee includes a reconciliation instruction to the Finance Committee to cut spending in our jurisdiction. Senator GREGG's budget included $15 billion in Medicaid cuts over 5 years. The successful amendment offered by Senators SMITH and BINGAMAN reduced the Medicaid cut to zero. But now, the cut is back up to $10 billion.

There is widespread agreement that Medicaid should not be subject to arbitrary budget cuts. A majority of the Senate voted for the Smith-Bingaman amendment. An overwhelming majority of the House, 348 Members, voted Tuesday to adopt a motion instructing budget conferees not to cut Medicaid.

Four out of five Americans also believe that cutting Medicaid is a bad idea. The Governors are also united in their opposition to having a budget number drive policy in Medicaid reform. And more than 135 advocacy and provider groups have urged Congress to reject the cuts.

But despite the chorus of opposition to cuts in Medicaid, the budget resolution reinstates $10 billion.

Now, some say that the Medicaid number is less than $10 billion, because cuts can be made from other programs within the Finance Committee's jurisdiction. I fail to see how $10 billion represents a victory.

Cuts to important programs like TANF will affect vital work supports, like child care, for low-income working families who are struggling to make ends meet. And I understand that some on the House side are looking to the EITC for additional cuts. Another important program, and cuts here would essentially mean tax increases for hard-working Americans.

Some claim that the cuts to Medicaid are ''small'' and represent less than 1 percent cut in spending growth over 5 years.

But $10 billion over 5 years probably means that, over 10 years, the cuts range from $25 to $35 billion. That is close to the $39 billion that Congress allocated to coverage for millions of uninsured children during the 10 year lifetime of the Child Health Insurance Program.

And it is impossible to ignore that this $10 billion in cuts represents nearly one-third of the total spending cuts in this budget, putting this burden on our nation's poorest and most vulnerable Americans.

Let's not kid ourselves into thinking that the cuts are minimal or that they won't have an effect.

These cuts would tear the fabric of our Nation's safety net at a time when Medicaid is needed more than ever. They would increase the number of uninsured Americans at a time when we should be working on ways to cover more people not making the problem worse.

When the budget was being debated back in March, I said that it made more sense to establish a bipartisan Medicaid commission like the one recommended in the Smith-Bingaman bill than to have the budget cuts drive our policy discussion on Medicaid. The Smith-Bingaman amendment struck the cuts and recommended a bipartisan commission to study the program and advise Congress on how we can improve and sustain Medicaid well into the future. The majority of the Senate agreed with this approach and we struck the Medicaid cuts from the budget.

Now we are voting on a final budget that appears to promise both cuts and a Medicaid commission. While I do not believe this is the right approach, to the extent that we are considering a Medicaid commission, it must be credible to have any value in this debate.

To be credible, any commission should be independent, bipartisan, and comprised of experts who truly understand Medicaid and its role in our health care system. The scope of the commission's work should be broadly focused on maintaining Medicaid's viability over the long term and should not be limited just to considering cuts to the program. And the commission must be given a reasonable time to consider these weighty matters and should not be rushed. The commission must be above the fray of partisan politics, but it must be responsive to the voices of the many stakeholders affected by this critical program. A commission that does not meet this standard will not have our Nation's trust, and its findings will not carry weight in the halls of Congress.

I want to commend my colleague Senator SMITH for his efforts to ensure the Medicaid commission is fair. I agree with Senator SMITH's view that having an independent research institution, such as the Institute of Medicine, oversee the commission would be a good approach to ensure a fair and balanced outcome. But any commission must look at the whole picture with Medicaid—a short-term focus on cuts is not the right approach.

Reforming Medicaid is an important debate to have. But the debate should be driven by policy, not an arbitrary budget target. Medicaid deserves its own policy debate, just as we did with Medicare.

These cuts are short-sighted.

I predict that Medicare, including changes to the new Medicare law, will be on the table if this budget passes.

We should not be penny wise and pound foolish when it comes to Medicaid—America's most vulnerable citizens deserve better from us.

And we should not be adding to our already large Federal deficits and debt.

That is why I will oppose this budget resolution. And I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, this budget reflects the wrong priorities for America. It is way out of touch with working families in Michigan and across the United States. It does not reflect their needs and goals, such as improved education and increased access to health care, but it burdens them with increasing debt. At the same time, this budget continues to cut taxes mainly for the wealthiest Americans at the expense of our nation's fiscal health.

Fundamentally, this budget continues this administration's policies that have led to the deepest deficit and debt in American history. For that reason alone it should be defeated. This administration's policies have taken us from record surpluses to record deficits. The deficit for this year alone is $427 billion. This budget would increase the deficit next year.

Continued deficits will mean rising long-term interest rates and slower economic growth. Continued deficits will make it more expensive to buy a house, pay for college, or pay off credit card debt. Alan Greenspan recently warned that, if left unchecked, deficits ''would cause the economy to stagnate or worse.'' Continued deficits will also mean the continued use of the Social Security trust fund to cover some of the funding shortfall.

The President's tax cuts are a major cause of the deficits, yet this resolution would add $70 billion more in tax breaks. Three-quarters of those tax breaks are for the wealthiest 3 percent of Americans, who are earning more than $200,000 a year.

Not only is this budget fiscally reckless, it is dishonest. Republicans claim the budget would cut the deficit in half over the next 5 years, but they simply leave out several major expenses, including the essential cost of the wars in Iraq and Afghanistan; the cost of the personnel added to the Army and Marines; and the cost of reforming the Alternative Minimum Tax which otherwise would increase the burden on middle income families.

To conceal further the damage it does to the Nation's fiscal outlook, this budget uses 5-year projections instead of the customary 10-year numbers. Hidden just beyond the 5-year budget window is the exploding cost of the tax cuts and their growing effect on the deficit.

To return to the path of fiscal discipline, we need to reinstate ''pay-as-you-go'' rules that would require both entitlement spending increases and tax cuts to be fully paid for or face a 60-vote point of order in the Senate. The ''pay-as-you-go'' rules were successful in the 1990s and would be successful again in restraining the deficit without unduly harming critical public services. The majority has opposed reinstating these rules because they don't want to be forced to pay for new tax cuts.

The budget plan that is before the Congress is a huge missed opportunity. We could be debating a budget today that addresses our Nation's most pressing problems, such as the loss of millions of manufacturing jobs, inadequate education, and the 45 million Americans without health insurance.

Instead, this budget makes some problems worse. In the Senate-passed budget resolution, we were able to defeat proposed cuts to Medicaid, and cuts to the health care program for millions of children, pregnant women, elderly and the disabled. However, this conference report still proposes $10 billion in Medicaid cuts over the next 5 years. It is unconscionable for this administration and this Congress to pay for tax cuts for the wealthiest Americans by cutting health care for the most vulnerable Americans.

This budget also weakens environmental protection by providing for drilling in the Arctic National Wildlife Refuge. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages our protected lands.

In summary, this budget gives massive and fiscally irresponsible tax cuts mainly to the wealthiest Americans while failing to address our real needs. Instead of investing in America, this budget indebts America for years to come. These are the wrong priorities for America, and I cannot support this budget.

Mr. CORZINE. Mr. President, I am disappointed by the budget resolution before us here today.

I am disappointed, but I can't say I am surprised, given the track record of this President and the Republican leadership in Congress.

The process of developing a budget each year provides an opportunity to take stock of our priorities as a Nation.

The President outlines his priorities through his budget, but it is the Congress, with its control of the purse strings, that is ultimately charged with the responsibility of fashioning and enacting legislation.

Regrettably, the priorities reflected in this budget resolution—which mirror those in the administration's budget proposal—are wrong for America and certainly wrong for the people of New Jersey.

In New Jersey, we are particularly sensitive to the choices made by this administration and its allies in Congress, since we provide the greatest contribution of taxes paid relative to what we get back from the Federal Government. Our return on the Federal dollar has fallen from 70 cents to a meager 57 cents under the Bush administration. This budget will only further increase the strain on New Jersey's citizens, especially our most vulnerable: our children, our disabled, and our seniors.

Put plainly, this budget is not about lowering the deficit or making shared sacrifices or addressing the needs we have as a society. It's about making room for more tax breaks for the most fortunate—and it's not even successful at doing that.

How do we, as legislators, look hard-working Americans in the eye and tell them honestly that we can't afford $10 billion for Medicaid, but we can afford $204 billion in tax breaks for the most well-off over the next 5 years? That's how much the president's tax cuts, under this budget, would provide for those with incomes greater than $1 million.

How do I tell parents in New Jersey that the President and the leaders of his party in Congress don't believe we can afford $4.8 billion for education next year, but they do believe we can afford more than 6 times that amount in tax breaks for those making more than $1 million?

What parent thinks education needs a cut? Or first responders? Or community development? Or veterans?

How do I tell the 82,000 commuters who ride New Jersey Transit trains every day or the commuters who ride SEPTA or the millions who rely on Amtrak that the Federal Government would rather pay for tax cuts for the most fortunate than for the infrastructure that literally takes our Nation to work in the morning and brings them home to their families at night?

This choice simply does not reflect our Nation's fundamental values. I don't think it reflects the values of even those benefiting most from it. Nor does it address the real needs of working families in New Jersey and across America.

That reality includes rising health care costs that are driving families into bankruptcy as never before and preventing businesses from creating jobs. It includes growing wage disparity and a labor market that's stayed weaker for longer coming out of a recession than any other time on record.

According to the Tax Policy Center of the Urban Institute and the Brookings Institution, more than 70 percent of the benefits of the President's tax breaks enacted in 2001 and 2003 go to the 20 percent of taxpayers with the highest incomes. More than 25 percent of the tax-cut benefits go to the top 1 percent.

The tradeoff being proposed could not be clearer. The programs this budget proposes to cut are merely a drop in the bucket compared to the cost of the tax cuts.

No amount of spin can obscure the numbers.

Let's remember the context. Since President Bush took office, the Federal budget deficit has deteriorated every

year. This year, we are expected to be $427 billion in the hole.

In all, the Bush administration has reduced Federal revenues to their lowest level as a share of the economy since the 1950's. As a consequence, we no longer have the resources to deal with the Nation's priorities.

In light of this record, President Bush and his Congressional allies' recent claims of fiscal responsibility simply are not credible. This budget makes those claims even less credible by achieving much of its purported ''cost savings'' by passing the buck to State and local governments.

Lowering the numbers here in Washington is not the same thing as fiscal discipline if this is simply an exercise in shifting cost burdens to States and communities. That is hardly a plus for the American people—and certainly not for New Jersey.

Our States are already stretched too thin. In New Jersey, we have a budget shortfall of $4 billion to $5 billion and annual property tax increases of 7 percent. Much of the reality for States in budget and tax policy has been the result of cost burdens and unfunded mandates passed down from this administration and its allies in Congress.

We have heard claims from the other side that their tax cuts for the most fortunate are somehow responsible for providing a boost to our economy.

But as any serious-minded economist not on the Republican payroll will tell you, the real story of our modest growth has been the longest sustained monetary expansion on record by the Federal Reserve.

Claims that the tax cuts are responsible for significant economic growth are reminiscent of a rooster taking credit for the sun coming up.

The more noticeable result of the tax cuts has been an explosion in our Nation's debt, starting with the $1.8 trillion cost over 10 years of making the cuts permanent. If we continue along the path set by this administration, by 2015, each family's share of the national debt will be $73,563. This is simply unacceptable.

I hope that we take a long, hard look at the priorities our Nation has followed under this President because, in my view, those priorities need major changes.

As I said earlier, I am disappointed that the majority party in Congress has chosen to embrace these priorities. That is why I cannot support their budget.

Mr. KERRY. Mr. President, the federal budget should be a reflection of American values. It should be an honest document, it should be responsible, and it should create opportunity. This budget fails that test. It is dishonest because it ignores significant funding obligations. It is irresponsible because it greatly increases our national debt and ignores pressing needs. And it fails to invest in our future and create opportunity for all Americans.

Using an accounting trick that would land a CPA in jail, this budget ignores billions of dollars that the Nation must spend in the coming years. It excludes the cost of ongoing military operations in Iraq and Afghanistan, which may amount to almost $400 billion over the next 10 years. It excludes the cost of the President's Social Security privatization plan, which would cost more than $750 billion over the next 10 years. It excludes the $600 billion it will cost to repeal the alternative minimum tax over the next ten years. It even excludes the interest on the debt. And yet, the Republican leadership continues to mislead the American people by telling them that this budget will cut the deficit by half.

The budget significantly increases our national debt. If you include the expenditures that the budget omits, the operating deficit in 2006 will be $579 billion and rise to $595 billion in 2009. Thus, the budget will add close to $600 billion a year to our national debt, debt that is increasingly financed by foreign countries and businesses. In fact, foreign holdings of our debt have increased 92 percent since this President came into office. By doing so, this President is ceding financial control to foreign interests, and that undermines America's fiscal and economic stability.

The budget calls for substantial new tax cuts while significantly cutting essential domestic programs. The reconciliation instructions call for a $70 billion tax cut, which will likely lead to a 2-year extension of the capital gains and dividends tax cuts enacted in 2003 and slated to expire in 2008. In 2005, slightly more than half of these tax cuts will benefit household with incomes over $1 million, only 0.2 percent of all households.

These tax cuts come at the expense of working Americans. Over the next 5 years, over $121 billion will be cut from education, veterans health care, environmental protection, housing, and other important programs. This budget fails to fully fund No Child Left Behind. It fails to help our troops by insuring that all members of the National Guard and Reserves have health insurance. It fails to help military families meet the inevitable expenses when a loved one is deployed. And, it sets in motion a backdoor legislative process to auction the Arctic Refuge to oil companies, while failing to adequately fund investments in domestic, reliable and renewable energy.

This budget also hurts manufacturers and small businesses by eliminating the bipartisan Snowe-Kerry amendment which restored $78 million to the Small Business Administration, an agency whose budget is a mere 3/100ths of a percent of the total budget, yet which has been cut the most of any agency since this President took office.

This budget makes the wrong choices for Americans. It hides the real costs of this administration's priorities. It significantly increases our national debt, debt held by foreign entities and passed on to our children. It provides tax cuts for the wealthiest Americans while cutting those programs most needed by working families. I do not agree with these choices, and I do not support this budget.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DAYTON. Mr. President, this budget proves the old saying that the end justifies the means. In this case the process used to produce this budget was a disgrace, and the budget itself is a disgrace.

The Democratic Senators who were the official members of the conference committee were not even allowed to attend the meetings behind closed doors. That is not only unfair, that is ridiculous. The other side has the votes on the conference committee to pass whatever they want. That is fair. They are the majority caucus. To not even allow Democratic Senators in the room, what are they hiding? What are they ashamed of?

They should be ashamed of this budget, and they should be ashamed of hiding their decisions behind closed doors. In my home State of Minnesota, we have an open meeting law. It applies to every public body from the State legislature to city councils to school boards. Any meeting of three or more members must be a public meeting. There must be a public notice given so that people can watch their elected officials make the decisions that affect their lives and hold them accountable.

This budget fiasco underscores the need for such an open meeting law in Washington to open the doors of these conference committees to Democrats, to the press, and to the people. But if the budget process we have seen here is the reason we need an open meeting law in Washington, this budget product is the reason we will not get one.

If I were responsible for this disgrace, I would want to hide, too. But I am not responsible for it. No Democratic Senator is responsible for it. This budget manages to increase the Federal debt, as the Senator from North Dakota so articulately demonstrated, and I commend him for his vigilance, for his integrity, and for his straightforward honesty.

This budget increases the Federal debt. It preserves the tax favors for the rich and the super rich, and it cuts services for schoolchildren, college students, senior citizens, veterans, and so many others. To use the President's phrase, that is a trifecta. In this case, it is a terrible trifecta.

This budget also uses a backdoor trick to open ANWR to oil and gas drilling, and that makes it a grand scam.

It is a clear picture, this budget of Republican priorities. It contradicts all the fake rhetoric and false promises such as No Child Left Behind, Clear Skies, or Healthy Communities because this budget leaves millions of

schoolchildren behind and millions more college students in debt. I know because I offered my sixth amendment to fully fund the Federal commitment to special education, and it failed once again.

This budget leaves the Federal share of the cost for special education still less than half of what was promised 28 years ago. It underfunds veterans services, including health care services for our service men and women who are returning from their heroic service in Iraq and Afghanistan, many with serious wounds and injuries. And this is on top of Republicans' rejection of emergency funding for VA health care and supplemental appropriations for our war efforts. Every Democratic Senator voted for that emergency funding for VA health care, and every Republican Senator, except for Senator SPECTER from Pennsylvania, voted against it.

This budget tonight means that all veterans, young and old, will have longer waits for the health care they need, that they were promised, and that they certainly deserve.

This budget tells the truth about Republican priorities, not the soothing rhetoric, not the misleading slogans, not even the face-saving votes on the Senate budget to spare senior citizens in nursing homes from draconian cuts that the President proposed. Those cuts were put back in this budget once again behind closed doors. And it is certainly not the tricks and gimmicks that were used to disguise how bad the deficits in this budget really are.

This budget takes America in the wrong direction, toward a fiscal Armageddon that will occur much sooner than the much advertised and overdramatized Social Security shortfall that the President's proposal would make much worse.

The continuing deficits in this budget are what the nonpartisan fiscal watchdog, the Concord Coalition, has called ''the most reckless fiscal policy in our Nation's history.''

The deficit reduction that is pretended to be in this budget is about as likely as finding weapons of mass destruction in Iraq.

As the Republican chairman of the Senate Finance Committee has observed tonight, this budget ignores the rising injustice of the alternative minimum tax which will cause major tax increases for millions of middle-class Americans in the years ahead unless we address it as we should.

As the truth-telling ranking Democrat on the Senate Budget Committee, the Senator from North Dakota, said tonight, this budget hides the rising deficits that begin 6 years from now which will grow and grow until this Nation is so deep in debt that the rest of the world finally refuses to keep loaning us $500 billion or more every year, and when they stop, there will be, for all of us—our children and our grandchildren—real hell to pay.

This budget is wrong. It is wrong for most Americans, wrong for America, and wrong for those who are here tonight to approve it. I will vote against it, and I urge my colleagues to reject it also.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I rise to oppose the budget resolution conference report that is before us this evening. In spite of an expected fiscal year 2006 deficit of $382 billion, this resolution calls for an additional $106 billion of tax cuts over the next 5 years.

Reasonable tax cuts focused on energy incentives or educational incentives would not need special reconciliation instructions to protect them because they enjoy widespread bipartisan support. They would actually help our economy. But this resolution contains $70 billion of unsound tax cuts that would be protected under reconciliation. They would require only 51 votes without any meaningful amendments or debate to become law.

As part of these cuts, there would be $9 billion to accelerate estate tax relief and $23 billion for additional capital gains and dividend tax cuts. That amounts to $32 billion in tax cuts over the next 5 years that will benefit only the very wealthiest members of our society, and those tax cuts are paid for by cuts in programs that are vital to working men and women and families across this country, such as $10 billion in cuts to Medicaid.

Preliminary analysis of this budget by the Democratic staffs of the Joint Economic Committee and the House Budget Committee finds that well over 90 percent of the benefits from these $32 billion worth of tax cuts would be received by families in the richest fifth of the income distribution, whereas almost half of the Medicaid cuts come at the expense of families in the bottom fifth of the distribution. This is very clear and very disturbing: tax cuts for the wealthiest Americans at the expense of health care for the poorest Americans. That is what is in this budget. It is wrong. It is unfair. It is unjust. Nearly three-quarters of the Medicaid cuts hurt the poorest 40 percent of families, and there are also cuts in discretionary spending that will hit middle-income families.

In addition to these very difficult and unwise cuts, there are special reconciliation instructions to increase the debt limit. This is an attempt to disguise the irresponsible fiscal policy of the Republican administration and this Republican Congress. We understand that this budget, as the Senator from North Dakota pointed out, is going to increase our deficits without limit over the next several years. Increased deficits hurt our economy. They erode investment. They necessitate foreign borrowing from countries such as China and Japan. Eventually, we will have to pay back what we have borrowed and eventually this foreign borrowing and lack of investment will undercut our quality of life and our standard of living.

Large budget deficits are now also forcing us to make the unfair budget cuts I just discussed, cuts to Medicaid and other programs that are essential to families throughout this country. We are asking the most vulnerable people in our country, those least able to afford denial of these benefits, to pay for tax cuts of the very wealthiest.

At a time when the number of uninsured Americans is growing and our health care system is in a crisis, as health care is becoming increasingly more expensive and unaffordable, the Republicans are proposing a $10 billion cut in Medicaid. This will force States to abandon thousands of Americans who currently now depend on these programs for health care. The poor, the sick, and the disabled are paying for tax cuts for wealthy Americans.

These effects are not just on these individuals, but they will affect whole communities. In 2003, the Institute of Medicine prepared a report called A Shared Destiny, and it pointed out as one cuts away at the foundations of health care in this country, the Medicaid system, the public health system, that we pay for it in terms of the declining quality of our overall health care system. We pay for it in terms of our reduced access to care in emergency rooms due to overcrowding, and we pay for it in terms of lost productivity as Americans without health care become sick and do not work because they cannot work.

A recent State-by-State analysis by Families USA found that the impact in my home State of Rhode Island of cutting Medicaid by $10 billion would be 600 fewer seniors served and an $11 million reduction in Medicaid reimbursements.

These reductions will be devastating for my State and other States. It will be unlikely that my State can as easily handle its commitments through innovative programs such as the medical assistance program and its employer subsidy program called RIte Share, which is designed to help small businesses pay for the health care of their workers so that these workers are not exclusively dependent on State and Federal programs.

I have been visited over the last few weeks by hospital administrators, doctors, disability groups, and countless patient advocacy groups. They have one message: Do not cut Medicaid. It is vital to people. It is essential to our States. But that is exactly what this budget does. It does not represent the priorities of the American people. The vast majority of Americans understands we have to provide at least a minimum level of health care for our citizens.

This budget is also going to result in deep cuts to community development

programs and housing programs. Although CDBG funds have been restored, it cuts deeply at other programs, over $100 million in cuts from Housing for Persons with Disabilities; $14 million from Housing for Persons with AIDS; $24 million from Rural Housing and Economic Development; $24 million from Brownfields programs; almost $286 million from HOPE VI Programs; $226 million from Section 8 Project-Based Assistance; $252 million from the Public Housing Capital Fund; and on and on.

This budget hurts the most vulnerable members of society to benefit the wealthy. It is not fair, it is not just, and it is not wise policy.

This budget also had a chance to do something positive, to retain the Kennedy amendment to help fund educational programs such as TRIO Upward Bound, TRIO Talent Search, GEAR UP, and LEAP. It did not support the Kennedy amendment and indeed it seeks $7 billion in additional cuts to student loans. This program reflects irresponsible fiscal policies that have been with this administration from the beginning.

When the President took office in 2000, the public debt was $3.4 trillion and falling. If we take this budget resolution and pass it, the face value of public debt will be $6.2 trillion by 2010 and rising. In fact, the more realistic assessment will probably put it higher. We are adding to the burden of our country. We are adding to the burden of the next generation of Americans. These irresponsible fiscal policies are hurting us and this budget contributes to those policies. It jeopardizes our future as it undercuts the safety and security of so many families today.

I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Rhode Island for his remarks. He is one of the most thoughtful Members of the body on economic issues. He is a member of the Joint Economic Committee and I very much value his good counsel.

I note the Senator from New Jersey is present. How much time does the Senator from New Jersey seek?

Mr. LAUTENBERG. I would appreciate having 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from New Jersey and welcome him to the floor as well.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota and commend him for his excellent job in the presentation that he has made.

While we are talking about the budget, one cannot help but think about what is not in the budget but that the country is paying for. We are talking about emergency supplementals, costs attributed to the war in Iraq, help for Afghanistan, $80 billion recently passed. The one thing the public is not fully aware of is we are not paying in the traditional manner for these costs.

It is painful to see how much we are devoting to the war, what the losses are, while our soldiers and other service people conduct themselves bravely in a very difficult situation. I hope what I am going to say is not the condition, but this could go down as one of the most painful of the wars that we have seen. We are not talking about the numbers. What we are talking about is the morass we have gotten ourselves into.

The confusion was confirmed and the failure to do what we were supposed to was confirmed when on April 25, a few days ago, there was a front page story in the New York Times and the headline is, Bloodied Marines Sound Off About Want of Armor and Men. Now, these are brave men. They have been in combat.

I will take the liberty of reading a couple of paragraphs from this article, May 29, 2004, about a year ago.

> A station wagon that Iraqi insurgents had packed with C–4 explosives blew up on a highway in Ramadi, killing four American marines who died for lack of a few inches of steel.
>
> The four were returning to camp in an unarmored Humvee that their unit had rigged with scrap metal, but the makeshift shields rose only as high as their shoulders . . .
>
> There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor.
>
> ''The steel was not high enough,'' said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived had their vehicle been properly armored. ''Most of the shrapnel wounds were to their heads.''
>
> Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif, whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., had the Marine Corps motto, Semper Fidelis tattooed across his back.

The point of my remarks is a reflection of a trip I and several other Senators took in March of 2004. The soldiers we met with at that time pleaded for three things: One, body armor. One of them said to me: Senator, the vests you are wearing are the best vests that can be purchased. That vest is the most protective, but we don't have those vests, Senator. Members of the coalition have them.

He said, Senator, I will tell you what else we need. We need armor on our humvee. We don't have it, and we pay a terrific price for it.

Another soldier said there is a new rifle, an M–4, a substitute for the M–16. It is the best weapon you can get, and it has electronic sighting and can hit a target 600 feet away. It is light and easy to carry. We don't have them.

We are now with a group of soldiers, Marines, talking about what they experienced in this period. It was painful to read, and yet when one considers the amount of money we have spent on the war effort, the amount of concealment when this money is put in the form of a supplemental—a ''supplemental'' for the information of those who do not understand the jargon, supplemental is an emergency supplemental. It is money spent that does not have to be paid for by an assignment from regular revenues or other sources of funding. It is kind of a concealed thing.

When I think about what is being concealed from the American public with this war going on, now over 1,500 have lost their lives, thousands of our soldiers, sailors, Marines—I include all of them when I say soldiers—having severe wounds from the dastardly attacks with roadside bombs and grenade launchers.

The subject came up just now that relates to an amendment I introduced last year, an amendment to the defense authorization bill, to permit dignified media coverage of the return of flag-draped coffins to our Nation. I offered this amendment because the administration banned media coverage of the ceremonies at Dover Air Force Base in Delaware when those fallen heroes were brought back to American soil.

In my view, these soldiers deserve to have the honor of public acknowledgment of the price they have paid, of having those families able to look at something that reminds them their son or their daughter paid the price for our democracy. And they were hiding that information.

Unfortunately, my amendment was defeated in the Senate. But that was not the end of the issue. Since the Pentagon was not allowing the press to photograph these ceremonies, a professor of journalism filed, under the Freedom of Information Act, a request to get the Pentagon to hand over the official photos from these ceremonies.

Just this week the Pentagon, under essentially court order, finally handed over hundreds of these photos. These photos were changed. In fact, they were defaced by the Pentagon. The question is, if you look at these photos, and you see the honor guard that was carrying the casket, flag-draped coffin to a place of rest, to a place of honor, they had their faced blacked out. Were they doing something shameful? Picture after picture, there is a whole contingent of service people, all with their faces blocked out.

I wanted to distribute these photos to every Senator's office if they do not already have them. We look at row after row of soldiers with their faces blocked out—heroes. Why are they hiding their faces? Because they don't want the truth told about this war.

A picture of a flag-draped coffin. Shouldn't it be seen by the public?

I have a photo gallery, I call it, in front of my office door, showing proudly the faces of those who paid the supreme price for their loyalty to country. People look at those photos. They see they are young people. They see they are people who come from every State in the country. We want it to be known who these people were and what they did on behalf of their country.

The honor guard, the soldiers at these ceremonies, had black squares covering their face as if they were embarrassed to be there. It is an honor to participate in that ceremony. They would not want their faces hidden.

Frankly, I don't understand the thinking. When I go to the funeral when one of our people have fallen, it is a dignified, beautiful commemoration of the person we were honoring. We should honor those who have fallen in Iraq and Afghanistan. We have now lost over 1,500 troops. They deserve honor.

This is not a political issue. It is an issue of respect. The soldiers we have lost overseas are more than numbers. They are sons, daughters, fathers, mothers, husbands, and wives. Of course, in my service in the Senate, I have had the honor of attending funerals for the fallen from New Jersey, in New Jersey and at Arlington National Cemetery. The honor guard, dignified, looking strong, fit, determined, perfect unity and discipline, perform the same ceremony for every soldier, whether it is in a small town in New Jersey or at the cemetery of our heroes at Arlington.

The Honor Guard meticulously lifts the flag off the coffin, folds it carefully in precise form, and hands that folded flag, folded into a triangle, to the surviving spouse or parent. It is a very somber and powerful experience.

I watched the flag being handed from a top cover on a coffin in Arlington Cemetery, brought over to the mother of this young man, and she hugged it like she was hugging her son.

After the 1983 terror attack in Beirut, Lebanon, 243 flag-draped coffins of fallen marines were met by President Reagan on the tarmac at Dover. The ceremony was open to the press, and the American people had a chance to witness it.

We need to follow that example now. I have a simple message for the President and Secretary Rumsfeld: Honor our soldiers. I urge President Bush to reverse course and allow the American people to join in honoring our fallen troops. Let's not block the cameras. Let's not block the faces. Let's not distort the truth. Let's honor our men and women in uniform together as a country.

Let it be known that there is a sacrifice that touches families across this country. The face of a young man or a young woman who gave their life for their country ought to be recognized and not in any way hidden, whether in life or when the remains are returned to this country. Let the American people see the price that some families have paid for this war.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield 6 minutes to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. BINGAMAN. Mr. President, I thank my colleague and commend him for the good work he has done on this budget and pointing out the flaws in this budget resolution which I agree with him on.

I want to speak for a moment about the provisions related to health care that are in the budget resolution.

There are 53 million of our Nation's most vulnerable children, disabled, and elderly citizens who rely on Medicaid for their well-being and their livelihood. And there are 45 million Americans without health insurance coverage in this country, including over 400,000 in my home State of New Mexico.

The administration offered a budget proposal to us that added $140 billion for health care spending. Even with the proposed reductions in Medicaid spending, which they also recommended, the President was proposing a net increase of $80 billion for health care.

In contrast to that proposal, the budget before us tonight provides no spending for the uninsured and provides a cut in Medicaid of $10 billion over 4 years. This is even more of a cut in Medicaid than what the administration effectively proposed because the administration's budget proposal only got a scored savings of $7.6 billion in Medicaid over 5 years. So it is $140 billion short of the President's proposal on the uninsured, and the cut for Medicaid is scored at greater than the level of cut that the President's budget called for, according to CBO.

In the name of reducing the deficit, this budget actually manages to increase the deficit and still cuts funding for the uninsured and our Nation's most vulnerable children, elderly, and disabled citizens who rely on the Medicaid Program.

It is estimated that a cut of $10 billion in Medicaid, as is in this resolution before us, will translate to almost $100 million in Medicaid cuts to my State of New Mexico over the next 4 years. The Medicaid Program in New Mexico is already more efficient and less expensive than private sector health care, and it has been cut repeatedly over the last few years as the State tried to address declining revenues and growing needs.

There is no doubt that any Federal reductions in Medicaid dollars to my State of New Mexico will translate into a reduction in services, a reduction in benefits, and a reduction in coverage for our State's most vulnerable citizens.

Governor Richardson is a great Governor, but he cannot magically produce the $100 million that the Federal Government would cut from our State under this budget proposal. Despite assertions that cutting $10 billion from Medicaid will have no impact on the health and well-being of our Nation's most vulnerable citizens, even the best circus elephant or donkey cannot pull off such a feat.

Furthermore, Medicaid is far from broken, as some have claimed. The cost per person in Medicaid rose just 4.5 percent from 2000 to 2004. That compares to just over 7 percent in Medicare and 12.6 percent in monthly premiums for employer-sponsored insurance. If that is the comparison, Medicaid seems to be about the most efficient health care program around, even more so than Medicare.

The overall cost of Medicaid is going up largely, not because the program is inefficient, but because more and more people find themselves depending on this safety net program for their health care during a recession. While nearly 5 million people lost employer coverage between 2000 and 2003, Medicaid added nearly 6 million to its program. Costs rose in Medicaid precisely because it is working—and working well—as our Nation's safety net health program.

Consequently, Medicaid now provides care to 53 million low-income Americans, including nearly one-quarter of all New Mexicans.

For these reasons and many others, I cannot support the budget resolution before us today.

I would like to emphasize, however, that things would have been far worse if not for the hard work and leadership of Senator SMITH, with whom I offered an amendment to the Senate budget resolution that completely eliminated the $15 billion in planned cuts to Medicaid.

Senator SMITH has shown a dedication and understanding of the Medicaid program and its importance to the 53 million Americans that it serves that should be applauded.

Due to his dedication, we have a budget before us that has $10 billion in Medicaid cuts. But it is certainly far better than the $15 billion in the original Senate budget resolution or the $20 to $38 billion in the original House budget resolution or the $60 billion originally proposed by the President.

I also commend every single Democratic Senator for, first, signing a letter to President Bush opposing block grants or arbitrary caps or limits on Medicaid spending to the States earlier this year and for voting unanimously to eliminate any Medicaid cuts to the budget resolution.

I also thank the more than 200 national organizations that supported the Smith-Bingaman amendment to the Senate budget resolution and urge them to stay active over the coming months to continue to oppose Medicaid cuts.

Before closing, I would like to strongly express the need to undertake any reform or changes to Medicaid on a bipartisan basis. Senator SMITH and I, along with a majority of the Senate and an overwhelming majority in the House of Representatives, have all voted in favor of the creation of an independent, bipartisan Medicaid Commission.

Why a commission? Just like Social Security, just like the 9/11 Commission which examined the intelligence system, and just like Medicare, we believe

that Medicaid deserves a comprehensive and thorough examination of what is working and what is not by all stakeholders—Federal officials, State and local government officials, providers, consumer representatives, and experts.

If the Congress fails to accede to the majority sentiment in both the Senate and House and pass S. 338, the Bipartisan Medicaid Commission Act of 2005, then Senators SMITH and I, on a bipartisan basis, believe that we should have the National Academy of Sciences' Institute of Medicine, or IOM, undertake such a review of Medicaid.

Medicaid is 40 years old this year and deserves a thorough review from top to bottom by an independent, bipartisan, and well-respected group such as the IOM. The purpose of such a commission would be to report on short- and long-range recommendations to improve coverage and access to care, quality, and cost-effectiveness of services for low-income and vulnerable populations served by the Medicaid program by December 2006. The 53 million Americans served by Medicaid deserve nothing less.

I would point out that, in response to questions from Finance Committee Chairman GRASSLEY earlier this year on FDA drug safety issues, Secretary Leavitt referred repeatedly to the ''prestigious IOM'' and how it was studying FDA drug safety issues and added that ''we should move carefully before undertaking any restructuring, and look forward to reviewing the results of the IOM study looking into these matters, as well as working with FDA, Congress and outside stakeholders to ensure an efficient and effective system of drug regulation.''

Again, the 53 million Americans served by Medicaid deserve no less than a similar review of the Medicaid program.

If a commission is appointed, instead, that is heavily weighted toward the administration, it will be nothing more than a waste of taxpayer money, as none of the recommendations will have bipartisan buy-in or balance. Once again, we will have missed an important opportunity to improve the Medicaid program.

It is also why I firmly believe we need to make sure that we do whatever we do right rather than quick. Senator COLEMAN said it well when he said we should ''measure twice and cut once.''

Medicaid is the backstop to Medicare, the backstop to private insurance, and the major funding source for our Nation's safety net providers. Medicaid is, as Health Affairs has called it, ''the glue that holds our nation's health care system together.'' Therefore, we must make sure reform is done right and systematically, rather than quickly and without being thought through.

Finally, during the last Presidential election, the President recognized that 9 million children lacked health care coverage and made a proposal that he called ''Cover The Kids.''

In the President's own words:

> We'll keep our commitment to American's children by helping them get a healthy start in life. I'll work with governors and community leaders and religious leaders to make sure every eligible child is enrolled in our government's low-income health insurance program. We will not allow a lack of attention, or information, to stand between millions of children and the health care they need.

The President put that proposal into his budget, but I do not see it in this budget. As a nation, we should not be going backwards on children's health, but we will in this budget.

Furthermore, Congress is poised to adopt a Federal budget that provides $70 billion in tax cuts for the wealthiest people while, at the same time, it slashes funding for seniors and children who count on Medicaid for their very survival.

Consequently, I urge a vote against the conference budget resolution.

The votes are going to be here to adopt this budget resolution. I hope this commission we have called for and Senator SMITH has insisted upon will be able to give good direction as to how this could be implemented and how Medicaid can be improved long term.

Mr. President, with that I yield the floor.

Mr. JEFFORDS. Mr. President, I have been in the Congress some 30 years. I have seen a lot of budgets. I have voted for some, and voted against others, but in all my days, I have rarely seen a more irresponsible budget than the one this Congress is about to approve. In a time of rising debt and rising military expenses, we are also absurdly living in a time of rising tax cuts.

Frankly, I am appalled. I am appalled at the fiscal irresponsibility of cutting taxes by $106 billion over the next 5 years, primarily for the wealthiest among us, while our budget and trade deficits go up. It is no wonder the value of the dollar has plunged.

I am also appalled that this budget excludes future costs of the war in Iraq. In the past, we have sometimes raised taxes to pay for war costs. I believe this is the first time this country has ever cut taxes and waged a war at the same time. I am tired of witnessing a shell game where it is claimed that a budget will lead to a reduction in the deficit, while the President requests billions and billions of dollars in so-called ''emergency'' military spending.

At the same time this budget calls for increasing tax cuts, this budget will mandate cuts in programs that benefit low-income Americans. A Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

This budget puts tax cuts ahead of ensuring that our communities have clean water, safe streets, and good schools.

This budget includes $35 billion in cuts in mandatory programs such as the Food Stamp Program and Medicaid, which serves low-income children and their families, people with disabilities, and the elderly. I have a hard time voting for provisions that will simply increase the burden on States to care for low-income and disadvantaged Americans. There are many other low-income programs that will need to be cut to follow this budget blueprint ranging from affordable housing to economic development and nutritional programs.

In short, this is a Sheriff of Nottingham budget. It takes from the poor and gives to the rich.

This budget assumes that funding for domestic discretionary programs will be cut by 5.9 percent this year below the level enacted for 2005, adjusted for inflation. Over 5 years, these cuts are enormous and will affect practically every area of the domestic budget from veterans' health care to job training to special education.

I was not pleased at the cuts in the discretionary budget contained in the Senate-passed budget. This budget is worse. It will lead the country down the path towards cuts in environmental protection programs, transportation programs such as Amtrak, and education programs. This budget will also, unfortunately, enable those who favor oil and gas exploration in the Arctic National Wildlife Refuge to shield such a provision from full debate in the Senate.

I cannot support this budget resolution conference report because of its misguiding priorities. I regret that this budget will lower the quality of life for all Americans by not adequately funding important domestic programs, increasing the deficit, and widening the divide between rich and poor in this country.

Mr. VOINOVICH. Mr. President, I rise to express my opposition to this conference report and explain why I will vote against it.

This is the beginning of my second term in the Senate and one of the reasons Ohio sent me back here is because they know that I am committed to doing something about balancing the budget and paying down the debt— fundamentally sound fiscal principles to which I have been committed throughout my career.

I must say that I have carefully examined this conference report and had hoped to be able to vote in favor of it. And I found a great deal to like in this conference report. This is a very tight budget when it comes to spending and I support that. In fact, I have to commend Senator GREGG and Congressman NUSSLE for producing the one of most fiscally responsible and honest budget resolutions I have seen in 7 years in the Senate. It sets ambitious targets and forces the Congress to make hard choices about our spending priorities. This conference report fully supports the efforts of President Bush to restrain the growth of discretionary spending while defending the nation. Let there be no mistake, this conference report reflects the difficult,

even painful, spending policy decisions we have avoided for far too long.

Unfortunately, spending policy is only one half of a budget and I sincerely wish the budget resolution also forced us to make equally difficult choices about tax policy. This conference report contains reconciliation instructions for $70 billion in tax cuts we do not need and cannot afford.

Many of my colleagues insist on these reconciliation instructions because they would like to extend until 2010 all or some of the tax cuts enacted in 2001 and 2003. Moreover, they propose to extend these tax cuts without offsetting the revenues lost to the Federal Government. This is unacceptable.

First let me explain why we cannot afford to cut taxes this year.

According to CBO estimates the national debt increased by $600 billion between October 2003 and October 2004 and will increase by at least the same amount before October 2005. That is a $1.2 trillion increase in Federal debt in just 2 years. And this conference report instructs the Finance Committee to raise the debt ceiling yet again by over $700 billion.

Raising the debt limit has become an annual ritual. And why do we keep raising the debt limit every year. It's because we keep borrowing more and more money for spending instead of restricting the growth in federal programs and/or raising the revenues to pay for those programs.

This is against a backdrop in which most experts agree that by 2030, spending for Social Security, Medicare and Medicaid alone will consume 18 percent or more of GDP, about the same amount we are spending today for all operations of Government combined.

Let me be very clear, borrowing for tax cuts now guarantees larger taxes increases later.

Next, let me explain why we do not need to do any tax cuts at all this year.

In January President Bush established a bipartisan panel to advise on options to reform the tax code to make it simpler, fairer, and more pro-growth to benefit all Americans. In July the Advisory Panel will submit to the Secretary of the Treasury a report containing options for reforming the Federal Internal Revenue Code. These options will help Congress: simplify Federal tax laws to reduce the costs and administrative burdens of compliance with such laws; share the burdens and benefits of the Federal tax structure in an appropriately progressive manner while recognizing the importance of homeownership and charity in American society; and promote long-run economic growth and job creation, and better encourage work effort, saving, and investment, so as to strengthen the competitiveness of the United States in the global marketplace.

Essentially, we will be fundamentally reforming the entire tax code next year, so there is absolutely no reason to tinker with it this year. It would be like remodeling your kitchen the year before you tear down and replace your house.

If for some reason, we do not act on the advisory panel's report, we will still have plenty of time to reconsider extending existing tax cuts. Most of the current tax cut provisions do not expire until 2010 and even the reduced rates on dividends and capital gains do not expire until 2008.

I supported tax cuts in 2001, 2003 and 2004. Nevertheless, we face a different situation today and I will not longer support tax cuts unless they are fully offset. We have to take into consideration that even our current sobering assessment of federal finances may be overly optimistic.

Assuming continued, but declining, spending for the global war on terrorism increases the 10–year deficit by $418 billion.

Assuming that discretionary spending keeps pace with economic growth, rather than inflation, increases the 10–year deficit by $1.4 trillion.

Even assuming that expiring tax cuts are only extended for 5 years increases the deficit by $306 billion.

Assuming continuation of recent adjustments in the alternative minimum tax, AMT, increases the deficit by $642 billion.

Freezing appropriations, including defense, the war on terrorism and homeland security, would save $1.3 trillion. However, if combined with the extension of tax cuts and continued AMT relief, the budget would still remain in deficit every year, totaling $2.2 trillion over the next decade.

We must also remember that current Medicare payment increases for doctors and hospitals expire at the end of 2005. The American Medical Association, AMA, reports that physicians would see a 31 percent decrease in payments from 2006–2013. If we do not act, senior citizens will face serious problems obtaining health care; but it will cost tens of billions to continue reimbursing doctors and hospitals at the current rate.

I have consulted with experts like Federal Reserve Chairman Alan Greenspan, Comptroller General David Walker and financial expert Pete Peterson who share my concern about the federal budget and agree the economy no longer needs the stimulative effect of extended tax cuts. The nations gross domestic product grew by 4 percent in both 2003 and 2004. Unemployment has dropped from 6.6 percent to 5.2 percent and new jobs have been created every month for the last 21 months. The tax cut medicine worked and it is time to stop before we overdose on too much of a good thing.

My basic yardstick for government spending, including tax cuts, has always been ''is it necessary and is it affordable''. My colleagues who want to cut taxes or increase spending should find the offsets to make their priorities affordable. If they cannot find such offsets, than let them demonstrate the necessity of their initiatives by gaining 60 votes.

I hope this statement explains my reluctant opposition this conference report.

PENSION

Mr. ENZI. Would the Senator yield for a question?

Mr. GREGG. I yield.

Mr. ENZI. I would like to clarify a point with the chairman of the Budget Committee about the timing of substantive legislation and the effect on my Committee's instructions in the FY 2006 Budget Resolution, H. Con. Res. 95. The Health, Education, Labor and Pensions Committee is instructed in this resolution to report $13.6 billion in reconciled savings by September 16. It is contemplated that a significant portion of those savings will come from reforms to the insurance program of the Pension Benefit Guaranty Corporation. While important, legislation producing the anticipated savings is only a part of broader pension reforms that must be enacted this year in order to stabilize the defined benefit system in this country. As the chairman knows, reconciliation is privileged legislation which is narrow in scope. Many provisions that are essential to comprehensive pension reform may not be permitted in reconciliation. Therefore, it may be necessary to act outside of the reconciliation process in order to enact comprehensive pension reform. My question to the chairman is, if we pass legislation that sets the stage for real savings to occur in reconciliation, will you recognize those efforts in scoring our committee's response to the reconciliation instruction?

Mr. GREGG. Our scoring of reconciliation recognizes how your response fits within the overall legislative landscape. The answer to your question is yes.

Mr. ENZI. I thank the Senator.

MEDICAID COMMISSION

Mr. FRIST. Mr. President, I rise today with my colleague from New Hampshire, Senator GREGG, Chairman of the Senate Budget Committee, to discuss the creation of a Medicaid commission to assist Congress and the administration in their task of modernizing Medicaid.

As my colleague knows, the Medicaid program under Title XIX of the Social Security Act provides essential health care and long-term care coverage to low-income children, pregnant women and families, individuals with disabilities, and senior citizens. The program, in fact, provides health and long-term care coverage to approximately one in six Americans. Yet, I think we can all agree that Medicaid now faces financial challenges at both the State and Federal level that, over time, will worsen and threaten the viability of the program. This commission will help us address this challenge.

The members of this independent Medicaid commission will be appointed by the Secretary of Health and Human Services and will represent a broad range of ideas and points of view. It will, for example, include representatives of both the State and Federal

governments, individuals who are covered by the program, and those who provide care and coverage under the program. The commission will be a fair and balanced forum to discuss the needs and challenges of the Medicaid system and to make recommendations that can assist policymakers in improving the program.

I ask my colleague, Chairman GREGG, if he would describe the goals and the timeline of the commission.

Mr. GREGG. As the majority leader has described, the independent commission will assist Congress and the administration by making recommendations regarding the modernization of the Medicaid system.

The commission will have two primary tasks and two important deadlines: It will make short-term recommendations on how to implement the requirements of the budget resolution with respect to the Medicaid program. These recommendations will be contained in a report to the Secretary by no later than September 1, 2005. The commission will also make long-term recommendations on how to modernize Medicaid. These recommendations will be contained in a report to the Secretary by December 31, 2006.

I thank my colleague for his work to develop a commission, and I look forward to working with him and my colleagues on the Finance Committee as we consider the recommendations of the commission to help create a viable plan to modernize and strengthen Medicaid.

Mr. FRIST. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are moving toward completion of the debate on this budget resolution. I want to be recognized for a minute, then the Senator from North Dakota is going to be recognized, and then we are going to return to discuss the specifics of the resolution for a brief period of time between myself and the Senator from North Dakota, and then we are going to hear from the leaders, and then, hopefully, we will vote.

But before we proceed further, and in recognition of all the work that has gone into this resolution, I want to acknowledge one person on my staff who is moving on, and she has had a tremendous commitment to the Senate for many years. That is Gayle Osterberg.

Gayle has worked in the Senate for 12 years, starting out as a staff assistant in the office of Senator Don Nickles, and rising her way up to the position of communications director for, first, the HELP Committee, when I was there, and subsequently went to the Budget Committee where she has done an extraordinary job.

Gayle graduated from the University of Kansas in 1992 with a degree in communications and has effectively used her talent and knowledge of the media to rise up the ladder in the Senate.

While she will be missed, Gayle is moving on to greener pastures and exciting times as vice president of communications for the Motion Picture Association of America. That should be a fascinating job and one she will do very well. We will all miss her on the Senate Budget Committee. We congratulate her, however, on her extraordinary years of work and thank her very much and wish her good luck as she moves forward.

In addition, I want to thank my staff. I want to begin specifically by thanking the Senator from North Dakota. His courtesy, his professionalism, his fairness in dealing with us has been extraordinary, as has his staff. And I thank his staff for their exceptional commitment to the process.

The people listening to this debate over the last many hours may conclude we are quite antagonistic. Yes, we may be on some of the policy issues, but, no, we are not, at the personal and professional level. I admire very greatly the professionalism of the Senator and his staff.

I also especially thank my staff. These are folks who have worked endless hours. Very few of them have gotten any sleep for the last week. And there have been other periods during the intensity of marking up and putting the budget together when very little sleep occurred.

They extraordinarily and professionally put together an exceptional product, headed up by Scott Gudes on the Budget Committee and by Vas Christopoulos on my personal staff.

There are a lot of people, too many names to actually mention. I deeply thank them. I know the Senate thanks them because without these folks who commit their lives to making sure the legislation that moves through this body moves through professionally and is done in a way that we can take pride in, we would not be able to function as a Congress. The American people would not be as well served as they are.

I want to recognize two members of the Senate Budget committee staff who exemplify the professionalism and, especially, the esprit de corps that make our committee and this institution such a marvelous place. I know that Senator CONRAD joins me in taking a moment to single out these two special individuals.

Lynne Seymour and George Woodall are two of our senior professional staff members on what we call our ''non-designated staff.'' They lead our bipartisan administrative staff. Day in and day out they give 110 percent on behalf of the members and staff, whether Republican or Democrat. Lynne and George are the people who really manage the committee, who allow the rest of us on the committee payroll to formulate and execute Federal budgets, to hold hearings, to review programs and to communicate with each other and the rest of the world. They are in charge of what some in private industry call ''enabling functions.'' That is an accurate description because Lynne and George's efforts enable the rest of us to move forward the legislative business of this Senate and the Nation.

After taking over as chairman of this committee a few months ago, I understood that Lynne and George work first and foremost for the United States Senate and I quickly realized that Senator Nickles had left us in good hands. Lynne and George eased the transition and ensured that we were able to move the Budget Committee's work forward. We hired and added staff. We installed work stations and moved offices. Due in no small measure to their work ethic and high morale, we were able to move forward when the President's Fiscal Year 2006 budget was transmitted a month after I became Chairman.

Lynne Seymour served on the Budget Committee in the early 1980s and then rejoined us in 1995. She is responsible for all the administrative functions for the committee which, as we all know, is no mean task. Lynne is the manager for all nondesignated staff and serves as a liaison between the committee and other divisions of the Senate, such as the Secretary of Senate, Sergeant-at-Arms, Rules Committee, Ethics Committee and Architect of the Capitol. From the committee's own biennial funding to the development of a Continuity of Operations Plan, COOP, for the committee, Lynne ensures that the committee's activities run as smoothly as possible, especially through all the many transitions and office moves that have occurred over the past few years. Lynne is a dedicated individual that others know they can count on, and we all do count on her. She is a positive, graceful force for the majority and minority committee staffs, a consummate professional.

George Woodall has worked on the Senate Budget Committee for the last 11 years. I have come to value his work a great deal. As the systems administrator for the Senate Budget Committee, he keeps the technology flowing and the lines of communication open. Many of us wonder how we managed before blackberries and other current technology. Well, George makes sure that the capabilities of technology do not become liabilities by keeping the PCs, fax machines, email, scanners, and networks running and keeping people connected whenever and wherever needed.

Some people who work with George may not know he is also an ordained minister, actively involved in men's ministry, addictions ministry, outreach ministry and youth ministry. George's generosity and willingness to share his gifts is part of everything he does, and the Committee is better for it.

The Budget Committee staff is one of the finest I have had the good fortune with which to work. Lynne and George have each given their best to Republicans and Democrats alike and have served on the committee staff for over a decade. I am privileged to recognize them and to express my gratitude.

Mr. President, we all know it is our staff that somehow gets the work done during weeks such as this one where the Senate has dealt with both the highway bill and concluding a conference report on the budget resolution. As the new chairman of the Budget Committee, it was my challenge in January to get the committee up and running immediately given that we had some of the first tasks in the Senate for the year. Therefore, it was necessary to have experienced staff that could step right in and make things work.

But it is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

Elissa Konove came to the Budget Committee in February to be our transportation analyst. In that role as an examiner at the Office of Management and Budget, she had followed the daily track of the highway bill over the last 2 years. When the highway bill laid over to this 109th Congress, Elissa decided to view the dance of legislation from the inside out. I very much appreciate OMB Director Bolten's willingness to share an analyst with such thorough knowledge and a steady hand. I understand Elissa is going back to fight new fires where OMB needs her most, and I know they're happy to have her back. While we will miss her expertise, we thank her for contributions, and we know the executive branch will benefit from her experience in the Congress.

I also would like to recognize another valued addition to the Budget Committee staff who will be leaving us in August, Mara Browne. Mara came over to the Budget Committee from the National Oceanic and Atmospheric Administration, NOAA, where she served in the Satellite Service working on international affairs and private remote sensing issues. Mara began her Federal career as a Presidential Management Fellow and has been an asset to the committee in a number of areas, especially within the general Government function. I thank Mara for her dedication to the efforts of the committee and wish her the best of luck in her future endeavors at NOAA.

Mr. President, I would also like to take a minute or two to recognize just a few of the talented professionals who have helped develop this budget resolution.

First, I would like to acknowledge chairman NUSSLE and his very talented staff. JIM BATES, DAN KOWALSKI, PAUL RESTUCCIA, and their team are simply first rate and the technical accuracy of this resolution and the budget is simply a matter of personal pride.

Second, I want to acknowledge my own staff here on the Budget Committee. I do not have time to recognize all of them but would like to mention a few—professionals like our legal staff, GAIL MILLAR and ALLISON PARENT. Our policy staff, led by VINCE VENTIMIGLIA, including KIM MONK, DAVID FISHER, PEGGY BINZER, and RICHIE WEIBLINGER.

Since taking over the committee in January, I have been extremely grateful to these committee staff who have worked tirelessly on the budget, and in helping me take over as chairman. I just cannot say enough about JIM HEARN, CHERI REIDY, DAVE PAPPONE, DAN BRANDT and others. I would be remiss if I did not mention BILL LUCIA who we got to come over from the HELP Committee. Bill handles education and income maintenance functions and has done such incredible analysis of pension and student loan reform.

I want to thank our leadership staff for their tireless work on this resolution. I especially want to thank Sharon Soderstrom and Bill Hoagland. They have been there to assist me and the committee on issue after issue. They are true public servants. Through their knowledge, tenacity and interpersonal skills—they bring great credit to our leader and this institution.

Finally, I want to recognize one other special individual. Vasiliki Christopolulos. ''Vas'' has served with me since I moved from the Governor's Mansion in Concord to join this Senate. Her official title is ''administrative assistant'' but I doubt that any title could adequately convey all the responsibilities that Vas assumes and carries out. Vas is what in Greek is referred to as ''apeeshetehtoh''—that is she is simply ''amazing.'' I doubt there is any member of this Senate who can point to a more dedicated and talented staff person. Vas makes my office work, she makes the larger ''team Gregg''—from appropriations to budget to my offices in New Hampshire—work in a seamless, smooth manner. Vas is probably one of the warmest, most decent people that has ever worked in this institution or in any institution. On a daily basis she brightens up the day for everyone she comes in contact with. I cannot say enough to recognize her and express my appreciation.

So, Mr. President, this is an institution that is known by the names of the 100 elected members that serve here. But, I just want to note that there are many other names that are maybe less well known, but who truly make the business of this Senate occur and happen in a way that serves Americans around the great Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the committee for his fairness throughout the process, for his professionalism, and for his good humor. We have spent many long days and nights on this floor debating this budget. We have spent a long period in the Budget Committee. It has been with unfailing good humor on his part and a sense of fairness and bipartisanship that we have moved forward. We certainly don't always agree, but we have never been disagreeable. Perhaps that is a good model for the way we function in the Senate.

I will take a minute to thank Sue Nelson of my staff. This is her last budget resolution. She has been with the Senate Budget Committee for 20 years. She is my deputy staff director. She is the person who is in charge of our numbers and Medicare as well. She at one time worked for Senator DOMENICI. We are going to miss the outstanding professional commitment of Sue Nelson. We are going to miss you very much. Thank you for all you have done for our committee and for the Senate.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked unfailingly for us to make our case on what the budget priorities of this country should be, and to the rest of my staff as well who have worked extraordinarily hard and with a real commitment to fiscal responsibility and to fairness.

They are:

Sue Nelson, Deputy Staff Director;

John Righter, Appropriations;

Shelley Amdur, Education/Appropriations;

Lisa Konwinski, Counsel;

Jim Esquea, Medicaid/TANF;

Jim Klumpner, Economist;

Jamie Morin, Defense;

Rock Cheung, International Affairs;

Sarah Kuehl, Social Security/Transportation;

Steve Bailey, Revenues;

Mike Jones, Homeland Security/Justice;

Cliff Isenberg, Energy/Environment;

Jim Miller, Agriculture;

Stu Nagurka, Communications Director;

Steve Posner, Deputy Communications Director;

David Vandivier, Planning/Outreach;

Kobye Noel, Graphics Production Coordinator;

Matt Havlik, Staff Assistant;

Tyler Haskell, Staff Assistant;

Anne Page, Executive Assistant.

Let me also recognize the staff of the Senator from New Hampshire, especially staff director Scott Gudes and the rest of the members of his staff. This is a good relationship that we have between our two staffs. It is one of respect and fairness, and we deeply appreciate the many courtesies that have been extended to us during this process.

I want to echo the laudatory comments of Senator GREGG regarding the outstanding contributions made by two senior professional staff members of the Senate Budget Committee, Lynne Seymour and George Woodall. Lynne and George are our two most senior administrative staff members who perform their respective duties with great

distinction. They are true professionals who serve the members of our committee and our respective staffs with poise, respect and diligence.

I have the utmost appreciation for their service, because they have attended to our committee during some of the most difficult administrative challenges imaginable. For example, in just over 4 years, since the beginning of the 107th Congress, this committee has had four different chairmen: Senators GREGG, NICKLES, DOMENICI and myself. Thanks to the outstanding service of Lynne and George, the transition from one chairman to the next has been flawless. They have arranged for the moving in and out of our different staffs and the literal moving of our offices several times. They made sure our offices were properly equipped and that our computers, printers, phones, faxes and other technical equipment were in good working order—not an easy task, I assure you.

They have also served our committee and this Senate during some of the most difficult times. They were here on the morning of September 11, 2001 when the Pentagon was attacked and when we believed the U.S. Capitol complex was also threatened. They were also serving our committee when anthrax was discovered in the mail system here in the Senate. These have not been easy times for staff members.

Lynne Seymour and George Woodall have not only persevered, but they have excelled at their duties in serving us. I thank them for their service, and want them to know how much we in the Senate appreciate their long hours, their unselfish contributions and their professional service.

With that, I will proceed to wrap up. I will take a few moments and then we will hear from the chairman and then the leaders, and then we will be prepared to vote.

While I have great respect for the chairman, I have great respect for the staffs that have assembled this budget, I deeply do not believe that this budget charts the correct course for the country. I say to my colleagues, if you want to be supporting more debt, vote for this budget. If you want higher deficits, support this budget. If you believe that it is right to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, then support this budget.

This chart sums it all up. I call it ''building a wall of debt.'' That is what this budget is all about. We have heard people say it is going to cut the deficit in half. I don't believe it. Instead, I believe what is going to happen is the debt of the United States is going to go up, up and away. We are starting with $8 trillion, and every year of this budget debt is going to be increased by more than $600 billion. Every year it is going to go up by $600 billion.

Those are not my numbers. Those are the numbers from the budget document itself on pages 4 and 5 of this conference committee report. It shows what is going to happen according to their own analysis and projections to the debt of the United States: $683 billion the first year, $639 billion the second, $606 billion the third, $610 billion the fourth, and $605 billion the fifth year. Anybody who says the deficit is getting cut in half and yet the debt is going up by over $600 billion each and every year is mistaken. This is a mistake for the country. We ought not to support it. I urge my colleagues to defeat this budget resolution. Let's go back to the drawing board. We can do better than this.

I thank the Chair and my colleagues.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the courtesy of the Senator from North Dakota and his staff and again thank my staff for the extremely effective way they have brought this process forward.

This is the only opportunity to get us on a game plan for reducing the debt of the Federal Government, for moving forward in a process that is going to bring fiscal restraint to the Federal Government. My colleagues on the other side of the aisle, for all their talk, have not put a budget on the table. This budget is a real document. It is a strong game plan for moving down the road of establishing fiscal responsibility here at the Federal level. It freezes nondefense discretionary spending for 3 years. That is real savings. For the first time in 7 years, it steps onto the turf of entitlement and mandatory spending and begins the process of addressing two major issues which need to be addressed if we are going to get our fiscal house in order, specifically Medicaid and the Pension Benefit Guaranty Corporation.

In addition, it reduces the deficit in half over the next 4 years and, as a result of stepping onto the issues of Medicare and entitlements, it begins the process of correcting the outyear problems we face as a nation which we should not be passing on to our children but which we will pass on to our children if we don't begin to act now.

There has not been a budget in this Congress for 2 of the last 4 years. It is time to act on a budget. It is our obligation, especially as the majority party, to put forward a game plan for how we as a government are going to function and how we are going to move forward to act in a fiscally responsible way. This budget does that.

In addition, it will continue to energize and activate the very strong economic recovery which we have seen over the last year. Hundreds of thousands of jobs have been added. Revenues have increased dramatically. That is a result of the policies of this President. This budget continues those policies in a manner which will continue that economic expansion, give entrepreneurs the opportunity to be aggressive, and create jobs for Americans.

It is a good budget, and it is a good place to start. It is something we need to do.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Democratic leader.

Mr. REID. Mr. President, I come to the floor to express my opposition to this budget resolution. Before I discuss the budget, I will take a minute or two to acknowledge the hard work of the chairman and ranking member.

I have the greatest respect for the chairman of the committee. We served in the House together. He left the House to become Governor of the State of New Hampshire. He returned as a Member of the Senate. He is a knowledgeable man with knowledge of what goes on in our country. Even though I may disagree with his political ideology, as a person I have the greatest respect for him. He is a person who always tells you how he feels, and I think he adds a great deal to the Senate.

I especially thank our ranking member, Senator KENT CONRAD, for his outstanding leadership for the people of North Dakota, the country, and our caucus. No one understands the budget better than KENT CONRAD. We could not ask for better leader on the budget than KENT CONRAD. He and his staff are exceptional. I told him earlier this evening, I really miss this budget battle. For 5 years I sat with him on this floor and was with him every minute of the way. And I enjoyed that. He is a man of vision and there is no one who knows numbers better than he does.

I oppose this budget for two primary reasons. First, it is fiscally irresponsible. Second, it makes the wrong choices and sets the wrong priorities. Let me talk about both of these problems for a short time. To understand the current state of our Nation's fiscal policy, it is helpful to review history. It always helps.

In 1992, the Federal Government ran a record deficit of $290 billion. In 1993, with the Budget Deficit Reduction Act, without any support in the House or the Senate from a single Republican, we made hard decisions to get the budget under control. In fact, the Presiding Officer on the night we had the vote was Al Gore, and he broke the tie to allow the Budget Deficit Reduction Act to pass. I can remember that night and I will never forget it. George Mitchell assigned Tom Daschle and me to work to see if we could get Bob Kerrey's vote. That is a story in itself. When we started looking for him, he had gone to a movie—just like Bob Kerrey. Anyway, it worked out. Bob Kerrey decided to vote with the President and change history.

Largely because of those decisions made by us in this body, the budget moved from record deficits to record surpluses. That is why in the last 3 years of President Clinton's Presidency we paid down the national debt. We were spending less money than we were taking in. Unheard of, but it happened 3 years in a row.

Unfortunately, one of the first acts of this administration and the Republican-controlled Congress was to reverse the great strides we made in the

1990s. Instead of maintaining fiscal discipline and saving for the future, the Bush administration opted to provide lavish handouts to special interests and to the powerful. The result has been a record run of red ink as far as you can see.

Now, my distinguished friend, the chairman of the committee, said that budget deficit is going to be cut in half. I cannot believe someone I bragged on so much a minute ago believes that. Last year, we ran a deficit of—nobody knows how much because Social Security was used to mask a lot of it, but it was approximately $500 billion, the largest ever. This year, according to the administration, the deficit will even be larger. Running deficits of this size, of course, would always be a concern. But at a time when we badly need to save to prepare for the baby boomers' retirement, such huge deficits are especially irresponsible.

That is why it is so troubling that a budget resolution before us not only fails to reduce the deficits, it makes it worse, much worse. In fact, this budget increases the debt each and every year by more than $600 billion and passes a burden of repaying the debt to my children, my grandchildren, and my great-grandchildren.

What does this mean for Social Security? Under this budget, every dollar of Social Security surpluses would be taken and spent on other Government activities—every dollar. Think about this. We are going to have a $2.5 trillion surplus in Social Security over the next 10 years. I say to all the people listening tonight, that is your money. We are supposed to be saving it so we can pay your Social Security benefits in the future. But does this budget save the surplus for Social Security benefits? No. Every single dollar would be used for other purposes. That is not fiscally responsible and it is not right.

This budget's irresponsibility is the first reason I oppose it. Unfortunately, the flaws go much deeper than that. This budget resolution also makes wrong choices and repeatedly shortchanges the priorities of working Americans. The budget cuts education—I could talk about the budget cuts in education, but let's talk about adult education. This budget cuts adult education by 60 percent. Who are those people who need adult education? It is young men and women who have dropped out of high school, people who, before finishing high school went into the military; it is a lot of people for a lot of different reasons who decide they want to come back and get an education. A 60-percent cut. That is wrong. Health care, Medicaid, homeland security—it targets rural America with cuts in agriculture and other programs. It slashes funding for new police officers. It cuts funding for firefighting programs, and at a time when we are asking hundreds of thousands of our men and women to place their lives on the line, it forces them to pay more for their health care when their service is done. While making deep cuts in priorities such as these, the budget continues the recent pattern of Congress favoring special interests and the powerful.

The budget calls for providing millionaires with additional tax breaks worth over $35,000 a year, while doing nothing to close loopholes that allow huge corporations to avoid paying their fair share—their fair share of paying for our Government responsibilities. It calls for opening a pristine wilderness area in Alaska for the oil and gas industry. It calls for maintaining a large slush fund for HMOs who have had record profits, and it calls for continuing to ban Medicare from negotiating with drug companies to get better prices for prescription drugs. That is hard to comprehend. Medicare cannot negotiate for lower prices. They can go, like I do, to Rite Aid and get their prescriptions there, but no negotiating for prices. These, I am sad to say, are the priorities of the party in power. But the record should be spread; they are not Democratic priorities, they are not the priorities of the American people, and they are certainly not the priorities of my friends and neighbors in Searchlight, NV. You see, in Searchlight, as in other towns and cities all across America, people are working hard and struggling to make ends meet. They are proud people. They are not looking for handouts. They want their Government to be on their side in dealing with gas prices, which in Nevada average $2.70 a gallon. They want Congress looking out for them as they confront skyrocketing health care costs and they want us, the Congress, working to give their children opportunities for a good education, so they can enjoy the promise of America, as all 100 Senators do.

Sadly, though, this budget wasn't designed with the people of Searchlight in mind. It doesn't address their needs. It won't make their lives any better and won't make our Nation stronger. It will make it weaker, more dependent on borrowing huge sums of money from Japan, China, and Saudi Arabia.

For all these reasons, I believe the budget before us deserves to be defeated. It abandons fiscal discipline and leads to an explosion of debt. It takes Social Security dollars and uses them for other purposes, and it abandons middle-class Americans and those in need in order to give billions in breaks to the special interests and the powerful. I want everybody to know I am not the only one who feels this way.

I know that maybe there has been too much religion in the Congress in the minds of some and I have not joined in that, but I am going to tonight. I have here a letter that is from the Episcopal Church of the United States of America, Evangelical Lutheran Church, the Presbyterian Church, United Church of Christ, and the United Methodist Church. I read this:

This was issued today:

On March 8, we . . . issued a joint statement questioning the priorities of President Bush's 2006 Federal budget. We remembered the Gospel story of Lazarus and the rich man and noted that the 2006 budget had much for the rich man but little for Lazarus. It was our hope that Congress would take action on behalf of "Lazarus." Sadly . . . that has not been the case. . . .

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. There are good programs that can help solve all these programs. We know, we have seen them work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing opportunities for our fellow women and men to pursue their God given gifts. . . .

As we view the FY '06 Federal Budget through our lens of faith this budget . . . continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, 45 million without health insurance, or the 13 million hungry children. Worldwide it neither provides sufficient development assistance nor adequately addresses the Global AIDS pandemic . . . We ask Congress to reject the budget and begin anew.

We conclude . . . by asking that together we "pledge ourselves to creating a nation in which economic policies are infused with the spirit of the man who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him "to bring good news to the poor."

It is signed by the Most Reverend Frank T. Griswold, Presiding Bishop and Primate of the Episcopal Church of the United States, the Right Reverend Mark Hanson, Presiding Bishop of the Evangelical Lutheran Church in America, the Reverend Dr. Clifton Kirkpatrick, Stated Clerk of the General Assembly, Presbyterian Church, USA, the Reverend John H. Thomas, General Minister and President, United Church of Christ, and Mr. James Winkler, General Secretary, General Board of Church and Society, United Methodist Church.

Mr. President, those are their words, not mine. I quoted it verbatim.

This is not just a bad budget. It is not just an unwise budget. It is an immoral budget. I urge my colleagues to reject it.

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

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote on the budget conference report, the cloture vote, with respect to the Portman nomination, be vitiated; provided further, that the Senate resume executive session for the consideration of the nomination and that there be 1 hour for Senator LINCOLN and 10 minutes equally divided for the chairman and ranking member; provided further, that following that time, the Senate vote on the confirmation of the nomination, with no intervening action or debate; provided further, that following

that vote, the Senate proceed to the cloture vote with respect to the Johnson nomination, notwithstanding the provisions of rule XXII, with Senator CARPER to speak for 5 minutes and Senator VOINOVICH for 5 minutes before the vote; provided further, that upon the granting of this request, the Bayh amendment No. 568 to the highway bill be withdrawn.

Before the Chair rules, I will state further it is the understanding of Chairman GRASSLEY that with this agreement, Senator BAYH has agreed to not reoffer his amendment or ask for a vote on the standalone measure prior to a review by the Senate Finance Committee at the July hearing.

Mr. REID. Mr. President, reserving the right to object, I would like to speak for a few minutes on the Johnson nomination.

The PRESIDING OFFICER. The unanimous consent request is so amended. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments, we will be voting on the budget resolution. I congratulate the distinguished chairman of the Senate Budget Committee, Senator JUDD GREGG, for bringing before the Senate this evening the conference agreement on the fiscal year 2006 budget. I would be remiss if I did not thank both the ranking member of the committee, Senator CONRAD, and the Democratic leader for their cooperation in allowing us to proceed with the conference report expeditiously.

I know being chairman of the Budget Committee is a thankless task, and I know the chairman of the Budget Committee feels that way tonight as well. It is not the most glamorous of legislative committees in the Capitol, and being chairman of the Budget Committee does not win any popularity contests with any Senators, again, as the Budget chairman will recognize.

Nevertheless, the working of this committee is absolutely essential to completing our fundamental constitutional responsibilities on all matters fiscal. This is the first year the senior Senator from New Hampshire has had this responsibility, and he has carried out his duties in a professional and businesslike manner.

It probably seems like ages ago, but it was only 12 weeks ago that the President submitted his executive budget proposal to the Congress. When we complete work on this conference report shortly, we will have a congressional budget. It is our blueprint for enacting spending and revenue legislation for the remainder of the year, but it follows the goals the President laid out in his budget to fund national security, extend expiring tax provisions, limiting the growth in nondefense spending, begin to address the growth of entitlements, and cut the deficit in half in less than 5 years. While it may have seemed to the chairman and many other Members involved that this day would not arrive, in truth, of the 27 budget resolution conference reports agreed to since the beginning of this congressional budget process in 1976, this is the fifth quickest conference report ever agreed to. I congratulate the chairman and his professional staff for this accomplishment.

Having said this, I think the chairman would agree with me that no budget can meet all the demands and all the goals we have for this country. There are many issues that confront us, and some of those, such as national security, protecting the homeland, supporting education and research, and providing basic benefits to needy Americans require resources. It requires making choices, and it also requires setting those policies in place that will permit the economy to grow. For in the end, the best way of serving the needs of this great country is with a strong and vibrant economy.

Meeting these goals by balancing Federal spending and limiting the burden of taxes on all Americans begins with this budget outline, the outline that is before us this evening. Once adopted, our work will only begin as we fill in the details of the blueprint by passing spending and revenue legislation within the aggregate levels specified in the document.

Enforcing the blueprint means the chairman will not have a chance to rest much before he is back here watching over the building of our fiscal house for next year. Congratulations, again, to Chairman GREGG and his staff director, Scott Gudes, and all the staff who worked so hard to bring us to this point this evening.

To summarize, we will vote in a moment on the budget conference report. Following this vote, we will proceed to the debate on the Portman nomination. We may not need a rollcall vote on that nomination. However, I remind my colleagues that we will have a cloture vote on the Johnson nomination tonight. Senators can, therefore, expect one to two additional rollcall votes this evening following the vote on the budget conference report.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of April 28, 2005.)

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—52

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—47

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Voinovich
DeWine	Levin	Wyden
Dodd	Lincoln	

NOT VOTING—1

Lieberman

The conference report was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be the cloture vote with respect to the Johnson nomination; and further that following the disposition of that nomination, the Senate proceed to the consideration of the Portman nomination, as provided under the previous order; provided further that prior to the cloture vote on the Johnson nomination, Senator REID be recognized for up to 5 minutes, Senator VOINOVICH for up to 5 minutes, and Senator CARPER for up to 5 minutes. I further ask consent that following this consent, Senator ALLEN be recognized for up to 3 minutes in order to make a statement regarding his colleague, Senator WARNER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I announce to my colleagues, if cloture is invoked on the Johnson nomination, we do not expect a vote on the underlying nomination. Also, we do not have a request for a vote on the Portman nomination. Therefore, this may be the last vote of the evening, if cloture is invoked.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

CONGRATULATING SENATOR WARNER

Mr. ALLEN. Mr. President, as the clock strikes midnight, an historic event will occur for all of us in the Senate, but obviously an important date in the history of Virginia. In all of our history, we have had 51 Senators from the Commonwealth of Virginia, such as John Tyler who became President, and Madison, and many great Senators. A historic achievement is being achieved tonight with my wonderful partner and our colleague, JOHN WARNER, which is a testament to his abilities as a leader and the high esteem in which he is held by the people of Virginia.

Tonight, in fact at this very moment, our wonderful colleague JOHN WARNER surpasses on the all-time list Senator Carter Glass, who served in this body for over 26 years. Senator WARNER's extraordinary term of service is now second to only Harry Byrd in serving in the Senate. He was elected in 1978 and he has spent the last 26 years serving this country.

He is a man who loves his job. He is a man from whom we always learn something new, valuable, insightful, or humorous. He is a unique blend of a military leader, having served in World War II and in Korea.

Mr. WARNER. Mr. President, I ask unanimous consent that the balance of his remarks be printed in the RECORD.

Mr. ALLEN. No, I object. He is a country gentleman, a legal scholar, a historian, a great storyteller, and an esteemed statesman, all with the joy of life of a 12-year-old boy. He loves his job. He loves the Senate. And we love him and congratulate him on this momentous occasion.

(Applause, Senators rising.)

EXECUTIVE SESSION

NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report Calendar No. 61.

The legislative clerk read the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as one who grew up in Danville and Roanoke, VA, as one who served in the U.S. Navy with JOHN WARNER as our Secretary of the Navy, I join my friend GEORGE ALLEN and all of you in saluting him. It has been my privilege to serve under him as a naval flight officer for a number of years. It has been my privilege to serve with him and with all of you for about the last 4 years.

During that time I have worked with a number of you on our side and on the Republican side to try to find common ground with respect to issues such as class action, asbestos litigation reform, bankruptcy, the next step in welfare reform, a comprehensive energy policy, a business model for the Postal Service in the 21st century. The list goes on.

As a former Governor, one who used to nominate people to serve in cabinet posts and judgeships, I have generally voted to confirm the men and women President Bush has nominated to serve on his team. In a number of instances I have gone well beyond just voting for a nominee of the President but advocating for them. I will give some examples. Tommy Thompson was nominated for Secretary of Health and Human Services. I called him and said: Congratulations; how can I help you get confirmed and how can I help get your team confirmed? I did the same thing with Tom Ridge when he was nominated for Secretary of Homeland Security. I did the same thing with Christie Whitman when she was nominated for EPA, and I did the same thing for Mike Leavitt when he was nominated to head EPA.

I stand before you tonight taking a different posture. I have never put a hold on any nominee in any time I have served here. It is not in my modus operandi. But I have done it tonight and with a good man, Stephen Johnson, who has been nominated by this President to lead the EPA. I am convinced if he is confirmed, he would do a good job.

I stand here tonight asking that we not confirm him at this time. I will tell you why. For the last 3 years, I have been asking the Environmental Protection Agency to give us comparative data, comparing the President's Clear Skies proposal, the proposal of Senator JIM JEFFORDS, SUSAN COLLINS, and JOE LIEBERMAN, and a bipartisan bill I have introduced with several of you. We have asked for comparative data, modeling that actually says this is what each of the bills will do on the economic front. This is what they would do on the environmental front, and here is what they would do on the public health front.

I made that request first in 2002, again in 2003, again in 2004, and again in 2005. I am not going to go into the litany of responses. My friends, the response has been ultimately disappointing. We have tried to compromise. The administration offered us a deal. We have come back with a counterproposal. We have not been able to find middle ground.

Tonight we end up with a decision to go for cloture. For those of you who are going to vote no on cloture, I say thank you. For those who are going to vote yes, let me say this: My friends, I don't care who is President. I don't care who is running EPA. I don't care who is in the majority here. When we are voting on issues such as clean air or clean water or these kinds of issues and we need good scientific data, by golly, we ought to get it. We should not have to beg for it. I don't care who is running this place. We should get it. We should be able to make these decisions based on good science. That is what I want.

The real tragedy, if Stephen Johnson is confirmed tonight—and I wish him well if he is—is we have missed an opportunity not only to confirm a good man, but we will have missed an opportunity to provide this side with, frankly, the kind of scientific data we can go forward with and actually do a good bill, adopt a good clean air bill that will do a good job in reducing sulfur dioxide, nitrogen oxide, and mercury, and slowing the growth of carbon dioxide. We have missed an opportunity if we go forward tonight.

For those who are standing with me, I say thank you. For those who are not, I ask you to remember, someday we will have a Democratic President. Someday we will have a Democratic majority in this Senate. Be careful of the bed that you make, because someday you will get to sleep in it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the nomination of Stephen Johnson to be Administrator of the EPA. This Senate should vote for cloture and support this nomination.

As chairman of the Oversight of Government Management Subcommittee, I am very interested in the management of our Federal Government. Finding the right people with the right skills to run our Nation's agencies is very important. And President Bush has found the right person to lead the EPA.

Mr. Johnson will be the first career official to hold the position. He has worked at the EPA for 24 years and for 8 of the 9 EPA Administrators. He knows the inner workings and personnel at the agency which may be exactly what is needed to manage it. He has managed virtually every aspect of the agency's rulemaking process.

One of his strongest qualifications is he will be the first professional scientist to be the director of the Environmental Protection Agency. He has already been confirmed twice by the Senate as assistant administrator in 2001 and deputy administrator in 2004. There is a real need at the EPA to have him confirmed. The agency has had four Administrators in 4 years.

Mr. Johnson is serving as both deputy administrator and acting administrator. The agency has a number of other open positions. It is crying out for leadership. I imagine some of my colleagues are wondering why there is any controversy. I am the chairman of the Clean Air Subcommittee. The controversy over this nomination does not come from the EPW Committee as it overwhelmingly voted 17 to 1 in favor of his nomination.

The ranking member, Senator JEFFORDS, stated, when he was nominated:

> I applaud the decision to nominate Stephen Johnson to head the EPA, and will work to move his nomination through the Senate.

Senator LIEBERMAN also was very complimentary about Mr. Johnson and about the fact that he was qualified and that he was needed at the agency.

I wanted you all to know that we have been working for the last 4, 5 months to pass a bill to reduce powerplant emissions by 70 percent. Senator CARPER and I, who are very good friends, have spent countless hours trying to compromise. He sent a letter to the EPA requesting an analysis that would take several months to complete. Senator CARPER has placed a hold on a nomination because he wants information. Senators have a right to information, but because he wants more analysis performed, here are the facts: EPW has held 24 hearings on multiemissions legislation. EPA has provided Congress with thousands of pages of information. EPA career staff has stated this is the most analyses they can ever remember being performed on a proposal.

Mr. President, I am particularly talking to my colleagues on the other side of the aisle. We have more information than the whole Congress had when it passed the Clean Air Amendments in 1990. In May of 2004, the Energy Information Administration performed an analysis similar to what Senator CARPER is requesting. Last year, the administration went much farther than I would have gone. They agreed to do another comprehensive analysis to provide 12 pieces of information on 4 proposals, including many of the things that we have been talking about.

This is not a small analysis. It is going to take 6 to 8 weeks—did you hear me?—to complete.

To reiterate, we have had four administrators in 4 years, and things are not getting done at the EPA. Unfortunately, Mr. Johnson's nomination is being held hostage because of an issue that pales—this difference of opinion pales when you consider how desperately the EPA needs a Director right now. We have to have somebody there to get the leadership.

As I say, I understand my colleagues on the other side of the aisle have said we are going to vote en masse against cloture. Johnson is a good man. He is desperately needed at EPA, and I urge you to vote for cloture so we can confirm the scientist and the first career official to be administrator of the EPA. Thank you.

I yield the floor.

Mr. REID. Mr. President, I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. The minority leader yields back the time.

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.
>
> Bill Frist, J.M. Inhofe, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN announced that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—61

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Feingold	Santorum
Brownback	Feinstein	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Byrd	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Leahy	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—37

Akaka	Bingaman	Carper
Bayh	Boxer	Clinton
Biden	Cantwell	Conrad
Corzine	Kerry	Reed
Dayton	Kohl	Reid
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Salazar
Durbin	Levin	Sarbanes
Harkin	Lincoln	Schumer
Inouye	Mikulski	Stabenow
Jeffords	Murray	Wyden
Johnson	Obama	
Kennedy	Pryor	

NOT VOTING—2

Lieberman	Lott

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is, Will the Senate advise and consent to the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The nomination was confirmed.

NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 74.

The legislative clerk read the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative.

The PRESIDING OFFICER. Under the previous order, the cloture motion on the nomination is vitiated, and there is now 1 hour for debate under the control of the Senator from Arkansas, Mrs. LINCOLN, and 10 minutes equally divided between the chairman and the ranking member.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly do appreciate my colleagues' patience this evening. I know that it is late. I apologize for keeping people here late. I find it quite ironic that I come to the floor this late in the evening under the same purposes as my colleague from Delaware, Senator CARPER. Most of it is out of disappointment in the lack of response from this administration on an issue that I think is absolutely critical to the fabric of this Nation, critical to our families, and critical to our children.

I have asked that the Senate take time tonight to debate the nomination of ROBERT PORTMAN to be the U.S. Trade Representative to highlight some of the issues related particularly to Saudi Arabia that I believe deserve more time and attention than they have been getting. I certainly expect Congressman PORTMAN will become involved with these issues in his new position.

I support the nomination of Congressman PORTMAN to be our country's top trade negotiator. I have met with him. I have served with him. I believe he brings the right skills to the position and that he will do a very good job at representing our Nation and its vital interest in that position.

I look forward to working closely with him on many issues in the years ahead that are important to my constituents, as I did with his predecessor. But today I would like to focus on one issue in particular that is critically important to me, and that is the children of this Nation.

In May of 2004, I wrote a letter to then-Ambassador Robert Zoellick, with four of my Finance Committee colleagues, raising objections to Saudi Arabia's accession to the WTO. Over the past several years, our Government has been negotiating a bilateral trade agreement with Saudi Arabia that I understand is now very close to completion. It is also the only major hurdle which prevents Saudi Arabia from being granted favored trading status with the United States and other WTO member nations.

In our letter, we specifically raised concerns regarding Saudi Arabia's participation in the Arab League boycott of Israel and the appropriateness of our Government supporting its admission as a result, given that current law requires the United States to vigorously oppose states that implement that boycott.

We also highlighted concerns regarding Saudi Arabia's efforts to stop the financing of terrorist activities from sources within Saudi Arabia.

Finally, we objected to Saudi Arabia's continued refusal to respect the rights of American women and girls who may never have a meaningful opportunity to leave the Kingdom even as adults. My concerns about the rights of American citizens is one I feel deeply about on a personal level, as a proud citizen of this great Nation, as a mother, and certainly as a Senator from the great State of Arkansas, with tremendous responsibilities to those I serve.

Needless to say, when I received a response to our letter last week, 11 months after we sent the letter to the administration—we received a response last week from our Acting Trade Representative 2 days before Congressman PORTMAN's confirmation hearing—it only referenced the boycott and did not make one reference to the other two issues. I was deeply troubled, and I hope others will be, too.

I was even more alarmed to read press reports about our trade negotiators working around the clock to finish the agreement prior to the meeting between President Bush and Saudi Crown Prince Abdullah in Crawford, TX, this last Monday.

I want to start at the beginning of this story regarding the rights of American citizens because I think this issue is very important. Over the past several years, I have worked with Congressman DAN BURTON of Indiana and others to highlight our Government's failure to aggressively defend the rights of American women and children in Saudi Arabia. This issue came to my attention because Heidi Al-Omary from Jonesboro, AR, was abducted by her Saudi-born father in 1997. Saudi Arabia continues to invoke its law and religion to detain my constituent in violation of U.S. law and a valid court order.

Heidi was abducted more than 7 years ago, and she has been stuck there ever since because the Saudi Government does not believe Heidi's father, who is a wanted fugitive in our country, has done anything wrong. This man used our legal system to gain access by pressing the judge for unsupervised visitation, knowing full well that the first unsupervised visit and the child would be gone. Her mother knew that. Her mother argued with the judge, and the judge said: I have to give this man the visitation rights. On the first unsupervised visit in the dead of the night, that woman lost her child. She was taken from her. She did not see her child for 5 years. I do not know how we can stand by and let that happen.

I attended a Little League game with my boys recently. I sat in that field and I thought how blessed I am to be a part of these children's lives. Then I thought of this poor woman whose child was taken from her against our laws, and for 5 years she missed those precious years of that child's life.

Earlier tonight, waiting on these votes, I sat in a dark room with my children as they said their prayers. That woman has not had that. She has not experienced that blessing because her child was taken from her. She was only allowed to see that child 2 years ago, under restrictive supervision.

That is not what we are about in this country. We are about standing up for our children and the citizens of this great land. We have an opportunity to do it, and we should.

Heidi's mother Margaret McClain resides in my home State, in Jonesboro, AR. In July of 2002, Ms. McClain was permitted to travel to Saudi Arabia to visit her daughter. She was brought there under the assumption that she would have a visit with her child. When she arrived, the visit had been moved. She traveled through the desert to some unknown place where she finally got to meet with her daughter with people breathing down her neck. After 5 years, when her child was taken from her in the dead of the night, she finally gets to see her. It is unbelievable to me that that child was taken from this country in 1997 and it took us until 2002 to ask for her return.

Ms. McClain spent 6 days traveling to and from Saudi Arabia, yet Mr. Al-Omary permitted her to spend only a few hours with Heidi during that trip. Prior to that visitation, Ms. McClain had not seen or spoken to her child since she was taken from her from the United States 5 years previously.

During Ms. McClain's first trip to Saudi Arabia in July of 2002, Mr. Al-Omary acted in a verbally abusive manner toward her, took steps to disrupt Ms. McClain's planned visit with her daughter and, in addition, officials at United States diplomatic installations in Saudi Arabia reported at the time that Mr. Al-Omary was uncooperative in arranging United States Consular visits with Heidi.

At one point following Ms. McClain's visit to Saudi Arabia, Mr. Al-Omary demanded the United States Government send him a letter of appreciation for allowing Ms. McClain to visit her daughter who he had kidnapped before he would authorize future United States State Department welfare-and-whereabout visits with their daughter Heidi.

Thankfully, our Government did not send Mr. Al-Omary a thank-you note, and a subsequent welfare-and-whereabout visit did occur after pressure was applied by United States and Saudi officials.

In May of 2003, after months of preparation by Ms. McClain, my office, and the Vice President, Ms. McClain and Heidi's two adult siblings were permitted to travel to Saudi Arabia to see Heidi a second time. Ms. McClain was permitted greater access to her daughter compared to the first visit, but Mr. Al-Omary refused to grant a simple request to spend time alone with her daughter. Ms. McClain is now making preparations for a third trip to Saudi Arabia to visit her daughter again this summer.

I believe in communicating. I believe in working hard to get along. Visitation and communication between the left-behind parent and an abducted child is important and should be encouraged. However, after more than 7 years we ought to do a little bit more than just talking about more travel dates and more plane tickets. We should be talking about bringing a young American citizen home.

For too long, it seems, the U.S. Government's goal in difficult cases such as this has been to simply maximize visitation and contact between U.S. parents and their abducted children in an effort to avoid confrontation with foreign governments. We know there are sensitive situations and sensitive relationships with countries all across the globe, but you do not gain respect until you demand respect in the relationships that you hold.

We in no way have acted aggressively enough in demanding the respect for the laws of our land and the citizens, particularly Heidi, who are being held against their will.

It is safe to say that I am not satisfied with the approach of just another plane ticket and just another travel date. I firmly believe our policy should be aggressively to seek recovery of abducted children, especially when they are taken to a country in which women, regardless of their age, never achieve independence—a right we cherish as Americans and we fight for.

In Saudi Arabia, women and girls are under the complete control of their fathers, husbands, or other close male relatives their entire lives. According to the State Department's Country Report on Human Rights Practices most recent edition which was released in

February of this year, all women in the country are prohibited from driving and were dependent upon males for transportation. Likewise, women must obtain written permission from a male relative or guardian before the government would allow them to travel abroad. The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens of Saudi Arabia and to the minor and single adult daughters of Saudi fathers.

The report goes on to say that women have few political or social rights and were not treated as equal members of society. Women are restricted in their use of public facilities when men are present. For example, women must enter city buses by separate rear entrances and sit in specially designated sections.

Further, under Saudi law, women may not be admitted to a hospital for medical treatment without the consent of a male relative. However, according to the report, this was not always enforced, thank goodness.

Perhaps most troubling to me is that arranged marriages at an early age are socially acceptable in Saudi Arabia. Heidi is a young lady. She left here as a child, abducted, taken against her will, and against our law. This summer, she turns 13. I am increasingly concerned that she may be deprived of any meaningful choice about who she marries and when she bears a child. Ultimately, Heidi's ability or inability to exercise control over these most personal matters may very well determine if she is ever able to return to her rightful home in the United States.

I recognize the issue of international child abduction is not limited to Saudi Arabia. However, the status of female abductees in the Kingdom is quite unique since, under Saudi law and custom, women have very limited autonomy and may never, ever have a meaningful opportunity to leave, even as adults.

As I mentioned earlier, I focused my attention on this issue because I don't believe our Government is doing everything it can to stand up for the rights of American citizens such as Heidi. After studying the history of Heidi's case and others, I have sadly concluded that our own Government has failed to stand up for Heidi and others such as her. Perhaps most telling in this case is that even though Heidi is a U.S. citizen and was kidnapped in August of 1997, our Government did not formally ask that she be returned until October of 2002. To me, that is inexcusable. It is why I think our Government owes this young girl an extra effort now, when she is most vulnerable, about to turn 13, about to have life-threatening decisions made for her without her consent, and without any of her emotional input.

To bring greater attention to this issue, in June of 2002, all 13 women Senators who were Members at the time sent President Bush a letter, asking him to take up the cause of American women and children held against their will in Saudi Arabia. I received a response to this letter from the then-Secretary of State Colin Powell in November of 2003. And that was 18 months after 13 women Senators wrote to this administration specifically addressed to the President of the United States. I only heard from the Secretary of State after I had placed a hold on the nomination of James Oberwetter to be our Ambassador to Saudi Arabia. In his letter, Secretary Powell stated that the State Department is committed to recovering abducted children and will continue to seek the return of abducted children such as Heidi.

Over the past several years, I have also met with multiple members of the administration, submitted written questions to nominees to the positions in the administration who have jurisdiction over these matters.

In 2002, in 2003, Assistant Secretary of State for Consular Affairs Maura Harty stated in meetings with me, in public testimony, in response to my written questions, that the return of abducted children is a priority and it is the State Department's goal and our Government will continue to press to recover abducted children.

In November of 2003, now United States Ambassador to Saudi Arabia James Oberwetter stated in response to my written questions that the release of Americans who have been abducted to Saudi Arabia is a priority and that he will raise the case of Heidi Al-Omary at the earliest opportunity. That was 2003.

In January of 2005, Secretary of State Condoleezza Rice stated in written responses to my written questions that she would raise the case of Heidi Al-Omary at the earliest opportunity and that the return of abducted children is truly a priority.

In April of 2005, USTR nominee ROBERT PORTMAN made a commitment to me at his confirmation hearing this month and in written responses to my written questions to work with me in collaboration with the State Department to address this issue.

It sounds like more plane tickets. It sounds like just more dates and more plans for visitation, eliminating that mother's opportunity to share the kind of time with her child that each one of us has enjoyed.

Finally, last week, I wrote President Bush prior to his meeting on Monday with Crown Prince Abdullah in Crawford, TX, asking him to raise this issue. I do not know who else to write in the administration. I do not know who else to appeal to. I do not know who else to sit around waiting for an answer from on an issue that could not be more important, our children—not just my children, not just your children, Mr. President, not just the children of other Senators, but children of this Nation.

I continue to be in contact with the White House, and I welcome the opportunity to work with them in resolving this matter. But as my colleague from Delaware came to the floor, and having asked for the last 2 or 3 years for a working relationship that might bring about results, I come to the floor tonight with a heavy heart, disappointed in the response I have gotten over the last 3 years but hopeful, because a mother's heart is always hopeful, just as the mother of that child's heart is hopeful every time I talk to her. Every time I talk to her, she never gives up.

I know officers at the State Department who have responsibility for abduction and wrongful retention cases work hard. I know they do. I know they care about the children involved. I am not doubting that. I am not frustrated with them because I know their hands are tied. They take their instructions from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of results in this case and our Government's apparent policy of not rocking the boat when difficult-to-solve cases like Heidi's linger in limbo indefinitely. I know our Government has said repeatedly that the return of abducted children is a priority, but it is just not a big enough priority. I do not think we have done everything we can in this case, which brings me back to the nomination now pending before the Senate.

When countries such as Saudi Arabia ask our Government to grant favored trading status, I think it is only appropriate to step back and consider all facets of our relationship and foreign policy goals before we hand them the cookie jar.

I have already discussed in some detail the letter I wrote to Ambassador Zoellick in May of last year. Since that time, in September of 2004, I think it is important to note that the Secretary of State has designated Saudi Arabia as a country of particular concern in the State Department's annual International Religious Freedom Report. So according to the administration, Saudi Arabia's record in this area is getting worse, not better. This status is reserved for a handful of governments that have ''engaged in or tolerate particularly severe violations of religious freedom.'' Respect, Mr. President, respect for our faith and for other faiths—just as we try desperately in our country to respect those.

According to the State Department's report on Saudi Arabia:

> Freedom of religion does not exist. Citizens are denied the freedom to choose or change their religion, and noncitizens practice their beliefs under severe restrictions.

Further, the report states that Saudi custom officials routinely open mail and shipments to search for contraband, which includes the Bible.

As my colleagues may also be aware, under this designation, the President is supposed to choose from a menu of sanctions stipulated by Congress, which raises questions in my mind about why we should be sanctioning

Saudi Arabia on one hand while trying to reward them with a trade deal on the other without evidence of meaningful improvement.

When I inquired this week about the status of sanctions on Saudi Arabia under this law, I was told that even though the deadline established in the statute to make a decision passed on March 15, no decision from this administration has been announced.

I truly regret that Congress does not have the opportunity under current law to vote on a bilateral trade agreement relating to Saudi Arabia's accession to the WTO. I think that could make a real difference with a country such as Saudi Arabia, and it would significantly enhance our Nation's ability to make meaningful progress on many of our foreign policy goals.

To put this into a little different context, I point out what I see as a direct contradiction in our trade policy specific to congressional review of certain countries. I will use the country of Ukraine as a good example. Many of you remember the moving address before a joint session of Congress by the brave new President of the Ukraine just a few weeks ago. We heard him. In his address, he asked, pleaded that Congress graduate his country from what is known as Jackson-Vanik—a procedural step taken by Congress before any former Communist country receives the most favored trading relationship with the United States; a procedural step that is proving to at least get the attention of the Vietnamese Government, that is working desperately within the next year, hopefully; a procedural step that Saudi Arabia does not have to overcome; a procedural step unavailable to Members of Congress to have their legitimate concerns addressed.

We will not have a vote when it comes to their being rewarded with membership to the WTO. And sadly, the only votes we really have much of any say over are these nominations, when we put holds on the names of very capable individuals who want to serve this country. But without that vote, our concerns will be left to Congressman PORTMAN and the administration to raise. So that is why I am here in the dead of the night, to put into the RECORD and, hopefully, into the hearts and minds of the few people who are left listening that these nominations are important, and we do believe in these individuals to have great capabilities, but oftentimes they are not allowed the authority to exercise that.

Given all these issues I have highlighted—the Arab boycott of Israel; terrorism financing, which is costing us more and more in Iraq; the lack of religious freedom; and the lack of respect Saudi Arabia has shown for our laws and its citizens—for the life of me, I cannot understand why we are in such a hurry to walk down the aisle on this trade agreement. What is going on?

Most of the Members of this body know me pretty well. I am not trying to be ugly. But I think someone must stand up and tell the truth. Our policy with the Kingdom of Saudi Arabia is go along to get along, even when the rights of American citizens and fundamental principles such as equality and freedom that define what is good about our Nation are sacrificed.

As a proud mother of twin boys, I try hard to make sure they understand that actions in life are based on priorities. They are based on choices that each of us has to make. But without a doubt, the choices we make and the actions we take have real and substantive consequences and can have ramifications far beyond a single issue or event. I try so hard to teach them that friendships are based on mutual trust and respect.

To all of those nations across this globe, who are our neighbors, we want desperately to build on our friendships. But if those friendships are to be long lasting and to be worthwhile, they must absolutely be built on respect.

I do not advocate severing our relationship with Saudi Arabia. Neighbors and friends are important to have. Whether you grew up in rural America, as I did, and depend on them to help you bring your crops in or to raise your children or to just get you through the month, it is important to be a good neighbor, and it is important to have good neighbors. But it is hard to have that relationship if you don't ask of them the kind of respect that allows you to depend on one another.

As I said, I don't advocate in severing our relationship with Saudi Arabia. I hope we can reach out. But until this administration takes those steps, starts to answer our letters and our phone calls, and makes a few attempts in reaching out to Saudi Arabia, the leaders of that nation, to express to them how important our children are to us, we have a problem. I do believe we need to step back and fully consider the values we cherish as Americans as we move forward into the future. This is a very real place where it has to begin.

I appreciate the patience of the Chair, and I yield the floor.

The PRESIDING OFFICER. Are there other Senators seeking to yield time? Does the Senator from Arkansas yield back the remainder of her time under the previous order?

Mrs. LINCOLN. I yield back the remainder of my time.

Mr. GRASSLEY. Mr. President, I rise in strong support of the nomination of ROBERT PORTMAN to be our next United States Trade Representative.

Congress first mandated the appointment of a special representative for trade negotiation in 1962. Since that time, our trade representative has played a vital role in shaping much of our international economic policy. Today, it remains an important position that requires a unique blend of technical and political skills for success.

In that regard, we are fortunate to have ROB PORTMAN as the President's nominee. Congressman PORTMAN has a strong commitment to public service, having served the people of Ohio in the House of Representatives for the past 12 years. His thoughtful consideration of complex issues and his determination to achieve sound public policy have made him an effective leader. He has played major roles in pension, tax, and IRS reform. He is well known for his leadership in the fight against drug abuse. And, as a member of the Ways and Means Subcommittee on Trade, Congressman PORTMAN has been intimately involved in a number of key international trade policy initiatives.

There is strong support for the nominee among the business and agriculture communities. In an open letter sent to Congress on April 18, literally hundreds of companies, associations and Chambers of Commerce expressed their desire to see Congressman PORTMAN confirmed as the next United States Trade Representative, noting that he ''is the right person for the job. During his six terms in the U.S. House of Representatives, he has distinguished himself as a thoughtful and respected leader on international trade and investment issues. Moreover, he has demonstrated a spirit of cooperation that will be essential in the months ahead as Congress considers many trade issues on its agenda.

Similar sentiments are expressed by over 60 representatives of the agriculture sector. In a letter dated April 19 they note that ''Representative Portman has long championed bipartisan solutions to trade'' adding that he ''will bring tremendous talent and experience to this important post. We applaud Representative Portman's deep commitment to enforcing trade agreements and believe his desire to achieve meaningful results for American agriculture and agribusiness is precisely the leadership that is needed in the dynamic and sometimes difficult to navigate world of agriculture trade.''

There is strong interest in moving this nomination quickly. There are a number of important events coming up over the next few weeks including a meeting of the World Trade Organization ministers in early May. So, I hope we will be able to confirm this nominee quickly.

There is a long tradition of legislative and executive branch cooperation on international economic policy. The importance of working together became most evident following the passage of the Smoot-Hawley Tariff Act of 1930 which helped plunge our economy into the Great Depression. In 1934 President Roosevelt recognized that high tariff barriers were strangling our economy. To spur economic growth, he sought and received legislative authority to negotiate reductions in tariff barriers.

That bill, the Trade Agreements Act, embodied the basic partnership between the legislative and executive branches of Government that we know today as Trade Promotion Authority.

It is a partnership that has served this Nation well for the better part of the last century, and hopefully will continue to do so for the next.

But the battle for economic freedom is far from over. We cannot afford to return to the tyranny of tariffs embodied by Smoot-Hawley. Decisions we make in the near future on economic policy will have a significant impact on generations to come. They are decisions we cannot take lightly. Strong leadership at the Office of the United States Trade Representative is key. Congress will soon be considering free trade agreements with Central America, the Dominican Republic and Bahrain.

We also have a number of important bilateral and regional negotiations underway that will bring significant benefits to the U.S. economy. And, perhaps most important, are on-going negotiations at the World Trade Organization. Successfully concluding these negotiations and ensuring their implementation will take a skilled champion of America's interests. I am confident that ROB PORTMAN will effectively fill that role.

I hope my colleagues will join me in strongly supporting Congressman PORTMAN to be our next United States Trade Representative.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 28, 2005.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, April 28, 2005.

Hon. EVAN BAYH,
U.S. Senator,
Washington, DC.

DEAR SENATOR BAYH: As you know, the Senate Finance Committee will be holding a hearing on U.S.–China trade relations before July 15th. As a co-sponsor of legislation to apply countervailing duty laws to non-market economies such as China you will be invited to testify at this hearing. I share your concern about China's use of subsidies and their potential impact on manufacturing and other workers in our economy. The hearing will be an important opportunity to fully air this issue and analyze the best possible policy solutions to the problem including statutory application of countervailing duty laws to non-market economies as proposed by S. 593, the ''Stopping Overseas Subsidies'' Act.

Since we will have a full discussion of the many pressing issues surrounding U.S.–China trade relations prior to July 15th, I appreciate the fact that you agree it will not be necessary to offer an amendment or to seek a stand alone vote on this issue prior to review by the Senate Finance Committee at this hearing.

I appreciate your interest in this issue and look forward to continuing our discussion on this important and timely topic.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

Mr. BUNNING. Mr. President, I rise to urge my colleagues to support the nomination of ROB PORTMAN to fill the post of U.S. Trade Representative. I have been privileged to work with ROB for over 10 years.

As my colleagues know, ROB represents the Cincinnati district which is just over the river from my home in northern Kentucky. Over the years, ROB and I have developed a strong professional relationship as we worked together on issues important to the northern Kentucky-Greater Cincinnati region and the Nation.

But just as importantly, I am honored to be able to call ROB PORTMAN my good friend. My wife Mary and I have come to know ROB, his wife Jane, and their children quite well over the years and we admire and respect them.

So I come to you as someone who knows ROB PORTMAN as well as any other Member of Congress to tell you that President Bush could not have picked a better man for this job. ROB is one of the smartest guys in Washington and he combines that intelligence with sound judgment and a strong moral compass.

We are all aware of ROB's ability to work in a bipartisan manner to accomplish legislative goals. I am confident ROB will bring this ability to build bridges to his job as the U.S. Trade Representative—a job where bridge building is integral to success.

I can't think of anyone that I would rather have representing our country to the world, and I urge my colleagues to act favorably and quickly on his nomination.

NOMINATION OF ROBERT PORTMAN

Mr. HATCH. Mr. President, I am delighted to take this opportunity to reaffirm my support for Representative PORTMAN's nomination to become the United States Trade Representative. Throughout his professional career, his work his exhibited one common characteristic: excellence.

From his time working as a young lawyer at a prestigious Washington, DC, law firm to his current responsibilities as a member of the House Ways and Means Subcommittee on Trade, Representative PORTMAN has done much to make a difference in peoples' lives, in no small part by supporting legislation designed to open markets and strengthen trade relationships. He believes that if we are to create a truly stable and prosperous world and strengthen our own Nation's economic position, our trade policy must be based on free trade agreements that open markets to American goods and products.

Representative PORTMAN also shares my belief that it as important to enforce free trade agreements as it is to create new agreements. Without vigilant enforcement of these agreements there remains a possibility of creating a disadvantageous environment for our exports. This is especially true in one of our most important areas, intellectual property. Representative PORTMAN and I have discussed this issue, but I wanted to reiterate its importance by stating publicly how concerned I am about the recent reports that I have heard regarding the increase in intellectual piracy in nations such as Russia and China.

Representative PORTMAN will face many challenges in his new assignment as United States Trade Representative. One of the most immediate will be the Dominican Republic—Central American Free Trade Agreement. As many others, I have concerns about what this agreement will mean for U.S. jobs and how effectively the U.S. can compete in this global marketplace. However, after diligently studying the agreement, I have come to the conclusion that U.S. companies and consumers, including Utahns, will benefit exponentially from this agreement with increased exports to our regional trading partners and lower domestic prices for many goods and services.

As Congressman PORTMAN has pointed out to many of us and as Acting Representative Allgeier discussed during his testimony before the Senate Finance Committee 2 weeks ago, there are a number of advantages for the United States to ratify this agreement. Particularly interesting is that it would reverse the United States' policy of unilaterally affording preferences to Central American goods under the Caribbean Basin Initiative and the Generalized System of Preferences. That means that where once U.S. goods faced trade hurdles, barriers would be eliminated.

Utah exported over $6 million worth of information technology products to CAFTA nations last year. This treaty will eliminate key distribution barriers in those countries, opening markets to Utah companies in the telecommunications and e-commerce arenas. Utah's farmers will also enjoy access to new markets as CAFTA will immediately eliminate tariffs on wheat, barley, oats and rye. However, despite these advantages we must remain on guard that this agreement and previous agreements are adequately enforced to ensure that American products are fairly treated in these markets.

This is only the ''tip of the iceberg'' of the challenges that Representative PORTMAN will face. I do not believe that the President could have chosen a better person to create and enforce the extraordinary opportunities afforded by new and existing free trade agreements. Representative PORTMAN's nomination has my full support and confidence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

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

SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, Benjamin Franklin once said: He that would fish must venture his bait.

In America, we have millions of creative women and men and even teens who cast their reels every day in the hopes of catching the American dream. And fortunately we have the most vibrant economy in the world and the Small Business Administration to help them.

This week the Small Business Administration is hosting its annual celebration of America's entrepreneurs at the Washington Hilton. President Bush spoke to the group several days ago in recognition of their tremendous contributions. One of the topics that had been discussed over the course of the week is just how important are small business owners. These innovators create 60 to 80 percent of new jobs nationwide. They generate more than 50 percent of the gross domestic product. Small business owners are the heart of the American marketplace, and their contributions to jobs and productivity are its lifeblood.

In my home State of Tennessee, over 97 percent of all businesses are small businesses. Women-owned businesses generate billions of dollars in revenue and employ tens of thousands of workers. Minority-owned firms, the fastest growing small business sector in America, account for nearly 33,000 small businesses in Tennessee. Elisa Comer, CEO of Eagle's Landing Transcription Service over in Johnson City, TN, has been chosen this year as one of the Small Business Administration's 50 small business people of the year. Elisa's company offers cutting edge electronic technology that improves medical recordkeeping.

This happens to be an issue that in my capacity as a Senator I have worked on very closely. Companies that provide up-to-the-minute medical records technology are crucial to improving patient care, to improving patient safety, and improving efficiency in the medical field. Workers and consumers depend on entrepreneurs such as Elisa to generate jobs and to provide higher quality products and services. And with the help of the Small Business Administration, America's entrepreneurs can get their ideas off the ground and into the neighborhood near you.

Take, for example, the restaurant chain Outback Steakhouse. It may come as a surprise to some, but Outback Steakhouse is not headquartered in Australia. It is headquartered right here in America, down in Tampa, FL. In a little over a decade, Outback Steakhouse has grown from a small restaurant operation into a nationwide phenomenon. In February of 1990, the 2½-year-old company employed approximately 300 people and had a net worth of less than $2 million. That year it received a boost from the Small Business Administration. Ten years later, the restaurant chain employs more than 38,000 people and in 1999 posted revenues of a dizzying $1.6 billion. Outback has restaurants in 48 States and 13 countries as far away as Seoul and Rio de Janeiro.

Another dazzling example of the Small Business Administration's catalytic effect is Staples. It started as a single office supply store in Brighton, MA, in 1986. The office supply store is now the country's largest operator of office superstores. Staples employs 58,000 people and has annual gross sales of $11.6 billion. It even offers products and services to up-and-coming small businesses to help them cut costs.

The Small Business Administration has helped more than 22 million Americans start, grow, and expand their businesses. It has become the Government's most effective instrument for economic development. With its help, small companies have grown from a handful of employees into thousands.

The SBA is just one part of our efforts to support job-creating policies. In 2003, the Jobs and Growth Tax Relief Act we passed provided more than 25 million small business owners with tax relief totaling $75 billion. In fact, small businesses received 80 percent of the benefits of the reduction of the top marginal tax rate. The tax relief package quadrupled the amount small businesses can expense for new capital investments, which will lead, and has led, to new investment in technology and machinery and other equipment. It phases out the Federal death tax, ensuring that family business owners are able to leave their businesses to their families or key employees.

These policies are helping to create new jobs and increase productivity and make every consumer's dollar go farther. Remington's electric shaver magnate Victor Kiam once observed:

> Entrepreneurs are simply those who understand there is little difference between obstacle and opportunity and are able to turn both to their advantage.

I commend my fellow citizens who possess this talent to turn obstacles into opportunity, not only to their advantage, but also to the advantage of us all. Their risk-taking and creativity help keep America moving forward.

THE PAST MONTH

Mr. FRIST. Mr. President, there are a few comments I will now make on the past month. Indeed, it has been a productive month in the Senate and I do want to thank all of my colleagues for their hard work and diligence over the course of the last several weeks. It has been an almost unbelievably eventful time on the world stage, first and foremost with the passing of Pope John Paul II. None of us will ever forget hearing the news of his death and feeling that we were in some way fortunate to be witnesses to a moment and to an era that will change and instruct history for generations. Nor will we ever forget our pilgrimage to the Vatican to pay our respects to the Pope and his extraordinary life. Millions of Catholics and non-Catholics alike were touched by this great man. He influenced more lives than kings and Presidents before him.

I believe I speak for all in welcoming his successor, Pope Benedict XVI, the new leader of the Catholic Church. He is a man of great compassion and integrity, and I believe that, like John Paul before him, Pope Benedict will spread God's message of peace and be an inspiration to millions.

We also witnessed on the world stage the historic withdrawal of Syrian troops from Lebanon. Next week, I will be traveling there to see firsthand the changes that are being brought. Democracy is on the march. We are witnessing history in the making. After some months of difficult negotiation, the Iraqis have formed a new transitional government from the fruits of their first true elections. This is tremendous news. Prime Minister al-Jaafari deserves great credit for including a cabinet consisting of the great diversity of Iraq's population.

The Iraqis are a brave and determined people. January 30 proved that truism vividly and beyond a doubt. My heart goes out to the Iraqi people as they give shape to that first true democracy in the heart of Arab Middle East. They are an inspiration to their brethren and to all of us who strive for freedom. These are perilous times, but they are hopeful times. The United States can stand proudly before the world for our efforts to spread freedom, our ideals, our principles, our efforts, and our blood to free millions of people the world over. And this body, the Senate, has been instrumental in advancing America's interests in a myriad of ways, concrete and symbolic, empowering and inspiring.

This week, after 2 weeks of debate, we passed legislation to fund our men and women in uniform who are fighting for freedom, and to fund our humanitarian outreach to the December tsunami victims. We will continue to supply all necessary resources to keep our military strong.

During this session, we also confirmed Ambassador John Negroponte as Director of National Intelligence. Mr. Negroponte will be responsible for overseeing the entire intelligence community. It will be his job to keep America safe by bridging the gap between our 15 intelligence agencies and improving information sharing between agencies. I am confident that, as our new Director of Intelligence, Mr.

Negroponte will work hard to make the reforms necessary to help keep America safe.

Tonight, we have approved the final two members of the President's Cabinet, ROBERT PORTMAN to be USTR and Steve Johnson to the EPA. The President's Cabinet, as of a few minutes ago, is now complete.

Of course, tonight we had the budget. I congratulate Chairman JUDD GREGG. This, as I mentioned earlier this evening, is the fifth quickest conference report on the budget in history. The budget addresses spending head on. It is a strict budget from a fiscal standpoint. It addresses the short-term deficit by holding down discretionary spending, cutting the deficit in half in about 4 years. It addresses the outyear deficits driven by entitlements. It reinstitutes the enforcement mechanism that will discipline spending. It is a fully transparent budget that accounts for the true war costs over the next year.

I look forward to returning to our work when we return from the recess. I am confident that with bipartisan determination we will get further work done. It has been an eventful month—a month of global and history-changing events. I am proud that under the leadership of President Bush, America has been at the forefront of freedom.

Over the recess, I will have the opportunity to travel to the Middle East to witness many events and learn firsthand the challenges facing the region—more specifically, the progress of the Israeli and Palestinian peace process. We will meet with key Israeli leaders in Israel and travel to Ramallah in the West Bank to meet with President Abbas and members of his Government.

We will also meet and listen to other voices in order to hear a wide range of views. Our goal is to listen and explore how we can help move the process forward and advance the cause of democracy.

We will also be visiting Jordan and Egypt, two important players in the Middle East peace process. They have endorsed the roadmap to peace and have shown by example that Arab peoples can live side by side with Israelis. They are also close friends of the U.S. and are allies of the global war on terrorism. Both countries are also pursuing much needed reforms. More needs to be done, not just because it is in our national security interest, but because it is in their people's interest. Transparency, continued movement toward democracy, economic freedom, and prosperity should be the goals of all governments in the region.

In all of these stops, we will meet with real, everyday people and see these cities and countries in action, whether it be visiting hospitals in Jerusalem or shopowners and business people in the West Bank.

Finally, we will also travel to Beirut to meet with key opposition leaders and current government leaders. Our goal is to underscore our unwavering position that all Syrian intelligence and military personnel must leave Lebanon. Elections must be held on time and the Lebanese people must determine their own future through free and fair elections. The United States stands firmly behind the Lebanese people.

In closing, I wish my colleagues a safe and productive recess and look forward to resuming our work when we return.

MOTHER'S DAY

Mr. BYRD. Mr. President, Washington, like most of the Nation, is awash in green. Lawns are lush and verdant. The new leaves on the trees are bright green, soft, and whole—not yet the tough, sun- and insect-scarred veterans of late summer, but as delicate as a baby's skin. The dogwoods and lilacs are blooming, and the azaleas are putting on their magnificent show. In a few days, it will be May. May is a beautiful month in the Nation's capital, just as it is in the hills of West Virginia. It is, perhaps, the most beautiful month. It is a gentle, nurturing month, full of tenderness and promise.

It is fitting that such a month be graced with a day to honor mothers. Sunday, May 8th, is Mother's Day. On this day, tender thoughts of affection and gentle acts of kindness and appreciation are showered upon our mothers, who have sustained us all with their gentle hands, warm hearts, and forgiving natures.

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and science. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices and tantrums. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through problems, but at home, as mothers, we depend on their faith and support to find solutions for our problems.

Next weekend, mothers will be feted with cards, flowers, and Sunday brunches. They will begin to get some of the backlog of hugs that are their due, a down payment on the debt of gratitude we owe them for taking on such a monumental task. The only instruction that women receive on how to be a good mother comes from their own mother. It is a remarkable achievement that so many women learn this complex job so effortlessly, and manage to perform it so well. Women from around the globe, women who will never break a world record, invent a new technology, discover a new fact, will share with those record breakers in the phenomenally important job of motherhood. Society utterly depends on how well mothers and fathers manage the task of parenting. It is a heavy responsibility to lay upon such rank amateurs.

I can well recall the early days of my own marriage. I have been blessed to have been married to the same kind and forgiving woman for almost 68 years. We are now proud great grandparents. But nearly seven decades ago, we were the rankest of amateurs at marriage and parenthood. Erma has always been my touchstone. Her faith in me has never wavered, and she took to mothering me as effortlessly as she took to mothering our daughters. In Erma Ora James Byrd runs the blood of a great line of mothers—fierce in their devotion to their families, vigilant in their care, loving in their manner.

That same fierceness, vigilance, and devotion can be seen in women who bring their mothering skills to the office as well. I am so often impressed at the energy and ability of working mothers. Their ability to focus on their two big jobs—work and family—takes real dedication, precise time management, and grueling endurance. Single mothers require those qualities in even greater measure. They often do not have someone who can help with the homework, share in the driving to school and practices, take turns staying home with sick children, put the children to bed or read them stories, or do any of the so-called ''father's jobs'' of taking out the trash, mowing the lawn, fixing the car, or even drying the dishes. It takes superhuman strength to keep up that level of effort at home while still earning a living. I do not think that, as a society, we have made it easy for mothers, and especially for single mothers, to do their twin jobs. We need to find better ways to help women balance work and motherhood. We need their skills and talents in the workforce, but we also need their skills and talent at home, building our Nation's future.

I know of some women, in West Virginia and throughout the country, who have found themselves in the single mother category after the tragic loss of their husbands in battles in Afghanistan and Iraq. They have had to deal with their own and their children's grief, the loss of their husband's income, and making a new home for

themselves outside of the military, plus the sudden loss of their partner in childrearing. They and their children should not be forgotten after the furled flag is handed to them at a military funeral. We deservedly call their husbands heroes for the sacrifice they made for our Nation, but their families are left to be heroes each and every lonely day thereafter. They need and merit the support and comfort from all of us, on Mother's Day and every day.

Children are sometimes, and rightly, referred to as our greatest national treasure. They are our future, the great hope for the continued success and enduring values of our Nation. But if that statement is true, then it is also true that good mothers are our Nation's greatest national resource. Without mothers dedicated every day to this monumental task, our future would be bleak indeed. Though the Senate will not be in session next week, I am proud to call attention to the coming of Mother's Day. I hope that others will join me in applauding the noble calling of motherhood, and in recognizing the hard work and love that mothers demonstrate day after day.

I would like to close with a poem by Strickland Gillilan, called ''The Reading Mother,'' as it speaks to the simple, lasting gifts that mothers give their children.

THE READING MOTHER

I had a Mother who read to me
Sagas of pirates who scoured the sea,
Cutlasses clenched in their yellow teeth,
''Blackbirds'' stowed in the hold beneath.

I had a Mother who read me lays
Of ancient and gallant and golden days;
Stories of Marmion and Ivanhoe,
Which every boy has a right to know.

I had a Mother who read me tales
Of Gelert the hound from the hills of Wales,
True to his trust till his tragic death,
Faithfulness blent with his final breath.

I had a Mother who read me the things
That wholesome life to the boy heart brings—
Stories that stir with an upward touch,
Oh, that each mother of boys were such!

You may have tangible wealth untold;
Caskets of jewels and coffers of gold.
Richer than I you can never be—
I had a Mother who read to me.

MR. GEORGE FUMICH, AN OUTSTANDING WEST VIRGINIAN

Mr. BYRD. Mr. President, I want to take a few minutes to say goodbye to a remarkable friend, and an outstanding West Virginian, Mr. George Fumich, who passed away last week.

George Fumich was born in Pennsylvania, but he grew up in Morgantown, WV, and graduated from the West Virginia School of Law. Like so many who come to our State from elsewhere, he developed a passion for West Virginia that lasted a lifetime.

As an officer in the United States Army during World War II, he served in the Italian campaign. His division was the first to move into Rome and was instrumental in the liberation of that magnificent city from Nazi occupation. He was later captured by the Germans in Northern Italy, but Italian partisans liberated him from his Nazi captors.

For his distinguished military service, George Fumich was awarded two Bronze Stars, a Silver Star, the European African Middle Eastern Service Medal, a POW medal, and as Presidential Unit Citation.

After the war, Mr. Fumich became corporate counsel for the Christopher Coal Company, and then began a successful political career. His political accomplishments included being elected to the West Virginia House of Delegates and serving as Senator John F. Kennedy's campaign manager for northern West Virginia during the historic 1960 West Virginia Democratic primary.

After Kennedy's election, Mr. Fumich began a successful career with the Federal Government. He served as Director of the Office of Mineral Exploration at the Department of Interior, as the first Director of the Office of Coal Research at the Interior Department, and from 1975 to 1977, he was the Director of Fossil Energy at the Energy Research and Development Administration. In 1977, he was appointed Assistant Secretary for Fossil Energy at the U.S. Department of Energy.

After leaving the Federal Government, he was appointed Dean of the College of Mineral and Energy Resources, and then served as president of George Fumich Associates, an energy consulting firm.

His interest in coal, his love of West Virginia, and his devotion to West Virginia University all merged. Over the years, it has been rare to attend any event at which the coal, the State, and the university converge, without seeing George Fumich. He was an enthusiastic booster of anything he set about to promote, yet he had a gentle way about him that earned the trust and respect of others.

I will miss seeing George making the rounds at coal events here in Washington. His was a remarkable career for a remarkable man. This kind, brave and honorable man had been a military officer, a politician, a POW, a dean, an administrator, an attorney, a politician, and a Federal official. But above all else, he was a loving and caring father and husband who will be deeply missed by his multitude of friends, and his wonderful family, of which he was so proud.

West Virginia University alumni have lost an energetic supporter for all things WVU. The people of Clarksburg and Morgantown have lost a good neighbor. The State of West Virginia has lost an outstanding citizen. I have lost a dear friend.

My wife Erma and I extend our deepest heartfelt condolences to his wife of 46 years, Marie Fumich, and their children and grandchildren.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DURBIN. Mr. President, I rise to honor the memory of the victims of the Armenian genocide.

This week marks the 90th anniversary of the beginning of the genocide that ultimately took the lives of one-and-a-half million Armenian men, women and children. On April 24, 1915, 200 Armenian religious, intellectual and political leaders in Constantinople were arrested by the Government of the Ottoman Empire and murdered. It was the beginning of the first genocide of the 20th century, and it continued until 1923. It was a vicious, organized crime against humanity that included murder, deportation, torture and slave labor.

The Armenian genocide was followed by a concerted effort to destroy any record of the Armenians in Asia Minor, including the destruction of religious and cultural monuments, and the changing of place names. I am saddened that there are those who would prefer to forget the Armenian genocide. To ignore it is to desecrate the memory of those who lost their lives. And such denial sends the message that genocide will be tolerated by the world.

To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

As we remember those whose lives were brutally taken during the Armenian genocide, we also pay tribute to the survivors, the living testimony of this historic crime, and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain the wisdom and knowledge necessary to ensure that we can prevent its repetition.

Recognizing the Armenian genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan. As we pause to reflect upon this grievous example of man's inhumanity to man, let us honor the victims of the Armenian genocide and all crimes against humanity by not only acknowledging their suffering, but by acting to halt similar atrocities that are occurring now before our very eyes.

HONORING QUINCY, IL, MAYOR CHARLES W. SCHOLZ

Mr. DURBIN. Mr. President, I would like to take a moment to tell you about a friend of mine.

Chuck Scholz has three great loves in this world: his family, his faith and his community, Quincy, Illinois. On May 2,

after 12 years as Quincy's mayor, Chuck Scholz is stepping down.

It was clear from his earliest days as mayor that Chuck Scholz was a leader. Days after he was sworn in, the Great Mississippi River Flood of 1993 deluged Quincy and many other towns up and down the Mississippi. Even when the flood waters made the bridges connecting Quincy to West Quincy, MO, impassable—leaving the region isolated—Chuck Scholz never panicked. He led a relief effort that brought together Federal, State, and local resources. After the flood waters receded, he worked with communities in three States to lay the foundation for cooperative economic development efforts that continue to this day. He turned destruction and despair into focused determination. His influence on Quincy is so positive and so pervasive that today, many of us cannot think of Quincy or western Illinois without thinking of Chuck Scholz.

Chuck is a compassionate public servant and a talented lawyer. He is also an avid Quincy historian. In 1994, he was able to relive an important chapter in Quincy's history when he welcomed President Abraham Lincoln to the city. Actually, it was a very convincing actor who was playing Lincoln in a re-creation of the famous 1860 Lincoln-Douglas Presidential debates in Quincy. The debate was covered live on C–SPAN.

Mayor Scholz also welcomed a living President to Quincy. Hours after President Bill Clinton delivered his final State of the Union Address in 2000, Air Force One touched down at Quincy's Baldwin Field, and President Clinton delivered a speech in Washington Park. That visit and so many other remarkable events—would not have happened without Mayor Scholz's leadership.

The Scholz administration leaves an impressive list of accomplishments, from lowering property taxes to improving city services and enhancing public safety. Working hard and in a bipartisan manner, Chuck Scholz has made the ''Gem City'' shine even brighter. Quincy is a more prosperous, more vibrant, more beautiful, and more hopeful place than when he first became mayor.

Chuck Scholz is proud of the sister city bonds he helped forge between Quincy and the cities of Hereford, Germany, and Jiaxing, China. He has hosted Presidents, bishops, Supreme Court Justices, and dignitaries from many nations. But his favorite conversations have always been with Quincyans. He loves chatting with local grade school students and rewarding them for good grades with one of his famous red, white, and blue bookmarks.

Retiring as mayor will allow Chuck to spend more time with his wife Becky and his sons Charles and Jake. He will rediscover the law and maybe even spend a bit more time on the golf course or conducting the Quincy Park Band. But I know his service to his hometown will never stop.

As Chuck Scholz prepares to begin this next chapter in his life, I wish him well and I join many others in thanking him for 12 years of remarkable service to his community.

HONORING OUR ARMED FORCES

SERGEANT ROCKY PAYNE

Mr. HATCH. Mr. President, it is with heavy heart that I rise today to honor the life of SGT Rocky Payne, a soldier in the Army's 497th Transportation Group, who bravely gave his life in service to his country. Sergeant Rocky Payne, a native of Howell, UT, was killed on March 16, 2005, in an explosion created by a roadside bomb in the city of Baghdad. Sergeant Payne is a true hero who died defending his Nation and bringing freedom to an oppressed people.

Sergeant Payne's dream of being a soldier was fulfilled when he joined the Marines at the age of 20, serving 4 years. Shortly after the end of his enlistment with the Marines he joined the Army and was again sent to Iraq, this time as a gunner protecting the supply convoys that make our operations in Iraq possible. In honor of his dedication and service he was posthumously advanced to the rank of sergeant.

I have been told that as a young man SGT Payne exhibited an unusual ability to work with his hands. Old bicycles and electronics found new life under his determined resourcefulness. He restored an old rusty truck which hadn't run in years to working condition in only 2 days. Possessing the ability to play piano by ear, SGT Payne apparently could reconstruct a tune he had heard only once and play it on the piano. But it was when his hands were placed in the service of others that they did the most good. ''He was a good, good person,'' his brother is reported as saying. ''One of the kindest people you would ever come across.'' As a soldier SGT Payne fought bravely to ensure that the people of Iraq would one day enjoy freedom from oppression. ''He loved serving,'' said his father in one newspaper story. ''He honestly felt like he was helping the Iraqi people.''

Sergeant Payne served his country with courage and honor and his loss is one that our entire country will share forever.

FREEDOM

Mr. FEINGOLD. Mr. President, this past weekend millions of Jews around the world celebrated the beginning of the Passover holiday. Gathered at Seder tables with family and friends, they commemorated the Israelites' exodus from Egypt almost 4,000 years ago.

Jewish law dictates, however, that the Jewish people must do more on Passover than merely remember their ancestors' time in bondage. They must strive to reenact the experience.

Using matzah and bitter herbs, the Seder is an endeavor to recreate the past. To literally taste the bitterness of slavery and the sweetness of freedom.

It is also an opportunity to sharpen awareness of an alarming yet oft-overlooked truth: that millions of men, women and children around the world are still enslaved and have yet to know freedom.

Ultimately the Passover Seder is a modern call to action. It reminds that until all people know the joy of freedom, none of us is truly free.

Many Jews use the Seder not only to celebrate the value of freedom, but to call attention to regions of the world where the spirit of slavery lives on in places like Darfur, Sudan.

For over 2 years now, the Darfur people have been terrorized by violence. Millions have been oppressed by threats of death and destruction. Meanwhile, untold numbers of refugees have fled across the scorched earth, seeking refuge from their taskmasters.

The genocide that rages on in Darfur is a modern derivative of slavery. With the support of the Khartoum Government, Janjaweed militia groups commit mass looting, raping and violence inspired by ethnic hatred.

A recent analysis by the coalition for International Justice indicates that nearly 400,000 civilians have died since the conflict began 2 years ago. Over 140,000 have been killed by Sudanese Government forces. And an estimated 250,000 Darfur civilians have perished from disease and starvation stemming from displacement.

Recently, there has also been a disturbing trend of intimidation directed at aid workers in the region. The Red Cross reports that attacks on aid convoys in Darfur have increased in recent weeks. And last month, a USAID worker was intentionally shot point blank in an attempt to thwart humanitarian efforts and spread fear and intimidation.

Having personally visited the refugee camps on the Chad-Sudan border and met with survivors, I know that millions of our brothers and sisters are still crushed under the yoke of slavery and fear. Millions of them still do not know what it means to be free.

Nobel laureate Elie Wiesel recently commented that ''All are entitled to live with dignity and hope. All are entitled to live without fear and pain. Not to assist Sudan's victims today would for me be unworthy of what I have learned from my teachers, my ancestors and my friends, namely that God alone is alone: His creatures must *not* be.''

We must reject this form of slavery by oppression. We must stop the killings. The death toll will only rise without immediate, convincing and unified intervention by the international community.

It is our obligation as free people to bring hope and banish repression.

And it is my belief that we should use the message shared by the Passover

story, and, indeed, the wisdom of all traditions, to guide us wisely on our Journey.

RUSSIA'S G–8 PROBLEM

Mr. McCAIN. Mr. President, this summer Russia will assume the rotating leadership position of the Group of Eight nations for the first time. I have expressed my concern repeatedly about the democratic deterioration in Russia and I believe that, unless the Russian leadership makes significant democratic progress, its continued membership in the G–8 should be blocked. Since Senator LIEBERMAN and I first expressed this view in a resolution we submitted in 2003, I have heard similar sentiments from Senate colleagues and individuals outside the Congress. Many observers across the political and ideological spectrum are concerned by Russia's retreat from core democratic principles.

President Vladimir Putin recently delivered an address aimed at reassuring the world that he takes democracy seriously. And while a number of the passages were welcome, others displayed a view of history and of Russia's role in the world that is simply astonishing. I would like to share with my colleagues today's Washington Post editorial that makes this point in detail.

Moscow's commitment to democracy and the rule of law is a vital element of America's relationship with Russia, and with Russia's ties to various multilateral institutions. I hope that the Russian leadership might see that its national interests lie in cooperation, not competition, with democratic countries. I also hope that Russia will change many elements of its policy toward smaller neighbors. Russia has based Russian troops in Georgia and Moldova without the consent of those countries, thereby undermining their sovereignty and violating international law.

If the Kremlin persists in persecuting Mr. Putin's political rivals, cracking down on the free media, and intimidating countries along Russian borders, I believe that Russian chairmanship of the G–8 is entirely inappropriate. Again, I recommend to my colleagues the Washington Post editorial I submit for the RECORD.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Post, Apr. 27, 2005]

MR. PUTIN'S VERDICT

What was ''the greatest geopolitical catastrophe of the century''? The rise of Nazi Germany? The spread of genocide as a tool of state power? Some might say it was the crushing of a host of nations by the totalitarian Soviet Union, at the cost of millions of lives. But not Russian President Vladimir Putin. For him, the greatest catastrophe was not the Soviet Union's rise but its collapse—an event that freed 14 of those nations, from Latvia to Kyrgyzstan, from Moscow's domination. ''The old ideals were destroyed,'' Mr. Putin lamented during his annual state-of-Russia address on Monday.

Most accounts of Mr. Putin's speech focused on the passages intended for Western consumption: his claim that ''the development of Russia as a free and democratic state'' is now his highest priority; his assurance to Russian and foreign business executives that their investments will not be seized by rapacious authorities, despite the state's recent confiscation of the country's largest oil company; his announced plans to strengthen political parties and make the state-controlled media more independent.

Yet the former KGB officer's nostalgia for the former Soviet empire seemed as telling as any of his promises. So did his denunciation of the ''disintegration'' of Russia before he came to power, which he defined as the ''capitulation'' of granting autonomy to Chechnya and the ''unrestricted control over information flows'' that allowed private business executives to operate newspapers and television networks. Mr. Putin has reversed both of those liberalizations—in Chechnya's case, by means of an ongoing war that has killed tens of thousands.

The Russian president has a short-term interest in burnishing what even he must recognize as a tarnished image. Early next month he is due to host numerous world leaders, including President Bush, in a celebration of the Soviet victory in World War II. This summer Mr. Putin is due to take over the rotating leadership of the Group of Eight, a club of industrial democracies in which Russia, an increasingly autocratic state that ranks 97th in the world in per capita gross domestic product, is glaringly out of place.

As Mr. Putin acknowledged Monday, his strategy for restoring Russian greatness depends heavily on his ability to attract Western capital and to maintain partnerships with the European Union and the United States.

But Mr. Putin would like to achieve these goals while consolidating the Kremlin's restored diktat and reviving what he called ''the Russian nation's civilizing mission in the Eurasian continent.'' That's why the best measures of Mr. Putin are not speeches but actions. One important test will be his handling of neighbors such as Ukraine, Georgia and Moldova, which have embraced democracy and rejected Mr. Putin's neoimperialism. Will he adjust his approach to those countries, and withdraw unwanted Russian troops from Georgia and Moldova?

Another comes today at the trial of Mikhail Khodorkovsky, the entrepreneur who built the Yukos oil conglomerate and used it to help finance Russia's liberal democratic opposition. For daring to behave as if Russia were the free and capitalist-friendly country that Mr. Putin describes, Mr. Khodorkovsky was arrested and subjected to a show trial, even as his company, Russia's most modern, was broken up.

Today he will receive his verdict; prosecutors have requested a prison sentence of 10 years. The outcome ought to tell the Bush administration and other Western governments something important about a leader who would set the agenda for the world's advanced democracies.

HONORING LAW ENFORCEMENT OFFICERS SLAIN IN THE LINE OF DUTY

Mr. SALAZAR. Mr. President, I am proud to be an original cosponsor of a resolution currently before the Senate commemorating law enforcement officers slain in the line of duty. Every day, men and women all across our nation put their lives on the line to protect our citizens, our families, and our communities. Having served as Attorney General for the State of Colorado, I know first hand how dedicated our law enforcement professionals are, and I strongly believe that one of our Government's most important priorities is supporting these men and women—not only by providing them with the resources they need to get the job done, but by publicly recognizing the truly unparalleled work they do each and every day.

While we frequently commend law enforcement officers for their willingness to put their lives on the line for the safety and security of our citizens, and while we are right to do so, it is still unfathomable when one of these men and women does make the ultimate sacrifice. It is unfathomable that those who volunteer for such noble work, as well as the families who support them, should pay such a price.

Next week, I will be attending a law enforcement memorial event in Colorado. Like the resolution my colleagues and I are submitting today, this annual event commemorates those law enforcement officers slain in the line of duty. This year, we will remember the lives and work of two Colorado law enforcement officers killed in the past year: Deputy Travis Sass of the Larimer County Sheriff's Office, and Deputy William Truesdale of the Jefferson County Sheriff's Office.

In memorializing Deputy Sass, Deputy Truesdale, and others like them across the country, we should remember them not for the tragic way they died, but for the noble way they lived—risking their own lives to protect others. That is why the resolution my colleagues and I are submitting today is so important. As difficult as it is to accept that their lives have been lost, it is imperative that we always remember the contributions they made, and that our dedicated men and women in law enforcement continue to make each and every day.

ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL

Mr. BURNS. Mr. President, today, I join my colleagues Senators CANTWELL, CRAIG, MURRAY, and SMITH, in support of S. 206, the Ice Age Floods National Geologic Trail Designation Act of 2005.

Thousands of years ago, Glacial Lake Missoula broke through its ice dam, releasing cataclysmic floods that forever changed the terrain of Montana, Idaho, Oregon, and Washington. This natural phenomenon is responsible for the unique beauty of western Montana. However, few people know the history behind our rugged landscape.

The Ice Age Floods National Geologic Trail Designation Act of 2005 designates a trail, primarily public roads and highways, from Missoula, Montana

to the Pacific Ocean, following the path of the great floods. Through this legislation, the National Park Service is responsible for coordinating public and private sector entities to present the story of the ice age floods to the public.

Many folks in my great State of Montana, including members of the Glacial Lake Missoula Chapter of the Ice Age Floods Institute, look forward to working with the National Park Service in a joint effort to educate the public. Additionally, designation of the Ice Age Floods Trail provides a tremendous opportunity for tourism and economic development in Montana.

I am also pleased S. 206 takes into consideration the concerns of local citizens and private property owners by limiting Federal land acquisition to 25 acres. These acres will be used only for administrative and public information purposes. As always, it is important to me that private property rights are respected and private property owners do not feel threatened by Federal land acquisitions.

I look forward to working with my Senate colleagues to pass this important piece of legislation for not only Montana but the entire Pacific Northwest.

HOSPICE CARE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the following article be printed in the RECORD.

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

[From the Tallahassee Democrat, Mar. 28, 2005]

HOSPICE OFFERS PATIENTS EXPERT, COMPASSIONATE CARE

(By Jack D. Gordon)

Watching the Terri Schiavo case unfold, we have gotten an education that many would no doubt rather not get. Through the news media, we've learned the mechanics of feeding tubes, the importance of advance directives and living wills. We've tried to understand the difference between a persistent vegetative state and a coma.

What we haven't really been educated about is the hospice care of Mrs. Schiavo. Lurking dangerously close to the surface of Schiavo controversy, quietly simmering, is the false and dangerous illusion that hospice is a place that hastens death, that it and those who do hospice work are in some way accomplices.

Sure, we have gotten a glimpse of Woodside Hospice in Pinellas Park—we've watched the protestors outside, we've seen photos of the family huddling inside, we've learned that it's where Mrs. Schiavo's feeding tube was removed. But for too many, Woodside Hospice is still one of those mysterious places where people go to die.

Yet hospice isn't ''a place'' at all. Hospice is a philosophy of care focused on pain relief and symptom management, and hospice is care given mostly in people's homes. It can also be provided in a nursing home, assisted living facility, a hospital, and—or, as in Mrs. Schiavo's case—in an inpatient hospice facility.

No one is ever forced to use hospice care. People either choose hospice care themselves or their health care surrogate, designated as responsible for their best interest, makes the decision. A physician outside of hospice is also involved. He or she must certify that the patient's illness is terminal and that life expectancy is six months or less.

Hospice clinicians are experts at providing comfort in the final months, weeks, days, hours and minutes. In many cases, there is time and opportunity to address family, spiritual and psychological concerns with hospice professionals, who work in teams that include physicians, nurses, social workers, physical therapists, and clergy.

It is not usual for those under hospice care to outlive their life expectancy of six months or less. In a study conducted by the University of South Florida, it was found that persons with cancer who received hospice care lived an average of one day longer than the same patient, by age, gender and diagnosis, who were cared for in acute care facilities such as hospitals.

Our ignorance of hospice isn't so surprising. On our nation's health care timeline, it's a relative newcomer, but it has been gaining in use each year. The first U.S. hospice, an inpatient facility, opened in 1974. In 1978 there were about 1,000 people in the United States who died under hospice care. In 1983, it officially entered the mainstream when it became a Medicare benefit. By 2003, 885,000 people died under hospice care. This year, close to a million people in the United States—or one-third of all who die—will die under hospice care.

Despite its monumental growth, there has been no widespread government outreach effort around publicizing the benefits of hospice care. Hospice physicians and nurses, in the midst of new technologies, therapies, drugs and procedures, march on, quietly accepting what no one to date has successfully escaped—death. They do this by helping the terminally ill die dignified deaths free from artificial life support or ineffective treatments. They employ the latest methods to relieve pain and control symptoms, but their mission is not to cure. Admittedly, in our culture that rejects illness and aging, that's tough medicine for many to swallow.

No matter what your opinion of the Schiavo case, be happy that Mrs. Schiavo is being cared for by people who have helped thousands of people experience a gentle and caring end. And know that the hospice in your community will not be making the decision of whether you will live or die, but if you should become seriously and terminally ill and choose hospice, know that the nation's more than 40,000 hospice workers are committed to the highest quality comfort care under medical guidelines.

JAMES MONROE

Mr. ALLEN. Mr. President, I am pleased today to recognize James Monroe, a Virginian patriot, on the 247th anniversary of his birth and honor his service to our Nation as a soldier, a diplomat, a legislator and as the fifth President of the United States of America. As the Nation draws closer to the celebrations being planned to honor President Monroe's 250th birthday, I rise today to honor his undeniable legacy.

James Monroe, born April 28, 1758, in Westmoreland County, was born, raised and educated in the Commonwealth of Virginia. Foregoing his studies at the College of William and Mary, James Monroe joined the Williamsburg Militia in 1775 in defiance of the British King. He served gallantly in the Continental Army on the battlefield at Harlem Heights, White Plains, Trenton, Brandywine, Germantown, and Monmouth, eventually rising to the rank of lieutenant colonel.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through 50 years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Confederate Congress and in the first U.S. Senate before his first of two terms as Minister to France. He returned to his Virginia, and as many students of Mr. Jefferson have done since, served 4 years as Governor.

During Thomas Jefferson's Presidency, James Monroe returned to France and was essential in the negotiation of the Louisiana Purchase in 1803. His foreign policy experience led James Madison to name him both Secretary of State and Secretary of War as the United States was once again pulled into war with Great Britain in 1812.

Elected President of the United States in 1816, Monroe's Presidency has long been referred to as the Era of Good Feeling. During this time he helped resolve longstanding grievances with the British, acquired Florida from the Spanish in 1819, signed the Missouri Compromise and renounced European intervention or dominion in the Western Hemisphere with one of our Nation's greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive re-election, losing only one electoral vote, reserving the honor of a unanimous election for George Washington alone.

My own family has strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home, Ashlawn-Highland, in Charlottesville where her family has worked for many years. In fact, part of Monroe's property in Albemarle County is now on the grounds of his teacher's great institution of learning, the University of Virginia and is respectfully referred to as Monroe's Hill.

The life of James Monroe is one that embodied virtue, honor and commitment during his accomplished life of public service. It is fitting that he would pass from this Earth on July 4, 1831.

It is with sincere admiration that I respectfully ask my colleagues to recognize James Monroe's 247th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States of America.

DAVID WILKINS NOMINATED AMBASSADOR TO CANADA

Mr. DeMINT. Mr. President, I rise today with bittersweet news for my

home State. One of South Carolina's most distinguished native sons, State House Speaker David Wilkins, has been nominated by President George W. Bush to be the United States Ambassador to Canada.

I just spoke with David this morning, and let him know that while we are sad to lose his leadership, we are extremely proud of his appointment.

Both David and I are natives of Greenville, SC, and graduates of Clemson University and have been friends for a long time.

I have long admired his courage and determination to fight for family values and individual freedom. He also possesses a keen understanding of the need to create an economic environment that gives businesses and workers a chance to thrive.

In addition to the talents David brings to this position, his greatest help will come from his lovely wife Susan, who represents the best of South Carolina. Together they have raised two fine sons, James and Robert.

Speaker Wilkins is a legendary public servant. He has served in the South Carolina State House of Representatives since 1981 and led as Speaker for more than a decade.

David is widely respected by all parties for good reason, because he works passionately to better the lives of all South Carolinians. The President could not have chosen a better man, and he will represent our nation well.

I look forward to welcoming David to Washington for his confirmation hearings. I promised him I would work hard to make sure my colleagues know of his exceptional abilities that make him more than qualified for this job

He enjoys the full confidence of the President of the United States, and the support of South Carolinians. I am sure he will have no problem being confirmed quickly, so he can begin working on behalf of all Americans.

AMEND RECA

Mr. BURNS. Mr. President, this day is an important occasion for folks in my State of Montana. This afternoon, at 4 o'clock, the National Academy of Sciences will release an extensive report on health effects resulting from nuclear bomb tests that were carried out at the Nevada test site in the 1950s and 1960s.

For years now, Montanans and their loved ones have experienced the pain of developing various forms of cancer, most commonly, cancer of the thyroid, caused by exposure to this dangerous radiation. These cancers seemed to be a little too common among people living in certain areas of our State. According to the National Academy of Sciences, these innocent victims—mostly children and babies—who were living in Montana, were exposed to the highest dosages of radiation of any State in the Nation as a result ofthis nuclear testing; even more than Nevada, where the tests were actually conducted. You see, the radioactive iodine is the part that is dangerous. It was blasted high up into the atmosphere and the wind carried it north to Montana where it finally settled on the ground, then into the water and food supply.

Thyroid cancer takes around 10 to 40 years to develop. Radiation exposure in the late 1950s might not manifest in cancer until the late 1990s. While the national average for thyroid cancer has remained steady over the past 30 years, the rate of reported thyroid cancer in Montana has increased steadily. In 1980, Montana State had a rate of thyroid cancer 6.2 times the national average. In 1990, that rate had increased to 10.8 times the national average, and in 2000 the rate of reported thyroid cancer in Montana was almost 18 times the national average.

The 1990 Radiation Exposure Compensation Act, RECA, PL 101–426, established the Radiation Exposure Compensation Trust Fund for claims for injuries and death due to exposure from the Nevada testing. Under RECA, folks who were residing in parts of the States of Utah, Nevada, Arizona, Colorado, New Mexico during certain times in the 1950s received a substantial amount of compensation from the U.S. Government along with an apology. Research now proves the State of Montana was hit the hardest by this radiation; yet its victims are not eligible for compensation under RECA.

Not only do these folks deserve an apology from the U.S. Government, but they deserve this compensation. As a cancer survivor, I cannot begin to tell you the mental, emotional, physical and financial hardship these cancer victims have endured—in order to serve the national security interests of the United States.

I strongly recommend that we, as a Congress, apologize to these individuals and amend RECA to compensate folks from my State of Montana as well as other States who have been affected by this tragedy.

AUSTRALIAN PARTICIPATION IN IRAQ

Mr. ALEXANDER. Mr. President, I have spoken here previously about the contribution that one of our closest allies, Australia, has made to support our efforts in Iraq and in the ongoing war against terror. At a time when other members of the international coalition in Iraq are beginning to draw down or remove their forces from the region, Australia continues to do its part.

In fact, over the following weeks, Australia will expand its commitment to Iraq by about 50 percent. This will increase the total Australian military personnel currently working in or around Iraq to 1,370. These additional Australian troops will provide a secure environment—following the withdrawal of Dutch troops—for Japanese engineers who are involved in the reconstruction efforts in the Al Muthanna Province in southern Iraq. The additional troop commitment will also bolster the existing training of Iraqi forces by Australian troops—training which is essential to the successful transformation of Iraq into a secure democracy.

Australia has always been a great friend and ally of ours. It shares a tradition of democracy and a dedication to the values of freedom and respect for life that we hold dear in the United States. Australia is, in fact, the only nation to have sent forces to fight alongside the United States in every major conflict during the 20th century, including Afghanistan, the first gulf war, Vietnam, Korea, and both World Wars.

Sixty-eight years ago, when Americans and Australians fought alongside one another at the Battle of the Coral Sea, during the darkest days of the Second World War, only 12 democracies survived on the face of the earth. The United States and Australia were 2 of the 12. Today, when more people vote for their own governments than ever before, and as fledgling democracies emerge in the Middle East and Eastern Europe, it is important to remember how precious democracy is, and to recognize and thank our allies, such as Australia, who have always stood beside us and fought in the defense of liberty.

Earlier this month, I traveled with Senator REID and six other Senators to Iraq, Israel, the Palestinian Territories, Georgia, and Ukraine. During that trip it was clear that the Iraqi elections—the bravery of the Iraqi people in staring down intimidation and violence to go to the ballot box—had been an inspiration to that part of the world. But, in the short term, democracy in Iraq can only take hold with the continued support of coalition troops—including those from Australia.

So I thank the Australian troops and the Australian people for the crucial help they continue to provide to this important mission in Iraq. Prime Minister Howard and Foreign Minister Downer have shown leadership and courage in standing with us in this difficult time. Their support is important to building on the success of January's elections so that Iraq may continue on its difficult path toward democracy.

PUBLICATION OF PHOTOGRAPHS OF ABUSE AT ABU GHRAIB PRISON

Mr. LEAHY. Mr. President, one year ago today, the horrific photos of detainee abuse at Abu Ghraib prison shocked the Nation and tarnished our reputation as the world's human rights leader. One year later, we should be able to assure the world that the detainee abuse scandal has been independently and comprehensively investigated and that all those involved, from the people who committed abuses

to the officials who set these policies in motion, have been held accountable. Sadly, we cannot give the world this assurance. The administration continues to stonewall on the prisoner abuse scandal and Congress continues to abdicate its oversight responsibility on this issue.

Those of us in the Congress who strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader remain stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib. This Senate refuses to consider an independent commission, relying instead on the piecemeal investigations conducted by the military, none of which address the significant role of the Central Intelligence Agency in interrogations. With the completion of each of the Pentagon investigations, the need for a comprehensive, independent investigation becomes all the more evident.

I am particularly disturbed by recent press reports about the Army Inspector General's investigation into the Abu Ghraib abuse scandal. Although the report has not yet been publicly released, the press accounts state that Lt. Gen. Ricardo Sanchez has been cleared by the Army of all allegations of wrongdoing and likely will not face punishment.

In order to understand why the reported findings of the Army Inspector General are troubling, and why an independent investigation is necessary, we need only consult the reports of prior investigations. The Jones investigation, referring to the Combined Joint Task Force led by Lt. Gen. Sanchez, stated, ''Inaction at the CJTF–7 staff level may . . . have contributed to the failure to discover and prevent abuses before January 2004.'' The Jones report concluded that Lt. Gen. Sanchez ''failed to ensure proper staff oversight of detention and interrogation operations.''

The Schlesinger investigation is even more critical of Lt. Gen. Sanchez's role in the detainee abuse scandal. The Schlesinger panel described how Lt. Gen. Sanchez relied upon the interrogation policy from Guantanamo Bay to develop interrogation procedures for Iraq. The result of this, as the Schlesinger panel correctly states, was that ''policies approved for use on al Qaeda and Taliban detainees who were not afforded the protection of [Enemy Prisoner of War] status under the Geneva Conventions now applied to detainees who did fall under the Geneva Convention protections.'' The Schlesinger report continued, ''Despite lacking specific authorization to operate beyond the confines of the Geneva Conventions, [Lt. Gen. Sanchez] nonetheless determined it was within [his] command discretion to classify, as unlawful combatants, individuals captured during [Operation Iraqi Freedom].'' The panel also found that Lt. Gen. Sanchez ''was responsible for establishing the confused command relationship at the Abu Ghraib prison'' and ''the unclear chain of command established by CJTF–7, combined with the poor leadership and lack of supervision, contributed to the atmosphere at Abu Ghraib that allowed the abuses to take place.''

The findings of the Jones and the Schlesinger investigations regarding the decisions of Lt. Gen. Sanchez are troubling on their own. Equally troubling is the indication that Lt. Gen. Sanchez gave inaccurate testimony before the Senate Armed Services Committee. In an Armed Services Committee hearing on May 19, 2004, Senator JACK REED asked Lt. Gen. Sanchez if he had approved sleep deprivation, intimidation by guard dogs, excessive noise, and inducing fear as interrogation methods for use in Abu Ghraib prison. Lt. Gen. Sanchez replied that, ''I never approved any of those measures to be used within CJTF–7 at any time in the last year.'' His statement is seemingly contradicted by a document recently released by the Pentagon in response to litigation under the Freedom of Information Act. A September 14, 2003, memo from Lt. Gen. Sanchez authorized specific interrogation methods for use in Iraq, including the use of military working dogs to exploit Arab fear of dogs, the use of sleep management and stress positions, and inducing fear through ''yelling, loud music, and light control.''

There has been some speculation in the media about whether Gen. Sanchez's actions in Iraq will stand in the way of his promotion and fourth star. But involvement in the prisoner abuse scandal is hardly a career-ending event in this administration. Alberto Gonzales, the central figure in formulating the administration's interrogation and detention policies, was promoted to Attorney General. Former Assistant Attorney General Jay Bybee, author of the deeply flawed and now-repudiated ''torture memo,'' received a lifetime appointment to the Court of Appeals for the Ninth Circuit. Defense Department General Counsel William J. Haynes insisted that the Pentagon Working Group use the Bybee torture memo, rather than the Geneva Conventions, as the legal foundation for interrogation techniques; he has been nominated to the Court of Appeals for the Fourth Circuit. Former CIA Director George Tenet authorized the ''extraordinary rendition'' of detainees to countries where they were reported to have been tortured; he was awarded the Presidential Medal of Freedom. Secretary Rumsfeld personally approved objectionable interrogation techniques and admitted to hiding detainees from the International Committee of the Red Cross; he is one of the few cabinet members asked to remain in the second Bush term.

Allowing senior officials and military officers to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican-led Congress, to recognize its constitutional obligation to conduct vigorous oversight. We must send a message that no one in the chain of command—from an enlisted private stationed in Iraq to the Commander-in-Chief—is above the laws of our Nation. Many Republicans argue that another investigation will hurt the morale of our troops serving overseas. On the contrary, I believe that morale is hurt when the only individuals who have been punished for detainee abuse are low-ranking soldiers, while those at the highest levels of power continue to set policy and act with impunity.

Chairman WARNER recently announced that he will hold an Armed Services Committee hearing to examine the adequacy of the various Pentagon and military investigations. I commend the chairman for announcing this hearing, and hope that the supporters of an independent investigation are given the opportunity to testify before the committee. In a letter last September, eight retired generals and admirals asked President Bush to appoint a prisoner abuse commission modeled on the 9/11 Commission. In that letter, the officers stated, ''internal investigations by their nature . . . suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself.'' I hope that members of the Armed Services Committee will consider these words when they evaluate the Pentagon's investigations.

April 28, 2004, will remain a dark day in American history, but the administration's handling of this scandal only adds to our disgrace. There will always be scandals and tragedies in a nation's history. What makes America special is that we do not hide from these issues; we investigate them, learn from our mistakes, and make sure they do not happen again. Unfortunately, one year after the disclosure of the Abu Ghraib photos, we still have much to learn.

ADDITIONAL STATEMENTS

BENEWAH MEDICAL AND WELLNESS CENTER AWARD

• Mr. CRAPO. Mr. President, on May 3, 2005, the Benewah Medical and Wellness Center operated by the Coeur d'Alene Tribe of Idaho will be presented with the 2005 Johnson & Johnson Community Health Care Leadership Award. This award is presented to one facility nationwide that has set itself apart from others in quality and innovation in community health care. The center has distinguished itself over the years in superior service to the Coeur d'Alene Tribe, the community of Plummer, ID, and the medically underserved and indigent in the region. Theirs is a story of successful partnership and innovation over the course of many years. Fifteen years ago, the center collaborated with the city of Plummer and greatly expanded the scope

and reach of its service. In addition to acute and preventive health care found at other medical centers, the many programs offered by the center make it a truly comprehensive care institution. These programs include diabetes and cardiovascular disease prevention and education and afterschool and mentoring programs for youth. Furthermore, the center has responded to the cultural sensitivities of the community by employing Native and non-Native staff members. Staff diversity increases the effectiveness of any healthcare institution, a fact which the center has recognized and incorporated into their operating procedures. In January 2004, I had the opportunity to visit the center and was impressed at the level of technology this collaborative effort had been able to bring to this rural community.

I commend the Benewah Medical and Wellness Center on its tremendous achievement in the overall community healthcare and wellness. I look forward to hearing of future successes.●

HONORING CENTURY COUNCIL FOR NATIONAL PROM AND GRADUATION SAFETY MONTH INITIATIVE

● Ms. LANDRIEU. Mr. President, I rise today in honor of Alcohol Awareness Month to recognize The Century Council for its efforts to prevent underage drinking. The Century Council is a national, not for profit organization funded by America's leading distillers to develop and implement programs designed to combat drunk driving and underage drinking. These programs, such as Ready or Not: Talking with Kids About Alcohol, Brandon's Story, and Alcohol 101 Plus, are making great strides in reducing the amount of underage drinking and irresponsible consumption of alcohol.

Right now, The Council is kicking off its sixth annual National Prom and Graduation Safety Months Initiative. Between April and June, The Council has planned a series of events across the country to educate students, parents and the general public about making responsible decisions with regard to beverage alcohol. Over the past two decades, progress has been made in the effort to stop underage drinking through the implementation of effective programs and increased public awareness regarding the negative consequences of underage drinking. According to the most recent figures from the National Highway Traffic Safety Administration, 749 people under the age of 21 were killed in alcohol-related traffic crashes during April, May and June in 2003 as well as countless nonfatal injuries. In Louisiana, alcohol is a factor in 20 percent of all traffic fatalities involving minors, and it is a factor in 15 percent of all traffic accidents involving minors.

It was once said that ''holding young people solely responsible for underage drinking is like holding fish responsible for dying in a polluted stream.'' As a mother of two young children, I know that I will soon have to speak to my own kids about alcohol use. As all of the other parents in this Chamber and across the country can say, the conversation between a parent and a child about alcohol use is not always an easy conversation. However, improved communication between parents and children is essential to preventing underage drinking. According to a recent survey by TRU Omnibuzz in 2003, 65 percent of adolescents identify parents as the leading influence in their decision to drink or not to drink. Unfortunately, 36 percent of adolescents say they had not spoken to either parent about alcohol. This communication gap can be minimized by through programs that increase awareness, educate parents and kids and help facilitate conversations between parents and kids about the dangers of underage drinking.

The role of parents in the efforts to reduce underage drinking is critical. I commend The Century Council for giving parents and children across the Nation the valuable tools to initiate those important discussions regarding alcohol.●

CONGRATULATING JERRY VEREEN AND RIVERSIDE MANUFACTURING COMPANY

● Mr. CHAMBLISS. Mr. President, I congratulate Riverside Manufacturing Company on Riverside being named ''Manufacturer of the Year'' for the State of Georgia. Riverside is located in my hometown of Moultrie, GA. Riverside was founded in 1911 by William J. Vereen, in Colquitt County, and has maintained its headquarters there to this day. Riverside is known worldwide both for producing business uniforms of superior garment quality and for the dedication of its employees.

Riverside sells uniforms in all 50 States, as well as in over 200 foreign countries. Riverside warehouses products in Atlanta, GA; Dundalk, Ireland; Moultrie, GA; Prichard, WV; and Reno, NV. Riverside won this year's distinction of Georgia's Manufacturer of the Year in the large company category; that is, those with more than 750 employees. Riverside was nominated for the award by Moultrie Technical College.

Governor Sonny Perdue presented this coveted award to my good friend Jerry Vereen, who is president and chief executive officer of Riverside, last Thursday in Atlanta at an annual awards ceremony as part of Georgia Manufacturing Appreciation Week.

Jerry was quoted as saying:

> We were very pleased that the award recognized all the dedication and hard work that Riverside's associates have put forth to look after all our great customers. The only sustainable competitive advantage any company can have is based strictly on its people. You can buy technology, equipment and buildings but it takes the dedication of a lot of people to give Riverside the competitive edge with our customers, especially when all of our competitors have taken their manufacturing offshore. This award recognizes our associates' dedication to exceeding our customers' expectations. It also acknowledges their efforts to contribute significantly to the communities where we are located. We feel that Colquitt County and Georgia are great areas to build a company. We are very appreciative to Jackie Rohosky and her Quick Start team, Tina Anderson and her Moultrie Technical College team, Darrell Moore, Jimmy Jeter and the members of the Moultrie Colquitt County Industrial Development Authority, as well as the Colquitt County Commissioners, Moultrie City Council and the Colquitt County Chamber of Commerce for all the assistance they have given Riverside and our associates over the years.

I am so proud of Jerry, of Riverside, and of all of Riverside's many employees, 600 of which call Georgia home. I extend my deepest and most sincere congratulations on their receipt of this prestigious award in recognition of a job well done.●

HONORING EAST BRUNSWICK HIGH SCHOOL

● Mr. LAUTENBERG. Mr. President, more than 1200 students from across the Nation will be competing in the finals of the ''We the People: The Citizen and the Constitution'' program here in Washington, DC, from April 30–May 2, 2005. This program is funded by the U.S. Department of Education and is designed specifically to educate our young people about the U.S. Constitution, Bill of Rights, and the importance of civic participation to our political process. Schools are provided with textbooks that offer both historical information and critical-thinking activities, and students compete in the format of a congressional hearing to show their knowledge of our democracy.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, will be returning this year to defend their national title earned in May 2004. East Brunswick High School won my home State's competition again this year and will represent New Jersey in our Nation's Capital this weekend. I wish the following students, and their teacher Alan Brodman, the best of luck in the future and congratulate them on their hard work and inspiring civic advocacy: Rajiv Agarwal, Elliot Chiu, Theresa Cui, Yan Cui, Aditi Eleswarapu, Michael Genson, Stephanie Horwitz, Frances,Huang, Manisha Johary, Michael Kofsky, Kevin Kuo, Sam Lau, Alexandra Palmer, Resham Patel, Mark Pruce, Panwan Punjabi, Caroline Rana, Natalie Rana, Sana Sheikh, Allison Sorkin, Ilana Stern, Eric Struening, and Lauren Volosin.●

CONGRATULATING FRANK DURKAN

● Mrs. CLINTON. Mr. President, I am delighted today to extend congratulations to Mr. Frank Durkan on the 50th anniversary of his admittance to the New York State bar. Born in County

Mayo, Ireland, Frank immigrated to the United States in 1947. He is a graduate of Columbia College and New York Law School. Like so many who follow their dreams to this great country, Frank worked hard as a janitor, parking attendant, and office clerk as he pursued his education. Upon graduation, he joined his uncle, the late Paul O'Dwyer, at the law firm of O'Dwyer and Bernstien. As a trial lawyer, Frank has an excellent reputation as an advocate for injured plaintiffs. For half a century he has been a defender of civil rights in Federal courts from New Hampshire to Texas. Frank epitomizes those who come to our shores following the American dream and enrich our institutions through their hard work and dedication.●

TRIBUTE TO KIP JANVRIN

● Mr. HARKIN. Mr. President, I rise today to honor a native Iowan and a remarkable athletic champion, Kip Janvrin. Today marks the beginning of the 96th annual Drake Relays, one of the Nation's most prestigious track and field events, held each spring at Drake Stadium in Des Moines. Kip will take the field for the last time in a sport in which he has dominated at Drake for the last 22 years, the decathlon.

The Relays are aptly called ''Americas Athletic Classic.'' This will be the last year they are held in the old Drake Stadium. This summer, the stadium will get a dramatic face-lift and overhaul in order to conform to national and international standards.

Over the years, the words ''Drake Relays and Kip Janvrin'' have become virtually synonymous. The Drake Relays are one of America's premier track and field venues, and Kip Janvrin is one of America's premier track and field athletes, competing in what is arguably the most demanding event in all of sports. From Jesse Owens to Wilma Rudolph, Gwen Torrance, Carl Lewis and Michael Johnson, the Drake Relays have seen almost all of the great Olympians in track and field. But one Olympian, Kip Janvrin, has been a dominant presence at the event for more than two decades.

If the cheers are especially loud for Kip, it is because he is a native son of Iowa. Raised in Panora and a graduate of Simpson College in Indianola, Kip has won the decathalon at the Drake Relays a remarkable 14 times. It is fitting that the last year for the original Drake Stadium will also be the last year that this American original competes in the Drake Relays.

Kip is one of the top-ranked decathletes in the world, and he is the oldest active U.S. competitor in this extraordinarily demanding event. The decathlon is a 10-event competition which takes place over two days. It includes the 100 meter dash, long jump, shot put, high jump, 400 meter dash, 110 meter hurdles, discus, pole vault, javelin and 1,500 meter run. Kip began competing in the decathlon in 1983, and quickly excelled in all 10 events.

While attending Simpson College, Kip competed many times in the Drake Relays. His first victory came in 1987 in the decathlon, and he went on to add 13 more titles over the next 18 years. His 14 championships at the Drake Relays are the most by any athlete in the history of that event. In 1998, he was inducted into the Drake Relays Hall of Fame. During his years at Simpson, he earned 3 NCAA titles in the decathlon, and 2 more NCAA titles in individual events. He was inducted into the Simpson Hall of Fame in 1998, and the NCAA Division III Track and Field Hall of Fame in 2004.

Kip's accomplishments are nothing short of amazing. He has completed more than 80 decathlons. He holds the world records in career victories, scores over 7,000 points, and consecutive finishes. He also holds the world record for the double decathlon, a grueling event involving every event in track and field, except for the marathon and walks.

Kip won the decathlon at the 1995 Pan American Games. As a member of the U.S. Olympic team at the 2000 Games in Sydney, Australia, he was the oldest decathlete ever to compete for the United States. In 2001, he won the decathlon at the USA Outdoor Championships. Last year, Kip came in second at the Drake Relays, the first time in 9 years that he did not come in first. However, Kip took the loss in stride, because the victor was his protégé, Travis Goepfert, also a native of Panora, IA.

Kip is currently in his 15th year as co-head coach at Central Missouri State University in Warrensburg. He and his wife, Teresa, have two sons, Jaxon, age 9, and Mason, age 7.

So as Kip Janvrin warms up for his final Drake Relays, I extend my congratulations and best wishes. With his self discipline, his commitment to excellence, and his enormous human decency, he represents Iowa at its very best. I wish him success in this, his final, Drake Relays. Win or lose, he will be a true champion.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

H.R. 902. An act to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

At 8:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

MEASURES REFERRED

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

H.R. 902. To improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, 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–1986. A communication from the Executive Vice President for Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2004; to the Committee on Environment and Public Works.

EC–1987. 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 ''Revision to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 7900–3) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1988. 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 ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL No. 7903–7) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1989. 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 ''Approval and Promulgation of Plan for the Control of Designated Pollutants; Maine; Total Reduced Sulfur From Existing Kraft Pulp Mills'' (FRL No. 7903–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1990. 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 ''Approval and Promulgation of Implementation Plan; Wisconsin'' (FRL No. 7901–2) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1991. 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 ''Approval and Promulgation of Implementation Plans; Wallula, Washington PM10 Nonattainment Area, Serious Area Plan for Attainment of the Annual and 24-Hour PM10 Standards'' (FRL No. 7094–7) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1992. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Minor Revisions to the Fugitive Dust and Waiver Requirements'' (FRL No. 7905–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1993. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision Establishing the Western Virginia VOC and NO_X Emissions Control Area, and Providing the Enabling Authority for NO_X RACT Determinations in the Area'' (FRL No. 7904–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1994. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clarification of Visible Emissions Exception Provisions'' (FRL No. 7904–2) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1995. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Low Emission Vehicle Program'' (FRL No. 7900–6) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1996. 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 ''Trifluralin; Pesticide Tolerance'' (FRL No. 7710–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1997. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (KY–248–FOR) received on April 27, 2005; to the Committee on Energy and Natural Resources.

EC–1998. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Iowa Regulatory Program'' (IA–014–FOR) received on April 27, 2005; to the Committee on Energy and Natural Resources.

EC–1999. 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 ''Bacillus thuringiensis VIP3A Protein and the Genetic Material Necessary for its Production; Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 7706–7) received on April 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2000. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–2001. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2002. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC–2003. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–2004. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report concerning the Federal Student Loan Repayment Program for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2005. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995 with respect to significant narcotics traffickers centered in Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2006. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2007. A communication from the Acting Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Truth-in-Billing and Billing Format; National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing'' (FCC 05–55) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Legal Advisor, Wireless Telecommunications Bureau—Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Allocations and Service Rules for the 71–76 GHz, 81–86 GHz, and 92–95 GHz Bands'' (WT Docket No. 02–146, FCC 05–45) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies'' (ET Docket No. 03–108, FCC 05–57) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Wireless Operations in the 3650–3700 MHz Band, ET Docket No. 04–151; Rules for Wireless Broadband Services in the 3650-3700 MHz Band, WT Docket No. 05–96; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02–380; Amendment of the Commission's Rules with Regard to the 3650–3700 MHz Government Transfer Band, ET Docket No. 98–237'' (ET Docket No. 04–151, FCC 05–56) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 25 of the Commission's Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05–150.8 MHz, 162–174 MHz, and 406.1–420 MHz Bands that are Allocated for Federal Government Use'' (ET Docket No. 04–243, FCC 05–69) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2012. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparta and Morrison, Tennessee)'' (MB Docket No. 04–316) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lahaina and Waianae, Hawaii)'' (MB Docket No. 02–387) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Daytona Beach Shores, Florida)'' (MB Docket No. 04–240) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of: Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004: Procedural Rules'' (FCC 05–81) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations'' (IB Docket No. 00–248, FCC 05–62) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations'' (IB Docket No. 00-248, FCC 05–63) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 907, An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation and for other purposes (Rept. No. 109–62).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 136. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area (Rept. No. 109–63).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes (Rept. No. 109–64).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Lt. Gen. William R. Looney III to be General.

Air Force nomination of Lt. Gen. Arthur J. Lichte to be Lieutenant General.

Air Force nomination of Maj. Gen. Robert D. Bishop, Jr. to be Lieutenant General.

Air Force nomination of Maj. Gen. Christopher A. Kelly to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael A. Hamel to be Lieutenant General.

Air Force nomination of Col. John C. Inglis to be Brigadier General.

Army nomination of Maj. Gen. Dell L. Dailey to be Lieutenant General.

Army nomination of Lt. Gen. David W. Barno to be Lieutenant General.

Army nomination of Brig. Gen. Donna L. Dacier to be Major General.

Army nominations beginning with Brigadier General Abner C. Blalock and ending with Colonel Larry W. Triphahn, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brigadier General John P. Basilica, Jr. and ending with Colonel Robert J. Udland, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brigadier General John E. Barnette and ending with Colonel Gregory J. Zanetti, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brig. Gen. Michael R. Eyre and ending with Col. William D. Waff, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nomination of Col. Steven L. Bell to be Brigadier General.

Marine Corps nominations beginning with Col. Mark W. Bircher and ending with Col. Darrell L. Moore, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Adm. Michael G. Mullen to be Admiral.

Navy nomination of Vice Adm. Henry G. Ulrich III to be Admiral.

Navy nomination of Rear Adm. John D. Stufflebeem 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 nominations beginning with Stephen M. Allen and ending with Theadore L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Rebecca L. Brown and ending with Dawn E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Dennis L. Beatty and ending with Michael G. Schell, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Gary D. Brown and ending with Larry D. Youngner, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Philip A. Barker and ending with Donald R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Joseph J. Aignervaroz and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Calvin N. Anderson and ending with Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nomination of Robert B. Rottschafer to be Lieutenant Colonel.

Air Force nomination of Christine A. Liddle to be Lieutenant Colonel.

Air Force nomination of John J. Kupko II to be Colonel.

Air Force nominations beginning with Gregg W. Allred and ending with Albert C. Oesterle, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Air Force nomination of Stephen E. Vangundy to be Lieutenant Colonel.

Air Force nomination of Brett L. Swain to be Major.

Army nominations beginning with Cecil D. Allen and ending with Wayne E. Kowal, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Thomas E. Beron and ending with Kenneth J. Vega, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Brad K. Blackner and ending with Marvin A. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Michael J. Bouchard and ending with Debra A. Rose, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Gregory L. Daniels and ending with Michael D. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nomination of Cindy W. Baltrun to be Major.

Army nomination of Richard L. Ursone to be Major.

Army nomination of Thanh Minh Do to be Major.

Army nomination of Lorine Lagatta to be Major.

Army nomination of Gary Zeitz to be Major.

Army nominations beginning with Sunny S. Ahn and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Army nominations beginning with Lisa M. Amoroso and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Steven B. Anderson and ending with Colin S. Turnnidge, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Christopher B. Ackerman and ending with Charles D. Zimmerman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Herman A. Allison and ending with Heather L. Zuniga, which nominations were received by

the Senate and appeared in the Congressional Record on April 14, 2005.

Marine Corps nomination of William L. Rumble to be Lieutenant Colonel.

Marine Corps nomination of Amy V. Dunning to be Colonel.

Marine Corps nomination of David J. Wilson to be Lieutenant Colonel.

Marine Corps nomination of Michael Akselrud to be Major.

Marine Corps nominations beginning with Charles R. Baughn and ending with Phillip J. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

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

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

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself, Mr. CORZINE, and Mr. DURBIN):

S. 935. A bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SUNUNU):

S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. SPECTER):

S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. BOND):

S. 938. A bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services; to the Committee on Armed Services.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 939. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 940. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on the Judiciary.

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

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

By Mr. WARNER:

S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. CORZINE, Mr. DODD , Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. FEINGOLD, Mr. DURBIN, and Mr. SCHUMER):

S. 944. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

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

By Mr. WYDEN:

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

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

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

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 948. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. KERRY):

S. 949. A bill to require the payment of interest on amounts owed by the United states pursuant to the reliquidation of certain entries under the Tariff Suspension and Trade Act of 2000 and the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Finance.

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

S. 950. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOND:

S. 951. A bill to suspend temporarily the duty on titanium dioxide anatase hombitan LC–S; to the Committee on Finance.

By Mr. BOND:

S. 952. A bill to suspend temporarily the duty on diethylsulfate; to the Committee on Finance.

By Mr. BOND:

S. 953. A bill to suspend temporarily the duty on triethylene bis; to the Committee on Finance.

By Mr. DEWINE:

S. 954. A bill to amend title 18, United States Code, to prohibit the sale of a firearm to a person who has been convicted of a felony in a foreign court, and for other purposes; to the Committee on the Judiciary.

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

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

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

S. 956. A bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING (for himself and Ms. LANDRIEU):

S. 957. A bill to establish a clean coal power initiative, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

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

S. 959. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

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

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

By Mr. ROCKEFELLER:

S. 961. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes; to the Committee on Energy and Natural Resources.

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

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

By Mr. THUNE:

S. 963. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON):

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

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

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

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

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

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mrs. CLINTON, Mr. KENNEDY, Mr. DORGAN, Mrs. BOXER, and Mr. DAYTON):

S. 967. A bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. LEAHY, and Mr. CORZINE):

S. 968. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide that spouses of Federal public safety officers who are killed in the line of duty, may remarry and continue to receive a survivor annuity, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA:

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

By Mrs. CLINTON:

S. 970. A bill to establish the African Burial Ground National Historic Site and the African Burial Ground International Memorial Museum in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENSIGN, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. SMITH):

S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that Center; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 974. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. BROWNBACK):

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes; read the first time.

By Mr. BURNS:

S. 976. A bill striking the Specific Privatization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Inmarsat and Other Technical Corrections; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI):

S. Res. 128. A resolution designating April 30, 2005, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes; considered and agreed to.

By Mr. ALLEN:

S. Res. 129. A resolution commending the Virginia Retail Merchants Association on 100 years of service to the community; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY):

S. Res. 130. A resolution designating the week of May 1 through May 7, 2005, as ''North American Occupational Safety and Health Week (NAOSH)''; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. KYL, Mr. BIDEN, Mr. DEWINE, Mr. KOHL, Mr. CORNYN, Mr. FEINGOLD, Mr. BROWNBACK, Mr. SCHUMER, Mr. HATCH, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, and Ms. COLLINS):

S. Res. 131. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. VITTER (for himself, Mr. COBURN, and Mr. DEMINT):

S. Res. 132. A resolution expressing support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

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

S. Con. Res. 29. A concurrent resolution providing for a conditional adjournment of the Senate; considered and agreed to.

By Mr. DURBIN (for himself, Mr. REID, Ms. STABENOW, Mr. SCHUMER, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. BINGAMAN, Mr. DAYTON, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY):

S. Con. Res. 30. A concurrent resolution to express the sense of Congress concerning the provision of health insurance coverage to all Americans; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 114

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 174

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 174, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 191

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 206

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 347

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of

attorney for health care, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. SARBANES), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Ms. MIKULSKI) 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. 390

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 399

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 399, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.

S. 420

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 582

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

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

S. 678

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 756

At the request of Mr. BENNETT, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 768

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 784

At the request of Mr. THOMAS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 803

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was withdrawn as a cosponsor of S. 803, a bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 803, supra.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 845

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 845, a bill to amend title 10, United States Code, to permit retired servicemembers who have a service-connected disability to receive disability compensation and either retired pay or Combat-Related Special Compensation and to eliminate the phase-in period with respect to such concurrent receipt.

S. 849

At the request of Mr. ALLEN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 849, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 863

At the request of Mr. CONRAD, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act

with respect to drug safety, and for other purposes.

S. RES. 115

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

AMENDMENT NO. 578

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

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

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

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

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

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

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

Rural hospitals cannot continue to provide these services without having Medicare cover the costs. If something is not done, the larger hospitals may be forced to cut back on the number of beds they keep—and the number of people they care for, and others may be forced to close their doors. These hospitals provide jobs, good wages, health care and economic development opportunity for these communities. Without access to these hospitals, these communities would not survive. The Rural Community Hospital Assistance Act will ensure that the community has access to high quality health care that is affordable to the patient and the provider.

Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

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

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

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

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

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

But that legislation certainly isn't the magic bullet that can address the whole problem. We need to come up with more comprehensive ways to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that demand more and more of their monthly income. People tell me that they don't understand how anyone can afford these astronomical premiums, and what can you say to that?

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

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

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

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

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

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

I don't think we can ignore any of these proposals. We need to consider all of these as we address our broken health care system.

As a former State legislator, I come to this debate knowing that States are coming up with some very innovative solutions to the health care problem.

So in addition to the approaches already mentioned, I think we really need to look at what our States are doing, and add to the menu of possibilities an approach under which each State decides the best way to cover its residents.

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

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

States would have the flexibility to expand coverage in phases, and would be offered a number of Federal ''tools'' to choose from in order to help them achieve universal coverage. States could use any number of these tools, or none of them, instead opting for a Federal contribution for a State-based ''single-payer'' system. In addition to designing and implementing a plan to achieve universal care, States would also be required to provide partial funding of these plans. The Federal Government would approve each State plan, and would conduct oversight of the implementation of these plans.

Federal tools that States could choose from to help expand health coverage could include an enhanced Medicaid and SCHIP Federal match for expanding coverage to currently uninsured individuals; refundable and advanceable tax credits for the purchase of health insurance for individuals and/or businesses; the establishment of a community-rated health pool, similar to FEHBP, to provide affordable health coverage and expanded choices for those who enroll; and assistance with catastrophic care costs.

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

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

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

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

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

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committees have 60 calendar days, not including recesses of 3 days or more, to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

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

Similar procedures are established for House consideration.

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

But what my bill does do is to require Congress to act.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

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

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

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

S. 934

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reform Health Care Now Act''.

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

(a) INTRODUCTION.—

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

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

(3) QUALIFIED BILL.—

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

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

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

(iii) the bill shall be deficit neutral.

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

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance shall be referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60

calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the chamber's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

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

(c) MOTION TO PROCEED.—

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

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

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

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

(d) CONSIDERATION OF QUALIFIED BILL.—

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

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

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

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

(a) INTRODUCTION.—

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

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

(3) QUALIFIED BILL.—

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

(i) reach the goal of providing healthcare coverage to 95 percent of Americans within 10 years; and

(ii) be deficit neutral.

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

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce shall be referred to that committee and the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60 days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the House Majority Leader and House Minority Leader will, on introduction, be placed directly on the Calendar of the Whole House on the State of the Union.

(c) MOTION TO PROCEED.—

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

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

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

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

(d) CONSIDERATION OF A QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) COMMITTEE OF THE WHOLE.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

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

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

By Mrs. FEINSTEIN (for herself, Mr. CORZINE, and Mr. DURBIN):

S. 935. A bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Fifty Caliber Sniper Weapons Regulation Act of 2005. I am joined by Senators CORZINE and DURBIN.

This bill would add the .50-caliber sniper rifle to the list of ''firearms'' governed by the National Firearms Act. This means that this weapon would be subject to the tax and registration rules imposed by the Internal Revenue Service under that Act. The practical effect would be that a transfer of such a weapon, by sale or by gift, would require registration pursuant to IRS regulations.

The bill would not ban any guns, and existing .50 caliber owners would be unaffected by this law until, and unless, they sell or give away their weapon.

I believe this is a reasonable compromise, respecting the rights of those who have followed the law, but making future changes in the law to regulate new .50-caliber guns.

.50-caliber sniper rifles, manufactured by a small handful of companies, are deadly, military weapons, designed for combat with wartime enemies. They are capable of piercing light armor at more than four miles. The guns are designed to enable a single soldier to destroy enemy aircraft, HumVees, bunkers, fuel stations, and communication centers, as well as target and kill enemy personnel. As a result, their use by military organizations worldwide has been spreading rapidly.

This is a weapon designed to kill people efficiently, or destroy machinery, at a great distance. But along with the increasing military use of the gun, we have also seen increased use of the weapon by violent criminals and terrorists around the world, and the potential for much worse.

These weapons are deadly accurate up to 6,000 feet. This means that a shooter using a .50-caliber weapon can reliably hit a target more than a mile away. To further illustrate what this means, a shooter standing on the steps of the Jefferson Memorial can kill a person standing on the White House lawn, or shoot down the President's helicopter.

And the gun is effective at more than four miles. Although it may be hard to aim at this distance, the gun will still have its desired destructive effect. That means a shooter in Arlington Cemetery can send a bullet crashing into this building.

This is, of course, is using ordinary ammunition. I had one of my staff members obtain a blank .50-caliber bullet. I was amazed to see what was brought back. Senate rules forbid me from bringing the bullet to the floor, so I will describe it for my colleagues.

The casing for this bullet is about five inches in length, and three-quarters-of-an-inch in diameter. The entire round is almost as big as my hand.

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

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

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

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

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

According to a special agent at ATF's Atlanta Field Division, the Barrett .50-caliber rifle is ''a tremendous threat'' for ''those most shocking and horrifying crimes, assassinations, murders, assaults on law enforcement officers.''

But these fears are not hypothetical. Recently we have learned that Al Qaeda has received .50-caliber sniper rifles—rifles that were manufactured right here in the United States. Nearly two years ago today, Essam al Ridi, an Al Qaeda associate, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to Al Qaeda members in Afghanistan. We have no way of knowing whether Al Qaeda has obtained more or who has supplied them with these weapons, but we can be sure that any .50-caliber weapon in the hands of Al Qaeda will likely be used against Americans.

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

One doomsday cult headquartered in Montana purchased ten of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

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

The U.S. Air Force has studied the scenario of a potential terrorist attack with a .50-caliber weapon. According to a November 2001 article in the Air Force's official magazine, Airman, an anti-sniper assessment claimed that planes parked on a fully protected U.S. airbase are as vulnerable as ''ducks on a pond'' because the weapons can shoot from beyond most airbase perimeters. The Air Force has addressed the issue and the effectiveness of specially-trained countersnipers to respond to a .50-caliber weapon attack on aircraft, fuel tanks, control towers, and personnel.

I am glad to know our military has given some consideration to the threats posed by .50-caliber weapons, but I have real concerns over the threats posed to civilian aviation.

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

Experts have agreed that .50-caliber weapons aimed at a plane while stationary, or taking off or arriving, could be just as disastrous as a hit from a missile launcher. Gal Luff, Co-Director of the Institute for the Analysis of Global Security, has described .50-caliber weapons as ''lethal to slow moving planes.''

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

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

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

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

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

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

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

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

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

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

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

I urge my colleagues to support this bill.

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

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

S. 935

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fifty Caliber Sniper Weapons Regulation Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

(a) IN GENERAL.—Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking ''(6) a machine gun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device.'' and inserting ''(6) a .50 caliber sniper weapon; (7) a machine gun; (8) any silencer (as defined in section 921 of title 18, United States Code); and (9) a destructive device.''.

(b) DEFINITIONS.—

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

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

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

SEC. 4. EFFECTIVE DATE.

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

By Mr. LEAHY (for himself and Mr. SUNUNU):

S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce today the Leahy-Sununu E-mail Privacy Act to ensure that last year's decision by the First Circuit Court of Appeals in a case called United States v. Councilman does not undermine the online privacy that Americans expect and cherish. Senator SUNUNU has been a leader on privacy issues, and I appreciate and welcome his support.

In a strained reading of the Electronic Communications Privacy Act (ECPA), the majority in this case effectively concluded that it was permissible for an Internet Service Provider to systematically intercept, copy and read its customers' incoming e-mails for corporate gain. This outcome is an unacceptable privacy intrusion that is inconsistent with Congressional intent and the commonly-held understanding of the protections provided by ECPA, and requires swift Congressional response. I offer the E-mail Privacy Act as a simple, straightforward way to prevent the erosion of the privacy protection Congress granted to e-mail and ensure that this outcome is not repeated.

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

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

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

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

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

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

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

S. 936

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''E-Mail Privacy Act of 2005''.

SEC. 2. CLARIFICATION OF THE DEFINITION OF INTERCEPT.

Section 2510(4) of title 18, United States Code, is amended by striking ''through the use of any electronic, mechanical, or other device.'' and inserting ''contemporaneous with transit, or on an ongoing basis during transit, through the use of any electronic, mechanical, or other device or process, notwithstanding that the communication may simultaneously be in electronic storage;''.

By Mr. CORNYN (for himself and Mr. SPECTER):

S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise to introduce legislation to combat the scourge of sex trafficking within our

borders, by targeting and reducing demand. The bill is entitled the End Demand for Sex Trafficking Act of 2005.

For the last four years, the President has been a stalwart champion of strengthening efforts to combat the scourge of human trafficking and slavery, not just abroad, but within our very own borders as well. Last July, a Senate Judiciary subcommittee hearing I chaired, highlighted many of the Administration's landmark efforts in this area to date.

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

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

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

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

Accordingly, for the past several months, I have been working with various anti-trafficking organizations to craft legislation to focus attention on the demand for sex trafficking within our own country. Last October, Senators SCHUMER and SPECTER and I introduced an earlier version of the legislation I introduce today (S. 2916). Representatives PRYCE and MALONEY introduced a companion bill on the House side that same day. And today, I am introducing a revised version of the bill, designed to achieve precisely the same objective: ending demand for sex trafficking. I am pleased that Senator SPECTER has again agreed to co-sponsor the legislation. Moreover, Senator SCHUMER remains a close partner on this bill. Our offices are still working out some drafting issues with some of the anti-trafficking groups, and I am hopeful that Senator SCHUMER will once again be the lead Democrat co-sponsor of the bill. A parallel bill will be introduced in the House later today by Representatives DEBORAH PRYCE, CAROLYN MALONEY, and BOBBY SCOTT.

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

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

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

SOUTHERN BAPTIST CONVENTION,
Nashville, TN, March 11, 2005.

Mr. JAMES HO,
Chief Counsel, Subcommittee on Border Security, Immigration and Citizenship, Dirksen Senate Office Building, Washington, DC.
Mr. DEREK LINDBLOM,
Counsel, Office of Senator Chuck Schumer, Hart Senate Building, Washington, DC.
Ms. SHILOH ROEHL,
Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, DC.
Mr. BOBBY VASSSAR,
Minority Counsel, House Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR JIM, DEREK, SHILOH, AND BOBBY: I am pleased to notify you that the following members and organizations of the National Coalition for Religious Freedom and Human Rights fully support the End Demand for Sex Trafficking Act of 2005, including myself. Others have already notified you of their support through personal letters. I am also confident that additional organizations from our Coalition, and groups closely aligned with us, will join in supporting this historic legislation.

Best regards,

Barrett Duke, Chairman, National Coalition for Religious Freedom and Human Rights, Vice President for Public Policy and Research, Southern Baptist Ethics and Religious Liberty Commission; Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals; Janice Shaw Crouse, Senior Fellow, The Beverly Lahaye Institute, Concerned Women for America; Lisa Thompson, Initiative Against Sexual Trafficking, Salvation Army; Nathan J. Diament, Director of Public Policy, Union of Orthodox Jewish Congregations of America; Faith McDonnell, Director, Religious Liberty Programs, Institute on Religion and Democracy; Donna M. Hughes, Professor & Carlson Endowed Chair, Women's Studies Program, University of Rhode Island; Kathryn Porter, President, Leadership Council for Human Rights; Peggy Birchfield, Executive Director, Religious Freedom Coalition; Michael Horowitz, Senior Fellow, Hudson Institute; Debbie Fikes, Director, Basic Ministries, International, Midland, TX; Margaret Purvis, Chairwoman, Faces of Children, Midland, Texas; Dr. Jae Joong Nam, President, AEGIS Foundation.

March 15, 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington DC.
Hon. DEBORAH PRYCE,
U.S. House of Representatives,
Washington, DC.

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

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

I commend you for commitment to helping end sex trafficking and your commitment to human rights.

Thank you.

Sincerely,

LINDA SMITH,
Founder and Executive Director,
Shared Hope International.

INSTITUTE ON RELIGION
AND PUBLIC POLICY,
Washington, DC., March 15, 2005.

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

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

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

With warm personal regards and best wishes, I am,

Sincerely Yours,

JOSEPH K. GRIEBOSKI,
President.

FACES OF CHILDREN,
MIDLAND, TEXAS,
March 11, 2005.

Re End Demand for Sex Trafficking Act of 2005

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

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

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

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

Blessings,

MARGARET PURVIS, *Chair,*
Faces of Children, Midland, TX;
CHRIS LAUFER, *Coodinator,*
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING
IN WOMEN,
March 9, 2005.

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

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

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

Sincerely,

JANICE G. RAYMOND,
Co-Executive Director.

[From World Vision, March 10, 2005]

WORLD VISION ENDORSES LEGISLATION TO COMBAT SEX TRAFFICKING AND INCREASE ASSISTANCE TO VICTIMS

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

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

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

World Vision is delighted to support both of these bills and we have full confidence in the U.S. Congress to resolve any differences between the two bills in order to arrive at the most effective legislation possible. We thank Senator Cornyn and Representatives Smith and Pryce for their leadership in addressing this global problem. We stand ready to work with Congress on this important issue.

World Vision is a Christian relief and development organization dedicated to helping children and their communities worldwide reach their full potential by tackling the causes of poverty . World Vision serves the world's poor—regardless of religion, race, ethnicity, or gender. In 2004, World Vision operated in nearly 100 countries around the world.

STANDING AGAINST
GLOBAL EXPLOITATION,
San Francisco, CA, March 8, 2005.

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

HONORABLE SENATOR JOHN CORNYN: I am writing on behalf of SAGE Project, Inc to strongly and enthusiastically endorse the End Demand for Sex Trafficking Act of 2005, a bill designed to combat commercial activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons and for other purposes.

SAGE has designed and implemented cutting-edge, model restorative justice programs for customers of prostitutes (the demand), trauma and drug recovery, and job training programs for women, young men, and girls who are victims of trafficking, prostitution, sexual exploitation and violence. The personal knowledge and experience possessed by many of the survivor, peer staff enables SAGE to effectively provide support and engender trust without re-traumatizing even the most fragile of clients. Through advocacy, educational programs, and as a direct service provider for over 14 years, SAGE has assisted in raising public awareness concerning the sexual exploitation and trafficking of women and girls. As a result of our interventions, SAGE has assisted over 1500 individuals to exit the criminal justice system, escape traffickers and actively engage in prosecutions, receive emergency housing and victim services, recover from abuse and acquire appropriate services such as medical and mental health care, substance abuse treatment, legal, immigration, case management, educational and vocational training. Because of SAGE's commitment to victims of exploitation and trafficking, a web of prevention education, early intervention and treatment services and a network of survivor, peer led programs throughout the United States has been created. SAGE is the co-founder of the first and largest program for customers of prostitutes in the world. This restorative justice program has been replicated in dozens of other cities and funds a wide range of services for women and girls.

Studies show that most commercially sexually exploited children (CSEC) are integrated into the mainstream sex industry and tend to be concentrated in the cheaper end of the prostitution market where conditions are the worse and the concentration of customers/abusers the highest. Although some children are prostituted by and/or specifically for pedophiles and preferential abusers, the majority of the several million men who annually exploit children are first and foremost prostitute users of adult women who become child sexual abusers through their prostitute use, rather than the other way around. The world of prostitution whether legal or illegal provides an arena where laws and rules which constrain sex with minors can be evaded. Laws and social conventions make it difficult and dangerous for individuals to buy children for sexual purposes in non-commercial contexts, but prostitution potentially provides instant access, often to a selection of children. Men surveyed in San Francisco through SAGE and the First Offenders Prostitution Program respond when asked how a person justifies having sex with an underage prostituted child, ''they don't even think.'' They know that law enforcement efforts are focused on the youth/child as the perpetrator and not on them. The End Demand for Sex Trafficking Act of 2005 is the most historically significant step toward ending the rape and sexual abuse of children through prostitution and holding the true perpetrators accountable.

The End Demand for Sex Trafficking Act of 2005 clearly, strongly, and unambiguously redefines ''child prostitution'' as sexual abuse on young human beings. This sexual abuse of children through prostitution is made possible by a society that has sanctioned and institutionalized numbers of children for whom routine abuse, torture, rape, trafficking and kidnapping is considered acceptable. In essence, what society is saying and enforcing through laws and inappropriate interventions is that children and

youth are consenting to their own sexual abuse and that by consenting to this abuse they are a danger to society. They are subject to arrest, they are viewed as perpetrators, not victims, and they are denied any services for their victimization. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence. For these girls, the average of entry into prostitution is 13–14, an age at which these girls are entering an endless cycle of arrest, drug addiction, and violence. The result is traumatic and profound lack of self-esteem causing disempowered behaviors: dropping out of school, prostitution, addiction, selling of drugs, and violence. Their exploitation is perpetuated by continued reliance on the very people who have physically, emotionally, and sexually assaulted them. As these children age into adults they remain trapped in a system of abuse and exploitation and could not escape even if they wanted to. The legal, mental and medical health, human rights consequences of this abuse remains with the child or woman as she is arrested, prosecuted, jailed, placed on probation and forced into treatment. The End Demand for Sex Trafficking Act of 2005 will send the message that now these severely victimized and neglected children and women can depend on us for protection and care.

SAGE is committed to working with you and your office in passing this historic legislation. Just ask.

Truly,

NORMA HOTALING ,
Founder and Director, SAGE.

JOHNS HOPKINS UNIVERSITY, THE PAUL H. HITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES
Washington, DC, March 18, 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, D.C.
Hon. DEBORAH PRYCE,
Cannon House Office Building,
Washington, D.C.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am writing on behalf of The Protection Project at The Johns Hopkins University School of Advanced International Studies (SAIS), to express my full support for the End Demand for Sex Trafficking Act of 2005.

The Protection Project is a legal human rights research institute committed to the eradication of trafficking in persons. The Protection Project strongly believes that reducing demand is the most effective way to successfully combat sex trafficking.

The End Demand for Sex Trafficking Act of 2005 is a significant step forward in the fight against sex trafficking, since it introduces appropriate measures to promote the prosecution of purchasers of commercial sex acts, exploiters of sexual activities and traffickers. In particular, in regard to the prosecution of purchasers, I strongly endorse Section 4(b)(1), which proposes measures such as educational programs for first time purchasers of ''unlawful commercial sex,'' publication of names and addresses, the use of female decoys, statutory rape and felony assaults prosecutions, and other programs enhancing prosecution and reducing demand. I firmly believe that these measures would significantly contribute to discouraging demand.

The Protection Project is committed to working with you and supports the passage of this important legislation.

Best Regards,

MOHAMED Y. MATTAR, S.J.D.,
Adjunct Professor of Law and Executive Director.

POLARIS PROJECT,
Tokyo, Japan, March 10, 2005.

Mr. JAMES HO,
Chief Counsel, Subcommittee on Border Security, Immigration and Citizenship, Dirksen Senate Office Building, Washington, DC.
Mr. DEREK LINDBLOM,
Counsel, Office of Senator Chuck Schumer, Hart Senate Building, Washington, DC.
Ms. SHILOH ROEHL,
Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, DC.

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

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

Thank you for your work.

Sincerely,

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

[From the Religious Freedom Coalition]
(By Peggy Birchfield)

STATEMENT BY RELIGIOUS FREEDOM COALITION CHAIRMAN, WILLIAM J. MURRAY

Although progress has been made in many areas since the Trafficking Victims Protection Act was passed in 2000, the tragic human degradation of sexual trafficking continues to increase in magnitude. The number of those adversely affected continues to grow, especially among children, the most pathetic victims.

By focusing more on the male customers and on traffickers, this proposed legislation can reduce prostitution by redirecting law enforcement efforts which now disproportionately lead to the arrest of the women involved in prostitution, some of whom are trafficking victims.

The legislators who have wisely recognized that prostitution is not a ''victimless crime'' and who have taken steps to reduce its prevalence are to be applauded. It has long been realized that prostitution brutalizes and desensitizes men, who come to view women as objects and not as human beings. A new study has shown that prostitution also leads to more criminal behavior in women, and not just in drug related offenses. It was found that 7 out of 10 women who were convicted of felonies of all kinds, first entered the legal system because of an arrest for prostitution.

Sex tourism is a growing industry that targets children in third world countries, and the United States is the home of probably more ''sex tourists'' than any other single nation. The victims are not American children in this case, but are poor and often abandoned children in foreign countries where there is lax law enforcement. This new effort to stop the victimization of these children should be supported in all possible ways. The men who travel abroad to exploit children and the tour operators who are well aware of the nature of the trips they are providing, should be prosecuted.

This bipartisan effort by members of the Senate and the House to address this serious humanitarian issue is to be highly commended, and I hope it will gain many more supporters and cosponsors in Congress.

By Mr. LEAHY (for himself and Mr. BOND):

S. 938. A bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, it is now fairly common on the Senate Floor to hear the statement that we cannot adequately defend our Nation today without our military reserves. Everybody knows that the activation of members of the National Guard and Reserve since September 11, 2001, represents the largest mobilization of our back-up military personnel since World War II. Everyone knows too that members of the National Guard and Reserve comprise over 50 percent of the forces on the ground in Iraq. And, yes, we all know that we are asking the reserves, particularly the National Guard, to help increase security within the domestic United States, whether at prominent events or along our porous national borders.

It is critical that we go beyond mere statements and take concrete steps to preserve the readiness, morale, and general effectiveness of this force. This imperative extends particularly to redressing harmful policies that give the impression to our reservists that they are not an equally important part of the wider military and the defense of the Nation.

Today Senator BOND and I are introducing legislation that will end one of the most glaring of these inequities. Our legislation, The National Guard and Reserves Housing Equity Act of 2005, effectively terminates a patently unfair low housing allowance provided to reservists when they are called up for a relatively short-term of active service.

This so-called lower allowance level, known officially as the Basic Allowance for Housing II, or B.A.H. II, puts on average almost $400 less per month—per month—in the pockets of our reservists than what they would receive if they were regular, active duty members. To any reservist who leaves his or her community, profession, and family for active service, receiving B.A.H. II says that he or she is a second-class member of the military. You might do the same job as a full-time member of the military and live in the same type of housing, but you do not deserve the same allowance. The allowance creates an unacceptable financial hardship that will decrease the willingness of any reasonable person to continue service.

This is a very real problem. Last year, Congress and the President enacted a piece of legislation—which I

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

I cannot tell you how many soldiers and airmen who participated in that mission came up to me and made clear how slighted and insulted they felt by that housing allowance. Those comments mirror what I heard from other members of the Guard who received B.A.H. II on a similar mission. This second-tier housing allowance really burns in the saddle of every citizen-soldier, sailor, airman, and marine, and it is having a real effect on morale.

We simply cannot tolerate this inequity to continue, and it is within our power to do something about this. So we have a choice today: Either we can keep this second-tier housing allowance in place and send a signal that we need to save some dollars on the backs of those who have stepped forward to serve, or we can remedy this inequity, making the firm statement that we will take the real steps necessary to support our reservists and provide them the resources so that they can do their jobs and be treated fairly while they serve.

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

This legislation has been endorsed unanimously by the 35-military association umbrella group, The Military Coalition. So that all senators may read the specific views of the military associations, I ask that letters from the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, the Reserve Officers Associations, the Reserve Enlisted Association, the Association of the United States Army, and the Fleet Reserve Association be printed in the RECORD. The Military Officer's Association of America and the Air Force Sergeant's Association have also directly endorsed this legislation.

We often hear statements about supporting our troops, but this is a chance to actually support them. This is an issue that literally affects our troops where they live. I invite our colleagues to join Senator BOND and me in cosponsoring this legislation and in working to end this grossly unfair system. With the National Guard and Reserves Housing Equity Act of 2005, we are backing up our thanks with meaningful action. With this step we are saying that we are ready to provide a strong foundation of policies that will actually encourage our reservists to continue to serve the country superbly. This is the right thing to do, and I look forward to working with my colleagues on both sides of the aisle to enacting this legislation this year.

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

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
Washington, DC, April 26, 2005.

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

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

Your bill, which reduces the threshold for receipt of full BAH from 140 days to 30 days, will have an immediate and positive impact on many of our members who are receiving housing allowances at a rate which is on average $400 less than the regular BAR rate. Because BAH II is not adjusted for location, in some places the loss of income could be as high as $1,000.00, depending on rank.

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

At no other time in recent history have the men and women of the National Guard been asked to sacrifice so much for the good of the Nation. We thank you for recognizing their contribution and sacrifice and working to remove this inequity in their housing allowance.

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

Sincerely,

STEPHEN M. KOPER,
Brigadier General, Retired President.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, April 21, 2005.

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

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

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

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

A significant percentage of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only makes the financial difficulty worse. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

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

Working for America's Best!

MSG (Ret) MICHAEL P. CLINE AUS,
Executive Director.

RESERVE ENLISTED ASSOCIATION,
April 21, 2005.

Hon. PATRICK J. LEAHY,
Hon. CHRISTOPHER S. ''KIT'' BOND,
U.S. Senate,
Washington, DC.

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

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

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

Sincerely,

ROBERT A. MCINTOSH,
Major General (Ret), USAFR, ROA Executive Director.

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

ASSOCIATION OF THE U.S. ARMY,
Arlington, VA, April 22, 2005.

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

DEAR SENATOR LEAHY: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I thank you for introducing legislation to reduce the threshold for the receipt of Basic Allowance for Housing II (BAH II) to 30 days.

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

National Guard and Reserve members who are on active duty for less than 140 days receive BAH II instead of the Basic Allowance

for Housing (BAH) that every other servicemember receives. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. It is not adjusted for location. In some places, such as the Washington, D.C. Metro area, the difference can be $1,000, depending upon the rank of the servicemember.

A significant percentage of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only makes the financial difficulty worse. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

AUSA will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

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

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

DEAR SENATOR LEAHY: FRA wholeheartedly endorses your introduction of legislation authorizing National Guard and Reservists called to active duty for a period of more than 30 days to receive a basic allowance for housing (BAH) at the same rate as their active duty counterparts.

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

At the specific request of senior enlisted leaders of the Coast Guard, FRA addressed this inadequacy in Congressional testimony, recommending a policy change authorizing Reservists activated 30 days or more to be eligible for locally based BAH. This measure significantly helps ensure Reservists' compensation reflects the duties our Nation has asked them to perform.

The Association salutes you for your efforts and is committed to working toward enactment of this important legislation.

Sincerely,

JOSEPH L. BARNES,
National Executive Secretary.

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

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

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

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

Sprawl threatens our environment and our quality of life. It destroys ecosystems, increasing the risk of flooding and other environmental hazards. It burdens the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. It leads to the fragmentation of woodlots, reducing the economic viability of the remaining working forests.

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

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

In my State of Maine alone, suburban sprawl has already consumed tens of thousands of acres of forest and farm land. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the ''sprawl capital of the Northeast.''

I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that have given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

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

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

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be matched dollar-for-dollar by state, local, or private resources.

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

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

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

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

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

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

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

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

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

By Mr. WARNER:

S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

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

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

Mr. President, I consider myself an avid outdoorsman, and I enjoy opportunities for recreation like most Americans. Therefore, I want to stress the many joyful outdoor activities that will be enhanced by the wilderness designation in these areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. In addition, the Act is flexible and provides for reasonable local forest management and emergency services in wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease.

I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

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

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

S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2005. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL and Maryland, Mr. SARBANES, have joined me as cosponsors of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th and 108th Congresses.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's fifteen species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2006 through Fiscal Year 2010.

In keeping with my belief that we should balance the budget, this bill proposes that the $25 million in authorized spending over five years for the Crane Conservation Act established in this legislation should be offset through the Secretary of Interior's administrative budget.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the birds' tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. Two new flocks of cranes are currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home state in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique. One of the program's supporters has told me that this program is the conservation equivalent of putting a man on the moon. I think it is quite appropriate then that the Smithsonian announced that one of the

ultralight planes from Operation Migration, which leads the migration from Necedah to Chassahowitzka, will be inducted into the National Air and Space Museum. The plane will be on display in the Museum early next year. I cannot think of a better way to showcase this innovative conservation program.

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

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

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

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

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

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

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

S. 943

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crane Conservation Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;

(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—

(A) the Siberian crane (Grus leucogeranus);

(B) the red-crowned crane (Grus japonensis);

(C) the white-naped crane (Grus vipio);

(D) the black-necked crane (Grus nigricollis); and

(E) the hooded crane (Grus monacha);

(3) the Crane Action Plan of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—

(A) the wattled crane (Bugeranus carunculatus);

(B) the blue crane (Anthropoides paradisea);

(C) the grey-crowned crane (Balearica regulorum);

(D) the black-crowned crane (Balearica pavonina); and

(E) the sarus crane (Grus antigone);

(4)(A) the whooping crane (Grus americana) and the Mississippi sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) with approximately 200 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;

(5) conservation resources have not been sufficient to cope with the continued diminution of crane populations from causes that include hunting and the continued loss of habitat;

(6)(A) cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and

(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;

(7) other threats to cranes include—

(A) the collection of eggs and juveniles;

(B) poisoning from pesticides applied to crops;

(C) collisions with power lines;

(D) disturbance from warfare and human settlement; and

(E) the trapping of live birds for sale;

(8) to reduce, remove, and otherwise effectively address those threats to cranes in the wild, the joint commitment and effort of countries in Africa, Asia, and North America, other countries, and the private sector, are required;

(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;

(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and

(11) conservationists in the United States have much to teach and much to learn from colleagues working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened cranes.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term ''conservation'' means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term ''conservation'' includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, acquisition, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term ''Convention'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term ''Fund'' means the Crane Conservation Fund established by section 6(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation

with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

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

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

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

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

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

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

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

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

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

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

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

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

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

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

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

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

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

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

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

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

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

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

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

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

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

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 6. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the ''Crane Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 8; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

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

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

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

(c) INVESTMENTS OF AMOUNTS.—

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

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

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 7. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

SEC. 8. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2006

through 2010, to remain available until expended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How were we able to achieve such great results? Well, we all know it was a combination of factors, but most law enforcement officials credit the Office of Community Oriented Policing with a pivotal role. Indeed, in the words of Attorney General Ashcroft the Community Oriented Policing program (''COPS'') has been ''a miraculous success.'' Just a few months ago, Attorney General Gonzalez reached the same conclusion, stating that ''we put additional officers on the street and now we have crime at an all-time low.'' In addition, this program has been endorsed by every major law enforcement group in the Nation, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations (NAPO), the National Sheriffs Association (NSA), the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials (NOBLE), the International Union of Police Associations (IUPA), the Fraternal Order of Police, and others. The bottom line is that from the Top Cop in the United States to the beat officer patrolling a local community, the impact of this program is clear.

Rather than support this program, the Bush Administration and Republican leadership is set on eliminating

it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for State and local law enforcement programs run out of the Department of Justice is down 75.6 percent since fiscal year 2002. This year, funding for State and local law enforcement is at $118 million for the entire Nation, with no funding for hiring.

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

To me, cutting assistance for State and local law enforcement is inexplicable, particularly because the need for Federal assistance remains so pressing. In fact, last month I offered an amendment to restore funding for the COPS program in the sum of $1 billion. This amount would have provided enough funding to eliminate the backlog of pending officer requests of 10,000 from 3,700 jurisdictions throughout the Nation. And, it would have provided funding to support on-going needs this year. Unfortunately, this amendment was voted down on a party-line vote. The Bush Administration's response to these criticisms about its budget is that funding for the Department of Homeland Security is up. Undoubtedly, these are critical, necessary expenditures, and I believe that the Administration has not invested enough for homeland security. We have an obligation to do both. We must fund homeland security and invest in the programs that help reduce traditional crime and prevent terrorism. As terrorism and security experts have pointed out, funding additional officers through the COPS program can help do both.

The legislation that I am introducing today provides $1.5 billion per year for six years for the COPS program. This includes $600 million per year for officer hiring grants, $350 million per year for technology grants, and $200 million per year to help local district attorneys hire community prosecutors. This funding will help keep faith with our State and local law enforcement officers who put their lives on the line every day to keep our communities safe from crime and terrorism. I would ask all of my colleagues to go to their local police chief or sheriff and ask them if they should support this legislation, and I hope that they will, because if they did, it would be passed 100–0.

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. 945

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 ''Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods Act of 2005'' or the ''PROTECTION Act''.

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting ''and prosecutor'' after ''increase police''; and

(2) inserting ''to enhance law enforcement access to new technologies,'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community-oriented policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C), by—

(i) striking '', or pay overtime''; and

(ii) striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2), by striking all that follows ''**SUPPORT SYSTEMS**.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

''(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.''.

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''integrity and ethics'' after ''specialized''; and

(B) by inserting ''and'' after ''enforcement officers'';

(2) in paragraph (7), by inserting '', school officials, religiously-affiliated organizations,'' after ''enforcement officers'';

(3) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, and to combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, the illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (11), by striking ''and'' at the end;

(5) in paragraph (12), by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(13) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds available for grants pursuant to subsection (a) in any fiscal year to'' after ''The Attorney General may'';

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds available for grants pursuant to subsections (d), (e), and (f) in any fiscal year for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.'';

(2) in paragraph (2), by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by striking ''operation of training centers'' and inserting ''regional community policing institutes, training centers,''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

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

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

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

''(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

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

''(2) USE OF FUNDS.—Funds made available under this subsection may be used to—

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

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

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

''(3) ALLOCATION.—At least 75 percent of the funds made available under this subsection shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2)(B) and at least 25 percent of the funds shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) to units of local government with a population of less than 50,000.''.

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

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended by inserting after ''criminal laws'' the following: '', including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community-oriented policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(4)) is amended—

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

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

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

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

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

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

(E) by adding at the end the following:

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

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

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

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

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

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

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

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

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

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

''(vi) $1,150,000,000 for fiscal year 2011.''; and

(2) in subparagraph (B)—

(A) by striking ''3 percent'' and inserting ''5 percent'';

(B) by striking ''1701(f)'' and inserting ''1701(g)'';

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

(D) by striking ''85 percent'' and inserting ''$600,000,000''; and

(E) by striking ''1701(b),'' and all that follows through ''of part Q.'' and inserting the following: ''1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

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

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

There is simply no justification for not continuing the successes of this program. The COPS program has allowed State, local, and tribal law enforcement agencies in all 50 States and the District of Columbia to hire 118,000 new officers since 1994. The violent

crime rate has dropped 30 percent in the same period. Recently, Attorney General Alberto Gonzales made the connection himself, commenting that these officers were put on the street and crime is at a thirty-year low.

The COPS program has sent more than $40 million to my home State of West Virginia, allowing 166 jurisdictions to hire nearly 700 officers. There is no way that the citizens of my State could afford to hire and train this many officers in this amount of time, and no feasible way to replace the benefits the COPS program produces. Many of these towns had never had their own police officers before this, and I can tell you that the presence of those officers has changed lives for the better throughout my State.

West Virginia has also benefited from some specialized programs administered by the COPS Office. Our schools, which were once refuges from crime and danger, now have safety and security concerns best handled by trained law enforcement professionals. The COPS in Schools (CIS) program has provided $2 million to hire 20 school resource officers (SROs). In 2004 alone we received more than $457,000 to hire four SROs. Law enforcement agencies in my State have also received $4.7 million in COPS technology grants, and were making headway on a burgeoning crisis in methamphetamine production with the COPS METH grant program. This assistance has allowed police in my State to tap into crime-fighting and data-sharing technologies, and helped protect my constituents from a drug problem spreading through rural America like wildfire.

I look forward to enactment of this legislation, and the new assistance it will bring to state and local law enforcement agencies throughout West Virginia. Specifically, this legislation will provide: $600 million per year through 2011 for 50,000 more cops across the country; $350 million per year for law enforcement technologies, including interoperable communications equipment, state-of-the-art DNA analysis, and computer crime mapping; and $200 million annually to hire new prosecutors, to finish the job our new officers have started.

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

By Mr. WYDEN:

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

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

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

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

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

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

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

The legislation I am introducing today is a truly new approach that has teeth. It is going to give parents more kid-friendly entertainment choices that are easy to understand. The legislation would require that all cable and satellite operators within 1 year of enactment offer a kid-friendly tier of programming. It would require monthly billing statements to include information about how customers can use blocking technology to stop offensive programming. And it would impose big-league fines of $500,000 a day on any cable or satellite operator who doesn't comply with the requirement that they give parents the chance to purchase kid-friendly programming. In this tier parents will know that there will be no content and no advertisements of a violent or sexual nature. Parents and adults who are not concerned about the current level of violence and sex on television would, of course, have access to those options with respect to current law.

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

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

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

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

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

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

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

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

S. 946

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kid Friendly TV Programming Act of 2005''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) More than a decade ago, the American Psychological Society concluded that ''There is absolutely no doubt that higher levels of viewing violence on television are

correlated with increased acceptance of aggressive attitudes and increased aggressive behavior.''

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

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

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

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

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

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

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

(9) The Kaiser Family Foundation reported in 2003 that 64 percent of all television shows have some sexual content, and that in prime time, 71 percent of the top 4 broadcast network shows have some sexual content.

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

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

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

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

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

SEC. 3. BASIC TIER CONTENT RESTRICTIONS.

Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 631 et seq.) is amended by adding at the end the following:

''SEC. 641. KID-FRIENDLY PROGRAMMING TIER.

''(a) IN GENERAL.—Within 1 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall offer a child-friendly tier of programming consisting of no fewer than 15 channels.

''(b) BLOCKING INSTRUCTIONS.—Beginning 6 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall provide, as part of the monthly statement of charges, instructions for how to block any channel whose content a subscriber may wish to block.

''(c) PENALTIES.—In addition to any other penalty imposed under this Act or title 18, United States Code, failure to comply with the requirements of this section is punishable by a civil penalty of up to $500,000 per day. Each day of such failure shall be considered a separate offense.

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

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

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

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

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

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

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

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

As a result of that article and a subsequent criminal investigation, McWane has begun to clean up its act.

But no one should be deluded. McWane is not the only company with a record of putting employees at risk. Others—although still the clear minority—continue to flout workplace safety rules and jeopardize the health and well being of workers.

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

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

The logic behind this legislation is simple. The bill will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, help ensure that OSHA criminal penalties cannot be safely ignored. This will provide the OSHA criminal statute with sufficient teeth to deter the small percentage of bad actors who knowingly and willfully place their employees at risk.

I am proud to be joined by Senators KENNEDY, LAUTENBERG, and DURBIN in reintroducing the Workplace Wrongful Death Accountability Act and I urge my colleagues to support this important piece of 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. 947

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 ''Workplace Wrongful Death Accountability Act''.

SEC. 2. OSHA CRIMINAL PENALTIES.

Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking ''fine of not more than $10,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code,'';

(B) by striking ''six months'' and inserting ''10 years'';

(C) by striking ''fine of not more than $20,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code,'';

(D) by striking ''one year'' and inserting ''20 years''; and

(E) by inserting ''under this subsection or subsection (i)'' after ''first conviction of such person'';

(2) in subsection (f), by striking ''fine of not more than $1,000 or by imprisonment for not more than six months,'' and inserting ''fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,''; and

(3) in subsection (g), by striking ''fine of not more than $10,000, or by imprisonment for not more than six months,'' and inserting ''fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,''.

Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 948. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

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

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

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

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

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

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

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

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

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

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

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

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

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

S. 948

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Health Care Reporting Act of 2005''.

SEC. 2. REPORTING OF SANCTIONS.

Section 422 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11132) is amended—

(1) in the section heading by striking ''BOARDS OF MEDICAL EXAMINERS'' and inserting ''STATE LICENSING BOARDS'';

(2) in paragraphs (1) and (2) of subsection (a)—

(A) by striking ''physician's'' each place it appears and inserting ''physician's or other health care practitioner's''; and

(B) by striking ''physician'' each place it appears and inserting ''physician or other health care practitioner''; and

(3) in subsections (a) and (b), by striking ''Board of Medical Examiners'' each place it appears and inserting ''State licensing board''.

SEC. 3. REPORTING OF CERTAIN PROFESSIONAL REVIEW ACTIONS.

Section 423 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11133) is amended—

(1) by striking ''Board of Medical Examiners'' each place it appears and inserting ''State licensing board'';

(2) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

''(2) MANDATORY REPORTING ON OTHER LICENSED HEALTH CARE PRACTITIONERS.—A health care entity shall report to the appropriate State licensing boards and to the agency designated under section 424(b), the information described in paragraph (3) in the case of a licensed health care practitioner who is not a physician, if the entity would be required to report such information under paragraph (1) with respect to the practitioner if the practitioner were a physician.'';

(B) by redesignating paragraph (3)(C) as paragraph (3)(D); and

(C) by striking paragraph (3)(B) and inserting the following:

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

''(C) information on a health care practitioner who voluntarily resigns during, or as a result of, a pending dismissal or review action, and'';

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

(4) by inserting after subsection (a), the following:

''(b) STANDARD FOR REPORTING OF ADVERSE ACTIONS.—Adverse actions reported under subsection (a)(2) shall be made in accordance with the rights and procedures afforded to physicians under section 412.'';

(5) in subsection (c) (as so redesignated), in the subsection heading, by striking ''BOARD OF MEDICAL EXAMINERS'' and inserting ''STATE LICENSING BOARD'';

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

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

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

(9) by adding at the end the following:

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary shall provide for the imposition of no more than $50,000 per violation for health care entities that fail to comply with this section.

''(2) REPEATED VIOLATIONS.—The Secretary shall provide for civil penalties in addition to the amount listed in paragraph (1) for health care entities that establish patterns of repeated violations of this section.''.

SEC. 4. CIVIL PENALTIES.

Section 425 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11135) is amended—

(1) in paragraphs (1) and (2) of subsection (a), and subsections (b) and (c), by striking ''hospital'' each place it appears and inserting ''health care entity or agency employing a physician or other licensed health care practitioner'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''each hospital'' and inserting ''each health care entity and agency employing a physician or other licensed health care practitioner''; and

(ii) by inserting ''and from the appropriate State licensing board,'' after ''(or the agency designated under section 424(b)),'';

(B) in paragraph (1), by inserting ''or employment'' after ''clinical privileges''; and

(C) in paragraph (2), by inserting ''or employed'' after ''clinical privileges'';

(3) in subsection (c), by striking ''hospital's'' and inserting ''the health care entity's or agency's'' and

(4) by adding at the end the following:

''(d) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary shall provide for the imposition of no more than $50,000 per violation for a health care entity or agency employing a physician or other licensed health care practitioner that fails to comply with this section.

''(2) REPEATED VIOLATIONS.—The Secretary shall provide for civil penalties in addition to the amount listed in paragraph (1) for a health care entity or agency employing a physician or other licensed health care practitioner that establishes patterns of repeated violations of this section.''.

SEC. 5. PROFESSIONAL REVIEW.

Section 411 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11111) is amended by adding at the end the following:

''(d) CIVIL LIABILITY IMMUNITY FOR HEALTH CARE ENTITIES.—

''(1) IN GENERAL.—A health care entity that discloses information about a former or current employee pursuant to section 423 is immune from civil liability for such disclosure and its consequences unless it is demonstrated that the employer—

''(A) knowingly disclosed false information; or

''(B) violated any right of the former or current employee that is protected under Federal or State laws.

''(2) APPLICATION.—This subsection applies to any employee, agent, or other representative of the current or former employer who is authorized to provide and who provides information in accordance with section 423.

''(e) PROTECTION OF HEALTH CARE PRACTITIONERS.—A health care entity shall not penalize, discriminate, or retaliate in any manner with respect to employment, including discharge, promotion, compensation, or terms, conditions, or privileges of employment, against an employee who, in good faith, reports conduct that may be construed to violate a Federal or State law, including laws governing licensed health care professional practice standards, to a State authority, licensing authority, peer review organization, or employer.''.

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

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

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

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

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

''(13) The term 'skilled nursing facility' means an entity described in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).''.

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

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

(1) in the section heading, by inserting ''AND CRIMINAL BACKGROUND CHECKS OF'' after ''AGAINST''; and

(2) in subsection (a)—

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

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

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

SEC. 8. DATE OF IMPLEMENTATION.

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

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

S. 950. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

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

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

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

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

4. Low-hanging fruit—these diseases are so cheap to control, even the modest budgets we have now could make a huge difference if they were spent wisely.

Our bill focuses on the following programmatic reform: 1. Direct interventions: requires funding of activities that have a direct impact on sick people or people at risk of becoming sick. For some programs, this will require a shift of priority in budgets from indirect support and advice-giving consultants to actually funding medical treatment, commodity procurement, and disease control activities.

2. Accountability: programs must measure performance and prove that they are saving lives. The bill establishes mechanisms to revise or terminate contracts that fail to save lives.

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

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

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

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When we acted in concert, we stopped SARS in its tracks a few years ago. If these diseases were killing our own citizens at

the rates they are killing people in poorer countries, we would put an end to it using the inexpensive, known methods, in short order. African children are just as precious as American and European children. To those who have been given much, much is expected. We will be held responsible for how we responded to this crisis. I hope my colleagues will join us in supporting this legislation.

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

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

Mr. FRIST. Mr. president, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 955

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 ''Franklin National Battlefield Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means the cities of Brentwood, Franklin, Triune, Thompson's Station, and Spring Hill, Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of sites in the study area relating to the Battle of Franklin to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on the study area of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System or other federally designated unit in the State of Tennessee.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

SEC. 4. REPORT.

Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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

S. 956. A bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce ''The Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005''. This is a very important bill that will protect our children from the vilest forms of abuse and murder.

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

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

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

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

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

The third section of the bill will ensure fair and expeditious Federal collateral review of convictions for killing a child. It would do this by reforming the habeas corpus system for this crime. For example, in district court parties will be required to move for an evidentiary hearing within 90 days of the completion of briefing, the court must act on the motion within 30 days, and the hearing must begin 60 days later with completion within 150 days. In addition, this section will require that district-court review be completed within 15 months of the completion of briefing and that appellate review must be completed within 120 days of the completion of briefing. Finally, this provision limits Federal review on cases to those claims that present meaningful evidence that the defendant did not commit the crime.

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

that it took the recent tragic murders of those 3 beautiful young girls for a law of this nature to be proposed, but I strongly believe that a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

I 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. 956

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 ''Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005''.

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

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

''(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 15 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence results in the death of a person who has not attained the age of 15 years, be sentenced to death or life in prison;

''(2) if the crime of violence is a kidnaping, sexual assault, or maiming, (or an attempt or conspiracy to commit one of those) or results in serious bodily injury (as defined in section 1365) be imprisoned for life or for any term of years not less than 30;

''(3) if the crime of violence results in bodily injury (as defined in section 1365) to a person who has not attained the age of 12 years, be imprisoned for life or for any term of years not less than 15;

''(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10; and

''(5) in any other case, be imprisoned for life or for any term of years not less than 2.''.

SEC. 3. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both.'' and inserting ''and imprisoned for not less than 30 years or for life.''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(a) or (b)'' after ''section 2241'';

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1) the following:

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

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

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

(A) by striking ''A person'' and inserting ''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following:

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

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

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

(A) by striking ''15 years nor more than 30 years'' and inserting ''25 years or for life'';

(B) by striking ''not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life.'' and inserting ''life.''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life.''.

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

(A) in paragraph (1)—

(i) by striking ''5 years and not more than 20 years'' and inserting ''25 years or for life''; and

(ii) by striking ''not less than 15 years nor more than 40 years.'' and inserting ''life.''; and

(B) in paragraph (2)—

(i) by striking ''or imprisoned for not more than'' and inserting ''and imprisoned for'';

(ii) by striking '', or both''; and

(iii) by striking ''10 years nor more than 20 years.'' and inserting ''30 years or for life.''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking ''5 years and not more than 20 years'' and inserting ''25 years or for life''; and

(ii) by striking ''not less than 15 years nor more than 40 years'' and inserting ''life''; and

(B) in paragraph (2)—

(i) by striking ''or imprisoned not more than 10 years, or both'' and inserting ''and imprisoned for 10 years''; and

(ii) by striking ''10 years nor more than 20 years'' and inserting ''30 years or for life''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''or imprisoned not more than 4 years, or both'' and inserting ''imprisoned for 10 years''.

(5) PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) shall be fined under this title and imprisoned for 25 years; and

''(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title and imprisoned for life.''.

(c) CONDUCT RELATING TO CHILD PROSTITUTION.—Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''5 years and not more than 30 years'' and inserting ''30 years or for life'';

(2) in subsection (b), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years'';

(3) in subsection (c), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years''; and

(4) in subsection (d), by striking '', imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for 30 years''.

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

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

(b) LIMITS ON CASES.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

''(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a individual who has not attained the age of 18 years.

''(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

''(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

''(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

''(C) Any evidentiary hearing shall be—

''(i) convened not less than 60 days after the order granting such hearing; and

''(ii) completed not more than 150 days after the order granting such hearing.

''(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

''(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

''(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

''(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

''(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

''(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

''(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

''(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

''(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

''(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

''(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

''(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

''(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

''(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.''.

(c) RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.—Section 3771(b) of title 18, United States Code, is amended by adding at the end the following: ''The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising out of a State conviction to victims of the State offense at issue.''

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to cases pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section provide that a time limit runs from an event or time that has occurred prior to such date of enactment, the time limit shall run instead from such date of enactment.

Mr. BUNNING (for himself and Ms. LANDRIEU):

S. 957. A bill to establish a clean coal power initiative, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I am introducing the Clean Coal Power Initiative Act of 2005. I am pleased that Senator LANDRIEU is joining me in introducing this legislation.

The United States needs to have a diverse array of energy sources. It is crucial to our economy and our national security.

Coal is an important resource that is a solution to keeping our economy moving forward and reducing our reliance on foreign energy.

Today, coal fuels 52 percent of the electricity used to heat our homes and schools and run our factories. Coal can play an even greater role in meeting future demand because it constitutes 90 percent of U.S. energy reserves resources, enough to last more than 200 years at current consumption rates.

The Energy Information Administration recently stated that coal is expected to remain the primary fuel for electricity generation over the next 2 decades.

Generations of Kentuckians have made a living and raised families by working in the coal fields. They are proud to do such vital work for our country's energy future.

I believe that coal must be part of our energy plans. It is plentiful and we do not have to go far to get it.

It can help meet our energy needs as the cost of natural gas continues to rise dramatically, and is forecasted to remain at historical highs and as electricity demands continue to increase.

In order for us to take full advantage of coal's benefits, I believe we must balance conservation with the need for increased production.

That is where clean coal comes in.

The bill I am introducing today will help create new clean coal technologies by authorizing the Department of Energy to establish a research and development clean coal program. This will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I urge my colleagues to support this legislation.

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

S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

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

S. 959. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

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

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

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

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

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

In my view, the designation of this route as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience it. The Star-Spangled Banner National Historic Trail will also give long overdue recognition to those patriots whose determination to stand

firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

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

The Star-Spangled Banner and War of 1812 Bicentennial Commission Act implements another recommendation included in the aforementioned National Park Service study by creating a commission, made up in part by citizens from nine states and the District of Columbia, to ensure a suitable national observance of the War of 1812. The commission is tasked with planning, encouraging, developing, executing and coordinating programs commemorating the historic events that preceded and are associated with the War of 1812. Among other things, the commission is charged with facilitating this commemoration throughout the United States and internationally.

As the bicentennial of the War of 1812 rapidly approaches, a plan to mark the lasting contributions that our forebears made during this critical period in our Nation's history is needed. In my view, both of these measures will work to ensure that these patriots' commitment to the principles of liberty and sovereignty will not be forgotten.

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

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

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

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

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

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

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

Instead of being destroyed by a single blow, the industry I am referring to is being slowly put to death by the cruelest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group's advantage.

Right now as I speak to you on the floor of the Senate, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulatory nightmare that must be addressed, and which brings me to the floor today as I offer legislation to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

So, what is this regulation that is destroying the health of our family ranchers? It's a practice called ''captive supply,'' a business practice not well known to those outside of the industry, but a practice that has had a tremendous impact on the ranchers of the West.

If you haven't heard about the problem, I must point out that our ranchers have tried to bring it to our attention, but we haven't fully focused on their needs. Whenever I travel to Wyoming, or hold a Town Meeting, or go over the week's mail that I receive from my constituents, I hear the cries for help from our ranchers in Wyoming, and throughout the West. One by one, and without exception, they are all clamoring for attention and relief so they can continue the work that so many in their family have done for so many years.

I could bring a stack of letters to the Floor that come from people all across my State about the problems they face. But, in the interests of time, I will read a small excerpt from one that will give you an idea of how bad things are in the ranching industry as our ranchers try to deal with captive supply.

A letter I received from a rancher in Lingle said that the issue of captive supply needed to be reviewed and addressed because it was ''slowly but surely putting small farmers/feeders out of business.'' He then added, ''until the existing laws are enforced in this area of illegal activities, all other plans or laws will be of very little consequence.''

So what is captive supply—and how is it harming our Nation's ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock for their slaughterlines.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and control costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Four companies control approximately 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that haven't aligned with specific packers.

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

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or

more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

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

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

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

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

That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes selling in September that aren't contracted to the companies flood the market and the price for homes in your area drops $12,000. By trying to manage your risk, you sold your home for $2,000 below average.

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

Section 202 of the Packers and Stockyards Act states in (3) (a) and (b):

''It shall be unlawful for any packer with respect to livestock . . . to: (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or (b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect''

Packers that practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. So what we are left with are unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

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

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

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

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

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

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

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

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

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

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

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

Mr. GRASSLEY. Mr. President, the capital cost to install new renewable generation capacity is three to ten

times more expensive than the cost to install conventional gas generation. Given these costs, Federal production tax credits have been available over the past decade to investor-owned utilities and private developers for renewable generation from wind, closed loop biomass and poultry waste. I worked in the JOBs bill last year to extend these tax incentives and expand them to additional resources, such as open loop biomass, animal waste nutrients, landfill gas, municipal solid waste, solar, geothermal and small hydro irrigation systems. I also fought to extend these incentives to electric cooperatives and public power systems, and today am releasing a new proposal, ''Clean Energy Bonds,'' that provides them with an important financing tool.

Tax incentives for renewable and clean coal generation will be an important part of a balanced energy bill that the Senate will soon assemble. Such incentives enhance energy security by providing for diverse fuel choices, provide options in the face of high prices of oil and gas, and are a key component of ensuring that utilities can meet clean air requirements and climate change goals. The Administration has asserted that incentives for renewable generation are necessary for a balanced energy bill. And, all electricity generators recently agreed in a MOU with the Department of Energy on voluntary goals that address climate change and support President Bush in his efforts to reduce the greenhouse gas (GHG) emission intensity of the U.S. economy. As part of the MOU, the Department of Energy and all signatories agreed to promote policies that ''provide investment stimulus on an equitable basis to all segments of the power sector in order to accelerate use of existing GHG-reducing technologies. . . .''

As the MOU recognizes, electric cooperatives and public power systems need access to incentives in order to provide the latest clean technologies and renewable generation to their communities, just as the private sector does. Many of these utilities are ideally located to take advantage of opportunities to generate from these primarily rural resources. These utilities cannot, however, offset the high cost of these resources through the conventional tax incentives Congress has provided to the private sector. Without these incentives, such generation is simply unaffordable for the consumers they serve.

Electric cooperatives and public power systems are not-for-profit, and therefore do not pay federal income tax. Not-for-profit utilities do not pay shareholders. Cooperatives return revenues above cost of service to their members, and public power systems use their revenue to reduce rates or reinvest in utility infrastructure. Traditional tax incentives do not work for not-for-profit utilities as they have no federally taxable income to offset. In order for Congress to fully realize the benefits of tax incentives that are designed to make renewable energy economic, an incentive tailored to the unique characteristics of not-for-profit utilities is required. All three utility sectors must be able to participate in incentives in order for emerging technologies to fully realize their potential and become economic.

Clean energy bonds can provide electric cooperatives and public power systems with an incentive comparable to the production tax credits that are available for the private sector. The bill would make technologies that are eligible for the production tax credit under section 45 eligible for the bond.

Under the bill, the electric cooperative, cooperative lender or municipal utility (''issuer'') would issue the clean energy bond. With a conventional bond, the issuer must pay interest to the bondholder. But with a clean energy bond, the Federal Government pays a tax credit to the bondholder in lieu of the issuer paying interest to the bondholder. Treasury sets the rate of the credit in an amount that permits the issuance of the tax credit bond without discount and without interest cost to the issuer. The bondholder can deduct the amount of the tax credit from their total income tax liability. The bonds are taxable, so if the credit is worth $100 and the bondholder is in the 35 percent bracket, the bondholder would deduct $65 from their tax liability.

Public power systems have long used bonds to finance projects for infrastructure improvements and upgrades. By creating familiar financial instruments for public power systems and electric cooperatives to use, the bond market will have the faith and understanding to purchase these financial products because of the longstanding success of municipal bonds.

The Clean Energy Bonds Act of 2005 will become an important part of a balanced energy bill. I urge my colleagues to cosponsor this bill that is needed to push renewable generation options further than production tax credits alone.

By Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON):

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 964

Be it enacted by the Senate and House of 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 ''Americans Outdoors 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—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES

Sec. 101. Disposition.

TITLE II—COASTAL IMPACT ASSISTANCE

Sec. 201. Coastal Impact Assistance Program.

TITLE III—LAND AND WATER CONSERVATION FUND

Sec. 301. Apportionment of amounts available for State purposes.
Sec. 302. State planning.
Sec. 303. Assistance to States for other projects.
Sec. 304. Conversion of property to other use.
Sec. 305. Water rights.

TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Wildlife Conservation and Restoration Account.
Sec. 404. Apportionment to Indian tribes.
Sec. 405. No effect on prior appropriations.

TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM

Sec. 501. Expansion of purpose of Urban Park and Recreation Recovery Act of 1978 to include development of new areas and facilities.
Sec. 502. Definitions.
Sec. 503. Eligibility.
Sec. 504. Grants.
Sec. 505. Recovery action programs.
Sec. 506. State action incentives.
Sec. 507. Conversion of recreation property.
Sec. 508. Treatment of transferred amounts.
Sec. 509. Repeal.

TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES

SEC. 101. DISPOSITION.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

''SEC. 9. DISPOSITION OF REVENUES.

''(a) IN GENERAL.—For each of fiscal years 2006 through 2011, the Secretary of the Treasury shall deposit in the Treasury of the United States all qualified outer continental shelf revenues (as defined in section 31(a)).

''(b) TRANSFER FOR CONSERVATION ROYALTY EXPENDITURES.—For each of fiscal years 2006 through 2011, from amounts deposited for the preceding fiscal year under subsection (a), the Secretary of the Treasury shall transfer—

''(1) to the Secretary to make payments under section 31, $450,000,000;

''(2) to the Land and Water Conservation Fund to provide financial assistance to States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), $450,000,000;

''(3) to the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) for deposit in the Wildlife Conservation and Restoration Account, $350,000,000; and

''(4) to the Secretary to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $125,000,000.''.

TITLE II—COASTAL IMPACT ASSISTANCE

SEC. 201. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

"SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

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

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State; and

''(B) not more than 200 miles from the geographic center of any leased tract.

''(2) COASTAL POPULATION.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

''(3) COASTAL STATE.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

''(4) COASTLINE.—The term 'coastline' has the meaning given the term 'coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

''(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

''(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

''(7) LEASING MORATORIA.—The term 'leasing moratoria' means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in—

''(A) the moratorium statement of the President on June 12, 1998; or

''(B) section 110 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63; 115 Stat. 438).

''(8) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

''(9) PRODUCING STATE.—

''(A) IN GENERAL.—The term 'producing State' means a coastal State that has a coastal seaward boundary within 200 miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

''(B) EXCLUSION.—The term 'producing State' does not include a producing State, a majority of the coastline of which is subject to leasing moratoria.

''(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

''(i) lying—

''(I) seaward of the zone covered by section 8(g); or

''(II) within that zone, but to which section 8(g) does not apply; and

''(ii) the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State.

''(B) INCLUSIONS.—The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

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

''(11) TRANSFERRED AMOUNT.—The term 'transferred amount' means the amount transferred to the Secretary under section 9 to make payments to producing States and coastal political subdivisions under this section for a fiscal year.

''(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—For each of fiscal years 2006 through 2011, the transferred amount shall be allocated by the Secretary among producing States and coastal political subdivisions in accordance with this section.

''(2) DISBURSEMENT.—In each fiscal year, the Secretary shall, without further appropriation, disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

''(3) ALLOCATION AMONG PRODUCING STATES.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) and subject to subparagraph (D), the transferred amount shall be allocated to each producing State based on the ratio that—

''(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

''(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

''(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES.—For purposes of subparagraph (A)—

''(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2006 through 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2005; and

''(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 through 2011 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

''(C) MULTIPLE PRODUCING STATES.—In a case in which more than 1 producing State is located within 200 miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

''(i) the nearest point on the coastline of the producing State; and

''(ii) the geographic center of the leased tract.

''(D) MINIMUM ALLOCATION.—The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the transferred amount.

''(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—The Secretary shall pay 35 percent of the amount allocated under paragraph (3) to the coastal political subdivisions in the producing State.

''(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

''(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

''(I) the coastal population of the coastal political subdivision; bears to

''(II) the coastal population of all coastal political subdivisions in the producing State;

''(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

''(I) the number of miles of coastline of the coastal political subdivision; bears to

''(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

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

''(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all other coastal political subdivisions in the State of Louisiana.

''(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

''(E) EXCLUSION OF CERTAIN LEASED TRACTS.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

''(5) NO APPROVED PLAN.—

''(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (3) or (4) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

''(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

''(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

''(c) COASTAL IMPACT ASSISTANCE PLAN.—

''(1) SUBMISSION OF STATE PLANS.—

''(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

''(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

''(2) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

''(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

''(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

''(ii) the plan contains—

''(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

''(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

''(III) for each coastal political subdivision that receives an amount under this section—

''(aa) the name of a contact person; and

''(bb) a description of how the coastal political subdivision will use amounts provided under this section;

''(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

''(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

''(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

''(A) developed in accordance with this subsection; and

''(B) submitted to the Secretary for approval or disapproval under paragraph (4).

''(4) PROCEDURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

''(B) EXCEPTION.—For fiscal year 2006, the Secretary shall approve or disapprove a plan submitted under paragraph (1) not later than December 31, 2006.

''(d) AUTHORIZED USES.—

''(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

''(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

''(B) Mitigation of damage to fish, wildlife, or natural resources.

''(C) Planning assistance and the administrative costs of complying with this section.

''(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

''(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.''.

TITLE III—LAND AND WATER CONSERVATION FUND

SEC. 301. APPORTIONMENT OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

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

(1) in the second sentence of subsection (a), by inserting ''(including facility rehabilitation, but excluding facility maintenance)'' after ''(3) development''; and

(2) by striking subsection (b) and inserting the following:

''(b) APPORTIONMENT AMONG THE STATES.—

''(1) DEFINITION OF STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'State' means—

''(i) each of the States of the United States;

''(ii) the District of Columbia;

''(iii) the Commonwealth of Puerto Rico;

''(iv) the Commonwealth of the Northern Mariana Islands;

''(v) the United States Virgin Islands;

''(vi) Guam; and

''(vii) American Samoa.

''(B) LIMITATION.—For the purposes of paragraph (3), the States referred to in clauses (iii) through (vii) of subparagraph (A)—

''(i) shall be treated collectively as 1 State; and

''(ii) shall each receive an apportionment under that paragraph based on the ratio that—

''(I) the population of the State; bears to

''(II) the population of all the States referred to in clauses (iii) through (vii) of subparagraph (A).

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

''(3) APPORTIONMENT.—

''(A) IN GENERAL.—Not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

''(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year—

''(i) 60 percent shall be apportioned equally among the States; and

''(ii) 40 percent shall be apportioned among the States based on the ratio that—

''(I) the population of each State (as reported in the most recent decennial census); bears to

''(II) the population of all of the States (as reported in the most recent decennial census).

''(4) LIMITATION.—For any fiscal year, the total apportionment to any 1 State under paragraph (3) shall not exceed 10 percent of the total amount apportioned to all States for the fiscal year.

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

''(6) USE OF FUNDS.—

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

''(B) LIMITATION.—Amounts apportioned to a State under paragraph (3) shall not be used for condemnation of land.

''(7) REAPPORTIONMENT.—

''(A) IN GENERAL.—Any portion of an apportionment to a State under this subsection that has not been paid or obligated by the Secretary by the end of the second fiscal year that begins after the date on which notification is provided to the State under paragraph (5) shall be reapportioned by the Secretary in accordance with paragraph (3).

''(B) LIMITATION.—A reapportionment under this paragraph shall be made without regard to the limitation described in paragraph (4).

''(8) APPORTIONMENT TO INDIAN TRIBES.—

''(A) DEFINITION.—In this paragraph, the term 'Indian tribe'—

''(i) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

''(ii) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) APPORTIONMENT.—For the purposes of paragraph (3), each Indian tribe shall be eligible to receive a share of the amount available under paragraph (3) in accordance with a competitive grant program established by the Secretary.

''(C) TOTAL APPORTIONMENT.—The total apportionment available to Indian tribes under subparagraph (B) shall be equal to the amount available to a single State under paragraph (3).

''(D) AMOUNT OF GRANT.—For any fiscal year, the grant to any 1 Indian tribe under this paragraph shall not exceed 10 percent of the total amount made available to Indian tribes under paragraph (3).

''(E) USE OF FUNDS.—Funds received by an Indian tribe under this paragraph may be used for the purposes specified in paragraphs (1) and (3) of subsection (a).

''(9) LOCAL ALLOCATION.—Unless the State demonstrates on an annual basis to the satisfaction of the Secretary that there is a compelling reason not to provide grants under this paragraph, each State (other than the District of Columbia) shall make available, as grants to political subdivisions of the State, not less than 25 percent of the annual State apportionment under this subsection, or an equivalent amount made available from other sources.''.

SEC. 302. STATE PLANNING.

(a) IN GENERAL.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended by striking subsection (d) and inserting the following:

''(d) SELECTION CRITERIA; STATE ACTION AGENDA.—

''(1) SELECTION CRITERIA.—Each State may develop priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, if—

''(A) the priorities and criteria developed by the State are consistent with this Act;

''(B) the State provides for public participation in the development of the priorities and criteria; and

''(C) the State develops a State action agenda (referred to in this section as a 'State action agenda') that includes the priorities and criteria established under this paragraph.

''(2) STATE ACTION AGENDA.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the State, in partnership with political subdivisions of the State and Federal agencies and in consultation with the public, shall develop a State action agenda.

''(B) REQUIRED ELEMENTS.—A State action agenda shall—

''(i) include strategies to address broad-based and long-term needs while focusing on actions that can be funded during the 5-year period covered by the State action agenda;

''(ii) take into account all providers of conservation and recreation land in each State, including Federal, regional, and local government resources;

''(iii) include the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for the purposes of this Act;

''(iv) describe the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

''(v) include a certification by the Governor of the State that ample opportunity for public participation has been provided in the development of the State action agenda.

''(C) UPDATE.—Each State action agenda shall be updated at least once every 5 years.

''(D) CERTIFICATION.—The Governor shall certify that the public has participated in the development of the State action agenda.

''(E) COORDINATION WITH OTHER PLANS.—

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

''(ii) RECOVERY ACTION PROGRAMS.—

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

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

''(F) COMPREHENSIVE STATEWIDE OUTDOOR RECREATION PLAN.—A comprehensive statewide outdoor recreation plan developed by a State before the date that is 5 years after the date of enactment of this subparagraph shall remain in effect in the State until a State action agenda is adopted under this paragraph, but not later than 5 years after the date of enactment of that Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(e)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''or State action agenda'' after ''State comprehensive plan''; and

(B) in paragraph (1), by inserting ''or State action agenda'' after ''comprehensive plan''.

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking ''existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''.

(3) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking ''comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''.

(4) Section 6(a) of the Federal Water Project Recreation Act (16 U.S.C. 4601–17(a)) is amended by striking ''State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''.

(5) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(A) by inserting ''or State action agendas'' after ''comprehensive statewide outdoor recreation plans''; and

(B) by inserting ''of 1965 (16 U.S.C. 4601–4 et seq.)'' after ''Fund Act''.

(6) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking ''(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)'' and inserting ''(16 U.S.C. 4601–8)''.

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

(A) in subsection (a)—

(i) by inserting ''or State action agendas'' after ''comprehensive statewide outdoor recreation plans''; and

(ii) by striking ''(78 Stat. 897)'' and inserting ''(16 U.S.C. 4601–4 et seq.)''; and

(B) in subsection (b)(2)(B), by striking ''(relating to the development of statewide comprehensive outdoor recreation plans)'' and inserting ''(16 U.S.C. 4601–8)''.

(8) Section 206(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''; and

(B) in paragraph (2)(D)(ii), by striking ''statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''.

(9) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking ''statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended'' and inserting ''comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)''.

SEC. 303. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(e)) is amended—

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

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

SEC. 304. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by striking ''(3) No property'' and inserting the following:

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

''(A) IN GENERAL.—No property''; and

(2) by striking the second sentence and inserting the following:

''(B) REQUIREMENTS FOR APPROVAL.—The Secretary shall approve a conversion under subparagraph (A) if—

''(i) the State demonstrates that there is no other prudent or feasible alternative;

''(ii) the property no longer meets the criteria in the comprehensive statewide outdoor recreation plan or State action agenda for an outdoor conservation and recreation facility because of changes in demographics; or

''(iii) the property must be abandoned because of environmental contamination that endangers public health or safety.

''(C) CONDITIONS.—A conversion under subparagraph (A) shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property that is—

''(i) of at least equal fair market value;

''(ii) of reasonably equivalent usefulness and location; and

''(iii) consistent with the comprehensive statewide outdoor recreation plan or State action agenda.''.

SEC. 305. WATER RIGHTS.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended by adding at the end the following:

''SEC. 14. WATER RIGHTS.

''Nothing in this title—

''(1) invalidates, preempts, or modifies any Federal or State water law or an interstate compact relating to water, including water quality and disposal;

''(2) alters the rights of any State to an appropriated share of the water of any body of surface water or groundwater, as established by interstate compacts entered into, legislation enacted, or final judicial allocations adjudicated before, on, or after the date of enactment of this Act; or

''(3) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to ensure adequate funding of the program established under the amendments to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) enacted by title IX of H.R. 5548 of the 106th Congress, as enacted by section 1(a)(2) of Public Law 106–553 (114 Stat. 2762, 2762A–118); and

(2) to ensure the conservation and sustainability of fish and wildlife to provide and promote greater hunting, angling, and wildlife viewing opportunities.

SEC. 402. DEFINITIONS.

Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).'';

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

''(3) INDIAN TRIBE.—The term 'Indian tribe'—

''(A) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

''(B) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).'';

(4) in paragraph (6) (as redesignated by paragraph (1)), by striking ''including fish'' and inserting ''(including, for purposes of section 4(d), fish)''; and

(5) in paragraph (10) (as redesignated by paragraph (1)), by striking ''includes the wildlife conservation and restoration program and''.

SEC. 403. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking ''**SEC.** 3. (a)(1) An'' and inserting the following:

''SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

''(a) IN GENERAL.—

''(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''Federal aid to wildlife restoration fund'' and inserting ''Federal Aid to Wildlife Restoration Fund''; and

(B) by striking paragraph (2) and inserting the following:

''(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the fund a subaccount to be known as the 'Wildlife Conservation and Restoration Account'.

''(B) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—

''(i) shall be deposited in the Account; and

''(ii) shall be available, without further appropriation, to carry out State wildlife conservation and restoration programs under section 4(d).''.

SEC. 404. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating the first subsection (c) as subsection (e); and

(2) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) APPORTIONMENT TO DISTRICT OF COLUMBIA, PUERTO RICO, TERRITORIES, AND INDIAN TRIBES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, the Secretary shall apportion from amounts available in the Account for the fiscal year—

''(i) to each of the District of Columbia and the Commonwealth of Puerto Rico, an amount equal to not more than ½ of 1 percent of amounts available in the Account;

''(ii) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, a sum equal to not more than ¼ of 1 percent of amounts available in the Account; and

''(iii) to Indian tribes, an amount equal to not more than 2¼ percent of amounts available in the Account, of which—

''(I) ⅓ shall be apportioned based on the ratio that the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

''(II) ⅔ shall be apportioned based on the ratio that the population of each Indian tribe bears to the total population of all Indian tribes.

''(B) MAXIMUM APPORTIONMENT TO INDIAN TRIBES.—For each fiscal year, the amounts apportioned under subparagraph (A)(iii) shall be adjusted proportionately so that no Indian tribe is apportioned a sum that is more than 5 percent of the amount available for apportionment under subparagraph (A)(iii) for the fiscal year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking ''sections 4(d) and (e) of this Act'' and inserting ''subsection (c) and (d) of section 4''.

(2) Section 4(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(b)) is amended by striking ''subsection (c)'' and inserting ''subsection (e)''.

(3) Section 4(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(d)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and indenting the subclauses appropriately;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately; and

(iii) by striking ''(1) Any State'' and inserting the following:

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Any State'';

(iv) by striking ''To apply'' and inserting the following:

''(B) PLAN.—To apply'';

(v) in subparagraph (A) (as designated by clause (iii))—

(I) by inserting ''or Indian tribe'' before ''may apply''; and

(II) by striking ''develop a program'' and inserting the following: ''develop a program for the conservation and restoration of species of wildlife identified by the State'';

(vi) in subparagraph (B) (as designated by clause (iv))—

(I) in the matter preceding clause (i) (as redesignated by clause (ii)), by inserting ''or Indian tribe'' before ''shall submit''; and

(II) in clause (i) (as redesignated by clause (ii)), by inserting ''or Indian tribe'' after ''State'';

(vii) by redesignating subparagraph (D) as subparagraph (C); and

(viii) in subparagraph (C) (as redesignated by clause (vii))—

(I) in the matter preceding clause (i), by inserting ''a State or Indian tribe shall'' before ''develop and begin'';

(II) in clause (i), by inserting ''or Indian tribe'' before ''deems appropriate'';

(III) in clauses (ii), (iii), (iv), and (vii), by striking ''paragraph (1)'' and inserting ''subparagraph (A)'';

(IV) in clause (vi)—

(aa) by striking ''State wildlife conservation strategy'' and inserting ''wildlife conservation strategy of the State or Indian tribe''; and

(bb) by striking the semicolon at the end and inserting ''; and''; and

(V) in clause (vii), by inserting ''by'' after ''feasible'';

(B) in paragraph (2), by inserting ''or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting ''or Indian tribe'' after ''State'' each place it appears; and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking ''State's wildlife conservation and restoration program'' each place it appears and inserting ''wildlife conservation and restoration program of a State or Indian tribe''; and

(ii) in subparagraph (B)—

(I) by inserting ''or Indian tribe'' after ''each State''; and

(II) by striking ''State's wildlife conservation and restoration program'' and inserting ''wildlife conservation and restoration program of a State or Indian tribe''.

(4) Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended by striking ''section 4(c)'' and inserting ''section 4(e)''.

(5) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by inserting ''or obligated'' after ''used''; and

(ii) in subparagraph (B), by inserting ''or obligated'' after ''used''; and

(B) by striking ''section 4(c)'' each place it appears and inserting ''section 4(e)''.

SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.

Nothing in this title or any amendment made by this title applies to or otherwise affects the availability or use of any amounts appropriated before the date of enactment of this Act.

TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM

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

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

SEC. 502. DEFINITIONS.

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

(1) by striking ''When used in this title the term—'' and inserting ''In this title:'';

(2) by redesignating paragraphs (1), (2), and (3) of subsection (d) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) as paragraphs (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), and (5), respectively, and moving the paragraphs to appear in numerical order;

(4) in each of paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (12), and (13) (as redesignated by paragraph (3))—

(A)(i) by inserting ''_____.—The term'' before the first quotation mark; and

(ii) by inserting in the blank the term that is in quotations in each paragraph, respectively; and

(B) by capitalizing the first letter of the term as inserted in the blank under subparagraph (A)(ii);

(5) in each of paragraphs (1), (3), (4), (6), (7), (8), (9), (10), and (12) (as redesignated by paragraph (3)), by striking the semicolon at the end and inserting a period;

(6) in paragraph (13) (as redesignated by paragraph (3)), by striking ''; and'' at the end and inserting a period;

(7) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:

''(2) DEVELOPMENT GRANT.—

''(A) IN GENERAL.—The term 'development grant' means a matching capital grant made to a unit of local government to cover costs of development, land acquisition, and construction at 1 or more existing or new neighborhood recreation sites (including indoor and outdoor recreational areas and facilities, support facilities, and landscaping).

''(B) EXCLUSIONS.—The term 'development grant' does not include a grant made to pay the costs of routine maintenance or upkeep activities.'';

(8) in paragraph (5) (as redesignated by paragraph (3)), by inserting ''the Commonwealth of'' before ''Northern Mariana Islands''; and

(9) by inserting after paragraph (10) (as redesignated by paragraph (3)) the following:

''(11) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

SEC. 503. ELIGIBILITY.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:

''(a) ELIGIBILITY FOR ASSISTANCE.—

''(1) DEFINITION OF GENERAL PURPOSE LOCAL GOVERNMENT.—For the purpose of determining eligibility for assistance under this title, the term 'general purpose local government' includes—

''(A) any political subdivision of a metropolitan, primary, or consolidated statistical area, as determined by the most recent decennial census;

''(B) any other city, town, or group of 1 or more cities or towns within a metropolitan

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

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

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

SEC. 504. GRANTS.

Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

(1) in the first sentence, by striking ''rehabilitation and innovative'';

(2) in paragraph (1), by striking ''rehabilitation and innovation''; and

(3) in paragraph (2), by striking ''rehabilitation or innovative''.

SEC. 505. RECOVERY ACTION PROGRAMS.

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

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

(2) in paragraph (2), by inserting ''development and'' after ''adequate planning for''.

SEC. 506. STATE ACTION INCENTIVES.

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

(1) in the first sentence, by inserting ''(a) **IN GENERAL**.—'' before ''The Secretary is authorized''; and

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

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

''(1) IN GENERAL.—The Secretary and general purpose local governments are encouraged to coordinate the preparation of recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes or for other conservation or recreation purposes).

''(2) CONSIDERATIONS.—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(d)).''.

SEC. 507. CONVERSION OF RECREATION PROPERTY.

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

''SEC. 1010. CONVERSION OF RECREATION PROPERTY.

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

''(b) APPROVAL.—

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

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

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

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

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

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

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

SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended to read as follows:

''SEC. 1013. FUNDING.

''(a) TREATMENT OF AMOUNTS TRANSFERRED FROM GET OUTDOORS ACT FUND.—

''(1) IN GENERAL.—Amounts transferred to the Secretary under section 9(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338(b)(4)) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

''(2) UNPAID AND UNOBLIGATED AMOUNTS.—Any amount described in paragraph (1) that is not paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is made available under paragraph (1) shall be reapportioned by the Secretary among grant recipients under this title.

''(b) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 4 percent of the amounts made available to the Secretary for the fiscal year under subsection (a).

''(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection (b), of the amounts made available for a fiscal year under subsection (a)—

''(1) not more than 10 percent may be used for innovation grants under section 1006;

''(2) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs under subsections (a) and (c) of section 1007; and

''(3) not more than 15 percent, in the aggregate, may be provided in the form of grants for projects in any 1 State.

''(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the percentage, not to exceed 25 percent, of any grant under this title that may be used for grant and program administration.''.

SEC. 509. REPEAL.

Sections 1014 and 1015 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513, 2514) are repealed.

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

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

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

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

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

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

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

Coastal Impact Assistance—$450 million to oil and gas producing coastal States to mitigate the various impacts of states that serve as the ''platform'' for the crucial development of Federal offshore energy resources from the OCS as well as provide for wetland restoration. This program merely acknowledges the impacts to and contribution of States that are providing the energy to run our country's economy.

Since the 1.76 billion acre energy frontier of the OCS was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to our Nation's energy production. In fact, the OCS supplies more oil to our Nation than any other country including Saudi Arabia. Today, the OCS represents more than 25 percent of our Nation's natural gas production and more than 30 percent of our domestic oil production—with the promise of reaching 40 percent by 2008. It is estimated that 60 percent of the oil and natural gas still to be discovered in the U.S. will come from the OCS.

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

Our legislation seeks to address a historical inequity. The Mineral Lands Leasing Act of 1920 shares automatically with States 50 percent of revenues from mineral production on Federal lands within that State's boundaries. These funds are distributed to States automatically, outside the budget process and not subject to appropriations. In fiscal year 2004, the State of Wyoming received $564 million as a result of this law and the State of New Mexico received $365 million. But, there is no similar provision in law for coastal producing States to share Federal oil and gas revenues generated on the OCS.

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

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

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

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

This bill would provide for Wildlife Conservation, Education and Restoration. A total of $350 million is allocated to all 50 States through the successful program of Pittman-Robertson for the conservation of non-game and game species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act. By taking steps now to prevent species from becoming endangered we are able to not only conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also avoid the substantial costs associated with recovery for endangered species.

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

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

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

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

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

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

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

There are about 2.9 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax period of the corporate ''built-in gains'' tax.

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

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

While I would like to see even more generous relaxation of these rules, for revenue considerations this legislation will reduce the built-in gains recognition period (the holding period) from 10

years to 7 years. And, this three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year.

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

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

S. 965

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

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

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

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

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS EXCEEDING 7 YEARS.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

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

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

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

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

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called ''Managing a Capitol Construction Program'' to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle.

In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he has worked, produced a major milestone when the groundbreaking for the new courthouse took place.

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

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

My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mr. OBAMA:

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

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

The Nation is becoming increasingly aware of the very serious threat we face from avian flu. This virus is found primarily in chickens, ducks, and other birds. Despite major efforts to eradicate this virus, the virus has become endemic in poultry and birds in some countries and is spreading rapidly in others. Humans can contract the virus when they come into contact with infected birds, and when this happens, the consequences are often deadly. Of the 88 humans infected with avian influenza in Vietnam, Thailand, and Cambodia, only 37 have survived.

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

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

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

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

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

The AVIAN Act is a comprehensive measure to deal with an influenza pandemic by emphasizing domestic and international cooperation and collaboration. It creates a high-level interagency policy coordinating committee tasked with creating an integrated plan for the nation, with attention to health, agriculture, commerce, transportation, and international relations. Similarly, states are required to finalize pandemic preparedness plans that address surveillance, medical care, workforce, communication, and maintenance of core public functions. Private health providers and hospitals will

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

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

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

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

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

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

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

S. 969

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Attacking Viral Influenza Across Nations Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

(3) The Centers for Disease Control and Prevention has estimated conservatively that up to 207,000 Americans would die, and up to 734,000 would be hospitalized, during the next pandemic. The costs of the pandemic, including the total direct costs associated with medical care and indirect costs of lost productivity and death, are estimated at between $71,000,000,000 and $166,500,000,000. These costs do not include the economic effects of pandemic on commerce and society.

(4) Recent studies suggest that avian influenza strains, which are endemic in wild birds and poultry populations in some countries, are becoming increasingly capable of causing severe disease in humans and are likely to cause the next pandemic flu.

(5) In 2004, 8 nations—Thailand, Vietnam, Indonesia, Japan, Laos, China, Cambodia, and the Republic of Korea—experienced outbreaks of avian flu (H5N1) among poultry flocks. Cases of human infections were confirmed in Thailand and Vietnam (including a possible human-to-human infection in Thailand).

(6) As of April 15, 2005, 88 confirmed human cases of avian influenza (H5N1) have been reported, 51 of which resulted in death. Of these cases, 68 were in Vietnam, 17 in Thailand, and 3 in Cambodia.

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

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

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

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

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end the following:

"Subtitle 3—Pandemic Influenza Preparedness

"SEC. 2141. DEFINITION.

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

"SEC. 2142. PROPOSAL FOR INTERNATIONAL FUND TO SUPPORT PANDEMIC INFLUENZA CONTROL.

''(a) IN GENERAL.—The Secretary should submit to the Director of the World Health Organization a proposal to study the feasibility of establishing a fund, (referred to in this section as the 'Pandemic Fund') to support pandemic influenza control and relief activities conducted in countries affected by pandemic influenza, including pandemic avian influenza.

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

''(1) funding sources;

''(2) administration;

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

''(4) factors used to make a determination regarding a submitted application, which may include—

''(A) the gross domestic product of the applicant country;

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

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

''(5) any other information the Secretary determines necessary.

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

"SEC. 2143. POLICY COORDINATING COMMITTEE ON PANDEMIC INFLUENZA PREPAREDNESS.

''(a) IN GENERAL.—There is established the Pandemic Influenza Preparedness Policy Coordinating Committee (referred to in this section as the 'Committee').

''(b) MEMBERSHIP.—

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

''(A) the Secretary;

''(B) the Secretary of Agriculture;

''(C) the Secretary of State;

''(D) the Secretary of Defense;

''(E) the Secretary of Commerce;

''(F) the Administrator of the Environmental Protection Agency;

''(G) the Secretary of Transportation;

''(H) the Secretary of Homeland Security;

''(I) the Secretary of Veterans Affairs; and

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

''(2) CO-CHAIRS.—The Secretary and the Secretary of Agriculture shall serve as the Co-Chairs of the Committee.

''(3) TERM.—The members of the Committee shall serve for the life of the Committee.

''(c) MEETINGS.—

''(1) IN GENERAL.—The Committee shall meet not less often than 2 times per year at the call of the Co-Chairs or as determined necessary by the President.

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

''(d) DUTIES OF THE COMMITTEE.—

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

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

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

''(2) INTERAGENCY PLAN AND RECOMMENDATIONS.—

''(A) IN GENERAL.—

''(i) PREPAREDNESS PLAN.—Based on the preparedness plans described under paragraph (1), and not later than 90 days after the date of enactment of the Pandemic Influenza Preparedness Act of 2005, the Committee shall develop an Interagency Preparedness

Plan that integrates and coordinates such preparedness plans.

''(ii) CONTENT OF PLAN.—The Interagency Preparedness Plan under clause (i) shall include a description of—

''(I) departmental or agency responsibility and accountability for each component of such plan;

''(II) funding requirements and sources;

''(III) international collaboration and coordination efforts; and

''(IV) recommendations and a timeline for implementation of such plan.

''(B) REPORT.—

''(i) IN GENERAL.—The Committee shall submit to the President and Congress, and make available to the public, a report that includes the Interagency Preparedness Plan.

''(ii) UPDATED REPORT.—The Committee shall submit to the President and Congress, and make available to the public, on a biannual basis, an update of the report that includes a description of—

''(I) progress made toward plan implementation, as described under clause (i); and

''(II) progress of the domestic preparedness programs under section 2144 and of the international assistance programs under section 2145.

''(C) CONSULTATION WITH INTERNATIONAL ENTITIES.—In developing the preparedness plans described under subparagraph (A) and the report under subparagraph (B), the Committee may consult with representatives from the World Health Organization, the World Organization for Animal Health, and other international bodies, as appropriate.

''SEC. 2144. DOMESTIC PANDEMIC INFLUENZA PREPAREDNESS ACTIVITIES.

''(a) PANDEMIC PREPAREDNESS ACTIVITIES.—The Secretary shall strengthen, expand, and coordinate domestic pandemic influenza preparedness activities.

''(b) STATE PREPAREDNESS PLAN.—

''(1) IN GENERAL.—As a condition of receiving funds from the Centers for Disease Control and Prevention or the Health Resources and Services Administration related to bioterrorism, a State shall—

''(A) designate an official or office as responsible for pandemic influenza preparedness;

''(B) submit to the Director of the Centers for Disease Control and Prevention a Pandemic Influenza Preparedness Plan described under paragraph (2); and

''(C) have such Preparedness Plan approved in accordance with this subsection.

''(2) PREPAREDNESS PLAN.—

''(A) IN GENERAL.—The Pandemic Influenza Preparedness Plan required under paragraph (1) shall address—

''(i) human and animal surveillance activities, including capacity for epidemiological analysis, isolation and subtyping of influenza viruses year-round, including for avian influenza among domestic poultry, and reporting of information across human and veterinary sectors;

''(ii) methods to ensure surge capacity in hospitals, laboratories, outpatient healthcare provider offices, medical suppliers, and communication networks;

''(iii) assisting the recruitment and coordination of national and State volunteer banks of healthcare professionals;

''(iv) distribution of vaccines, antivirals, and other treatments to priority groups, and monitor effectiveness and adverse events;

''(v) networks that provide alerts and other information for healthcare providers and organizations at the National, State, and regional level;

''(vi) communication with the public with respect to prevention and obtaining care during pandemic influenza;

''(vii) maintenance of core public functions, including public utilities, refuse disposal, mortuary services, transportation, police and firefighter services, and other critical services;

''(viii) provision of security for—

''(I) first responders and other medical personnel and volunteers;

''(II) hospitals, treatment centers, and isolation and quarantine areas;

''(III) transport and delivery of resources, including vaccines, medications and other supplies; and

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

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

''(x) integration with existing national, State, and regional bioterrorism preparedness activities or infrastructure;

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

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

''(B) UNDERSERVED POPULATIONS.—The Pandemic Influenza Preparedness Plan required under paragraph (1) shall include a specific focus on surveillance, prevention, and medical care for traditionally underserved populations, including low-income, racial and ethnic minority, immigrant, and uninsured populations.

''(3) APPROVAL OF STATE PLAN.—

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

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

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

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

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

''(c) DOMESTIC SURVEILLANCE.—

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

''(2) ASSISTANCE TO STATES.—

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

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

''(i) the establishment or expansion of State surveillance and alert systems, including the Sentinel Physician Surveillance System and 122 Cities Mortalities Report System;

''(ii) the provision of equipment and supplies;

''(iii) support for epidemiological analysis and investigation of novel strains;

''(iv) the sharing of biological specimens and epidemiological and clinical data within and across States; and

''(v) other activities determined appropriate by the Secretary.

''(3) DETAIL OF OFFICERS.—The Secretary may detail officers to States for technical assistance as needed to carry out this subsection.

''(d) PRIVATE SECTOR INVOLVEMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, and in coordination with private sector entities, shall integrate and coordinate public and private influenza surveillance activities, as appropriate.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—In carrying out the activities under paragraph (1), the Secretary may establish a grant program to provide grants to eligible entities to coordinate pandemic preparedness surveillance activities between States and private health sector entities, including health plans and other health systems.

''(B) ELIGIBILITY.—To be eligible to receive a grant under subparagraph (A), an entity shall—

''(i) submit an application at such time, in such manner, and containing such information as the Secretary may require; and

''(ii) be a State with a collaborative relationship with a private health system organization or institution.

''(C) USE OF FUNDS.—Funds under a grant under subparagraph (A) may be used to—

''(i) develop and implement surveillance protocols for patients in outpatient and hospital settings;

''(ii) establish a communication alert plan for patients for reportable signs and symptoms that may suggest influenza;

''(iii) purchase necessary equipment and supplies;

''(iv) increase laboratory testing and networking capacity;

''(v) conduct epidemiological and other analyses; or

''(vi) report and disseminate data.

''(D) DETAIL OF OFFICERS.—The Secretary may detail officers to grantees under subparagraph (A) for technical assistance.

''(E) REQUIREMENT.—As a condition of receiving a grant under subparagraph (A), a State shall have a plan to meet minimum thresholds for State influenza surveillance established by the Director of the Centers for Disease Control and Prevention in coordination with the Secretary of Agriculture under subsection (b).

''(e) TEMPORARY FACILITY.—The Secretary may establish a temporary Federal facility or body to coordinate Federal support and assistance to States and localities, activities across Federal agencies or departments, or direct implementation of Federal authorities and responsibilities when appropriate under Federal law or when State and local actions to address the pandemic or threat of pandemic are deemed insufficient by the Secretary or Director of the Centers for Disease Control and Prevention.

''(f) PROCUREMENT OF ANTIVIRALS FOR THE STRATEGIC NATIONAL STOCKPILE.—The Secretary shall determine the minimum number of doses of antivirals needed to prevent infection or treat infection during pandemic influenza, including possible pandemic avian influenza, for health professionals (including doctors, nurses, mental health professionals,

pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility employees, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319F–2.

''(g) PROCUREMENT OF VACCINES FOR THE STRATEGIC NATIONAL STOCKPILE.—Subject to development and testing of potential vaccines for pandemic influenza, including possible pandemic avian influenza, the Secretary shall determine the minimum number of doses of vaccines needed to prevent infection during at least the first wave of pandemic influenza for health professionals (including doctors, nurses, mental health professionals, pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility employees, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319F–2.

''SEC. 2145. INTERNATIONAL PANDEMIC INFLUENZA ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall assist other countries in preparation for, and response to, pandemic influenza, including possible pandemic avian influenza.

''(b) INTERNATIONAL SURVEILLANCE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in collaboration with the Secretary of Agriculture, in consultation with the World Health Organization and the World Organization for Animal Health, shall establish minimum standards for surveillance capacity for all countries with respect to pandemic influenza, including possible pandemic avian influenza.

''(2) ASSISTANCE.—The Secretary and the Secretary of Agriculture shall assist other countries to meet the standards established in paragraph (1) through—

''(A) the detail of officers to foreign countries for the provision of technical assistance or training;

''(B) laboratory testing, including testing of specimens for viral isolation or subtype analysis;

''(C) epidemiological analysis and investigation of novel strains;

''(D) provision of equipment or supplies;

''(E) coordination of surveillance activities within and among countries;

''(F) the establishment and maintenance of an Internet database that is accessible to health officials domestically and internationally, for the purpose of reporting new cases or clusters of influenza and under information that may help avert the pandemic spread of influenza; and

''(G) other activities as determined necessary by the Secretary.

''(c) INCREASED INTERNATIONAL MEDICAL CAPACITY DURING PANDEMIC INFLUENZA.—The Secretary, in consultation with the Secretary of State, may provide vaccines, antiviral medications, and supplies to foreign countries from the Strategic National Stockpile described under section 319F–2.

''(d) ASSISTANCE TO FOREIGN COUNTRIES.—The Centers for Disease Control and Prevention and the Health Resources and Services Administration may provide assistance to foreign countries in carrying out this section, which may include the detail of an officer to approved international pandemic sites or the purchase of equipment and supplies.

''SEC. 2146. PUBLIC EDUCATION AND AWARENESS CAMPAIGN.

''(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in consultation with the United States Agency for International Development, the World Health Organization, the World Organization for Animal Health, and foreign countries, shall develop an outreach campaign with respect to public education and awareness of influenza and influenza preparedness.

''(b) DETAILS OF CAMPAIGN.—The campaign established under subsection (a) shall—

''(1) be culturally and linguistically appropriate for domestic populations;

''(2) be adaptable for use in foreign countries;

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

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

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

''SEC. 2147. HEALTH PROFESSIONAL TRAINING.

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

''(1) to educate and train health professionals, including physicians, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health providers, allied health professionals, and paramedics and other first responders;

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

''(3) that address prevention, including use of quarantine and other isolation precautions, pandemic influenza diagnosis, medical guidelines for use of antivirals and vaccines, and professional requirements and responsibilities, as appropriate.

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

''The Director of the National Institutes of Health (referred to in this section as the 'Director of NIH'), in collaboration with the Director of the Centers for Disease Control and Prevention, and other relevant agencies, shall expand and intensify—

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

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

''(B) effectiveness of inducing heterosubtypic immunity;

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

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

''(E) alternative routes of delivery;

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

''(G) protective measures; and

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

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

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

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

''(1) communication strategies for the public during pandemic influenza, taking into consideration age, racial and ethnic background, health literacy, and risk status;

''(2) changing and influencing human behavior as it relates to vaccination; and

''(3) development and implementation of a public, non-commercial and non-competitive broadcast system and person-to-person networks.

''SEC. 2150. INSTITUTE OF MEDICINE STUDY ON THE LEGAL, ETHICAL, AND SOCIAL IMPLICATIONS OF PANDEMIC INFLUENZA.

''(a) IN GENERAL.—The Secretary shall contract with the Institute of Medicine to—

''(1) study the legal, ethical, and social implications of, with respect to pandemic influenza—

''(A) animal/human interchange;

''(B) global surveillance;

''(C) case contact investigations;

''(D) vaccination and medical treatment;

''(E) community hygiene;

''(F) travel and border controls;

''(G) decreased social mixing and increased social distance;

''(H) civil confinement; and

''(I) other topics as determined appropriate by the Secretary.

''(2) not later than 1 year after the date of enactment of the Attacking Viral Influenza Across Nations Act of 2005, submit to the Secretary a report that describes recommendations based on the study conducted under paragraph (1).

''(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 180 days after the submission of the report of under subsection (a)(2), the Secretary shall address the recommendations of the Institute of Medicine regarding the domestic and international allocation and distribution of pandemic influenza vaccine and antivirals.

''SEC. 2151. NATIONAL PANDEMIC INFLUENZA ECONOMICS ADVISORY COMMITTEE.

''(a) IN GENERAL.—There is established the National Pandemic Influenza Economics Advisory Committee (referred to in this section as the 'Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be appointed by the Comptroller General of the United States and shall include domestic and international experts on pandemic influenza, public health, veterinary science, commerce, economics, finance, and international diplomacy.

''(2) CHAIR.—The Comptroller General of the United States shall select a Chair from among the members of the Committee.

''(c) DUTIES.—The Committee shall study and make recommendations to Congress and the Secretary on the financial and economic impact of pandemic influenza and possible financial structures for domestic and international pandemic response, relating to—

''(1) the development, storage and distribution of vaccines;

''(2) the storage and distribution of antiviral and other medications and supplies;

''(3) increased surveillance activities;

''(4) provision of preventive and medical care during pandemic;

''(5) reimbursement for health providers and other core public function employees;

''(6) reasonable compensation for farmers and other workers that bear direct or disproportionate loss of revenue; and

''(7) other issues determined appropriate by the Chair.

''(d) COMPENSATION.—

''(1) IN GENERAL.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged

in the performance of the duties of the Committee. All members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

''(e) STAFF.—

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

''(2) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

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

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

''(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Committee may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.''.

SEC. 4. PANDEMIC INFLUENZA AND ANIMAL HEALTH.

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

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

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

(1) support the eradication of infectious animal diseases and zoonosis;

(2) increase transparency in animal disease states;

(3) collect, analyze, and disseminate veterinary data;

(4) strengthen international coordination and cooperation in the control of animal diseases; and

(5) promote the safety of world trade in animals and animal products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

The current high price of gasoline drives home the point that we must diversity our fuel supply. This issue is particularly important in West Virginia. Like many rural States, West Virginia has little public transportation, and most people must drive, often considerable distances, to work, to school, and to seek medical care. With every trip to the gas station and nearly every evening news report, West Virginians are reminded that our country is in the midst of an energy crisis. According to the American Automobile Association, the average price of gasoline has risen 23 percent in the past year. These increases have a serious impact on family budgets and on the economy in general.

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

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

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

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENSIGN, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. SMITH):

S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

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

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

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

I was very pleased that President Bush, yesterday, highlighted the need to direct the automotive marketplace toward the widespread use of hybrid

and alternative fuel vehicles. The CLEAR ACT provides powerful market incentives to achieve that goal. It promotes the combination of advances we must have in technology, infrastructure, and alternative fuels in order to bring fuel cell vehicles to a future mass market reality. Even if, in the end, hydrogen fuel cell vehicles prove infeasible, the battery electric and alternative fuel technologies promoted by this bill will play a major role in improving our energy security and our air quality. And we do so without any new federal mandates.

Currently, consumers face three basic obstacles to accepting the use of these alternative fueled and advanced technology vehicles. They are the cost of the alternative fuel, the lack of an adequate infrastructure of alternative fueling stations, and the incremental cost of alternative fuel vehicles. The CLEAR ACT attacks each of these obstacles head on, and it is crafted in a way to encourage the greatest social benefit possible for every tax dollar spent.

We need to find a way to lower those barriers to widespread consumer acceptance, which will in turn put the power of mass production to work to lower the incremental cost of these alternative technologies.

In short, our legislation would bring the benefits of cleaner air and energy independence to our citizens sooner.

I have heard one or two senators ask why we need incentives to purchase hybrid vehicles when people are lining up to buy them today. It is true that demand for these vehicles is high in a few areas. However, these high-demand areas tend to have local or state incentives in place for the purchase of the vehicles. Where incentives are not in place, hybrid sales are minimal. This demonstrates that incentives can indeed provide a market breakthrough to consumer acceptance of alternatives vehicles. With the CLEAR ACT we are trying to provide that breakthrough on a national scale.

In 2004, hybrid vehicles made up only 0.48 percent of light weight vehicle sales. That's far short of where we need to be as a nation to make a dent in our energy crisis, but at least it's a start.

Air pollution is an issue of critical concern in my home State of Utah. While Utah has made important strides in improving air quality, it is a fact that each year we increase the number of vehicular miles driven in our State and mobile sources are the main cause of air pollution in Utah.

It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and technologies to reduce vehicle emissions.

The CLEAR ACT will help us do just that.

I am very proud to offer this groundbreaking and bipartisan legislation.

It represents the input and hard work of a very powerful and effective coalition—the CLEAR ACT Coalition. This coalition includes the Union of Concerned Scientists, the Natural Resource Defense Council, Environmental Defense, the Alliance to save Energy, Ford Motor Company, Toyota, Honda, the Natural Gas Vehicle Coalition, the Propane Vehicle Council, the Methanol Institute, the Electric Drive Transportation Association, and others. The CLEAR ACT reflects the untiring effort and expertise of the members of this coalition, and for this we owe them our gratitude.

I urge my colleagues in the Senate to join us in this forward-looking approach to cleaner air and increased energy independence.

By Mr. BINGAMAN:

S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that Center; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President. I am introducing important legislation to address a crisis in the delivery of health care at the Albuquerque Indian Health Center, or AIHC, which provides critical primary, urgent, and oral health care services to more than 30,000 urban Indians living in the Albuquerque area.

The Albuquerque Indian Health Center serves a large urban population with an inadequate funding base and provides contract health care funding for a significant portion of the urban Indian population. About 50 percent of the base appropriation to the Albuquerque Service Unit goes to Tribes who are delivering their own health care services. However, for AIHC, the demand has not decreased due to the constant underfunding of IHS, and AIHC now receives more than $5 million less than it did just a few years ago.

As a result, AIHC is running a severe deficit and the Indian Health Service, or IHS, has directed AIHC to begin the process of a reduction in force, or RIF, that will result in a significant downsizing of clinical personnel and the closure of the urgent care unit which sees an estimated 120 patients a day.

After the RIF is completed, only two physicians will remain available to provide services for more than 30,000 Native Americans who utilize AIHC as their primary care provider.

To address this problem, I am introducing legislation today that is called the ''Albuquerque Indian Health Center Act of 2005'' and would designate AIHC as a ''critical access facility'' for the region with additional funding of $8 million to address the shortfall and allow AIHC to be restored as a comprehensive ambulatory care center for urban Indians in the region.

Prior to the introduction of this legislation, I have individually and jointly with the entire New Mexico congressional delegation made appeals to the Indian Health Service and to Department of Health and Human Services Secretary Mike Leavitt to use any authority they have to transfer funding to AIHC to alleviate this critical problem. Congressman UDALL and I also sent a letter to Governor Bill Richardson on ways that we can work together with the State to improve the situation at AIHC.

I ask unanimous consent that these letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 15, 2004.

Dr. CHARLES GRIM,
Director, Indian Health Services, U.S. Department of Health and Human Services, Rockville, MD.

DEAR DR. GRIM: I recently had the opportunity to meet with the CEO of the Albuquerque Indian clinic and other IHS staff. It was alarming to hear that the roughly 23,000–25,000 urban Native Americans that currently access their health care at the Albuquerque Indian Health Center (AIHC) are at risk of losing this access because the AIHC is experiencing significant budget shortfalls. Since 1998, the AIHC has had to significantly reduce services from a 24 hour–7 day a week operation down to Monday through Friday 8:00 am–4:30 pm. Access to services that concentrated on diabetic care, behavior health and eye care has been severely restricted.

The AIHC is projecting a $5 million deficit for fiscal year 2005. The current FY 2005 operations budget (hospital and clinic funds) is about $5.4 million, yet current FY 2005 expenses are estimated at $10 million. Moreover, approximately $4 million of the $5.4 million is still subject to tribal transfer through Public Law 93–638. Indian Self-Determination Act. In an attempt to avoid a large deficit and prepare for future transfers of funds from IHS to tribes, AIHC officials have been forced to make a decision to immediately reduce current services and downsize clinical personnel.

It is my understanding that beginning on January 1, 2005 the AIHC will be closing its urgent care services unit. It is estimated that 100–120 Native American patients are seen on a daily basis through urgent care. With nearly 70% of the 25,000 Native American users of the AIHC uninsured, IHS estimates that this closure will put 17,000 urban Native Americans at risk of losing access to healthcare services. Furthermore, I have been informed that a second phase has been proposed which will be to downsize the number of physicians, nurses, pharmacists, and other allied personnel. The annual 90,000 visits will be cut to 30,000, thus decreasing third party billing by more than two thirds. The AIHC anticipates that once the downsizing is complete, at best, there will be two physicians onsite, Monday through Friday, 8:00 am to 4:30 pm, who absolutely will not have the capacity to provide services to 25,000 urban Native Americans.

I am asking that you consider reprogramming FY 2005 funding increases in the amount of $13 million to the AIHC. $5 million will be needed to first stabilize services and the remaining $8 million will then be used to increase services. The $13 million is based on ''Level of Need Funding'' criteria established by the IHS in 2002 to address 60% of the needs of Native American population.

I appreciate your time and consideration of this matter. Should you have any questions or require further information please feel free to contact Bruce Lesley in my Washington DC office at 202–224–5527 or Danny Milo in my Albuquerque office at 505–346–

6601. I look forward to working on a positive solution to this with you.

Sincerely,

JEFF BINGAMAN,
U.S. Senator.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 22, 2004.

Dr. CHARLES W. GRIM, D.D.S., M.H.S.A.,
Director, Indian Health Service, Rockville, MD.

DEAR DR. GRIM: We are writing in support of the request by the Albuquerque Service Unit to shift funding within IHS to the Albuquerque Indian Health Center (AIHC) and to seek funding from other sources within HHS.

The AIHC provides health care services to about 25,000 of the 47,000 urban Indians living in Albuquerque, including primary, urgent, and dental care. Because of a projected deficit of $5 million in Fiscal Year 2005 and substantial deficits in years thereafter, the urgent care center is set to close on February 1, 2005. Without additional funding, urban Indians in the Albuquerque metro area will lose access to the AIHC for urgent care forcing them to visit non-IHS facilities in the community or not seek urgent care when needed. It is estimated that at least 17,000 urban Indians in Albuquerque utilize urgent care services at the AIHC each year.

The current FY 2005 AIHC operations budget is about $5.4 million, yet FY 2005 expenses are estimated at $10 million with the current level of services. About $4 million of the $5.4 million budget is still subject to tribal share transfer through Public Law 93–638, the Indian Self-Determination Act. In an attempt to avoid a large deficit and to prepare for future transfers of funds from IHS to tribes, AIHC officials made the decision to close the urgent care center and downsize clinical personnel beginning February 1.

Since 1998, the AIHC has had to significantly reduce services from a 24–7 operation down to Monday through Friday 8:00 AM to 4:30 PM. Access to services that concentrated on diabetic care, behavioral health, and eye care has been severely restricted. With the recent announcement of the impending closure of the urgent care unit, walk in/same day appointments will no longer be accepted and patients will be required to have an appointment to access outpatient services. Since the positions of 40 physicians, nurses, pharmacists, and staff will be eliminated, the availability of appointments will be restricted due to the limited number of physicians remaining. This will cause delays in treatment and compromise the health of individuals. While we are asking for a short-term influx of available dollars to keep the urgent care center open, the gradual dwindling of services provided at the AIHC is a systemic problem that must be addressed.

The 2000 census showed that about 60% of all Indians live off of tribal land. Urban Indian health, however, only comprises about 1% of the IHS budget. The deficit of the AIHC is indicative of a much larger problem, a general deficiency in funding for urban Indian health. We look forward to working with you to address this larger problem. Our long-term goal is to secure a stable, reliable, and adequate funding stream to the AIHC to fully meet the health care needs of the urban Indian population in Albuquerque. Any suggestions you have to help us meet this goal would be appreciated.

The financial stability of the Albuquerque Indian Health Center and affiliated health clinics are vitally important to providing access to health care for Indians, particularly urban Indians in Albuquerque, and for the broader health care system in our community. We look forward to your response in this urgent matter.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

JEFF BINGAMAN,
U.S. Senator.

HEATHER WILSON,
Member of Congress.

TOM UDALL,
Member of Congress.

STEVEN PEARCE,
Member of Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Rockville, MD, January 21, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am responding to your December 15. 2004, letter regarding the Albuquerque Indian Health Center. The Albuquerque Service Unit is in a unique situation. It serves a large urban population with a minimal funding base and provides contract health care funds for approximately 30 percent of the urban population, including eligible Navajo patients. This is compounded by the transfer of approximately 50 percent of the base appropriation to Tribes in the service unit who are administering their own health care delivery programs. To meet these fiscal constraints, the service unit and the Albuquerque Area Indian Health Service (IHS) must deliver care based on the funds available; unfortunately, this requires the downsizing of the health services program and a reduction-in-force.

Reprogramming IHS funds is not viable for two reasons. First, there arc no contingent funds available in our Agency. Second, reprogramming appropriations for Tribal health to a largely urban population requires a mechanism to transfer these funds to Title V of Public Law 94–437 for urban Indians. This would necessitate extensive Tribal consultation, which would be very time-consuming and not meet the immediate need.

I have directed the Albuquerque Area Office and Service Unit to: (1) downsize and implement the reduction-in-force; (2) maximize their efforts to increase third-party revenue at the service unit, including developing alternate billable services; (3) work with the State of New Mexico and other agencies and Tribes to develop alternatives to care for the large metropolitan population in Albuquerque; and (4) discuss fiscal support from the Navajo Area IHS. I am confident that the Area Office and the service unit will explore all opportunities to provide the highest quality health care to this population.

Thank you for your concern and your continued support of our efforts to provide quality health care to our Indian people.

Sincerely yours,

CHARLES W. GRIMM,
D.D.S.,
Assistant Surgeon General, Director.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Rockville, MD, January 21, 2005.

Hon. HEATHER WILSON,
House of Representatives,
Washington, DC.

DEAR MS. WILSON: I am responding to your December 22, 2004; letter supporting the need for funds to continue services at the Albuquerque Service Unit. I agree that short-term support is needed, but more importantly, a long-term solution to meet the health needs of a rapidly growing ''urban'' population in the Albuquerque metropolitan area is a more complex issue.

The Albuquerque Indian Hospital has undergone several changes in the scope of services. The number of inpatient beds was reduced. Inpatient services were suspended and evening and weekend clinics were eliminated. We are also planning to limit services to appointments only with a minimal number of hours for non-appointed services (''walk ins'') and to initiate a substantial reduction-in-force (RlF). These changes have been the result of the transfer of over 60 percent of the hospital's Federal funds to Tribal programs under Public Law (P.L.) 93–638 and an increase in the number of uninsured patients residing in the Albuquerque metropolitan community.

The hospital needs a minimum of $5 million to maintain services through this fiscal year. Permanently reprogramming the IHS appropriation is not a viable option because of limited funds throughout our system to deliver health care services. The transfer of funds that may be available for Tribal shares under P.L. 93–638 to support services to a largely urban population would require extensive, time-consuming Tribal consultation. The Albuquerque Area Office has presented to the members of the University of New Mexico (NM) Clinical Operations Board, the possibility of a partnership among the University of NM Health Sciences Center, the State of NM, the Tribes, and the IHS Area. This concept is currently being discussed with Tribal and State officials and leaders in the Albuquerque metropolitan Indian community.

Mr. James L. Toya, Director, Albuquerque Area IRS, will continue to explore all opportunities for resource development, plan downsizing services at the Albuquerque Hospital, and implement the RIF. In addition, local partnership agreements are currently being developed.

Thank you for your concern and continued support to our efforts to provide quality health care to our Indian people.

Sincerely yours,

CHARLES W. GRIMM,
D.D.S., Assistant Surgeon General, Director.

U.S. SENATE,
Washington, DC, February 2, 2005.

Mr. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: During our recent meeting in December, I had the opportunity to talk to you about the crisis that the Albuquerque Indian Heath Center (AIHC) is currently facing. The AIHC provides healthcare services to roughly 23,000–25,000 urban Native Americans. Unfortunately, there is a projected $5 million deficit for FY05. I have recently been informed by Dr. Charles Grim that he has directed the Albuquerque Area office and service unit to downsize and implement a reduction in force. (RIF).

Since 1998, the AIHC has had to significantly reduce services from a 24 hour 7-day a week operation to Monday through Friday 8:00 am–4:30 pm. Because of the administration's under funding of IHS, once again, the AIHC is being forced to ''downsize'' its operations which will have significant effect on the urban Indian population. This downsizing will force the AIHC to close its urgent care unit, which sees an estimated 100–120 Native American patients a day. With nearly 70% of the 25,000 Native American users of the AIHC uninsured, this closure will cause 17,000 urban Indians to lose access to their healthcare services. Furthermore, last week the Indian Health Service took its first steps toward their reduction in force which will result in the elimination of 40 position at the AIHC. There are currently 140 employees at the center of whom only 14 are physicians. It is my understanding that 5 of these 14 physicians will be ''RIFed'' which will leave the AIHC with only 9 physicians (4 family practice, 2 pediatricians, and 4 specialists) to treat an estimated population of 23,000–25,000 patients.

On December 15, 2004 I sent a letter to Dr. Grim asking him to consider reprogramming

FY05 funding in the amount of $13 million. Of this $5 million would be used to stabilize services and the remaining $8 million would be used to increase services. Dr. Grim responded to my letter saying that ''reprogramming IHS funding is not viable'' due to the fact that ''there are no contingent funds available to our Agency.'' I am now requesting that you consider reprogramming Department of Health and Human Services (HHS) funds to Indian Health Service in the same amount for the specific purpose of treating the urban Indian population through the Albuquerque Indian Health Center.

It is important for Department of Health and Human Services to understand and acknowledge that urban Indians throughout the country are falling through the cracks and that urban Indian clinics are being grossly underfunded. For many years there has been a quiet migration of Indians from reservations to cities. In fact more Native Americans live in cities now, making it important that IHS programs cater to Indian Country which extends beyond borders of the reservations and into urban settings. According to a study done by the Kaiser Family Foundation ''about 46% of IHS resources are allocated to IHS facilities, 53% to tribally operated facilities, and only 1% to urban Indian programs''. These numbers clearly indicate that urban IHS facilities lack the financial resources necessary to carry out their services.

Nationwide there are an estimated 1.6 million federally-recognized Native Americans through IHS, as well as Tribal and urban Indian health programs. Of this number, the 2000 census data reveals that a little over half this population identify the themselves as living in metropolitan/urban areas, in which Albuquerque has the 7th highest urban Indian population. A recent U.S. Commission on Civil Rights (USCCR) report estimates that the Department of Health and Human Services (HHS) per capita health spending for all Americans is at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is $1,187. The United States Government has historical and legal responsibility to provide adequate healthcare for the Native American population and ensure that access to these services are not lost; with these cuts and drastic under funding the government is shirking its responsibility.

Thank you for your prompt consideration of this matter. Should you have any questions or require further information please feel free to contact Bruce Lesley in my Washington, DC office at 202–224–5527 or Danny Milo in my Albuquerque office at 505–346–6601. I look forward to working with you on finding a solution to this matter. Best wishes.

Sincerely,

JEFF BINGAMAN,
U.S. Senator.

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, March 24, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I enjoyed our discussion a few months ago, and am pleased to respond to your letter regarding the reduction in available funding for the Albuquerque Indian Health Center (AIHC) in Albuquerque, New Mexico.

I share your concerns regarding the impact of reducing staff and services at the AIHC. The AIHC has experienced funding decreases in recent years due to Tribes exercising their rights under the Indian Self-Determination and Education Assistance Act (ISDEAA) to operate their own health programs. Under the ISDEAA, the IHS is required to transfer dollars from services it provides directly to eligible American Indians and Alaska Natives (AI/ANs) to Tribes which apply, and are approved, to compact or contract for services they provide to their members. The Department of Health and Human Services does not have authority to reprogram funds from other appropriation accounts to the Indian Health Services account where the AIHC is funded.

I assure you the IHS continues to partner with other community providers in the Albuquerque area to maximize all resource opportunities for AI/ANs who may still use the center's services. Options being explored include: continued provision of same day appointments, increased collaboration with the University of New Mexico and the Salud managed care organization to enroll more patients in the ''University of New Mexico Cares'' program, maximizing third party collections by increasing access to individuals who may be eligible for Medicaid or Medicare, and improving transportation options to other IHS funded facilities. Additional options for the Albuquerque Indian community include applying for other HHS grant programs including the Health Resources and Services Administration's (HRSA) Sec. 330 Community Health Center Program grants, and exploring the Substance Abuse and Mental Health Administration's (SAMHSA) grant opportunities. I want to assure you that HHS staff will provide technical assistance in the grant application process to potential grantees.

I am hopeful that these options will result in significant assistance to AI/ANs in the Albuquerque area. Thank you for your concern and continued support of HHS efforts to provide quality care to American Indians and Alaska Natives. Please call me if you have any further thoughts or questions.

Sincerely,

MICHAEL O. LEAVITT.

MARCH 15, 2005.

Hon. BILL RICHARDSON,
Governor of New Mexico,
State Capitol, Santa Fe, NM.

DEAR GOVERNOR RICHARDSON: As you are aware, the Albuquerque Indian Health Center (AIHC) is facing a crisis that threatens the health and well-being of 23,000 urban Indians in Bernalillo County and surrounding areas. Although there have been a number of efforts that we have supported to increase the Indian Health Service (IHS) budget, those efforts have been defeated in the Congress during the past few years. Consequently, funding for the AIHC has dropped from $13 million to just $5 million in recent years.

Although New Mexico's congressional delegation is working together to secure a solution at the federal level, we wanted to encourage you to have your Administration help AIHC in the interim to improve third-party collections.

For example, as an IHS facility, care delivered to Medicaid beneficiaries at AIHC is reimbursed with 100% federal financing. Thus, we would ask that the Human Services Department (HSD) work closely with Maria Rickert, Chief Executive Officer of AIHC, to determine if: (1) Medicaid reimbursement for services delivered by AIHC could be improved; (2) the State Medicaid program can do more with respect to providing for eligibility workers at AIHC; and, (3) there are other options to help AIHC address its funding problem and protect critical health services for the urban Indians in the Albuquerque area.

Sincerely,

JEFF BINGAMAN,
U.S. Senator

TOM UDALL,
U.S. Representative.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
April 25, 2005.

Hon. PETE V. DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.

Hon. HEATHER WILSON,
Member of Congress, Cannon House Office Building, Washington, DC.

Hon. STEVE PEARCE,
Member of Congress, Longworth House Office Building, Washington, DC.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

Hon. TOM UDALL,
Member of Congress, Longworth House Office Building, Washington, DC.

DEAR SENATORS DOMENICI AND BINGAMAN AND REPRESENTATIVES WILSON, UDALL AND PEARCE: Thank you for your recent letters expressing your concerns regarding the Albuquerque Indian Healthcare Center (AIHC). Clearly, we all share the same commitment to improve the delivery of health care services to our Native American constituencies. Therefore, I hope that you will strongly advocate for increased funding for the Indian Health Service (IHS) during the appropriations process.

Providing adequate healthcare services to our Native American citizens is a federal responsibility yet the Indian Health Service (IHS) has only received minimal increases in funding, such as a mere 2 percent increase this year. Properly funding the IHS ensures that the Native American population in New Mexico as well as across the country receives the vital healthcare services to which they are duly entitled.

On the State level, my administration has committed resources to address the healthcare needs of Native Americans. Unfortunately, the New Mexico Legislature did not pass House Bill 521 this past session, letting it sit idle after passage in its first committee. However, I signed into law nearly $2 million in funding for Native American healthcare projects in New Mexico, including the construction of healthcare facilities in Indian Country, the provision of ambulatory services in Albuquerque, and healthcare services at UNM Hospital for Native American patients.

In addition my administration has provided the following support, which includes but is not limited to:

The New Mexico Human Services Department (NMHSD) through the Medical Assistance Division is providing outreach to eligible Native American children to get them enrolled with Medicaid.

NMHSD is providing valuable technical assistance to the AIHC through training and billing resources in order to maximize Medicaid reimbursement. After working with AIHC and reviewing the Medicaid claims, it was determined that there are no outstanding claims and AIHC is receiving reimbursement at the maximum level possible as an outpatient facility.

The State Coverage Initiative has been funded in New Mexico and will be implemented effective July 1, 2006. It may be possible for AIHC to receive payments for services provided to this population.

During the State fiscal year 2004, there were 4,549 American Indian Medicaid recipients in the fee-for-service program who received outpatient services at AHIC for a total reimbursement of about $2 million dollars. Sixty-five percent of those recipients were under 21 years of age.

The Presumptive Eligibility/Medicaid On-Site Application Assistance (PE/MOSAA)

program has worked well for Indian communities. PE/MOSAA certified workers are located at IHS and tribal health care facilities, tribal schools, and other tribal health and social services departments and with NMHSD's Income Support Division offices.

As a pilot project, NMHSD recently stationed an eligibility worker at the Gallup Indian Medical Center. As a regional referral center, the Gallup Service Unit (including Tohatchi Health Center, and Ft. Wingate Health Center) provides services to about 800 patients per day.

New Mexico cannot nor should not bear sole responsibility for funding healthcare services that fall within the ambit of the federal trust relationship with Indian tribes and pueblos. To this end, I appreciate your collective efforts to garner support on the federal level to keep AIHC afloat.

I also appreciate Senator Bingaman's efforts to address these issues in his legislation that would fulfill the funding needs for AIHC as well as clarify the 100 percent match in Medicaid for urban Indians. I suggest that you direct your staff to review the Bingaman legislation and strongly consider supporting his efforts to assist the AIHC and urban Indians.

If I can assist the Congressional Delegation in its efforts to advocate for increased federal funding for IHS and specific assistance for AIHC please do not hesitate to call upon me. Again, thank you for your letters and I look forward to working with all of you to improve and expand health care services to our Native American residents in New Mexico.

Sincerely,

BILL RICHARDSON,
Governor.

Mr. BINGAMAN. Included in that is a statement by Governor Richardson expressing his strong support for the legislation I am introducing today.

Unfortunately, the options that Secretary Leavitt outlined in his response will only provide limited help in alleviating this crisis. It is for that reason that I introduce this emergency funding legislation today.

Fundamentally, while AIHC does face a unique situation because the Albuquerque metro area has experienced a significant increase in its urban Indian population from surrounding tribes and individuals from tribes across the Nation, the most significant underlying problem is that the entire Indian Health Service is horribly underfunded.

In fact, funding for Native American health care is a national travesty. Over the years, funding for IHS has not kept pace with medical inflation and population growth As a result, IHS services are seriously underfunded, and patients are routinely denied care. For many critical services, patients are subjected to a literal ''life or limb'' test; their care is denied unless their life is threatened or they risk immediate loss of a limb. Care is denied or delayed until their condition worsens and treatment is costlier or, all too often, comes too late to be effective. Federal per capita funding for Indian health is only $1,914, about half the allotment of Federal per capita funding for health care for Federal prisoners.

Former HHS Secretary Tommy Thompson traveled to the Navajo Reservation last year and saw this problem first-hand and vowed to fight for increased funding for tribal health care. Unfortunately, the administration has proposed a rather modest increase of less than 2 percent for IHS in fiscal year 2006. Yet again, IHS funding will not come close to keeping pace with medical inflation which is growing at double-digit levels in the private sector.

On a per capita basis, it is even worse because HHS's own budget documents indicate that IHS will have to serve over 29,000 new people. Furthermore, although urban Indians represent around half of all Native Americans in the country, urban Indian health programs receive less than 1 percent of all IHS funding and those funds are literally frozen at $33 million nationwide.

This is both unacceptable and unsustainable.

In addition to supporting budget and appropriations amendments time-and-time again over the years that unfortunately have failed in Senate votes, including an amendment by Senator CONRAD to the budget resolution this year, I successfully offered amendments last session of Congress to the Medicare prescription drug bill to provide Indian Health Service units to get better prices through the contract health services program and to allow IHS to bill for the full array of services in the Medicare program.

In the coming weeks, I will also be introducing two pieces of legislation to both improve health services generally for urban Indians and to also improve the delivery of health care for Native Americans in the Medicaid and State Children's Health Insurance Program, or SCHIP.

In the short-term, however, we need passage of this critical and urgent legislation to save the health services provided by the Albuquerque Indian Health Center that are being threatened. I urge its immediate passage.

I ask for unanimous consent to print a copy of the legislation in the RECORD.

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

S. 972

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Indian Health Center Act of 2005''.

SEC. 2. CRITICAL ACCESS FACILITY FUNDING.

(a) DEFINITION OF CRITICAL ACCESS FACILITY.—In this section, the term ''critical access facility'' means a comprehensive ambulatory care center that provides services on a regional basis to Native Americans in Albuquerque, New Mexico, and surrounding areas.

(b) DESIGNATION.—The Albuquerque Indian Health Center (also known as the ''Albuquerque Indian Hospital'') is designated as a critical access facility.

(c) OPERATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall provide funds made available under subsection (d) to the Albuquerque Indian Health Center to carry out the operations of that Health Center.

(2) SELF-DETERMINATION CONTRACTS.—The funds transferred under paragraph (1) shall not be distributed to any Indian tribe under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out this section $8,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to submit legislation along with my colleague, Senator BARACK OBAMA, to establish the Abraham Lincoln National Heritage Area in Illinois.

Illinois has long been known as the ''Land of Lincoln.'' Reminders of the 16th President's legacy can be found throughout the State.

Last week, Senator OBAMA and I attended the dedication of the Abraham Lincoln Presidential Library and Museum in Springfield, IL. This wonderful new facility brings together the entire story of President Lincoln's life in a rich, unified experience.

In the same spirit, our legislation would establish an Abraham Lincoln National Heritage Area, formally tying together the many Illinois natural, historic, cultural and recreational resources that have been touched by the life and influence of the Nation's greatest President. Establishing a Lincoln National Heritage Area will connect these scattered elements to provide a more cohesive experience of Lincoln's legacy for Illinoisans and visitors alike.

The impact of the life and works of Illinois's favorite son extends far beyond the prairies of the Midwest.

Not long ago, I sat in the United States House of Representatives and listened as the new president of Ukraine, the leader of his nation's peaceful Orange Revolution, spoke of his countrymen and women's dreams to live under a ''government of the people, for the people.''

Just weeks before that, I was in the Green Zone in Baghdad and heard an official of the new Iraqi Government quote President Lincoln on the need for national unity.

In a sense, the Land of Lincoln is anywhere that people dream of freedom and equality and opportunity for all.

So the whole world would benefit, as the people of Illinois work to preserve Lincoln's history. And we invite the world to come to Illinois and learn not just about the history of this great

man, but also about what he can teach us today.

The Abraham Lincoln National Heritage Area will help spread that message for generations to come, to Americans, and to students of Abraham Lincoln everywhere on Earth.

This bill is the Senate companion to legislation introduced by Representative RAY LAHOOD and endorsed by every member of the Illinois congressional delegation in the House of Representatives, as well as representatives from every part of the country.

Senator OBAMA and I ask our colleagues to join with us in recognizing the richness of the Lincoln legacy by supporting the passage of this legislation.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. BROWNBACK):

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, Senator HATCH, Senator BROWNBACK and I are pleased to introduce today the Project BioShield II Act of 2005.

This is the fourth bill I have introduced on this subject, and the third with Senator HATCH as my lead cosponsor. We are delighted today to be joined by Senator BROWNBACK, a leading advocate for research to cure deadly tropical diseases.

None of us on the Hill—especially those of us with offices in the Hart Building—will forget October 15, the date of the anthrax attack on Senator Daschle's office. This date is the bioterrorism equivalent of September 11. We also need to remember October 5, the third anniversary of the 2001 anthrax death of Bob Stevens, a photo editor at American Media in Boca Raton, Florida, and November 17, the third anniversary of the discovery of a similar anthrax laced letter mailed to Senator LEAHY. Similar anthrax attacks during these weeks were directed at NBC, ABC, CBS and other news organizations. All told five people died and thousands who might have been exposed were put on Cipro, including many of us and many of our staff.

This attack on civilians with weapons grade anthrax was unprovoked. And unlike the case with the 9/11 attacks, we still don't know who mailed the anthrax letters. As with the 9/11 attacks, we were totally unprepared for the anthrax-laced letters. We are responding forcefully to the 9/11 attacks—the commission that Senator MCCAIN and I proposed has issued a superb report and the Government Affairs Committee, where I serve as the Ranking Democrat, is hard at work translating its recommendations into legislation. Unfortunately our response to the 10/15 anthrax attack has not been as forceful.

Unlike our response to 9/11, we have not seemed to consider the 10/15 attack to be the equivalent of a declaration of war. While we have taken a few constructive steps to strengthen our Bioterror defenses, we remain painfully vulnerable to another Bioterror attack, or a chemical or radiological attack.

Many of us believe that enactment of BioShield I, last July, is a step in the right direction, but we don't believe that BioShield is sufficient. If we listen carefully, we will hear that the biopharma industry—which is hiding on this issue—is saying that BioShield is not enough. So we already have strong warning signs that more needs to be done.

There is no terror threat greater than that of Bioterror. With an attack with a plane, a chemical attack or a radiological dispersion device, dirty bomb, the loss of life can be catastrophic, but the perimeter of the attack is fixed. With an infectious disease, the perimeter of an attack might grow exponentially as the infection spreads. It is possible to kill thousands with a bomb, chemical or radiation, but it is possible to kill millions with a bioterror pathogen.

In the 2001 anthrax attack, the terrorist wrote a note in the letter to Senator Daschle that said, ''09–11–01. You can not stop us. We have this anthrax. You die now. Are you afraid? Death to America. Death to Israel. Allah is great.'' If this note had not been included in the letter, and if the intern who opened the letter hadn't been suspicious, it is possible that some Senators and many Capitol Hill staff from our offices—perhaps hundreds—might have died. We would only have discovered the attack in hospital emergency rooms, where Cipro might have proven to be ineffective. Cipro works as a prophylaxis only when it catches anthrax early, before the toxins are released into the bloodstream, which can happen within 24 hours of an infection. Our current anthrax vaccine is administered in six shots over 18 montns.

The 9/11 Commission report states that al-Qaida ''was making advances in its ability to produce anthrax prior to Sept. 11'' and cited former CIA Director George Tenet as warning that an anthrax attack is ''one of the most immediate threats the U.S. is likely to face.'' Russia developed dozens of strains of anthrax and the security at these former bioweapons laboratories is suspect. It is estimated that a mason jar of anthrax spores sprayed over an urban area could infect 400,000 residents, and if undetected until they started showing up in emergency rooms, kill half of them. It is also estimated that one hundred anthrax laced letters could cross contaminate thirty million letters and infect 10,000 people with anthrax. Imagine what would happen if our mail system—which processed over 200 billion pieces of mail last year—were closed for a few months. What we need, and don't yet have, is a therapeutic that disarms the anthrax toxins at a late stage of the disease—which is the aim of a pending RFP at the Department of Health and Human Services.

We saw the potential for morbidity and mortality, and massive economic disruption, with SARS. When SARS was rampant, Beijing, Hong Kong and Shanghai closed down. Quarantines were imposed and China authorized the death penalty on anyone who willfully spread the disease. During the epidemic, there were reports that the SARS virus was mutating to become more virulent. In China's countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end SARS spread to thirty countries on five continents, sickening nearly 9,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate it. We may not have seen the last of it.

We can also remember the devastating impact of the 1918 Spanish flu pandemic that killed more than died in the first World War, about 30–40 million people equivalent to 100 million today. In the month of October, 1918, 200,000 Americans died of the disease, 43,000 soldiers died, and 28 percent of our population was infected. The flu's lethality rate was only 2.5 percent the lethality rate of the most common form of smallpox, variola major, is 30 percent and for hemorrhagic smallpox it approaches 100 percent. The lethality rate for SARS was about 15 percent. If the 1918 flu pandemic killed the equivalent of 100 million people, think of how many smallpox or SARS—both of which could be weaponized by terrorists—could kill.

Public health authorities are concerned about the incidence of avian influenza in humans. There is now concrete evidence that this virus can be transmitted human-to-human. When humans contract the pathogen from birds, the death rates are very high; a majority die. Since January 2004, a total of 23 confirmed human cases of avian influenza virus infections have been reported in Vietnam with 19 deaths and 12 cases in Thailand with 9 deaths. These cases were associated with widespread H5Nl poultry outbreaks that occurred at commercial and small backyard poultry farms. Since December 2003, nine countries have reported H5Nl outbreaks among poultry. More than 100 million chickens have been culled in an effort to stop the outbreak. The virus now appears to be able to infect mammalian hosts, including pigs and cats, an unusual prowess for an avian virus. This raises concern as pigs are also hosts of human flu viruses and this could yield

a hybrid avian flu strain that can be passed human-to-human. The avian flu virus apparently is now carried by migratory birds so it may be very difficult to eradicate the virus. We have no vaccine for the disease and the one therapeutic Tamiflu—is only effective if given very early after the onset of symptoms. It is feared that the virus might evolve resistance to Tamiflu. Public health officials believe that in theory the avian flu could cause a ''pandemic killing millions of people worldwide, and possibly hundreds of millions.'' Whether H5N1 could be used as a Bioterror weapon against agriculture or humans is not known.

In 1947 there was an outbreak of smallpox in New York City. Eventually two of the twelve who were infected died. But the smallpox vaccination campaign was massive 500,000 New Yorkers received smallpox vaccinations the first day and eventually 6.35 million were vaccinated in less than a month, 85 percent of the city's population. President Truman was vaccinated prior to a trip to New York City.

If we suffered another smallpox outbreak, it is not likely that a vaccination campaign would go so smoothly. It is now estimated that if the current smallpox vaccine were deployed in the United States 350 to 500 individuals might die from complications. The current vaccine is not recommended for patients who have eczema or are immunosuppressed, HIV-positive or are pregnant. Even worse, based on a 1971 accidental release of smallpox from a Soviet bioweapons laboratory, some speculate that the Soviets successfully weaponized a rare and especially lethal form of smallpox, hemorrhagic smallpox, with near 100 percent lethality.

Mother Nature's pathogens are dangerous—smallpox, anthrax, plague, tularemia, glanders, typhus, Q fever, Venezuelan equine encephalitis, brucellosis, botulinum toxin, dengue fever, Lassa fever, Russian spring-summer encephalitis, Marburg, Ebola, Bolivian hemorrhagic fever, Argentinean hemorrhagic fever and fifty other pathogens could kill thousands or even millions. But on the horizon are more exotic and deadly pathogens.

We have reports that the Soviet Union developed genetically modified pathogens such as a hybrid plague producing diphtheria toxin. This manipulation increased virulence and made the plague microbe more resistant to vaccine. Other possibilities include a Venezuelan equine encephalomyelitis-plague hybrid is a combination of the virus and bacteria; we have no idea what symptoms such a pathogen would manifest or how we might diagnose or treat it. Other hybrid pathogens might be developed, including a Venezuelan equine encephalomyelitis-Ebola hybrid.

We have reports that the Soviet Union developed a powdered Marburg, a hemorrhagic fever where every cell and organ of the victim bleeds. Symptom of Marburg include kidney failure, recurrent hepatitis, inflammation of the spinal cord, bone marrow, eyes, testes, and parotid gland, hemorrhaging into the skin, mucous membranes, internal organs, stomach, and intestines, swelling of the spleen, lymph nodes, kidneys, pancreas, and brain, convulsions, coma and amnesia.

Genetically modified pathogens are another possibility. In 2001 the Journal of Virology reported that Australian scientists seeking to create a contraceptive for mice used recombinant DNA technology to introduce Interleukin 4 into mousepox and found that it created an especially virulent virus. In the words of the scientists, ''These data therefore suggest that virus-encoded IL–4 not only suppresses primary antiviral cell-mediated immune responses but also can inhibit the expression of immune memory responses.'' This public research suggests that introducing IL–4 can create an Andromeda stain of a virus, information of potential use to terrorist sociopaths. In addition, published studies describe how to create a recombinant vaccina virus to induce allergic encephalomyelitis in rabbits, and potentially—highly lethal smallpox virus capable of causing paralyses in humans and how to synthesize the polio virus in a biochemical laboratory .

Other possible pathogens—some of which the Soviet worked on—include antibiotic resistant pathogens. The Soviets apparently developed a strain of plague resistant to ten different antibiotics, and a strain of anthrax resistant to seven different antibiotics. Some claim the Soviets developed a strain of anthrax resistant to the current U.S. anthrax vaccine. A part of this research in a hamster model was published in ''Vaccine'' so this information is available to terrorists.

Other exotic pathogens might include autoimmune peptides, antibiotic induced toxins, and bioregulators and biomodulators. An autoimmune peptide might stimulate an autoimmune attack against the myelin that sheaths the target's nerve cells. Antibiotic induced toxins are hybrid bacteria-viruses where antibiotics administered to treat the bacterial infection stimulate the virus to release a deadly toxin; the greater the doses of antibiotics, the more toxins are released. Bioregulators and biomodulators are synthetic chemical that bond to and disrupt receptors that govern critical functions of the target, including nerve, retinal, liver, kidney, heart, or muscle cells to cause paralysis, blindness, schizophrenia, coma, or memory loss.

Some of these might be available now from the 60 bioterror research laboratories maintained by the Soviet Union. Eventually, terrorists might be able to set up full-blown biotechnology laboratories. Rogue states could do so and they might then transfer bioweapons to terrorists or lose control of them. Over the long term, as the power of modern biotechnology grows, the bioterror threat will grow and increasingly virulent and exotic weapons might become threats.

In November 2003 the CIA's Office of Transnational Issues published ''Our Darker Bioweapons Future,'' which stated that the effect of bioengineered weapons ''could be worse than any disease known to man.'' The rapid evolution of biotechnology makes monitoring development ofbioweapons extremely difficult. Some ofthese weapons might enable the development of ''a class of new, more virulent biological agents engineered to attack distinct biochemical pathways and elicit specific effects, claimed panel members. The same science that may cure some of our worst diseases could be used to create the world's most frightening weapons.'' It specifically mentioned the possibility of ''binary BW agents that only become effective when two components are combined (a particularly insidious example would be a mild pathogen that when combined with its antidote becomes virulent)''; ''designer'' BW agents created to be antibiotic resistant or to evade an immune response; weaponized gene therapy vectors that effect permanent change in the victim's genetic makeup; or a ''stealth'' virus, which could lie dormant inside the victim for an extended period before being triggered.

Illustrating the speed with which biotechnology is advancing to create new bioterrorism threats is a recent announcement by Craig Venter and his Institute for Biological Energy Alternatives that in fourteen days they had synthetically created working copies of the known existing bacteriophage virus Phi X174. Other researchers had previously synthesised the poliovirus, which is slightly bigger, employing enzymes usually found in cells. But this effort took years to achieve and produced viruses with defects in their code. So the timescale has shifted from years to weeks to make a virus. There are other bigger viruses that would require more time to assemble. Venter asserts that his team could make a bacteria with about 60 times larger genome from scratch within about a year of starting. Does this mean that the debate about whether to destroy smallpox virus stocks is pointless because any virus or bacteria whose DNA sequence is published is eventually going to be easily creatable by labs all around the world?

These pathogens might be deployed by terrorists, sociopaths or rogue states that have no compunctions about killing massive numbers of ''infidels'' or enemies in the west. They would experience great joy in sowing widespread panic, injury and death in America. Osama Bin Laden's spokesman, Sulaiman Abu Ghaith, bragged that al Qaeda has ''the right to kill 4 million Americans'' in response to deaths he claims the west has inflicted on Muslims. We are facing sociopaths with no compunction about using

whatever weapons of mass destruction they can develop or secure. They would see the potential to unleash a weapon in North America and trust that our borders would be closed so that it would only rage here and not spread to the Muslim world.

The Brookings Institution estimated that a bioterror attack would cause one million casualties and inflict $750 billion in economic damage. An earlier Office of Technology Assessment found that there might be three million casualties. If there are this many casualties, what can we expect in the way of public panic and flight? A 2004 poll finds that ''most Americans would not cooperate as officials would expect them to during a terrorism incident.'' Only 2/5 said that they'd ''follow instructions to go to a public vaccination site in a smallpox outbreak'' and only 3/5 would ''stay in a building other than their own home . . .'' A vivid vision of what an attack might look like is found in Albert Camus' The Plague, with its incinerators and quarantine camps. We can review the history of the Black Death, which killed up to one half of Europe's population between 1348 and 1349.

Imagine what would happen if the attack involves a pathogen for which we have no diagnostic, vaccine or therapeutic. If we resorted to quarantines, what would the rules of engagement be for the police and military forces we deploy to enforce it? Would it be possible to establish an effective quarantine if there is mass panic and flight? Would our hospitals be overwhelmed by the ''worried well''? Would public health workers continue to serve or also flee? If our hospitals are contaminated, where would Americans receive medical care for non-terror related emergencies?

What would happen if a bioterror, chemical or radiological attack closed Atlanta's Hartsfield International Airport—which handled nearly eighty million passengers last year? Or what would happen if we put a hold on the one hundred and twenty million international airline arrivals and departures we see each year? What would happen if we were forced to close our borders with Mexico and Canada—with 500 million crossings last year? What would happen if we restrained the 2.79 trillion automobile passenger miles driven in the U.S., one billion of which exceeded 100 miles?

What would happen if a terror attack rendered certain types of business activity uninsurable? What will happen if large swaths of residential real estate—none of which is currently insured for acts of terror—were contaminated and rendered worthless with anthrax spores?

We are vulnerable to a bioterror attack in many ways, but one of the most troubling is that we have essentially none of the diagnostics, therapeutics and vaccines we need to treat those who might be exposed or infected. If we don't have these medicines, we are likely to see quarantines and panic, which will amplify the damage and disruption. My office is on the 7th floor of the Hart Building, immediately above Senator Daschle's office. We were told if we immediately started a course of treatment with Cipro we would not die, so there was no panic. Think what would have happened if the government had said, ''We don't know what this is, it's deadly, we have no way to tell who has been exposed, and we have no medicines to give you.''

In the summer of 2000 the Defense Science Board found that we had only one of the fifty-seven diagnostics, drugs and vaccines we most need to respond to a bioterror attack, we had a therapeutic for chlamydia psittaci, a bacteria. It projected that we'd have twenty of the fifty-seven within 5 years and thirty-four within 20 years. But today we have only two of the fifty-seven countermeasures, we now have a diagnostic for anthrax.

At this rate of developing these medical countermeasures, we won't have twenty of them available until 2076 and we won't have thirty-four until 2132. This list does not include antibiotic resistant pathogens, hybrid pathogens, genetically modified pathogens, and a host of other exotic bioterror pathogens.

The Congress administration have not responded to the anthrax attack with an appropriate sense of urgency, especially with regard to the development of medicines. We have not responded with a crash industrial development program as we did when we developed radar during the Second World War or as we are now undoubtedly undertaking to detect roadside bombs. Reluctantly, I would characterize our national response as lackadaisical.

December 4 is the third anniversary of my introduction of legislation to provide incentives for the development of medical countermeasures—including diagnostics, therapeutics and vaccines—for bioterror pathogens, S. 1764. Chairman HATCH, October 17 is the second anniversary of our introducing our first bill together on this subject, S. 314, and we introduced our current bill on March 19 of last year (S. 666). Twenty months ago President Bush proposed Project BioShield, a bill based on one of the twelve titles in our bills, and it was finally enacted into law on July 21. If we enact one of the titles of our bill every two years, it'll take 22 more years to complete our legislative work.

The critical issue for this hearing is whether Project BioShield, Public Law 108–276, is sufficient or whether we need to supplement it with BioShield II, a bill that you and I intend to introduce this Fall. BioShield is only one title of our proposal—the title that provides that the government will define the size and terms of the market for a Bioterror countermeasure in advance before a biopharma company puts its own capital at risk. This is a necessary first step; companies won't risk their capital to develop a product unless they can assess the possible rate of return, product sale on their investment.

Enacting BioShield is a step in the right direction. If we were to enact only one idea first, this is the right first step. We will now see how the Department of Health and Human Services implements this law. We will see what R&D priorities it sets, whether it projects a market for these products sufficiently large to engage the better biopharma companies in this research, and whether it sets contract terms that company Chief Financial Officers find acceptable.

Unfortunately, we all heard a deafening silence from biopharma industry—the target of this legislation—as BioShield was being considered. The industry did essentially nothing to fix the Administration's draft—which the industry privately stated was laced with dysfunctional provisions. The industry did essentially nothing to pass BioShield. And the industry has said essentially nothing since BioShield was enacted.

It is clear to me that BioShield is not sufficient to secure development of the medical countermeasures we need, indeed, I believe it is woefully insufficient.

The industry is skeptical that the government will be a reliable partner during the development bioterror countermeasures. The basis of its skepticism runs deep.

The industry points to the Cipro procurement as a case in point. In 1999, before the anthrax attack, Bayer, the developer of Cipro, was asked by FDA and CDC to secure a label indication for Cipro for anthrax. The government wanted to have one antibiotic available that was explicitly labeled for anthrax—it understands that patients might be reluctant to take a medicine for anthrax where it is not labeled for this indication. Bayer incurred the expenses to do this with no expectation of ever utilizing the product in this manner, and when the attack occurred, Cipro was the only therapeutic with a label indication for anthrax. Bayer handled this emergency with honor. It immediately donated huge stocks of Cipro, 2 million tablets to the Postal Service and 2 million tablets to the Federal government to be used to protect those who might have been exposed or infected. The government then sought to procure additional stocks of Cipro and demanded that Bayer sell it as one-fourth the market price. Threats were made by Members of Congress that if Bayer would not agree to this price the government might step in to challenge the patent for Cipro. Bayer readily agreed to the deep discount. We can assume that every other purchaser of Cipro then demanded this same price and that this cut Bayer's market return for Cipro. To add insult to injury, Bayer has had to defend itself from lawsuits by those who took Cipro in response to the attack even though it did what was asked, provided more than enough free product to treat

all patients and greatly reduced it's stockpile pricing. Bayer also was deeply concerned with employee and plant security risks when it was publicly identified as the sole source of this counter-bioterrorism agent.

The industry view this incident as proving that with regard to bioterrorism research, no good deed will go unpunished. If a large pharmaceutical company can be manhandled this way, what would happen to a small biotechnology company? The industry expects that if there is an attack, and the company has the indispensable medicine we need to respond to it, the government is likely to steal the product. The industry is deeply skeptical of the government already. It has very complex and often contentious relationships with other HHS agencies, including the Center for Medicare Services, the Food and Drug Administration, and the National Institute of Health. It has constant battles with state Medicaid agencies. This is not an industry that trusts government.

Some in Congress have proposed legislation that feed industry fears. In 1994 and 1995 legislation was introduced in the House, H.R. 4370, introduced on May 10, 1994, and H.R. 761, introduced on January 31, 1995, that provided the government with eminent domain power with regard to AIDS to confiscate ''all potential curatives and all data . . . regarding their development,'' including the patents for such compounds. Similarly, in 1999 and 2001 legislation was introduced in the House, H.R. 2927, introduced on September 23, 1999, and H.R. 1708, introduced on May 3, 2001, that provided for the compulsory licensing of ''any subject invention related to health'' where the government finds it ''necessary to alleviate health or safety needs'' or the patented material is ''priced higher than may be reasonably expected based on criteria developed by the Secretary of Commerce.'' Legislation has been introduced that would deny the benefits of the R&D tax credit for research by pharmaceutical companies where the products that arise from that research are sold at higher prices abroad than in the United States. See H.R. 3665 introduced on February 15, 2000.

The industry response to these threats to its patents must be seen in light of the events of March 14, 2000. On that day a White House spokesman apparently indicated that the government might move to challenge some biopharma industry patents for genes. The industry lost $40 billion in market capitalization in the panic that ensued on Wall Street. That was not only the beginning of a deep drought in biotech company financing, it was the beginning of the collapse of the entire NASDAQ market. A similar collapse and drought had occurred in 1993–1994 the Clinton Administration proposed that the prices of ''breakthrough drugs would be reviewed by a special government panel.''

The issue of price controls and patents was recently considered and rejected by NIH in response to a petition for the government to march-in on the patent of Abbott Laboratories for ritonavir, sold under the name of Norvir, an AIDS therapeutic. The petitioner, Essential Inventions, asked that the government cancel the license of this patent to Abbott, which it alleged was charging too much for Norvir. The petitioner had also been involved in the 1994–1995 NIH proceeding, where NIH reviewed the impact of its 1989 protocol to review whether ''reasonable'' prices were being charged by companies that had licenses with NIH. NIH found that this price review process was destroying the NIH technology transfer program—companies simply would not enter into agreements with NIH. As a result, NIH repealed the price review process. The new march-in petition raised essentially the same issues and if the petition had been granted, we could have expected that the NIH tech transfer process will be crippled—again, as it was from 1989–1995. In rejecting the petition, NIH did not state, however, that is has no right to march-in based on the price of a product, implying that it could or might assert such power in the future. This can only have a chilling impact on companies considering entering into biodefense procurement and research agreements.

Aside from fears about government actions, we could not have picked a worse time to ask the industry to undertake a whole new portfolio of research. The biotech NASDAQ index stood at 1380 and it now stands at about 725. The Amex biotech index peaked at 801 and it now stands at about 525. The Dow Jones pharmaceutical index peaked at 420 and it now stands at about 275. The biotech industry raised $32 billion in capital in 2000 and only $16 billion last year. In June of this year, 36 percent of the public biotech companies had stock trading at less than $5 per share. There were 67 biotech IPOs in 2000 and only 7 last year. The industry losses each year continue run to $4 billion. The National Venture Capital Association reports that only 2 percent venture money went into biodefense following the October anthrax attack.

Of the 506 drugs publicly disclosed to be under development by the 22 largest pharmaceutical companies, only 32 are for infectious disease and half of these are aimed at HIV/AIDS. In 1967 we had 67 vaccine companies and in 2002 we had 12. World wide sales vaccines is about $6 billion, but the world wide sales of Lipitor are $10 billion.

In addition, it is not clear whether the government is able or willing to provide the industry with the operating margins—profits—it sees for its other products. The operating margin for successful biopharma companies is 2.76 to 3.74 times as great as the operating margins for major defense contractors. This means that the defense contractor model will not work to engage biopharma companies in developing medical countermeasures for bioterror agents. Whether the successful bipharma companies are ''too profitable'' is a separate issue. The issue addressed here is the operating margin that successful biopharma companies seek and expect as they assess lines of research to undertake. If the operating margin for biodefense research is less, or substantially less than the operating margin for non-biodefense research, it is not likely that these companies will choose to undertake biodefense research. This research is a voluntary undertaking putting their capital at risk; there is no requirement that they do this when the prospects for profits are not competitive with that from other lines of research.

Mostly we are seeing the industry hiding, not commenting on the pending legislation, not participating in the legislative process, and making every effort not to seem to be unpatriotic or greedy. Companies do not say in public that they are disinterested. They will not say what package of incentives would be sufficient to persuade them to take up biodefense work. They fear a debate on patents. They feel besieged by the current drug import debate, pressure from CMS over drug prices, and the debate over generic biologics. While I understand these fears, we simply have to know what it would take in the way of incentives to establish a biodefense industry. If the incentives in BioShield or BioShield II are not sufficient, we need to know what incentives are sufficient. We need to know what reassurances would persuade the industry that what happened to Bayer will never happen again. And only the industry can give us a clear answer to these questions. We cannot have a dialogue on these urgent national questions without the government listening and the industry speaking.

The goal of BioShield II is to shift the risk of countermeasure research and development to the industry. Given the skepticism of the industry about the reliability of the government as a partner, shifting the risk to the industry—with it risking its own capital to fund the R&D—will be difficult. But engaging the industry as entrepreneurs, rather than as defense contractors, is likely to be less expensive for the government and it's much more likely to secure the development of the medicines that we need.

If the Government funds the research, the industry can expect to receive the operating margins that are typically paid to defense contractors—8.5–9 percent. If the industry risks its own capital and funds the failures and cost overruns, the industry believes it would be justified demanding the operating margins that are typically paid in the commercial sector—28–32 percent.

If the Government funds the research, the industry expects that the government will control or own the patents associated with the medicines. If the industry funds the research, it

believes it has claims on all the patents.

The only companies that are likely to accept a defense contractor model are companies with no approved products, no revenue from product sales, and no other source of capital to keep the lights on. For them Government funding is ''non-dilution'' capital, meaning it's a form of capital that does not dilute the ownership shares of its current shareholders. Many biotech companies have stock trading in the low single digits, so they cannot issue another round of stock that would enrage the current shareholders. For them this Government funding might validate the scientific platform of the company, generate some revenue, and hype the stock.

Biotech industry executives state in private that if their capital markets strengthen they will be even less likely to consider bioterror countermeasure research. One CEO whose company has received an NIH grant for bioterror countermeasure research stated in private that his company would never have considered this entanglement with the Government if it had any other options to fund its research.

Our goal with BioShield IT should be to engage the successful biopharma companies in this research—companies that have brought products to the market—and persuade them that the Government will be a reliable partner. Then the risk of failure and cost overruns is shifted to the industry and we've engaged the companies with a track record of bringing products to the market. The Government will need to provide substantial rewards if—and only if—the companies do succeed in developing the medicines we need, but then the Government is only paying for results. When the Government funds the research, it funds a process with no guarantees of any success. Providing the industry with substantial rewards for success is a model that engages the industry as entrepreneurs, drawing on the greatest strength our Nation has in the war on terror.

Our bill addresses a critical question: who is in charge for Government if there's a mass casualty event and how do they lead the multifaceted response. The legislation sets up an interagency board to map out and develop the response to such an event and places a new Assistant Secretary Chief Medical Officer at the Department of Homeland Security as its chair. In addition, the new Assistant Secretary would lead the DHS assets and resources as part of this effort. While this proposal is the result of discussions with some of the experts in this area, we recognize there may be different points of view about the optimal structure for the medical response capabilities within DHS and the proposed structure in this bill is open to further discussion. I look forward to working with the chairman of the Senate Homeland Security and Government Affairs Committee, Senator COLLINS, and others in exploring these complex issues. On these issues, this bill is a discussion draft.

We should not need a 9/11 Commission report to galvanize the administration and the Congress to respond to the unprovoked and deadly bioterror attacks of 3 years ago. The threat could not be more obvious and what we need to do is also obvious. If we don't develop the diagnostics, therapeutics, and vaccines to protect those who might be exposed or infected, we risk public panic and quarantines. We have the world's preeminent biopharma industry and we need to put it to work in the national defense.

BioShield I is a step in the right direction, but it is a small step that does not take us where we need to go. We need to follow the implementation of BioShield very carefully and set clear metrics for determining its effectiveness. We should not wait to begin to review the policy options available to supplement BioShield. Senator HATCH and I will be proposing BioShield II and we will press for its consideration. We should press the biopharma industry to present its views on what it will take to engage it in this research and what it will take to establish a biodefense, research tool, and an infectious disease industry.

The American philosopher, George Santana said, ''Those who cannot remember the past are condemned to repeat it.'' It's only been 3 years since the anthrax attack but I fear our memory of it already has faded. Let this hearing stand as a clear statement that some of us in the Congress remember what happened and are determined not to permit it to happen again. War has been declared on us and we need to act as if we noticed.

Mr. HATCH. Mr. President, more than 3 years ago, our country suffered the most deadly attack ever on our soil. We woke up on the morning of September 11, 2001 to a new reality.

A month later, we again realized the magnitude of the ever-changing threat we were facing when the Senate Hart Office Building was contaminated with anthrax and was closed for three months.

Most Americans were shaken out of their sense of complacency in 2001.

As many will recall, after 9/11, Congress took action to secure our borders, our ports, and our airlines and bolster our public health infrastructure.

Yet, it is important to note that the key steps necessary to protect our country against the continuing threat of bioterrorism are still being carefully reviewed and revised.

And while these steps are being evaluated, time is running out. Even yesterday, we heard news reports that al-Qaida is planning attacks on our country through chemical plants within the next five years.

While Congress took an important step when the Project BioShield Act of 2004 was signed into law last July, I believe that much more still needs to be done.

That is why I am once again joining my good friend and colleague, Senator JOE LIEBERMAN, in introducing this bipartisan bill. I am proud to have been Senator LIEBERMAN's primary partner on this legislation over the past several years.

Indeed, we are pleased that some key concepts contained in our earlier bills, such as the guaranteed market, have been adopted by the administration and our colleagues in Congress.

In the last congress, the Senate Judiciary Committee held a joint hearing with the Senate Health, Education, Labor and Pension Committee to determine what priorities should be included in the follow-on legislation, the Bioshield II bill, and to raise awareness on what else needs to be done in order to combat bioterrorism. It is clear that we do need to continue our efforts, and that is why I will continue to push for action on this legislation until the bill is signed into law by the President.

It is well known that terrorists are specifically interested in using biological weapons, such as those produced in the Soviet Union before its collapse.

Some experts believe that Soviet scientists were able to develop smallpox strains that were universally lethal.

Some believe they developed a strain of Black Plague that is resistant to 10 different antibiotics.

Today, it is unclear where some of these former Soviet scientists are working and, even more disturbing, it is not clear if these bioterror agents are still in the former Soviet Union.

As new varieties of biological weapons are developed, the threat of another attack becomes a very real possibility. Again, that is why Senator LIEBERMAN and I strongly believe that Congress needs to act on the Liberman-Hatch legislation immediately.

Over 4 years ago, Congress instructed the executive branch to perform a bioterrorism exercise to determine our Nation's state of preparedness against a bioterror threat.

In May 2000, a bioterrorism exercise was initiated and the naturally occurring plague bacterium, Yersinia Pestis, was theoretically unleashed in Denver. In that exercise, one antibiotic that is available to the public was used to combat the bioterrorism plot and treat the infected individuals.

I believe that this exercise needs to be conducted again—a more realistic scenario would be one in which no effective treatment is available.

To me, that is the more realistic and threatening scenario.

There are already numerous diseases where no actual cure exists, where all the clinicians can do is to support the patient and hope that they survive. We need to focus our efforts on improving our ability to care for these illnesses, as they are currently very attractive weapons to our enemies.

Even as we continue to invest resources to build up a prepared public health infrastructure, we must also develop medicines to threat those who

are exposed or infected. Otherwise, we will be forced to impose quarantines, just as our ancestors did in times of pestilence, and we will surely find it as difficult a proposition as they did. Quarantining hundreds, maybe even hundreds of thousands of people would, obviously, be extremely difficult to manage.

Developing ways to prevent, detect, and treat dangerous pathogens must be a priority for our Nation so that we do not face these dreadful scenarios.

Our best defense against bioterrorism is a full medicine chest. We must develop medicines to treat the naturally occurring biologic agents, and, in addition, we need to develop medicines to treat bacteria and viruses that have been genetically manipulated as weapons to cause death or injury to human beings.

Therefore, the biopharma companies must be engaged in these discussions because they will play an integral role.

Our bill, BioShield II, is the next step in the legislative process to ensure bioterror readiness.

We cannot afford to wait. Every day that we sit idle, we encourage our enemies to move forward.

We must abandon business-as-usual and take vigorous steps to protect our Nation, our communities, our citizens and our industries from future bioterrorist attack, especially given the implication of further attacks on the United States.

BioShield II encourages Congress to take vital steps to protect our Nation through an array of intellectual property, tax, procurement, research, liability, and other incentives to ensure the creation of a robust biodefense industry.

Direct government funding can only go so far.

To be effective, we must also enact incentives so that potential investors will want to fund the research associated with building a strong and flexible defense against potential attacks.

But to accomplish this goal, we must unleash the creative genius of the biopharma industry to work with us on these solutions.

Bioshield II will encourage biopharma companies to take the lead in the development of vaccines, therapeutics and diagnostics to combat bioterrorism. These efforts will also help protect our Nation against naturally occurring diseases. In fact, a major improvement in this bill is that we allow the array of incentives to be employed against infectious diseases and as well as disease prevalent in the developing world.

All research on infectious disease is interrelated. SARS, HIV, malaria, and avian and pandemic flue are chilling reminders that our public health system must be able to take on all comers; it is not just deliberately engineered agents that threaten us.

Our infrastructure—our researchers, our pharmaceutical industry, our hospitals, and our caregivers—must be prepared and equipped to fight illness, wherever and however it occurs. By expanding the scope of covered research under this bill, we may also discover cures for diseases that afflict the world's poorest nations.

The goal of our legislation is to have a safer and better prepared America. But, to do this we must provide researchers and investors with the proper incentives. Forming unprecedented and vigorous partnerships with these companies is the key. Otherwise, this endeavor will never work and the American public will remain at great risk.

The harsh reality is that nearly 4 years after 9/11, we have not developed one significant bioterrorism countermeasure.

Aside from vaccines for smallpox and anthrax—both of which have their own downsides—and a handful of antibiotics and anti-infectives—also with their own array of strengths and weaknesses—the cupboard is bare.

This is simply not acceptable.

As new varieties of bioterror weapons are developed, the threat of another attack comes ever-closer to our shores. For this reason, Senator LIEBERMAN and I are introducing the ''Project BioShield II Act of 2005''.

We plan to work closely with all interested members of Congress, including Senator BURR, Senators ENZI and KENNEDY, chairman and ranking Democratic member of the HELP Committee respectively, Senators GRASSLEY and BAUCUS, chairman and ranking Democratic member of the Finance Committee, Senators SPECTER and LEAHY, chairman and ranking Democratic member of the Judiciary Committee; and Senator COLLINS, chairman of the Senate Homeland Security and Governmental Affairs Committee.

We will work closely with all the relevant officials in the Bush administration; and we will work with Senate Leadership and with all interested parties in the House.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 128—DESIGNATING APRIL 30, 2005, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS'', AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI) submitted the following resolution; which was submitted and read:

S. RES. 128

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'' on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as ''Día de los Niños: Celebrating Young Americans''—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to

find the inner strength—the will and fire of the human spirit—to make their dreams come true.

SENATE RESOLUTION 129—COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION ON 100 YEARS OF SERVICE TO THE COMMUNITY

Mr. ALLEN submitted the following resolution; which was submitted and read:

S. RES. 129

Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association (referred to in this resolution as the ''Association'');

Whereas on May 12 1905, the Association was formed to encourage, stimulate, extend, and promote the business of retail merchants in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association chartered the South Boston Retail Merchants Association and Charlottesville Retail Merchants Association;

Whereas, in 1978, the Association formed the Virginia Retail Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active proponent of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2005, AS ''NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK (NAOSH)''

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY) submitted the following resolution; which was submitted and read:

S. RES. 130

Whereas every year more than 5,500 people die from job-related injuries and millions more suffer occupational injuries and illnesses;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances, in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of ''North American Occupational Safety and Health Week (NAOSH)'' is to increase the understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, ACHMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employers', employees', and the public's understanding of the importance of occupational safety, health, and the environment in everyone's lives, and to provide valuable information and resources aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as ''North American Occupational Safety and Health Week (NAOSH)'';

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe ''North American Occupational Safety and Health Week (NAOSH)'' with appropriate programs and activities.

SENATE RESOLUTION 131—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. SPECTER (for himself, Mr. LEAHY, Mr. BIDEN, Mr. DEWINE, Mr. KOHL, Mr. CORNYN, Mr. FEINGOLD, Mr. BROWNBACK, Mr. SCHUMER, Mr. HATCH, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, and Ms. COLLINS) submitted the following resolution; which was submitted and read:

S. RES. 131

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 850,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 154 peace officers across the United States were killed in the line of duty during 2004, which is below the decade-long average of 169 deaths annually;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 6,000 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2005, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

SENATE RESOLUTION 132—EXPRESSING SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER (for himself, Mr. COBURN, and Mr. DEMINT) submitted

the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 132

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the First Amendment would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialog;

Whereas in 1983, the United States Supreme Court held in Marsh v. Chambers, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and to invoke divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of this Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults similar to a legislature in that they are elected by the people, act in the public interest, and are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of this Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE CONCURRENT RESOLUTION 29—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 28, 2005, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 9, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate or his designee, after consultation with the Minority Leader, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 30—TO EXPRESS THE SENSE OF CONGRESS CONCERNING THE PROVISION OF HEALTH INSURANCE COVERAGE TO ALL AMERICANS

Mr. DURBIN (for himself, Mr. REID, Ms. STABENOW, Mr. SCHUMER, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. BINGAMAN, Mr. DAYTON, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and pensions:

S. CON. RES. 30

Whereas the United States is the only major industrialized country that does not have universal access to health insurance among its citizens;

Whereas the number of Americans without health insurance has increased steadily over the past decade from 37,000,000 to 45,000,000;

Whereas 7 in 10 people without health insurance live in families where at least one person works full-time;

Whereas 20 percent of uninsured Americans are children;

Whereas members of racial and ethnic minority groups at all income levels are more likely to be uninsured than their White counterparts;

Whereas the percentage of private-sector employers offering health benefits to retirees has declined by more than 40 percent since 1997 to just 13 percent in 2002;

Whereas in 2003, 1,700,000 veterans and 3,900,000 dependents of veterans did not have access to health insurance or veterans medical care;

Whereas uninsured Americans receive less preventive care and are diagnosed at a more advanced stage of disease than Americans with health insurance;

Whereas uninsured adults have mortality rates approximately 25 percent higher than those of privately insured adults;

Whereas the financial consequences of uninsurance can be disastrous for families, as demonstrated by a recent study that found medical problems were a factor in nearly half of all personal bankruptcy filings;

Whereas the increase in average health insurance costs since 2000 was five times the increase in average worker wages;

Whereas the total cost of job-based health insurance has risen 72 percent in the past 5 years;

Whereas employers are struggling to keep up with rising health insurance costs;

Whereas a recent study by the Commonwealth Fund concluded that small employers that provide health insurance to their employees pay more but receive less for their money while suffering faster increases in premiums and steeper jumps in deductibles than large firms;

Whereas the market for individual insurance policies can be prohibitively expensive and allows for discrimination based on health status;

Whereas rising health insurance costs undermine United States competitiveness in the global market;

Whereas despite spending the most per capita on health care ($4,887 compared to Germany which is the next highest at $2,808), the United States ranks 12th out of 13 industrialized nations in 16 top health indicators such as infant mortality; and

Whereas members of Congress and their families have the opportunity to select among many benefit choices and to purchase high quality, group health insurance coverage at reasonable rates: Now, therefore, be it

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

(1) Congress should enact legislation that will ensure that all Americans have access to affordable, quality health insurance coverage by 2010, regardless of income, age, employment or health status;

(2) such legislation should utilize private and public sector solutions;

(3) rather than shifting greater costs to consumers, such legislation should constrain underlying health care costs, including by assuring appropriate utilization, and lowering prescription drug costs and administrative expenses; and

(4) such legislation should assure high quality health care by promoting the utilization of information technology, reducing medical errors, providing for care coordination, and through other methods designed to improve quality.

AMENDMENTS SUBMITTED AND PROPOSED

SA 591. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table.

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 593. Mr. THUNE (for himself, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the Eurpoean Union's wide-ranging list of terrorist organizations.

TEXT OF AMENDMENTS

SA 591. Mrs. FEINSTEIN (for herself, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. ___. ALAMEDA HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by striking paragraph (34) and inserting the following:

''(34) The Alameda Corridor–East and Southwest Passage, California. The Alameda Corridor East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow Interstate route 10 from San Bernardino to the Arizona State line.''.

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as follows:

Beginning on page 287, strike line 5 and all that follows through the matter following line 25 on page 290.

SA 593. Mr. THUNE (for himself, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as follows:

On page 230, strike lines 6 through 15 and insert ''Section 109 of''.

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. APPROVAL AND FUNDING FOR CERTAIN CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transportation for project STP–189–1(15)CT 3 in Gwinnett County, Georgia, the Secretary shall—

(1) approve the project; and

(2) reserve such Federal funds available to the Secretary as are necessary for the project.

(b) CONFORMITY DETERMINATION.—

(1) IN GENERAL.—Approval, funding, and implementation of the project referred to in subsection (a) shall not be subject to the requirements of part 93 of title 40, Code of Federal Regulations (or successor regulations).

(2) REGIONAL EMISSIONS.—Notwithstanding paragraph (1), all subsequent regional emissions analysis required by section 93.118 or 93.119 of title 40, Code of Federal Regulations (or successor regulations), shall include the project.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place in title V insert the following:

SEC. ___. INCENTIVES FOR THE INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified alternative fuel vehicle refueling property.

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a)—

''(A) with respect to any retail alternative fuel vehicle refueling property, shall not exceed $30,000, and

''(B) with respect to any residential alternative fuel vehicle refueling property, shall not exceed $1,000.

''(2) PHASEOUT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property placed in service after December 31, 2010, the limit otherwise applicable under paragraph (1) shall be reduced by—

''(i) 25 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2011, and

''(ii) 50 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2012.

''(c) YEAR CREDIT ALLOWED.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified alternative fuel vehicle refueling property is placed in service by the taxpayer.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning given for clean-fuel vehicle refueling property by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol.

''(2) RESIDENTIAL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'residential alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

''(3) RETAIL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'retail alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property (other than property described in paragraph (2)) used in a trade or business of the taxpayer.

''(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(2) the tentative minimum tax for the taxable year.

''(f) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

''(g) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

''(h) REFUELING PROPERTY INSTALLED FOR TAX-EXEMPT ENTITIES.—In the case of qualified alternative fuel vehicle refueling property installed on property owned or used by an entity exempt from tax under this chapter, the person which installs such refueling property for the entity shall be treated as the taxpayer with respect to the refueling property for purposes of this section (and such refueling property shall be treated as retail alternative fuel vehicle refueling property) and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any installation contract the specific amount of the credit allowable under this section.

''(i) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

''(j) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) shall apply.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(l) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) to the extent provided in section 30B(f).''.

(2) Section 55(c)(2) is amended by inserting ''30B(e),'' after ''30(b)(3),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

''Sec. 30B. Alternative fuel vehicle refueling property credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; as follows:

Strike the preamble and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's complied with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism arid other testimony;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip and Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist

organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its ''political and military'' operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that ''Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.'';

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled ''Hezbollah—the Approach, the Experience, the Future'', Qassem writes ''Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad'';

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al–Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al–Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 11, 2005, at 2 p.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 100, to authorize the exchange of certain land in the State of Colorado; S. 235 and H.R. 816, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, NV; S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108–67; S. 741, to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, and for other purposes; S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morely Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, NM, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2005, at 9:30 a.m., in open and closed session to receive testimony on defense intelligence in review of the defense authorization request for fiscal year 2006.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. 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, April 28, 2005 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP AND THE SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY.

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a joint hearing on ''Strengthening Border Security Between the Ports of Entry: The Use of Technology To Protect the Borders'' on Thursday, April 28, 2005 in Dirksen Room 138 at 3 p.m.

Witness List

Panel I: David Aguilar, Chief of the Border Patrol, Customs and Border Protection, Department of Homeland Security, Washington, DC; Kirk Evans, Ph.D., Director, Mission Support Office, Science & Technology Directorate, Homeland Security Advanced Research Projects Agency, Department of Homeland Security, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2005, at 2:30 p.m., to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, April 28, 2005, at 2:30 p.m., in room SD–366.

The purpose of the hearing is to receive testimony on the following bills: S. 242, a bill to establish four memorials to the space shuttle *Columbia* in the State of Texas; S. 262, a bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; S. 336, a bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; S. 670, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; S. 777, a bill to designate Catoctin Mountain Park in the State of Maryland as the Catoctin Mountain National Recreation Area, and for other purposes; and H.R. 126, a bill to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

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

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

Mr. FRIST. 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, April 28, 2005, at 2 p.m., for a hearing entitled, ''Waging War on Waste: An Examination of DoD's Business Practices.''

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy be authorized to meet during the session on Thursday, April 28, 2005, at 10:30 a.m., to hear testimony on ''Building Assets for Low-Income Families.''

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

PRIVILEGES OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Caroline Ahearn, a fellow working in the Environment and Public Works Committee office, as well as Tim Connolly and Cara Cookson, legislative aides to the committee office, be granted the privilege of the floor for the duration of the consideration of H.R. 3 and amendments thereto.

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

Mr. GREGG. I ask unanimous consent the staff on the Budget Committee listed below be granted floor privileges for the duration and consideration of the conference report to accompany H. Con. Res. 95:

SENATE BUDGET COMMITTEE FLOOR PRIVILEGES LIST, 109TH CONGRESS

Amdur, Rochelle; Bailey, Stephen; Bargo, Kevin; Binzer, Peggy; Brandt, Dan; Browne, Mara; Cheung, Rock E.; Dempsey, Don; Duckworth, Cara; Esquea, Jim; Eyster, Sarah; Fisher, David; Friesen, K atherine; Green, Vanessa; Gudes, Scott B., (Staff Director, Full Access Pass); Haskell, Tyler; Havlik, Matthew; Hearn, Jim; Howe, Matthew; Isenberg, Cliff.

Jones, Michael; Kermick, Andrew; Klumpner, James; Konove, Elissa; Konwinski, Lisa, (General Counsel, Full Access Pass); Kuehl, Sarah; Lofgren, Michael; Lucia, William; Mashburn, John; Millar, Gail, (General Counsel, Full Access Pass); Miller, Jim; Mittal, Seema; Monk, Kimberly; Morin, Jamie; Myers, David; Nagurka, Stuart; Naylor, Mary (Staff Director: Full Access Pass); Nelson, Sue; Noel, Kobye; O'Keefe, Shannon.

O'Neill, Maureen; Ortega, David A.; Osterberg, K. Gayle; Page, Anne; Pappone, David; Parent, Allison; Phillips, Roy; Pollom, Jennifer; Posner, Steven; Reidy, Cheri; Richardson, Stephen; Righter, John; Seymour, Lynne; Vandivier, David; Ventimiglia, Vincent; Weiblinger, Richard; Woodall, George.

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

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for 2005 Public Financial Disclosure reports is Monday, May 16, 2005. Senators, political fund designees and staff members whose salaries exceed 120 percent of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings.

APPPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to S. Con. Res. 130, 106th Congress, appoints the following individual to the Task Force on Slave Laborers:

Curtis H. Sykes of Arkansas and notes Senator BLANCHE LINCOLN of Arkansas will serve as the designee of the Democratic Leader.

The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appoints the following individuals to the United States Commission on International Religious Freedom:

Most Reverend Ricardo Ramirez, C.S.B. of New Mexico, for a term of 2 years, May 15, 2005–May 14, 2007.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATION DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 75, 77, 78, 79, 80, 81, all nominations reported by the Armed Services Committee today, and all nominations on the Secretary's desk. I further ask unanimous consent that the nomination of Daniel Fried to be an Assistant Secretary of State be discharged from the Committee on Foreign Relations and the Senate proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF VETERANS AFFAIRS

Jonathan Brian Perlin, of Maryland, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

DEPARTMENT OF TRANSPORTATION

Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation.

Joseph H. Baordman, of New York, to be Administrator of the Federal Railroad Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2005.

Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for seven years from October 27, 2005. (Reappointment)

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2010.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William R. Looney, III, 0000

The following named officer for appointment in the United States Air Force 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

Lt. Gen. Arthur J. Lichte, 0000

The following named officer for appointment in the United States Air Force 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. Robert D. Bishop, Jr., 0000

The following named officer for appointment in the United States Air Force 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. Christopher A. Kelly, 0000

The following named officer for appointment in the United States Air Force 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. Michael A. Hamel, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John C. Inglis, 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. Dell L. Dailey, 0000

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

Lt. Gen. David W. Barno, 0000

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Donna L. Dacier, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Abner C. Blalock, 0000
Brigadier General Jessica L. Wright, 0000

To be brigadier general

Colonel Louis A. Abbenante, 0000

To be major general

Brigadier General Bruce E. Davis, 0000

Brigadier General Dan M. Colglazier, 0000

To be brigadier general

Colonel Peter M. Aylward, 0000
Colonel Joseph B. Dibartolomeo, 0000
Colonel Edward A. Leacock, 0000
Colonel William J. Johnson, Jr., 0000
Colonel Calvin S. Johnson, 0000
Colonel David L. Jennette, Jr., 0000
Colonel Dennis E. Jacobson, 0000
Colonel Dudley B. Hodges, III, 0000
Colonel John S. Harrel, 0000
Colonel Bruce C. Frandsen, 0000
Colonel Kevin G. Ellsworth, 0000
Colonel Larry W. Triphahn, 0000
Colonel Randal E. Thomas, 0000
Colonel Jackie S. Swope, 0000
Colonel John M. Perryman, 0000
Colonel Henry C. McCann, 0000
Colonel John E. Davoren, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John P. Basilica, Jr., 0000
Brigadier General Lawrence F. LaFrenz, 0000
Brigadier General Danny H. Hickman, 0000
Brigadier General Richard M. Blunt, 0000
Brigadier General Michael B. Pace, 0000
Brigadier General Glenn K. Rieth, 0000
Brigadier General Antonio J. Vicens-Gonzalez,

To be brigadier general

Colonel Lester D. Eisner, 0000
Colonel Terry R. Council, 0000
Colonel Augustus L. Collins, 0000
Colonel Dennis L. Celleti, 0000
Colonel Lawrence W. Brock, III, 0000
Colonel Frank E. Batts, 0000
Colonel Roosevelt Barfield, 0000

To be major general

Brigadier General Ronald G. Young, 0000
Brigadier General William H. Wade, II, 0000

To be brigadier general

Colonel Robert J. Udland, 0000
Colonel Fredric D. Sheppard, 0000
Colonel Olin O. Oedekoven, 0000
Colonel Thomas D. Mills, 0000
Colonel Mabry E. Martin, 0000
Colonel Jeffrey E. Marshall, 0000
Colonel Randy E. Manner, 0000
Colonel Michael R. Liechty, 0000
Colonel David A. Lewis, 0000
Colonel Randall A. Kochersperger, 0000
Colonel Thomas H. Katkus, 0000
Colonel Federick J. Johnson, 0000
Colonel Alberto J. Jimenez, 0000
Colonel Gary M. Ishikawa, 0000
Colonel Joe L. Harkey, 0000
Colonel Francis P. Gonzales, 0000

To be major general

Brigadier General Donald C. Storm, 0000
Brigadier General Gary A. Quick, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John E. Barnette, 0000
Brigadier General Williard C. Broadwater,
Brigadier General David P. Burford, 0000
Brigadier General Ronald S. Chastain, 0000
Brigadier General Dallas W. Fanning, 0000
Brigadier General Timothy M. Kennedy, 0000

To be brigadier general

Colonel Gregory J. Zanetti, 0000
Colonel Charles L. Yriarte, 0000
Colonel Eddy M. Spurgin, 0000
Colonel Joyce L. Stevens, 0000
Colonel Terry W. Saltsman, 0000
Colonel Matthew A. McCoy, 0000
Colonel Jose S. Mayorga, 0000
Colonel Vernon L. Lowrey, 0000
Colonel Robert E. Livingston, Jr., 0000
Colonel Gerald E. Lang, 0000
Colonel Marcelo R. Bergquist, 0000

To be major general

Brigadier General Mark E. Zirkelbach, 0000
Brigadier General Edward L. Wright, 0000
Brigadier General William D. Wofford, 0000
Brigadier General Perry G. Smith, 0000
Brigadier General Charles G. Rodriguez, 0000
Brigadier General Randall D. Mosley, 0000
Brigadier General John W. Libby, 0000
Brigadier General Mitchell R. LeClaire, 0000

To be brigadier general

Colonel William F. Kuehn, 0000
Colonel Matthew L. Kambic, 0000
Colonel John L. Gronski, 0000
Colonel Brian W. Goodwin, 0000
Colonel Robert J. Felderman, 0000
Colonel Stephen C. Dabadie, 0000
Colonel Robert G. Carmichael, Jr., 0000
Colonel Elizabeth A. Bourbeau, 0000
Colonel Barbaranette T. Bolden, 0000

To be major general

Brigadier General James E. Fletcher, 0000
Brigadier General Stephen D. Collins, 0000

The following named officers for appointment in the Reserve of the Army to the Grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael R. Eyre, 0000

To be major general

Col. David A. Morris, 0000
Col. Jimmy E. Fowler, 0000
Col. Sanford E. Holman, 0000
Col. William D. Waff, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Steven L. Bell, 0000

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mark W. Bircher, 0000
Col. John M. Croley, 0000
Col. Darrell L. Moore, 0000

IN THE NAVY

The following names officer for appointment as 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 5033:

To be admiral

Adm. Michael G. Mullen, 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 admiral

Vice Adm. Henry G. Ulrich, III, 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. John D. Stufflebeem, 0000

IN THE AIR FORCE

PN289 AIR FORCE nominations (17) beginning STEPHEN M.* ALLEN, and ending THEADORE L.* WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN307 AIR FORCE nominations (18) beginning REBECCA L. BROWN, and ending DAWN E. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN308 AIR FORCE nominations (13) beginning DENNIS L. BEATTY, and ending MICHAEL G. SCHELL, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN310 AIR FORCE nominations (19) beginning GARY D. BROWN, and ending LARRY D. YOUNGNER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN312 AIR FORCE nominations (12) beginning PHILIP A. BARKER, and ending DONALD R. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN313 AIR FORCE nominations (23) beginning JOSEPH J. AIGNERVAROZ, and ending DOREEN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN314 AIR FORCE nominations (41) beginning CALVIN N. ANDERSON, and ending MICHELE R. ZELLERS, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN330 AIR FORCE nomination of Robert B. Rottschafer, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN331 AIR FORCE nomination of Christine A. Liddle, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN393 AIR FORCE nomination of John J. Kupko II, which was received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN394 AIR FORCE nominations (5) beginning GREGG W. ALLRED, and ending ALBERT C. OESTERLE, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN395 AIR FORCE nomination of Stephen E. Vangundy, which was received by the Senate and appeared in thc Congressional Record of April 6, 2005.

PN396 AIR FORCE nomination of Brett L. Swain, which was received by the Senate and appeared in thc Congressional Record of April 6, 2005.

IN THE ARMY

PN332 ARMY nominations (3) beginning CECIL D. ALLEN, and ending WAYNE E. KOWAL,, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN333 ARMY nominations (3) beginning THOMAS E. BERON, and ending KENNETH J. VEGA, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN334 ARMY nominations (5) beginning BRAD K. BLACKNER, and ending MARVIN A. ZERR, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN335 ARMY nominations (5) beginning MICHAEL J. BOUCHARD, and ending DEBRA A. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN336 ARMY nominations (2) beginning GREGORY L. DANIELS, and ending MICHAEL D. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN337 ARMY nomination of Cindy W. Baltrun, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN338 ARMY nomination of Richard L. Ursone, which was received by the Senate

and appeared in the Congressional Record of March 17, 2005.

PN339 ARMY nomination of Thanh Minh Do, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN340 ARMY nomination of Lorine Lagatta, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN341 ARMY nomination of Gary Zeitz, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN397 ARMY nominations (67) beginning SUNNY S.* AHN, and ending ERIC W.* YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN425 ARMY nominations (22) beginning LISA M. AMOROSO, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN426 ARMY nominations (43) beginning STEVEN B.* ANDERSON, and ending COLIN s.* TURNNIDGE, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN427 ARMY nominations (130) beginning CHRISTOPHER B.* ACKERMAN, and ending CHARLES D. ZIMMERMAN JR., which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN428 ARMY nominations (134) beginning HERMAN A. ALLISON, and ending HEATHER L. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

IN THE MARINE CORPS

PN316 MARINE CORPS nomination of William L. Rumble, which was received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN342 MARINE CORPS nomination of Amy V. Dunning, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN343 MARINE CORPS nomination of David J. Wilson, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN344 MARINE CORPS nomination of Michael Akselrud, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN345 MARINE CORPS nominations (52) beginning CHARLES R. BAUGHN, and ending PHILLIP J. WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

DEPARTMENT OF STATE

Daniel Fried, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (European Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

COMMEMORATING THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following resolutions submitted earlier today: S. Res. 128, S. Res. 129, S. Res. 130, and S. Res. 131.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Mr. HATCH. Mr. President, I rise today to support an important resolution designating the 30th day of April 2005 as ''Día de los Niños: Celebrating Young Americans.''

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on their future, articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies and activities.

Joining me as original cosponsors to this resolution are JOHN CORNYN, CHARLES E. GRASSLEY, KAY BAILEY HUTCHISON, MEL MARTINEZ, and LISA MURKOWSKI.

I strongly urge my colleagues to join us in promptly passing this resolution designating April 30, 2005, Día de los Niños: Celebrating Young Americans.

Mr. DURBIN. Mr. President, today I rise, on behalf of myself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY, to support a bipartisan resolution calling on the American people to observe North American Occupational Safety and Health Week, May 1 through May 7, 2005. This week is designed to increase the awareness and importance of preventing injury and illness in the workplace. I introduced a similar resolution in May 2002, and I am proud to sponsor it again.

The focus of this year's North American Occupational Safety and Health Week is on the estimated 5,500 people killed in workplace accidents and the millions who suffer on-the-job injuries and illnesses each year. The week will focus on preventing such tragedies from occurring and draw attention to the positive return on investment for businesses that invest in occupational safety and health.

The Department of Labor recently gave the Monsanto research facility in Waterman, IL, its top safety classification: Star Certification in the Voluntary Protection Program. VPP is a program that goes beyond current workplace regulations to establish cooperative relationships between management and workers to implement a comprehensive health and safety system. It requires rigorous review by the Occupational Safety and Health Administration and involves companies with injury rates which average about 53 percent lower than the average for their industry.

OSHA also recognized three Illinois beef packing companies for their exemplary injury and illness records. Aurora Packing Company, Inc., of North Aurora, New City Packing Company, Inc., of Aurora, and Prairie Packaging Company of Bridgeview were commended by OSHA's VPP. Aurora and New City have achieved Star Conditional status for 11 years now, and Prairie was recognized this year as a Merit Participant. Fewer than 1,000 Federal worksites under Federal jurisdiction share this honor and I am very proud of their accomplishments. The Labor Department says VPP sites are ''models for what employers and employees can accomplish by working cooperatively with one another and with OSHA to achieve a level of worker protection that goes beyond compliance with Government regulations.'' The VPP program is a win-win situation for everyone because workers experience fewer illnesses and injuries, and companies can expect lower workers' compensation costs. While there is more work to be done to improve the health and safety of America's workers, I congratulate these firms for their achievements.

The American Society of Safety Engineers, based in Des Plaines, IL, is a major proponent of North American Occupational Health and Safety Week and has sponsored this awareness week for many years. ASSE is the world's oldest and largest professional safety organization. It is a 90-year-old nonprofit association and has more than 30,000 members. It is committed to protecting people, property, and the environment. Together with OSHA, ASSE will be working to educate employees, employers and the public about the positive benefits of occupational safety and health programs; raise the awareness of the role and contribution of safety, health, and environmental professionals; and reduce workplace injuries and illness by increasing awareness and implementation of safety and health programs.

In addition to ASSE, the Canadian Society of Safety Engineers, the American Association of Occupational Health Nurses, the Academy of Certified Hazardous Materials Managers, the American Industrial Hygiene Association and the American National Standards Institute are all working toward the goal of a safer, healthier, working America and support this resolution.

In support of that goal, I ask my colleagues to join me in supporting this bipartisan resolution.

Mr. LEAHY. Mr. President, I am proud to submit today with my friend and colleague Senator SPECTER a bipartisan resolution to designate May 15, 2005, as National Peace Officers Memorial Day. Joining us in the introduction of this resolution are Senators HATCH, BIDEN, BROWNBACK, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, KENNEDY, KOHL, KYL, and SCHUMER.

This is the ninth year running that I have been involved in the introduction of this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. For 8 years I introduced this resolution with my old friend and our former colleague Senator Campbell, a former deputy sheriff who was a true leader on this issue. Now I have teamed with Senator SPECTER, a former prosecutor who has witnessed first-hand the risks faced by law enforcement officers every day while they serve and protect our communities. His knowledge and experience in this area is a true asset to the American people and I thank him for his leadership on it.

I also want to thank each of our Nation's brave law enforcement officers for their unwavering commitment to the safety and protection of their fellow citizens. They are real-life heroes, too many of whom too often give the ultimate sacrifice, and they remind us of how important it is to support and respect our state and local police officers.

Currently, more than 850,000 men and women who guard our communities do so at great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty in the United States every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country.

In 2004, 154 law enforcement officers died while serving in the line of duty, well below the decade-long average of 169 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training and advanced emergency medical care. And, in total, more than 17,500 men and women have made the ultimate sacrifice—of that number 42 are police officers who have already been killed in 2005 while serving in the line of duty.

In the 108th Congress, we shepherded into law a number of measures to issues to make a difference in the lives of all police officers and the communities they serve. We improved the Justice Department's Public Safety Officers Benefits Program by making law the Hometown Heroes Survivors Benefits Act, P.L. No. 108–182, which allows survivors of public safety officers who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for Federal survivor benefits.

Also becoming law was the Campbell-Leahy Bulletproof Vest Partnership Grant Act, P.L. No. 108–372, which extends through fiscal year 2007 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program that helps State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. I hope that with the help of this program we can make sure that every police officer who needs a bulletproof vest gets one.

Last year, the Law Enforcement Officers Safety Act, which Senator Campbell and I championed in the Senate, was signed into law, P.L. No: 108–277. This measure established national measures of uniformity and consistency to permit trained and certified on-duty, off-duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor the extraordinary service and sacrifice given year after year by our police forces. More than 25,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades. I hope my colleagues will join us in supporting passage of this important bipartisan resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the preambles be agreed to, the resolutions 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 were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 128

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'' on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as ''Día de los Niños: Celebrating Young Americans''—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

S. RES. 129

Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association (referred to in this resolution as the ''Association'');

Whereas on May 12 1905, the Association was formed to encourage, stimulate, extend, and promote the business of retail merchants in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association chartered the South Boston Retail Merchants Association and Charlottesville Retail Merchants Association;

Whereas, in 1978, the Association formed the Virginia Retail Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active proponent of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

S. RES. 130

Whereas every year more than 5,500 people die from job-related injuries and millions more suffer occupational injuries and illnesses;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances, in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of ''North American Occupational Safety and Health Week (NAOSH)'' is to increase the understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, ACHMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employers', employees', and the public's understanding of the importance of occupational safety, health, and the environment in everyone's lives, and to provide valuable information and resources aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as ''North American Occupational Safety and Health Week (NAOSH)'';

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe ''North American Occupational Safety and Health Week (NAOSH)'' with appropriate programs and activities.

S. RES. 131

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 850,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 154 peace officers across the United States were killed in the line of duty during 2004, which is below the decade-long average of 169 deaths annually;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 6,000 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2005, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. FRIST. I ask unanimous consent that the HELP committee be discharged from further consideration of S. Res. 121 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) supporting May 2005 as National Better Hearing and Speech Month and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

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

Mr. FRIST. 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. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 28,000,000 people in the United States experience hearing loss or have a hearing impairment;

Whereas 1 out of every 3 people in the United States over the age of 65 have hearing loss;

Whereas the overwhelming majority of people in the United States with hearing loss would benefit from the use of a hearing aid and fewer than 7,000,000 people in the United States use a hearing aid;

Whereas 30 percent of people in the United States suffering from hearing loss cite financial constraints as an impediment to hearing aid use;

Whereas hearing loss is among the most common congenital birth defects;

Whereas a delay in diagnosing the hearing loss of a newborn can affect the social, emotional, and academic development of the child;

Whereas the average age at which newborns with hearing loss are diagnosed is between the ages of 12 to 25 months; and

Whereas May 2005 is ''National Better Hearing and Speech Month'', providing Federal, State, and local governments, members of the private and nonprofit sectors, hearing and speech professionals, and all people in the United States an opportunity to focus on preventing, mitigating, and treating hearing impairments: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of May 2005 as ''National Better Hearing and Speech Month'';

(2) commends those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital; and

(3) encourages all people in the United States to have their hearing checked regularly.

NATIONAL HEPATITIS B AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 117 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 117) designating the week of May 9, 2005, as National Hepatitis B Awareness Week.

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

Mr. CORZINE. Mr. President, I express my support today for an important resolution, S. Res. 117, submitted by Senators FEINSTEIN and SANTORUM along with Senator SANTORUM to designate the week of May 9th as National Hepatitis B Awareness Week.

Hepatitis B is an extremely infectious virus that affects more than 12 million Americans, with 100,000 new cases expected this year. Unfortunately, many people don't even know they have this disease. And by the time they do learn about the disease it with Hepatitis B will develop cirrhosis of the liver or liver cancer.

The good news is that we can beat this disease. Scientists have been working for years and have made great strides in the study and treatment of Hepatitis B. As kindergarteners through college students know, there are very effective vaccines available to slow the generational relay of the virus. And just last month the FDA approved a new treatment drug called Baraclude that seeks to alleviate symptoms for those already chronically infected with the virus.

What I surprisingly discovered is that less than 10 percent of people suffering from chronic Hepatitis B infection are receiving treatment. During this week, I strongly urge people to talk to their doctors about Hepatitis B vaccination, testing, and treatment; to become educated about Hepatitis B, the symptoms, treatments and testing available; and to take steps to educate those around about Hepatitis B. I urge people to take part in the discussions about Hepatitis B during this week. I also wish to applaud those working to make sure that communities and families and individuals are aware of this disease, testing and treatments available. Thank you for all of your dedication and caring.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating thereto be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 117

Whereas hepatitis B is the most common serious liver infection in the world;

Whereas chronic hepatitis B infections cause 80 percent of all primary liver cancer cases worldwide;

Whereas 10,000,000 to 30,000,000 people will be infected with the hepatitis B virus worldwide in 2005;

Whereas approximately 100,000 people in the United States will become infected with hepatitis B virus this year alone;

Whereas fewer than 10 percent of diagnosed chronic hepatitis B patients in the United States are currently receiving treatment for their disease;

Whereas healthcare and work loss costs from liver disease and liver cancer-caused hepatitis B infections total more than $700,000,000 annually;

Whereas the Centers for Disease Control and Prevention (CDC) estimates that 1,250,000 Americans are already infected with hepatitis B and nearly 6,000 will die of liver complications each year;

Whereas a person who has become infected with hepatitis B may not have symptoms for up to 40 years after the initial infection has occurred, and there is currently no routine screening in place for early detection;

Whereas the CDC has identified African-Americans, Asian-Americans, and Pacific Islanders, as well as Native Americans and Alaskan Natives, as having higher rates of hepatitis B infection in the United States;

Whereas Asian-Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection in the United States; and

Whereas there is a need for a comprehensive public education and awareness campaign designed to help infected patients and their physicians identify and manage the secondary prevention of the disease and to help increase the length and quality of life for those diagnosed with chronic hepatitis B: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 9, 2005, as ''National Hepatitis B Awareness Week'';

(2) calls upon the people of the United States to observe the week with appropriate programs and activities; and

(3) supports raising awareness of the consequences of untreated chronic hepatitis B and the urgency to seek appropriate care as a serious public health issue.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 382 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 382) to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

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

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 382) was read the third time and passed, as follows:

S. 382

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 ''Animal Fighting Prohibition Enforcement Act of 2005''.

SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''§ 49. Animal fighting prohibition

''(a) SPONSORING OR EXHIBITING AN ANIMAL IN AN ANIMAL FIGHTING VENTURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.

''(2) SPECIAL RULE FOR CERTAIN STATES.—With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

''(b) BUYING, SELLING, DELIVERING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

''(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech promoting an animal fighting venture except as performed outside the limits of the States of the United States.

''(d) VIOLATION OF STATE LAW.—Notwithstanding subsection (c), the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving

live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

''(e) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

''(f) PENALTIES.—Any person who violates subsection (a), (b), (c), or (e) shall be fined under this title or imprisoned for not more than 2 years, or both, for each such violation.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'animal fighting venture' means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term 'animal fighting venture' shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

''(2) the term 'instrumentality of interstate commerce' means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

''(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

''(4) the term 'animal' means any live bird, or any live dog or other mammal, except man.

''(h) CONFLICT WITH STATE LAW.—The provisions of this section do not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this section or any rule, regulation, or standard hereunder.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 18, is amended by inserting after the item relating to section 48 the following:

''49. Animal fighting prohibition''.

(c) REPEAL OF CRIMINAL PENALTY IN THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (e).

IN RECOGNITIION OF SECOND CENTURY OF BIG BROTHERS BIG SISTERS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 41, which we received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

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

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (H. Con. Res. 41) was agreed to.

The preamble was agreed to.

ADDING HEZBOLLAH TO EUROPEAN UNION TERRORIST ORGANIZATIONS

Mr. FRIST. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 82.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 82) urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations.

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

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The amendment (No. 596) was agreed to, as follows:

The resolution (S. Res. 82) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(Purpose: To provide a substitute for the preamble strike the preamble) and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's complied with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism and other testimony;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip and Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its 'political and military' operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that 'Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.';

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled 'Hezbollah—the Approach, the Experience, the Future', Qassem writes 'Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad';

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

STRIKING SPECIFIC PRIVATIZATION CRITERIA IN ORBIT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 976 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 976) striking the specific privatization criteria in ORBIT for Intelsat separated entities (New Skies) and Inmarsat and other technical corrections.

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

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 976) was read the third time and passed, as follows:

S. 976

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

SEC._ SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES AND INMARSAT MODIFIED.

(a) AMENDMENT.—The Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) is amended—

(1) by striking section 623 (47 U.S.C. 763b), and

(2) in section 624 (47 U.S.C. 763c), by striking ''In securing the privatizations'' and all that follows, and inserting ''In securing the privatization of Inmarsat required by section 621, and thereafter, the United States shall preserve space segment capacity of the GMDSS.''

(3) in section 621(5)(D)(ii) (47 U.S.C. 763), by striking ''(I)'' and by striking'', or (II) have any direct financial interest'' and all that follows through the end of the subparagraph, and inserting '';''.

(4) in section 621(5)(D)(iv) (47 D.S.C. 763), by striking ''(I)'' and by striking'', or (II) have any direct financial interest'' and all that follows through the end of the subparagraph, and inserting''.''.

(b) SATELLITE SERVICE REPORT.—The Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. Such analysis shall include an identification of the number and market share of competitors in domestic and international satellite markets, including an analysis of whether there is effective competition in the market for domestic and international satellite services, and shall include a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of enactment of this section.

ADJOURNMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORIZATION TO SIGN ENROLLED BILLS

Mr. FRIST. Mr. President, I ask unanimous consent that the majority leader, assistant majority leader, and senior Senator from Virginia be authorized to sign duly enrolled bills.

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

MEASURE READ THE FIRST TIME—S. 975

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 report the bill by title.

The legislative clerk read as follows:

A bill (S. 975) to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with a biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, MAY 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. on Monday, May 9. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 3, the highway bill.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, May 9, the Senate will resume consideration of the highway bill. We have made some progress on the bill this week, and we will continue our work when we return. I encourage Senators who wish to offer amendments to contact the bill managers over the next week so they can schedule time for floor consideration. Senators should expect one or more rollcall votes in relation to amendments to begin at 5:30 p.m. on Monday, May 9.

In addition to the highway bill, it is my hope that the conference report to accompany the Iraq-Afghanistan supplemental appropriations bill will be available upon our return. It is my intention to move to this conference report as soon as it becomes ready.

I would also like to congratulate the chairman of the Budget Committee once again on completing work on the fiscal year 2006 budget resolution. It was just a few minutes ago that we were able to adopt the conference report, and Senator GREGG should be complimented for his hard work and his diligence.

ADJOURNMENT UNTIL MONDAY, MAY 9, 2005, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 29.

There being no objection, the Senate, at 1:26 a.m., adjourned until Monday, May 9, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 2005:

DEPARTMENT OF STATE

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE FRANCIS X. TAYLOR, RESIGNED.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE FRANCIS X. TAYLOR, RESIGNED.

JOSEPH A. MUSSOMELI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF HOMELAND SECURITY

RICHARD L. SKINNER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE CLARK KENT ERVIN.

DEPARTMENT OF EDUCATION

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE LAURIE RICH, RESIGNED.

DEPARTMENT OF JUSTICE

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RAYMOND W. GRUENDER, RESIGNED.

DEPARTMENT OF STATE

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE PATRICIA DE STACY HARRISON.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 28, 2005:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF VETERANS AFFAIRS

JONATHAN BRIAN PERLIN, OF MARYLAND, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

DEPARTMENT OF TRANSPORTATION

PHYLLIS F. SCHEINBERG, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

JOSEPH H. BOARDMAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

CONSUMER PRODUCT SAFETY COMMISSION

NANCY ANN NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2005.

NANCY ANN NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2005.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

WILLIAM COBEY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2010.

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.

DEPARTMENT OF STATE

DANIEL FRIED, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS).

THE JUDICIARY

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM R. LOONEY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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

LT. GEN. ARTHUR J. LICHTE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. ROBERT D. BISHOP, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. CHRISTOPHER A. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. MICHAEL A. HAMEL

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN C. INGLIS

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. DELL L. DAILEY

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

LT. GEN. DAVID W. BARNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONNA L. DACIER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ABNER C. BLALOCK
BRIGADIER GENERAL DAN M. COLGLAZIER
BRIGADIER GENERAL BRUCE E. DAVIS
BRIGADIER GENERAL JESSICA L. WRIGHT

To be brigadier general

COLONEL LOUIS A. ABBENANTE
COLONEL PETER M. AYLWARD
COLONEL JOHN E. DAVOREN
COLONEL JOSEPH B. DIBARTOLOMEO
COLONEL KEVIN G. ELLSWORTH
COLONEL BRUCE C. FRANDSEN
COLONEL JOHN S. HARREL
COLONEL DUDLEY B. HODGES III
COLONEL DENNIS E. JACOBSON
COLONEL DAVID L. JENNETTE, JR.
COLONEL CALVIN S. JOHNSON
COLONEL WILLIAM J. JOHNSON, JR.
COLONEL EDWARD A. LEACOCK
COLONEL HENRY C. MCCANN
COLONEL JOHN M. PERRYMAN
COLONEL JACKIE S. SWOPE
COLONEL RANDAL E. THOMAS
COLONEL LARRY W. TRIPHAHN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C.,SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN P. BASILICA, JR.
BRIGADIER GENERAL RICHARD M. BLUNT
BRIGADIER GENERAL DANNY H. HICKMAN
BRIGADIER GENERAL LAWRENCE F. LAFRENZ
BRIGADIER GENERAL MICHAEL B. PACE
BRIGADIER GENERAL GARY A. QUICK
BRIGADIER GENERAL GLENN K. RIETH
BRIGADIER GENERAL DONALD C. STORM
BRIGADIER GENERAL ANTONIO J. VICENS-GONZALEZ
BRIGADIER GENERAL WILLIAM H. WADE II
BRIGADIER GENERAL RONALD G. YOUNG

To be brigadier general

COLONEL ROOSEVELT BARFIELD
COLONEL FRANK E. BATTS
COLONEL LAWRENCE W. BROCK III
COLONEL DENNIS L. CELLETI
COLONEL AUGUSTUS L. COLLINS
COLONEL TERRY R. COUNCIL
COLONEL LESTER D. EISNER
COLONEL FRANCIS P. GONZALES
COLONEL JOE L. HARKEY
COLONEL GARY M. ISHIKAWA
COLONEL ALBERTO J. JIMENEZ
COLONEL FEDERICK J. JOHNSON
COLONEL THOMAS H. KATKUS
COLONEL RANDALL A. KOCHERSPERGER
COLONEL DAVID A. LEWIS
COLONEL MICHAEL R. LIECHTY
COLONEL RANDY E. MANNER
COLONEL JEFFERY E. MARSHALL
COLONEL MABRY E. MARTIN
COLONEL THOMAS D. MILLS
COLONEL OLIN O. OEDEKOVEN
COLONEL FREDRIC D. SHEPPARD
COLONEL ROBERT J. UDLAND

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN E. BARNETTE
BRIGADIER GENERAL WILLIARD C. BROADWATER
BRIGADIER GENERAL DAVID P. BURFORD
BRIGADIER GENERAL RONALD S. CHASTAIN
BRIGADIER GENERAL STEPHEN D. COLLINS
BRIGADIER GENERAL DALLAS W. FANNING
BRIGADIER GENERAL JAMES E. FLETCHER
BRIGADIER GENERAL TIMOTHY M. KENNEDY
BRIGADIER GENERAL MITCHELL R. LECLAIRE
BRIGADIER GENERAL JOHN W. LIBBY
BRIGADIER GENERAL RANDALL D. MOSLEY
BRIGADIER GENERAL CHARLES G. RODRIGUEZ
BRIGADIER GENERAL PERRY G. SMITH
BRIGADIER GENERAL WILLIAM D. WOFFORD
BRIGADIER GENERAL EDWARD L. WRIGHT
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL MARCELO R. BERGQUIST
COLONEL BARBARANETTE T. BOLDEN
COLONEL ELIZABETH A. BOURBEAU
COLONEL ROBERT G. CARMICHAEL, JR.
COLONEL STEPHEN C. DABADIE
COLONEL ROBERT J. FELDERMAN
COLONEL BRIAN W. GOODWIN
COLONEL JOHN L. GRONSKI
COLONEL MATTHEW L. KAMBIC
COLONEL WILLIAM F. KUEHN
COLONEL GERALD E. LANG
COLONEL ROBERT E. LIVINGSTON, JR.
COLONEL VERNON L. LOWREY
COLONEL JOSE S. MAYORGA
COLONEL MATTHEW A. MCCOY
COLONEL TERRY W. SALTSMAN
COLONEL JOYCE L. STEVENS
COLONEL EDDY M. SPURGIN
COLONEL CHARLES L. YRIARTE
COLONEL GREGORY J. ZANETTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL R. EYRE

To be brigadier general

COL. JIMMY E. FOWLER
COL. SANFORD E. HOLMAN
COL. DAVID A. MORRIS
COL. WILLIAM D. WAFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN L. BELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK W. BIRCHER
COL. JOHN M. CROLEY
COL. DARRELL L. MOORE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS 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 5033:

To be admiral

ADM. MICHAEL G. MULLEN

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

VICE ADM. HENRY G. ULRICH III

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. JOHN D. STUFFLEBEEM

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN M. ALLEN AND ENDING WITH THEADORE L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH REBECCA L. BROWN AND ENDING WITH DAWN E. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS L. BEATTY AND ENDING WITH MICHAEL G. SCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GARY D. BROWN AND ENDING WITH LARRY D. YOUNGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH PHILIP A. BARKER AND ENDING WITH DONALD R. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH J. AIGNERVAROZ AND ENDING WITH DOREEN F. WILDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CALVIN N. ANDERSON AND ENDING WITH MICHELE R. ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATION OF ROBERT B. ROTTSCHAFER TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF CHRISTINE A. LIDDLE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JOHN J. KUPKO II TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GREGG W. ALLRED AND ENDING WITH ALBERT C. OESTERLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2005.

AIR FORCE NOMINATION OF STEPHEN E. VANGUNDY TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF BRETT L. SWAIN TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH CECIL D. ALLEN AND ENDING WITH WAYNE E. KOWAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH THOMAS E. BERON AND ENDING WITH KENNETH J. VEGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH BRAD K. BLACKNER AND ENDING WITH MARVIN A. ZERR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. BOUCHARD AND ENDING WITH DEBRA A. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH GREGORY L. DANIELS AND ENDING WITH MICHAEL D. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATION OF CINDY W. BALTRUN TO BE MAJOR.

ARMY NOMINATION OF RICHARD L. URSONE TO BE MAJOR.

ARMY NOMINATION OF THANH MINH DO TO BE MAJOR.

ARMY NOMINATION OF LORINE LAGATTA TO BE MAJOR.

ARMY NOMINATION OF GARY ZEITZ TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SUNNY S. AHN AND ENDING WITH ERIC W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LISA M. AMOROSO AND ENDING WITH SAMUEL L. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH STEVEN B. ANDERSON AND ENDING WITH COLIN S. TURNNIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER B. ACKERMAN AND ENDING WITH CHARLES D. ZIMMERMAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH HERMAN A. ALLISON AND ENDING WITH HEATHER L. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF WILLIAM L. RUMBLE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF AMY V. DUNNING TO BE COLONEL.

MARINE CORPS NOMINATION OF DAVID J. WILSON TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF MICHAEL AKSELRUD TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES R. BAUGHN AND ENDING WITH PHILLIP J. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.